

FILED

NOV 29 2011

Joe Aiello
Sangamon County Clerk

CASE# 2011-053 10-1
RESOLUTION NUMBER 10-1

GRANTING A REZONING AND VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
4145 OLD ROUTE 36, SPRINGFIELD
SANGAMON COUNTY, ILLINOIS

WHEREAS, the Zoning Board of Appeals has presented to the Sangamon County Board, Sangamon County, Illinois, its Findings of Fact and Recommendation that the Sangamon County Board **grant an amendment and variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **V. Alex Lyons**, has petitioned the Sangamon County Board for a rezoning from "A" Agricultural District to "R-1" Single Family Residence District for one (1) parcel, a variance of the lot depth to be greater than two and one-half (2 ½) times the lot width for one (1) parcel, a variance of the road frontage requirements from eighty (80) feet to zero (0) feet for one (1) parcel, a variance of the road frontage requirements from one hundred fifty (150) feet to one hundred nineteen point thirty (119.30) feet for one (1) parcel and a variance to allow one (1) parcel less than forty (40) acres; and

WHEREAS, a public hearing was held at the Sangamon County Building on **November 17, 2011** after proper notice was posted on said property and given by news publication, as is required by said Ordinance, and all procedural and jurisdictional requirements of the Sangamon County Zoning Ordinance have been met; and

WHEREAS, the Sangamon County Zoning Board of Appeals has presented to the Sangamon County Board of Sangamon County its Findings of Fact and Recommendation that the Sangamon County Board **grant the rezoning and variances**; and

WHEREAS, the Sangamon County Board does hereby adopt the recommendation of the Sangamon County Zoning Board of Appeals.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 13th day of December, 2011 that the request for a rezoning from "A" Agricultural District to "R-1" Single Family Residence District for one (1) parcel and a variance of the lot depth to be greater than two and one-half (2 ½) times the lot width for one (1) parcel, a variance of the road frontage requirements from eighty (80) feet to zero (0) feet for one (1) parcel, a variance of the road frontage requirements from one hundred fifty (150) feet to one hundred nineteen point thirty (119.30) feet for one (1) parcel and a variance to allow one (1) parcel less than forty (40) acres on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 13th day of December, 2011.

Respectfully submitted,

PUBLIC HEALTH, SAFETY & ZONING COMMITTEE OF
THE SANGAMON COUNTY BOARD



TIM MOORE, CHAIRMAN

ABE FORSYTH, VICE CHAIRMAN

JOHN FULGENZI

DAVID MENDENHALL

SAM SNELL

DON STEPHENS

JASON RATTS

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

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Part of the Northwest Quarter of Section 29, Township 16 North, Range 4 West of the Third Principal Meridian, Sangamon County, described as follows: From the Northwest corner of the Northwest Quarter of said Section 29, N. 90 degrees 00' 00" E., on the North line of said Section 29, 657.00 feet; thence S. 00 degrees 26' 09" E., 282.89 feet to the Point of Beginning: thence S. 48 degrees 49' 30" E., 50.58 feet; thence S. 06 degrees 49' 57" E., 99.65 feet; thence S. 03 degrees 51' 10" W., 342.04 feet thence S. 05 degrees 53' 50" E., 45.71 feet; thence S. 25 degrees 04' 44" E., 39.62 feet; thence S. 39 degrees 34' 56" E., 224.52 feet; thence S. 23 degrees 07' 07" E., 79.53 feet; thence S. 26 degrees 47' 19" E., 100.90 feet; thence S. 37 degrees 11' 33" E., 26.91 feet to the Northerly Right-Of-Way line of Old U.S. Route 36; thence S. 48 degrees 46' 32" W., on said Right-Of-Way line, 119.30 feet; thence N. 04 degrees 30' 33" W., 169.90 feet; thence N. 00 degrees 31' 17" W., 78.64 feet; thence S. 89 degrees 08' 08" W., 79.89 feet; thence N. 00 degrees 02' 31" E., 57.11 feet; thence N. 89 degrees 49' 13" W., 317.36 feet; thence N. 00 degrees 45' 52" W., 569.21 feet; thence N. 90 degrees 00' 00" E., 225.00 feet; thence N. 00 degrees 26' 09" W., 117.11 feet to the Point of Beginning, containing 4.072 acres, more or less.

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RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #9 NAME: Sarah Musgrave

DOCKET NUMBER: 2011-053

ADDRESS: 4145 Old Route 36, Springfield, IL 62707

PETITIONER: V. Alex Lyons

PRESENT ZONING CLASSIFICATION: "A" Agricultural District.

REQUESTED ZONING CLASSIFICATION: "R-1" Single Family Residence District for one (1) parcel, a variance of the lot depth to be greater than two and one-half (2 ½) times the lot width for one (1) parcel, a variance of the road frontage requirements from eighty (80) feet to zero (0) feet for one (1) parcel, a variance of the road frontage requirements from one hundred fifty (150) feet to one hundred nineteen point thirty (119.30) feet for one (1) parcel and a variance to allow one (1) parcel less than forty (40) acres.

AREA: 4.07 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: Recommended denial of the requested variances. The standards for variation are not met. The subject parcel has a very odd lot configuration and the existing single family residence is located near the road frontage of Old Route 36, however, allowing access to another single family residence towards the rear of the parcel would create a land locked parcel, creating a situation that is contrary to the intent of the zoning ordinance to assure all lots have owned, non-easement based access. Furthermore, there is a concern with access by emergency personnel to the proposed building site. Even though staff feels R-1 zoning would be appropriate at this

location, the request to rezone is
not needed since it is recommended
the variances be denied.

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SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval of the rezoning and
variances.


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: **2011-053**
 V. Alex Lyons)
)
) PROPERTY LOCATED AT:
) **4145 Old Route 36**
) **Springfield, IL 62707**

RECOMMENDATION OF THE BOARD OF APPEALS

THIS MATTER, Coming on for a hearing before the Sangamon County Zoning Board of Appeals of Sangamon County, Illinois, and it appearing to said Board that a petition for an **amendment and variances** of the Zoning Regulations of said County has been filed herein by the above captioned petitioner (s); that legal publication has been made pursuant to law; and that a public hearing was held on **November 17, 2011** pursuant to law; and that said Board took testimony of witnesses, examined the evidence, and otherwise being fully advised in the premises, therefore finds as follows:

1. That said Board has jurisdiction to consider the petition filed herein.
2. That the above-captioned petitioner(s) is the owner(s) and/or has a beneficial interest in, contract to purchase, or is the County Board Member representing the property commonly known as: **4145 Old Route 36, Springfield, IL.** and more particularly described as:

See Exhibit A

3. That the present zoning of said property is "A" Agricultural District..
4. That the present land use of said property is a single family residence.
5. That the proposed land use of said property is two (2) single family residences.
6. That the requested rezoning and variances of said property are a rezoning from "A" Agricultural District to "R-1" Single Family Residence District for one (1) parcel and a variance of the lot depth to be greater than two and one-half (2 ½) times the lot width for one (1) parcel, a variance of the road frontage requirements from eighty (80) feet to zero (0) feet for one (1) parcel, a variance of the road frontage requirements from one hundred fifty (150) feet to one hundred nineteen point thirty (119.30) feet for one (1) parcel and a variance to allow one (1) parcel less than forty (40) acres.
7. That required findings and standards of the Sangamon County Board of Appeals are accurately stated on the attached exhibit (s).
8. The evidence adduced at the hearing does support the proposition that the adoption of the proposed rezoning and variances is in the public interest and is not solely in the interest of the petitioner(s).

IT IS, THEREFORE, the recommendation of the Sangamon County Zoning Board of Appeals to the County Board of Sangamon County that the requested rezoning and variances be approved.

Charles Chimento/cx
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Peggy Egizii**, does not concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **approved**, which was duly seconded by **Marvin Traylor**.

The vote of the Board was as follows:

YES: **Charles Chimento, Byron Deaner, Peggy Egizii, Judith Johnson, Marvin Traylor**

NO:

ABSENT:

Cyndi Knowles
RECORDING SECRETARY

**ZONING BOARD OF APPEALS
RECOMMENDED- FINDINGS OF FACT
NOVEMBER 17, 2011**

Case #: 2011-053

Address: 4145 Old Route 36, Springfield

- (i) Existing uses of property within the general area of the property in question.

Most of the surrounding area is single family residences. There are many landlocked properties in the area.

- (ii) The zoning classification of property within the general area of the property in question.

The zoning in the area is mostly agricultural however; there is not much room for farming in the general area.

- (iii) The suitability of the property in question to the uses permitted under the existing zoning classification.

Due to the configuration of the property it is not suitable for anything more than a residence.

- (iv) The trend of development, within the vicinity since the property was originally classified.

The surrounding area is mostly owned by family and is all single family residences.

**ZONING BOARD OF APPEALS
RECOMMENDED – STANDARDS FOR VARIATIONS
NOVEMBER 17, 2011**

Case #: 2011-053

Address: 4145 Old Route 36, Springfield

The Zoning Board of Appeals shall not recommend to the Sangamon County Board that the regulations of this ordinance be varied as authorized in F. (1) hereof, unless it shall make findings of fact based up on the evidence presented to it in each specified case:

- (i) that the property in question cannot be economically used or yield a reasonable return, if permitted to be used only for the conditions allowed by the regulations.

The existing property is approximately 4 acres and is a very awkward configuration. It is not currently being used as anything, that portion of the property is covered in brush.

- (ii) that the plight of the owner is due to circumstances unique to the property and not generally applicable to other property in the area.

Due to the configuration of the parcel, the property is not suitable for much of anything other than residential use. Also, based on testimony from the hearing, it was stated that emergency vehicles would not have any trouble getting back there.

- (iii) that the variation, if granted, will not alter the essential character of the locality, impair an adequate supply of light and air to adjacent property, increase the congestion of traffic, or diminish or impair property values in the locality.

This property has been family owned since the early 1830's. Most of the surrounding properties are also family owned. The 60' easement already exists and is being used by other family members who live back behind this subject 4 acre existing parcel.