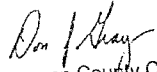


**FILED**

SEP 28 2021

CASE#2021-034  
RESOLUTION NUMBER 2-1

  
Sangamon County Clerk

**GRANTING VARIANCES  
FOR CERTAIN PROPERTY LOCATED AT  
8939 CARDINAL HILL ROAD AND 5999 NEW CITY ROAD, ROCHESTER  
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 the variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

**See Exhibit A**

WHEREAS, the Petitioner, **Legacy Real Estate Professionals LLC (Dan Wallace)**, has petitioned the Sangamon County Board requesting **for Proposed Parcel 1: pursuant to Chapter 17.66, a variance of Section 17.38.010 to allow the front yard setback to be zero (0) feet instead of the required thirty (30) feet; and, a variance of Section 17.38.030 to allow one (1) parcel less than one (1) acre (approximately 0.6 acres) where public sewer is not available; and, for Proposed Parcel 2: a variance of Section 17.38.030 to allow one (1) parcel less than one (1) acre (approximately 0.4 acres) where public sewer is not available; and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **September 16, 2021** 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 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 **12<sup>th</sup> Day of October, 2021** that the following request(s) on the above described property are hereby approved:

**For Proposed Parcel 1:**

- Pursuant to Chapter 17.66, a variance of Section 17.38.010 to allow the front yard setback to be zero (0) feet instead of the required thirty (30) feet; and,
- Pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than one (1) acre (approximately 0.6 acres) where public sewer is not available; and,

**For Proposed Parcel 2:**

- Pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than one (1) acre (approximately 0.4 acres) where public sewer is not available.

Signed and passed by the Sangamon County Board in session on this **12<sup>th</sup> day of October, 2021**.

\_\_\_\_\_  
COUNTY BOARD CHAIRMAN

**ATTEST:**

\_\_\_\_\_  
SANGAMON COUNTY CLERK

**EXHIBIT A**

COMMENCING FROM A FOUND IRON PIN MARKING THE SOUTHEAST CORNER OF SAID SECTION 9; THENCE NORTH 00 DEGREES 53 MINUTES 55 SECONDS WEST ALONG THE EAST SECTION LINE OF SAID SECTION, A DISTANCE OF 20.00 FEET TO A SET IRON PIN; THENCE CONTINUING NORTH 00 DEGREES 53 MINUTES 55 SECONDS WEST, A DISTANCE OF 131.42 FEET TO A SET IRON PIN MARKING THE TRUE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 25 MINUTES 16 SECONDS WEST, A DISTANCE OF 132.02 FEET TO A SET IRON PIN; THENCE NORTH 00 DEGREES 55 MINUTES 59 SECONDS WEST, A DISTANCE OF 13.00 FEET TO A SET IRON PIN; THENCE CONTINUING NORTH 00 DEGREES 55 MINUTES 59 SECONDS WEST, A DISTANCE OF 185.13 FEET TO A FOUND IRON PIN; THENCE SOUTH 89 DEGREES 25 MINUTES 20 SECONDS EAST, A DISTANCE OF 132.14 FEET TO A SET IRON PIN ON SAID EAST SECTION LINE; THENCE SOUTH 00 DEGREES 53 MINUTES 55 SECONDS ALONG SAID SECTION LINE, A DISTANCE OF 185.13 FEET TO A SET IRON PIN; THENCE CONTINUING SOUTH 00 DEGREES 53 MINUTES 55 SECONDS EAST, A DISTANCE OF 13.00 FEET TO THE TRUE POINT OF BEGINNING. SAID PARCEL CONTAINS 0.601 ACRES, MORE OR LESS, ALL IN THE COUNTY OF SANGAMON, STATE OF ILLINOIS.

PARCEL NUMBER: 30-09.0-400-009.

COMMENCING FROM A FOUND IRON PIN MARKING THE SOUTHEAST CORNER OF SAID SECTION 9; THENCE NORTH 00 DEGREES 53 MINUTES 55 SECONDS WEST ALONG THE EAST SECTION LINE OF SAID SECTION, A DISTANCE OF 20.00 FEET TO A SET IRON PIN MARKING THE TRUE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 35 MINUTES 08 SECONDS WEST, A DISTANCE OF 131.93 FEET TO A SET IRON PIN; THENCE NORTH 00 DEGREES 55 MINUTES 59 SECONDS WEST, A DISTANCE OF 29.88 FEET TO A FOUND IRON PIN; THENCE NORTH 00 DEGREES 55 MINUTES 59 SECONDS WEST, A DISTANCE OF 101.92 FEET TO A SET IRON PIN; THENCE SOUTH 89 DEGREES 25 MINUTES 16 SECONDS EAST, A DISTANCE OF 132.02 FEET TO SET IRON PIN ON SAID EAST SECTION LINE; THENCE SOUTH 00 DEGREES 53 MINUTES 55 SECONDS EAST ALONG SAID SECTION LINE, A DISTANCE OF 131.42 FEET TO THE TRUE POINT OF BEGINNING, SAID PARCEL CONTAINS 0.399 ACRES, MORE OR LESS. ALL IN THE COUNTY OF SANGAMON, STATE OF ILLINOIS.

PARCEL NUMBER: 30-09.0-400-010.

**RECAP**  
(For County Board Use)

COUNTY BOARD MEMBER: # 4                      NAME: Jeff Thomas

DOCKET NUMBER: 2021-034

ADDRESS: 8939 Cardinal Hill Road and 5999 New City Road, Rochester, IL 62563

PETITIONER: Legacy Real Estate Professionals LLC (Dan Wallace)

PRESENT ZONING CLASSIFICATION: "A" Agricultural District.

REQUESTED ZONING CLASSIFICATION: For Proposed Parcel 1: pursuant to Chapter 17.66, a variance of Section 17.38.010 to allow the front yard setback to be zero (0) feet instead of the required thirty (30) feet; and, a variance of Section 17.38.030 to allow one (1) parcel less than one (1) acre (approximately 0.6 acres) where public sewer is not available; and, for Proposed Parcel 2: a variance of Section 17.38.030 to allow one (1) parcel less than one (1) acre (approximately 0.4 acres) where public sewer is not available.

AREA: 1 acre

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION STAFF RECOMMENDATION: **Recommend approval. The two parcels were created less than one acre in the 1950s. To ensure the residence and septic laterals are on the same lot, the variances are required. The existing residence and subject property have unique circumstances in that the residence was constructed zero feet from the front property line in the 1920s so the addition will not be increasing the front yard setback distance noncompliance. The subject property also contains a smaller rear yard, and the location of the well and septic limit the location an addition could be constructed. The Standards for Variation are met.**

SANGAMON COUNTY ZONING BOARD OF APPEALS RECOMMENDATION:  
**Approval of Staff Recommendation.**

  
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF: )	DOCKET NO: <b>2021-034</b>
<b>Legacy Real Estate Professionals LLC</b> )	
<b>(Dan Wallace)</b> )	
)	PROPERTY LOCATED AT:
)	<b>8939 Cardinal Hill Road</b>
)	<b>5999 New City Road</b>
)	<b>Rochester, IL 62563</b>

RECOMMENDATION OF THE ZONING 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 **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 **September 16, 2021** 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: **8939 Cardinal Hill Road and 5999 New City Road, Rochester, IL 62563** 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:  
**Proposed Parcel 1: Single-family residence.**  
**Proposed Parcel 2: Church.**
5. That the proposed land use of said property is:  
**Proposed Parcel 1: Single-family residence.**  
**Proposed Parcel 2: Church.**
6. That the request(s) for the subject property are for **Proposed Parcel 1: pursuant to Chapter 17.66, a variance of Section 17.38.010 to allow the front yard setback to be zero (0) feet instead of the required thirty (30) feet; and, a variance of Section 17.38.030 to allow one (1) parcel less than one (1) acre (approximately 0.6 acres) where public sewer is not available; and, for Proposed Parcel 2: a variance of Section 17.38.030 to allow one (1) parcel less than one (1) acre (approximately 0.4 acres) where public sewer is not available.**
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 **variances** are 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 following request(s) **are hereby approved:**

**For Proposed Parcel 1:**

- Pursuant to Chapter 17.66, a variance of Section 17.38.010 to allow the front yard setback to be zero (0) feet instead of the required thirty (30) feet; and,
- Pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than one (1) acre (approximately 0.6 acres) where public sewer is not available; and,

**For Proposed Parcel 2:**

- Pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than one (1) acre (approximately 0.4 acres) where public sewer is not available.

  
CHAIRMAN

**SANGAMON COUNTY  
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2021-034**

Address: **8939 Cardinal Hill Road & 5999 New City Road, Rochester**

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 upon 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 residence's septic laterals are currently located on the church property and to correct this a reconfiguration is proposed which requires the parcels to receive variances for being less than one acre. The existing residence was built in the 1920s zero feet from the front property line and the petitioner is proposing to construct an addition in order to update the residence. However, due to the location of the well and septic, the addition is limited to being constructed to the north, which does not increase the setback distance noncompliance but does make the front yard setback variance necessary.**

- (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.

**The two parcels were created less than one acre in the 1950s. To ensure the residence and septic laterals are on the same lot, the variances are required. The existing residence and subject property have unique circumstances in that the residence was constructed zero feet from the front property line in the 1920s so the addition will not be increasing the front yard setback distance noncompliance. The subject property also contains a smaller rear yard, and the location of the well and septic limit the location an addition could be constructed.**

- (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.

**Negative impacts are not anticipated as the existing parcels are currently under one acre and there are no changes to conditions. The addition will also not be increasing the setback distance noncompliance. The setback is also consistent with the adjacent structures on Cardinal Hill Road that were also built in the 1920s, so the proposed addition will not impair visibility.**