

CASE# 2011-007 3-1
RESOLUTION NUMBER

GRANTING A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
22813 W. LONG POINT ROAD, ILLIOPOLIS
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 a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioners, **Kenneth & Deborah Adams**, have petitioned the Sangamon County Board for a **variance to allow two (2) principal structures on one parcel; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **March 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 variance; and**

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

FILED

MAR 24 2011

Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 5th day of April, 2011 that the request for a variance to allow two (2) principal structures on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 5th day of April, 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

GREG STUMPF

LINDA DOUGLAS WILLIAMS

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

**PART OF THE NORTHEAST QUARTER OF SECTION 17,
TOWNSHIP 16 NORTH, RANGE 1 WEST OF THE THIRD
PRINCIPAL MERIDIAN, DESCRIBED MORE PARTICULARLY
AS FOLLOWS:**

**COMMENCING AT A STONE MARKING THE SOUTHEAST
CORNER OF THE NORTHEAST QUARTER OF THE
AFORMENTIONED SECTION 17; THENCE SOUTH 89 DEGREES
14 MINUTES 20 SECONDS WEST ALONG THE QUARTER
SECTION LINE A DISTANCE OF 1283.33 FEET TO AN IRON
PIPE MARKING THE TRUE POINT OF BEGINNING; THENCE
CONTINUING SOUTH 89 DEGREES 14 MINUTES 20 SECONDS
WEST ALONG THE QUARTER SECTION LINE A DISTANCE OF
220.00 FEET TO AN IRON PIPE; THENCE NORTH 00 DEGREES
45 MINUTES 40 SECONDS WEST A DISTANCE OF 990.00 FEET
TO AN IRON PIPE; THENCE NORTH 89 DEGREES 14 MINUTES
20 SECONDS EAST A DISTANCE OF 220.00 FEET TO AN IRON
PIPE; THENCE SOUTH 00 DEGREES 45 MINUTES 40 SECONDS
EAST A DISTANCE OF 990.00 FEET TO THE TRUE POINT OF
BEGINNING.**

SITUATED IN SANGAMON COUNTY, ILLINOIS.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #3 NAME: Dave Mendenhall

DOCKET NUMBER: 2011-007

ADDRESS: 22813 W. Long Point Road, Illiopolis

PETITIONER: Kenneth & Deborah Adams

PRESENT ZONING CLASSIFICATION: "A" Agricultural

REQUESTED ZONING CLASSIFICATION: "A" Agricultural with a variance to allow two (2) principal structures on one (1) parcel.

AREA: 5.23


COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: **Recommend denial. The petitioner did not identify any specific plight related to the property. It does not appear that there are any circumstances unique to this property that would not also exist with other properties in the area. In January of 2000, the property owner obtained a building permit for a pole barn to be used for storage. The permit did not include converting the pole barn into a residence. No permit was obtained to convert the shed into a residence.**

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2011-007
Kenneth & Deborah Adams)	
)	PROPERTY LOCATED AT:
)	22813 W. Long Point Road
)	Illioopolis, IL. 62539-3703

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 a **variance** 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 **March 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: **22813 W. Long Point Road, Illioopolis, IL.** and more particularly described as:

See Exhibit A

- 3. That the present zoning of said property is "A" Agricultural.
- 4. That the present land use of said property is two (2) single family residences.
- 5. That the proposed land use of said property is two (2) single family residences.
- 6. That the requested variance of said property is to allow two (2) principal structures on one parcel.
- 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 variance 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 variance be approved.

Charles Chimento /cc
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Marvin Traylor**, to 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 **Charles Chimento**.

The vote of the Board was as follows:

YES: **Charles Chimento, Byron Deaner, Don Wulf, Judith Johnson, Marvin Traylor**

NO:

ABSENT: **Peggy Egizii**

Cyndi Knowles
RECORDING SECRETARY

SANGAMON COUNTY

RECOMMENDED - STANDARDS FOR VARIATIONS

Case #: 2011-007

Address: 22813 W. Long Point Road, Illiopolis

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 property is 5.23 acres and currently contains two structures being used as single family residences. Other properties of this size are able to yield a reasonable return and be economically used while containing only one single family residence.

- (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 petitioner did not identify any specific plight related to the property. It does not appear that there are any circumstances unique to this property that would not also exist with other properties in the area.

In January of 2000, the property owner obtained a building permit for a pole barn to be used for storage. The permit did not include converting the pole barn into a residence. No permit was obtained to convert the shed into a residence.

- (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.

It does not appear that the existence of the two separate structures being used as single family residences are currently resulting in a negative impact on the area because it is currently bordered on the north, west and east by cropland. However, having two residences on one parcel increases the amount of traffic that would result from only one residence. It is difficult to identify if property values are diminished in the locality as a result of the code violation.

ZONING BOARD OF APPEALS FINDINGS OF FACT:

Related to finding (i)

The owner converted a shed into a residence to provide a residence for his daughter who is attending college. Eliminating this as a residential structure is likely to pose economic hardship.

Related to finding (iii):

The Zoning Board of Appeals finds that based on the evidence presented at the hearing that the location of two (2) single family residences on the property is a reasonable use of the land given the size of the parcel. There is no known opposition to the petition nor were any opponents present at the hearing.