

CASE# 2014-007
RESOLUTION NUMBER 3-1

GRANT A USE VARIANCE AND A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
4424 IRWIN BRIDGE RD, CANTRALL
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 use variance and a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See **EXHIBIT A**

WHEREAS, the Petitioners, **Joseph & Linda Smith**, have petitioned the Sangamon County Board for a **rezoning from "R-1" Single-Family Residence District to "RM-4" Manufactured Home District for two (2) parcels and for proposed Parcel 1: a variance to allow the lot depth to be greater than two and one half (2 ½) times the lot width; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **February 20, 2014** 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 a use variance and variance; and**

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

FILED

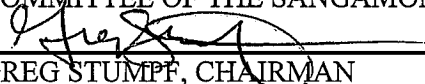
FEB 28 2014

Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 11th day of March, 2014 that the request for rezoning from "R-1" Single-Family Residence District to "RM-4" Manufactured Home District is denied but, in the alternative, a use variance for two (2) parcels to allow a manufactured home on each parcel and for proposed Parcel 1: a variance to allow the lot depth to be greater than two and one half (2 ½) times the lot width on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 11th day of March 2014.

Respectfully submitted,
PUBLIC HEALTH, SOLID WASTE & ZONING
COMMITTEE OF THE SANGAMON COUNTY BOARD



GREG STUMPF, CHAIRMAN

DAVID MENDENHALL, VICE CHAIRMAN

JOHN FULGENZI

CRAIG HALL

SAM SNELL

ABE FORSYTH

JASON RATTS

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

Part of the Northwest Quarter of the Southeast Quarter of Section 23, Township 17 North, Range 6 West of the Third Principal Meridian in Sangamon County, Illinois, more particularly described as follows:

Beginning at a found iron pin marking the Northeast corner of the Northwest Quarter of the Southeast Quarter of the aforesaid section 23, thence North 89 degrees 45 minutes 43 seconds West 259.88 feet to a found iron pin; thence South 00 degrees 06 minutes 04 seconds West 522.29 feet to a found iron pin; thence North 89 degrees 45 minutes 42 seconds West 440.80 feet to a found iron pin; thence North 05 degrees 02 minutes 50 seconds East 524.13 feet to a found iron pin; thence North 89 degrees 45 minutes 42 seconds West 9.72 feet to a set iron pin; thence South 05 degrees 02 minutes 50 seconds West 339.19 feet to a set iron pin; thence North 89 degrees 45 minutes 28 seconds West 626.79 feet to a set iron pin on the West line of the aforesaid Quarter Quarter section; thence South 00 degrees 26 minutes 26 seconds East 986.38 feet to a found iron pin; thence South 89 degrees 37 minutes 25 seconds East 1317.30 feet to a set iron pin; thence North 00 degrees 07 minutes 50 seconds West 1327.47 feet to the point of beginning. Said tract contains 30.20 acres, more or less, and is subject to a public roadway dedication and all easements of record.

Excepting:

Part of the Northwest Quarter of the Southeast Quarter of Section 23, Township 17 North, Range 6 West of the Third Principal Meridian, in Sangamon County, Illinois, being described as follows: Commencing at an iron pin at the Northeast corner of said Quarter, Quarter Section, thence South 0 degrees 07 minutes 50 seconds East 40.00 feet to the point of beginning, thence North 89 degrees 43 minutes 10 seconds West 260.04 feet, thence South 0 degrees 11 minutes 09 seconds West 482.15 feet to an iron pin, thence South 0 degrees 07 minutes 50 seconds East 804.75 feet to an iron pin, thence South 89 degrees 35 minutes 57 seconds East 262.71 feet to an iron pin, thence North 0 degrees 07 minutes 50 seconds West 1287.47 feet to the point of beginning, containing 7.75 acres, more or less.

And:

Part of the Northwest Quarter of the Southeast Quarter of Section 23, Township 17 North, Range 6 West of the Third Principal Meridian in Sangamon County, Illinois, being described as follows: Beginning at an iron pin at the Northeast corner of said Quarter, Quarter Section, thence South 0 degrees 07 minutes 50 seconds East 40.00 feet, thence North 89 degrees 43 minutes 10 seconds West 260.04 feet, thence North 0 degrees 11 minutes 09 seconds East 40.00 feet to an iron pin, thence South 89 degrees 43 minutes 10 seconds East 259.82 feet to the point of beginning, containing 0.24 acres, more or less.

And:

Part of the Northwest Quarter of the Southeast Quarter of Section 23, Township 17 North, Range 6 West of the Third Principal Meridian, Sangamon County, Illinois, being further described as follows:

Commencing at a found iron pin recorded as Monument Record # 15859 and described in a plat of survey of a 5.00 acre tract recorded as document 89H021155 in the Sangamon County Recorder's Office, marking the northwest corner of the Northwest Quarter of the Southeast Quarter of said Section 23; thence along the west line of the Southeast Quarter of said Section 23, South 00°14'06" West, a distance of 559.99 feet to a set iron pin on the south right-of-way line of T.R. 7.5 North (Irwin Bridge Road) marking the POINT OF BEGINNING and the beginning of a 4704.90 foot non-tangent curve whose center bears South 01°48'53" West; thence along said right-of-way and said curve southeasterly 150.15 feet having a long chord with a course of South 87°16'16" East, a distance of 150.14 feet to a set iron pin; thence South 00°14'06" West, parallel with said west line of the Southeast Quarter, a distance of 286.74 feet to a set iron pin; thence North 89°45'33" West, parallel with the north line of the Southeast Quarter of said Section 23, a distance of 150.00 feet to a set iron pin; thence North 00°14'06" East, along said west line of the Southeast Quarter, a distance of 293.26 feet to a point of beginning. Containing 1.00 acre, more or less.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 1 NAME: Harry "Tom" Fraase, Jr.

DOCKET NUMBER: 2014-007

ADDRESS: 4424 Irwin Bridge Rd, Cantrall, IL 62625

PETITIONER: Joseph & Linda Smith

PRESENT ZONING CLASSIFICATION: "R-1" Single-Family Residence District

REQUESTED ZONING CLASSIFICATION: "RM-4" Manufactured Home District for two (2) parcels and for proposed Parcel 1: a variance to allow the lot depth to be greater than two and one half (2 1/2) times the lot width.

AREA: 17.57 Acres

COMMENTS: None

OBJECTORS: None

PLANNING
COMMISSION
RECOMMENDATION:

Recommend denial of the requested rezoning as RM-4 is inconsistent with the area. While there are other mobile homes in the area, those structures are on parcels which are zoned Agricultural. Rezoning the property to Agricultural which allows mobile homes is not considered to be good planning principles since the primary use of the subject property is not cropland. In the alternative, staff recommends that the property should remain in the R-1 zoning classification and that a Use Variance be granted for proposed Parcels 1 and 2 to allow one (1) mobile home on each parcel. This action would be in line with the general intent of the zoning regulations and is consistent with the area. Recommend approval of the requested variance for proposed Parcel 1. The standards for variation are met. The property contains two (2) mobile homes and granting the variance would divide the property so each parcel contains one (1) mobile home and bring the property into compliance with the zoning regulations. There will be no physical alterations to the property or changes in use that would result in a negative impact on the area.

SANGAMON COUNTY 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: 2014-007
Joseph & Linda Smith)	
)	PROPERTY LOCATED AT:
)	4424 Irwin Bridge Rd
)	Cantrall, IL 62625

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 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 **February 20, 2014** 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: **4424 Irwin Bridge Rd, Cantrall, IL** and more particularly described as:

See **EXHIBIT A**

- 3. That the present zoning of said property is **“R-1” Single-Family Residence District.**
- 4. That the present land use of said property is **2 manufactured homes.**
- 5. That the proposed land use of said property is **2 manufactured homes.**
- 6. That the requested **rezoning and variance** of said property are **“R-1” Single-Family Residence District to “RM-4” Manufactured Home District for two (2) parcels and for proposed Parcel 1: a variance to allow the lot depth to be greater than two and one half (2 ½) times the lot width.**
- 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 not** support the proposition that the adoption of the proposed **rezoning and 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 **rezoning be denied but, in the alternative, a use variance for two (2) parcels to allow a manufactured home on each parcel, and for proposed Parcel 1: a variance to allow the lot depth to be greater than two and one half (2 ½) times the lot width be granted.**

Charles Chimento
 CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Don Wulf**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **approved as recommend by staff**, which was duly seconded by **John Lucchesi**.

The vote of the Board was as follows:

YES: **Charles Chimento, Byron Deaner, Judith Johnson, Don Wulf, and John Lucchesi**

NO:

PRESENT:

ABSENT:

Cyndi Knowles
 RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: 2014-007

Address: 4424 Irwin Bridge Road, Cantrall

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

To the west and north are mobile homes. To the east is a single-family residence. To the south is timber.

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

To the north is R-1 and Agricultural. To the east is R-1. To the south and west is Agricultural.

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

While the property is suitable to uses under the existing or requested zoning, there are two mobile homes already existing on the property.

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

The area has remained stable with agricultural and residential uses.

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: 2014-007

Address: 4424 Irwin Bridge Road, Cantrall

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 request is being made to facilitate division of the property in order for each resulting parcel to have one residential use.

- (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 parcel currently contains two mobile homes. Allowing the division will bring the parcel into compliance with the zoning regulations.

- (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.

No negative impact is anticipated in allowing the proposed division.

RECOMMENDED STANDARDS FOR USE VARIATIONS

Case #: 2014-007

Address: 4424 Irwin Bridge Road, Cantrall

The Zoning Board of Appeals shall not recommend to the Sangamon County Board that the regulations of the zoning ordinance be varied as authorized in Section 17.66.010 thereof, unless it shall make findings of fact based upon the evidence presented to it in each specified case:

- (i) that the variance is justified by a showing of special circumstances demonstrating practical difficulties or particular hardship in the way of carrying out the strict letter of the Zoning Regulations.

The property is zoned R-1 and two (2) mobile homes are present on the property. If the variance is granted to divide the property, there will be one (1) mobile home on each resulting parcel. To adhere to the regulations, the mobile homes would have to be removed so framed, single-family residences could be constructed.

- (ii) that the variance is compatible with the trend of development in the area.

While not technically "spot zoning," the RM-4 zoning classification is not compatible with the trend of development in the area. Other mobile homes are present in the area, but the parcels containing the mobile homes are zoned Agricultural.

- (iii) that the variance will benefit the community and be in harmony with the general purpose and intent of the Zoning Regulations.

The subject property is currently zoned R-1; however, the property contains two (2) mobile homes. Dividing the property would be in harmony with the general purpose and intent of the Zoning Regulations. However, rezoning the property to RM-4 would be inconsistent with the area.

- (iv) that the variance will not create a negative impact on the area, 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.

There are two (2) mobile homes on the property which will remain. There will be no physical alterations to the property or changes in use.