

CASE# 2012-006 5-1
RESOLUTION NUMBER 5-1

GRANTING AN AMENDMENT AND VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
3771 PET CEMETERY RD., 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, **Penelope M. Kerber**, has petitioned the Sangamon County Board for a **rezoning for proposed parcel A from "A" Agricultural District to "R-1" Single - Family Residence District with a variance to allow zero (0) feet of road frontage instead of the required eighty (80) feet. Petitioner requests for proposed parcel B, a variance to allow zero (0) feet of road frontage instead of the required one hundred fifty (150) feet, a variance to allow the parcel to be less than forty (40) acres and a variance of the lot depth to be greater than two and one-half (2 ½) times the lot width to allow one (1) acre to be divided off and a single family residence to be built; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **February 16, 2012** 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

FILED

FEB 23 2012

Jae Aiello
Sangamon County Clerk

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

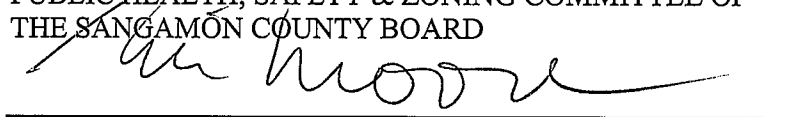
WHEREAS, the Sangamon County Board does hereby adopt the recommendation of the Sangamon County Zoning Board of Appeals.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 13th day of March, 2012 that the request for a rezoning for proposed parcel A from "A" Agricultural District to "R-1" Single - Family Residence District with a variance to allow zero (0) feet of road frontage instead of the required eighty (80) feet; and for proposed parcel B, a variance to allow zero (0) feet of road frontage instead of the required one hundred fifty (150) feet, a variance to allow the parcel to be less than forty (40) acres and a variance of the lot depth to be greater than two and one-half (2 ½) times the lot width to allow one (1) acre to be divided off and a single - family residence to be built on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 13th day of March, 2012.

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

GREG STUMPF

JASON RATTS

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

Part of the Southeast Quarter of the Northeast Quarter of Section 30, Township 16 North, Range 4 West of the Third Principal Meridian, described more particularly as follows:

Beginning at a stone marking the Northwest corner of the Southeast Quarter of the Northeast Quarter of the aforementioned Section 30; thence North 89 degrees 31 minutes 51 seconds East along the Quarter, Quarter Section line a distance of 138.01 feet to an iron pipe; thence South 08 degrees 20 minutes 16 seconds East a distance of 873.60 feet to an iron pipe; thence South 89 degrees 31 minutes 51 seconds West a distance of 119.82 feet to an iron pipe; thence South 00 degrees 44 minutes 55 seconds East a distance of 30.10 feet to an iron pipe; thence South 88 degrees 07 minutes 07 seconds West a distance of 133.77 feet to an iron pipe on the Quarter Quarter Section line; thence North 00 degrees 44 minutes 14 seconds West along the Quarter Quarter Section line a distance of 898.78 feet to the point of beginning.

Situated in Sangamon County, Illinois.

RECAP

(For County Board Use)

COUNTY BOARD MEMBER: # 9 NAME: Sarah Musgrave

DOCKET NUMBER: 2012-006

ADDRESS: 3771 Pet Cemetery Rd., Springfield, IL. 62707

PETITIONER: Penelope M. Kerber

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: A rezoning for proposed parcel A from "A" Agricultural District to "R-1" Single - Family Residence District with a variance to allow zero (0) feet of road frontage instead of the required eighty (80) feet. Petitioner requests for proposed parcel B, a variance to allow zero (0) feet of road frontage instead of the required one hundred fifty (150) feet, a variance to allow the parcel to be less than forty (40) acres and a variance of the lot depth to be greater than two and one-half (2 ½) times the lot width to allow one (1) acre to be divided off and a single family residence to be built

AREA: 4 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: **Recommend denial of the requested variances. The standards for variation are not met. The subject property currently has zero road frontage and is land locked. Division of this property will create a second land locked parcel, creating a situation that is contrary to the intent of the zoning ordinance to assure that all lots have owned, non-easement based access. While staff recognizes that**

the petitioner intends to replace the current mobile home with a single-family residence and doing so will not change the number of housing units, have an effect on the character of the area or increase traffic, division of one land locked parcel to create an additional land locked parcel is not seen as good planning principals. Furthermore, there is a concern with access by emergency personnel as the current easement to the two residences is 9 1/2 feet wide. Even though staff feels that R-1 zoning is appropriate at this location, the request to rezone is not needed since it is recommended the variances be denied.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:


RECORDING SECRETARY

Approval

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2012-006
Penelope M. Kerber)	
)	PROPERTY LOCATED AT:
)	3771 Pet Cemetery Rd.
)	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 **February 16, 2012** 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: **3771 Pet Cemetery Rd., 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 and a manufactured home.
- 5. That the proposed land use of said property is 2 single - family residences.
- 6. That the requested rezoning and variances of said property are a rezoning for proposed parcel A from "A" Agricultural District to "R-1" Single - Family Residence District with a variance to allow zero (0) feet of road frontage instead of the required eighty (80) feet. Petitioner requests for proposed parcel B, a variance to allow zero (0) feet of road frontage instead of the required one hundred fifty (150) feet, a variance to allow the parcel to be less than forty (40) acres and a variance of the lot depth to be greater than two and one-half (2 1/2) times the lot width to allow one (1) acre to be divided off and a single - family residence to be built.
- 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/ck
 CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Byron Deaner**, not 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, which was duly seconded by **Judith Johnson**.

The vote of the Board was as follows:

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

NO:

ABSENT:

Cindi Knowles
 RECORDING SECRETARY

**ZONING BOARD OF APPEALS
RECOMMENDED - STANDARDS FOR VARIATIONS
ALLOW TWO (2) PARCELS WITH ZERO (0) ROAD FRONTAGE
FEBRUARY 16, 2012**

Case #: 2012-006

Address: 3771 Pet Cemetery Road, 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 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 Zoning Board of Appeals found that replacing the existing mobile home with a framed single-family residence will increase the economic yield for the property.

- (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 Zoning Board of Appeals determined that there are circumstances unique to the property in that it currently there is no road frontage for the parcel. In addition, the property currently contains two (2) separate residential units with zero (0) road frontage.

- (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.

The Zoning Board of Appeals finds that replacing the mobile home with a frame single-family residence will improve the character of the immediate area. The Zoning Board also found that since the property currently contains two (2) residential units, there will be no additional traffic generated for the property that already has zero (0) road frontage.

**ZONING BOARD OF APPEALS
RECOMMENDED - FINDINGS OF FACT
R-1, Single Family Residence District
February 16, 2012**

Case #: 2012-006

Address: 3771 Pet Cemetery Road, Springfield

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

To the north and west is timber. To the south is an auto body shop and single-family residence.

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

The property is surrounded by agricultural zoning.

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

The Land Evaluation and Site Assessment score of 83 indicates the property is deemed acceptable for non-agricultural development.

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

The area has remained stable with single family residences built in the vicinity.