

CASE# 2012-014 5-1
RESOLUTION NUMBER

GRANTING A REZONING AND VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
IN THE 9,000 BLOCK OF WESTLAKE DR., RIVERTON
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 Petitioners, **William & Barbara Westlake**, have petitioned the Sangamon County Board for a **variance to allow zero (0) feet of road frontage for two (2) parcels, a variance to allow Parcel A to be less than forty (40) acres, a rezoning of Parcel B from "A" Agricultural District to "R-1" Single-Family Residence District, and a variance on Parcel B to allow a side yard setback of zero (0) feet instead of the required ten (1) feet to allow approximately one (10) acre to be divided off for construction of a single-family residence; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **April 19, 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

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 an amendment and variances; and**

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

FILED

APR 27 2012

Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 8th day of May, 2012 that the request for a variance to allow zero (0) feet of road frontage for two (2) parcels, a variance to allow Parcel A to be less than forty (40) acres, a rezoning of Parcel B from "A" Agricultural District to "R-1" Single-Family Residence District, and a variance on Parcel B to allow a side yard setback of zero (0) feet instead of the required ten (1) feet to allow approximately one (10) acre to be divided off for construction of a single-family residence on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 8th day of May, 2012.

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

TIM MOORE, CHAIRMAN
Abe Forsyth

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

The West 10.67 chains of Section 31, Township 17 North, Range 3 West of the Third Principal Meridian. Excepting therefrom the South 160 acres thereof. Excepting coal and minerals underlying the surface of said land and all rights and easements in favor of the Estate of said coal and minerals. Situated in Sangamon County, Illinois.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 3 NAME: David Mendenhall

DOCKET NUMBER: 2012-014

ADDRESS: In the 9,000 Block of Westlake Dr., Riverton, IL. 62561

PETITIONER: William & Barbara Westlake

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: A variance to allow zero (0) feet of road frontage for two (2) parcels, a variance to allow Parcel A to be less than forty (40) acres, a rezoning of Parcel B from "A" Agricultural District to "R-1" Single-Family Residence District, and a variance on Parcel B to allow a side yard setback of zero (0) feet instead of the required ten (10) feet. The request is being made to allow approximately one (1) acre to be divided off the existing thirty (30) acre parcel for construction of a single-family residence.

AREA: 30 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: Approval of the requested R-1 zoning. The LESA score of 184 indicates the property is considered acceptable for non-agricultural development only, however, the property owner is requesting to divide one acre from the pasture, while the entire parcel that contains cropland will remain in production, therefore having no impact on the agricultural production. Recommended approval of the requested variances. Creating a parcel with

zero road frontage is considered to be contrary to sound planning principals. However, staff finds that there are unique circumstances with this property which were not present with other property owners who have requested zero road frontage in previous cases. The property contains floodplain. If the owner were required to extend Westlake Drive to obtain road access, the road would be extended through the FEMA designated floodplain. While it is possible that the new roadway could be designed in a manner to be engineered through the floodplain, requiring compensatory water storage to serve one property owner seems unnecessarily burdensome. The newly created parcel will have owned, non-easement based access.

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: 2012-014
William & Barbara Westlake)	
)	PROPERTY LOCATED AT:
)	In the 9,000 Block of Westlake
)	Dr.
)	Riverton, IL. 62561

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 **April 19, 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: **In the 9,000 Block of Westlake Dr., Riverton, 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 cropland.**
- 5. That the proposed land use of said property is **a single-family residence, cropland and construction of a single-family residence.**
- 6. That the requested **rezoning and variances** of said property are **a variance to allow zero (0) feet of road frontage for two (2) parcels, a variance to allow Parcel A to be less than forty (40) acres, a rezoning of Parcel B from "A" Agricultural District to "R-1" Single-Family Residence District, and a variance on Parcel B to allow a side yard setback of zero (0) feet instead of the required ten (10) feet. The request is being made to allow approximately one (1) acre to be divided off the existing thirty (30) acre parcel for construction of a single-family residence.**
- 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
 CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Peggy Egizii**, 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, Peggy Egizii, Judith Johnson, Don Wulf & Byron Deaner**

NO:

ABSENT: **Marvin Traylor**

Cyndi Knowles
 RECORDING SECRETARY