

CASE# 2011-017
RESOLUTION NUMBER 6-1

GRANTING A REZONING AND VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
IN THE 1500 BLOCK OF FALCON ROAD, 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 variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Samuel L. Sexton**, has petitioned the Sangamon County Board for **rezoning from "A" Agricultural District to "R-1" Single Family Residence District and a variance for the lot width to be met at a distance greater than sixty (60) feet from the public road for one (1) parcel; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **April 21, 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 rezoning and variance; and**

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

FILED

APR 29 2011

Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 10th day of May, 2011 that the request for rezoning from "A" Agricultural District to "R-1" Single Family Residence District and a variance for the lot width to be met at a distance greater than sixty (60) feet from the public road for one (1) parcel on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 10th day of May, 2011.

Respectfully submitted,

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

Tim Moore /ck

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

6-3

EXHIBIT A

THE NORTH 15 ACRES OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 15 NORTH, RANGE 4 WEST OF THE THIRD PRINCIPAL MERIDIAN, SANGAMON COUNTY, ILLINOIS.

EXCEPT

5.57 ACRES MORE OR LESS IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 15 NORTH, RANGE 4, WEST OF THE THIRD PRINCIPAL MERIDIAN, SANGAMON COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: COMMENCING ON THE CENTER LINE OF SECTION 4 AFORESAID, 19.92 1/8 CHAINS WEST OF THE CENTER OF SAID SECTION 4, THENCE NORTH WITH THE WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 4, A DISTANCE OF 462.34 FEET, THENCE EAST 254 FEET, THENCE SOUTH 956.74 FEET TO A POINT 254 FEET EAST OF THE WEST LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4, THENCE WEST 254 FEET TO THE WEST LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4, THENCE NORTH 494.4 FEET TO THE PLACE OF BEGINNING, ALL AS SHOWN BY SURVEY OF WILLIAMS E. DAWSON DATED JULY 10-11, 1956 RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS OF SANGAMON COUNTY, ILLINOIS IN BOOK 514 OF DEEDS AT PAGE 569 AS DOCUMENT NUMBER 268666. SITUATED IN SANGAMON COUNTY, ILLINOIS.

AND A PORTION OF

THAT PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 15 NORTH, RANGE 4 WEST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 19.92 1/8 CHAINS WEST OF THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION, THENCE NORTH 462.34 FEET, THENCE EAST 254 FEET, THENCE SOUTH 956.74 FEET, THENCE WEST 254 FEET TO THE WEST LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4, THENCE NORTH 494.4 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: 2011-017

ADDRESS: In the 1500 Block of Falcon Road, Springfield, Il. 62707

PETITIONER: Samuel L. Sexton

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: "R-1" Single Family Residence District with variance for the lot width to be met at a distance greater than sixty (60) feet from the public road for one (1) parcel

AREA: 12 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: Recommend denial of the requested R-1 zoning. The LESA score for the proposed parcel is 205. LESA guidelines indicate that a score greater than 175 shall be considered suitable for agricultural use only. It does not appear that there are factors that can be mitigated to make it suitable for non-agricultural development. Recommended denial of the requested variance. While this is a landlocked parcel, access to the parcel for farm machinery is currently gained through the property owners' adjacent property. The request for the variance is not needed if the request to rezone the property to R-1 is 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: 2011-017
Samuel L. Sexton))
)	PROPERTY LOCATED AT:
)	In the 1500 Block of Falcon
)	Road
)	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 a **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 **April 21, 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: **In the 1500 Block of Falcon Road, 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 agricultural.
- 5. That the proposed land use of said property is a single family residence.
- 6. That the requested rezoning of said property is "R-1" Single Family Residence District.
- 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 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 and variance be approved.

Charles Chimento /cx
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 Peggy Egizii.

The vote of the Board was as follows:

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

NO:

ABSENT:

Cyndi Kozolch
RECORDING SECRETARY

67

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS
ZONING BOARD OF APPEALS**

Case #: 2011-017

Address: 1500 Block of Falcon Road

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 can continue to be farmed if the variance is not granted. The variance is requested to obtain direct access to the parcel for the purposes of constructing a single-family residence. Currently, access for farm machinery is gained through the property owner's adjacent land.

- (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 is proposing to divide approximately five (5) plus acres from a larger, land-locked parcel. Access to the property is currently through adjacent property that is owned by the same owner. Other parcels in the immediate area have 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.

If granted, the variance will increase the traffic on Falcon Road resulting from an additional single-family residence. While it is not expected that this will be a significant impact, it should be noted that Falcon Road is narrow (approximately 12') and in fair condition. For other properties containing single-family residences in the immediate area, the lot width is met immediately parallel to the frontage on Falcon Road. No properties in the area required a variance.

ZONING BOARD OF APPEALS STANDARDS FOR VARIATIONS:

Related to finding (i): The Zoning Board of Appeals finds that the property is going to be removed from agricultural production and placed in the CREP and/or SAFE program(s).

Related to finding (ii): The parcel is currently landlocked. In order to compile with the regulations without requesting the variance, the petitioner would need obtain additional land from the current owners and construct a 150' x approximately 1,000' feet driveway to access the property in an alternative manner. The Board finds that this was an undue hardship to obtain access to a landlocked parcel.