

CASE# 2012-028
RESOLUTION NUMBER 6-1

DENYING A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
9014 WANDERING TRAILS LN., DAWSON
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 **deny a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

WHEREAS, the Petitioners, **Charlie & Tami Carver**, have petitioned the Sangamon County Board for a **variance to allow two (2) principal uses on one (1) parcel**; and

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

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

FILED

JUN 28 2012

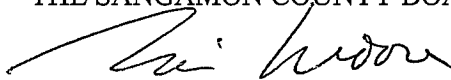
Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 10th day of July, 2012 that the request for a variance to allow two (2) principal uses on one (1) parcel on the above referenced property is hereby denied.

Signed and passed by the Sangamon County Board in session on this 10th day of July, 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 RATTTS

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

Part of the West Half of the Northwest Quarter of Section 6, Township 15 North, Range 3 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows: Beginning at the Southwest corner of the Northwest Quarter of said section 6; thence North on the West line of said Section, 1606.34 feet; thence North 40 degrees 23 minutes 01 seconds East, 131.45 feet; thence North 89 degrees 51 minutes 23 seconds East, 816.74 feet; thence South 00 degrees 10 minutes 54 seconds East, 20.00 feet; thence South 89 degrees 51 minutes 23 seconds West on the North line of the South Half of the West Half of the Northwest Quarter of said Section 6, 807.54 feet; thence South 40 degrees 23 minutes 01 seconds West, 114.78 feet; thence South 00 degrees 29 minutes 19 seconds East parallel to aforesaid West line, 738.75 feet; thence North 89 degrees 51 minutes 23 seconds East, 1021.80 feet to a point on the East line of the West Half of the Northwest Quarter of said Section 6; thence South 00 degrees 34 minutes 33 seconds East on the Quarter Quarter Section line 856.86 feet; thence West on the Quarter Section line 1043.09 feet to the point of beginning. AND, Part of the West Half of the Northwest Quarter of Section 6, Township 15 North, Range 3 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows: From the Southwest corner of the Northwest Quarter of said Section 6, North on the West line of said Section 6, 860.41 feet; thence North 89 degrees 51 minutes 23 seconds East, 678.98 feet to point of beginning; thence North 00 degrees 34 minutes 33 seconds West, 786.00 feet; thence North 89 degrees 51 minutes 23 seconds East, 272.10 feet; thence North 00 degrees 34 minutes 33 seconds West 40.00 feet; thence North 89 degrees 51 minutes 23 seconds East, 97.90 feet to a point on the East line of the West Half of the Northwest Quarter of said Section 6; thence South 00 degrees 34 minutes 33 seconds East, 826.00 feet; thence South 89 degrees 51 minutes 23 seconds West, 370.00 feet to the point of beginning. EXCEPT, Part of the West Half of the Northwest Quarter of Section 6, Township 15 North, Range 3 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows: From the Southwest corner of the Northwest Quarter of said Section 6, North on the West line of said Section 6, 860.26 feet; thence North 89 degrees 51 minutes 23 seconds East, 671.80 feet thence North 00 degrees 34 minutes 33 seconds West, 207.93 feet to the point of beginning; thence continuing North 00 degrees 34 minutes 33 seconds West, 578.07 feet; thence North 89 degrees 51 degrees 23 minutes East 272.10 feet; thence North 00 degrees 34 minutes 33 seconds West, 40.00 feet; thence North 89 degrees 51 minutes 23 seconds East, 97.90 feet to a point on the East line of the West half of the Northwest Quarter of said Section 6; thence South 00 degrees 34 minutes 33 seconds East, 618.07 feet; thence South 89 degrees 51 minutes 23 seconds West, 370.00 feet to the point of beginning.

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RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 3 NAME: David Mendenhall

DOCKET NUMBER: 2012-028

ADDRESS: 9014 Wandering Trails Ln., Dawson, IL. 62520

PETITIONER: Charlie & Tami Carver

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

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

AREA: 23.08 acres

COMMENTS: none

OBJECTORS: Yes

PLANNING COMMISSION RECOMMENDATION: **Recommend denial of the requested variance to allow for two principal uses on one parcel. The standards for variation are not met. Allowing another residence on the subject property does not increase the economic yield on the property as one residential structure per parcel is a reasonable use of land. In previous cases, staff has recommended division of the parcel to accommodate another residence. It is recognized that division of this particular property is difficult due to the odd configuration, however it should be noted that the petitioner owns two vacant parcels immediately adjacent to and north of the proposed location of the second residence. There is no negative impact anticipated related to character of the area, adequate supply of light and air to adjacent properties, congestion of traffic or**

impaired property values, however there is a concern in allowing a second residential structure as this is contrary to sound planning principals and could set a negative precedent in other areas of the County.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Denial.

Cyndi Knowles
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2012-028
Charlie & Tami Carver)	
)	PROPERTY LOCATED AT:
)	9014 Wandering Trails Ln.
)	Dawson, IL. 62520

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 **June 21, 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: **9014 Wandering Trails Ln., Dawson, IL. 62520** and more particularly described as:

See **EXHIBIT A**

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- 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 accessory structures.**
- 5. That the proposed land use of said property is **a single-family residence, modular or double-wide manufactured home and accessory structures.**
- 6. That the requested **variance** of said property is **to allow two (2) principal uses on one (1) 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 not** 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 **denied**.

Charles Chimento/CC
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 **denied**, which was duly seconded by **John Lucchesi**.

The vote of the Board was as follows:

YES: **Charles Chimento, Peggy Egizii, Judith Johnson, John Lucchesi & Don Wulf**

NO:

ABSENT: **Byron Deaner**

Cyndi Knowles
RECORDING SECRETARY

SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS

Case #: 2012-028

Address: 9014 Wandering Hills Lane, Dawson

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 made to allow construction of another residence on the subject parcel. It does not appear that a second residence would increase the economic yield on 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 shape of the parcel makes division difficult, however it should be noted that the petitioner owns two vacant parcels immediately adjacent to and north of the subject property.

- (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.

There is no negative impact anticipated related to character of the area, adequate supply of light and air to adjacent properties, congestion of traffic or impaired property values, however there is a concern in allowing a second residential structure as this is contrary to sound planning principals and could set a negative precedent in other areas of the County.