

GRANTING A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
1339 NORTH OAK ROAD, ROCHESTER
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 variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioners, **Perry & Vickie Walter and Greg & Megan Walter**, have petitioned the Sangamon County Board requesting **pursuant to Chapter 17.66, a variance of Section 17.36.010(A) and Section 17.38.010 to allow an existing accessory structure to be expanded within the front yard with a front yard setback to be approximately ten (10) feet instead of the required thirty (30) feet**; and,

WHEREAS, a public hearing was held at the Sangamon County Building on **January 16, 2020** 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 variance**; and,

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

FILED

JAN 23 2020


Sangamon County Clerk

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NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 11th Day of February, 2020 that the following request(s) on the above described property is hereby approved:

- Pursuant to Chapter 17.66, a variance of Section 17.36.010(A) and Section 17.38.010 to allow an existing accessory structure to be expanded within the front yard with a front yard setback to be approximately ten (10) feet instead of the required thirty (30) feet.

Signed and passed by the Sangamon County Board in session on this 11th day of February, 2020.

COUNTY BOARD CHAIRMAN

ATTEST:

SANGAMON COUNTY CLERK

EXHIBIT A**Parcel I:**

Part of the Northeast Quarter of the Northwest Quarter of Section 10, Township 15 North, Range 4 West of the Third Principal Meridian, Sangamon County, Illinois, more particularly described as follows:

From an iron pipe at the Northeast corner of said Quarter Quarter, South 00 degrees 00 minutes 00 seconds East, on the East line of said Quarter Quarter, 748.53 feet to an iron pin and point of beginning; thence continuing South 00 degrees 00 minutes 00 seconds East, 60.03 feet to a pipe; thence North 88 degrees 03 minute 13 seconds West, 1335.76 feet to an iron pipe; thence North 00 degrees 02 minutes 33 seconds East, 285.19 feet; thence South 88 degrees 03 minutes 13 seconds East, 626.00 feet; thence South 00 degrees 13 minutes 09 seconds West, 232.30 feet to an iron pin; thence South 87 degrees 03 minutes 23 seconds East, 281.85 feet to an iron pin; thence South 79 degrees 45 minutes 39 seconds East, 28.76 feet to an iron pin; thence North 09 degrees 48 minutes 31 seconds East, 13.16 feet to an iron pin; thence South 81 degrees 00 minutes 20 seconds East, 19.16 feet to an iron pin; thence North 84 degrees 26 minutes 14 seconds East, 42.31 feet; thence South 88 degrees 03 minutes 13 seconds East, 337.14 feet to the point of beginning.

Parcel II:

Part of the Northeast Quarter of the Northwest Quarter of Section 10, Township 15 North, Range 4 West of the Third Principal Meridian, Sangamon County, Illinois, more particularly described as follows:

From an iron pipe at the Northeast corner of said Quarter Quarter, South 00 degrees 00 minutes 00 seconds East, on the East line of said Quarter Quarter, 748.53 feet to an iron pin; thence North 88 degrees 03 minutes 13 seconds West, 337.14 feet to an iron pin; thence South 84 degrees 26 minutes 14 seconds West, 42.31 feet to an iron pin; thence North 81 degrees 00 minutes 20 seconds West, 19.16 feet to an iron pin; thence South 09 degrees 48 minutes 31 seconds West, 13.16 feet to an iron pin; thence North 79 degrees 45 minutes 39 seconds West, 28.76 feet to an iron pin; thence North 87 degrees 03 minutes 23 seconds West, 187.10 feet to an iron pin and the point of beginning; thence continuing North 87 degrees 03 minutes 23 seconds West, 94.75 feet to an iron pin; thence North 00 degrees 12 minutes 51 seconds East 232.30 feet to an iron pin; thence South 88 degrees 03 minutes 13 seconds East, 93.81 feet to an iron pin; thence South 00 degrees 00 minutes 00 seconds West, 233.98 feet to an iron pin and the point of beginning.

Except any interest in the coal, oil, gas and other minerals underlying the land which have been heretofore conveyed or reserved in prior conveyances, and all rights and easements in favor of the estate of said coal, oil, gas and other minerals, if any.

Situated in Sangamon County, Illinois. Together with all easements and appurtenances in favor of said real property.

Subject to all real estate taxes and special assessments; all covenants, easements, reservations, restrictions and roadways of record or in place, if any; and building, use and occupancy restrictions imposed by state and local governments, zoning laws and ordinances, if any.

Parcel Number: 23-10.0-100-032.

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RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #9 NAME: Tom Madonia, Jr.

DOCKET NUMBER: 2020-002

ADDRESS: 1339 North Oak Road, Rochester, IL 62563

PETITIONER: Perry & Vickie Walter and Greg & Megan Walter

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: Pursuant to Chapter 17.66, a variance of Section 17.36.010(A) and Section 17.38.010 to allow an existing accessory structure to be expanded within the front yard with a front yard setback to be approximately ten (10) feet instead of the required thirty (30) feet.

AREA: 5.5 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION STAFF RECOMMENDATION: **Recommend approval. The plight of the petitioner is unique because the previous owner of the subject property did not obtain a building permit for the existing accessory structure, a process that would have identified the non-compliance. However, the petitioner bought the subject property and inherited the non-conforming accessory structure with the intent of expanding the existing accessory structure. The subject property is unique in that the location of the accessory structure is nowhere near the road (approximately 600 feet away) so it will not have a visual impact on the area or adjacent parcels. The Standards for Variation are met.**

SANGAMON COUNTY ZONING 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: 2020-002
Perry & Vickie Walter)	
Greg & Megan Walter)	
)	PROPERTY LOCATED AT:
)	1339 North Oak Road
)	Rochester, IL 62563

RECOMMENDATION OF THE ZONING 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 **January 16, 2020** 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: **1339 North Oak Road, Rochester, IL 62563** 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 **single-family residence with accessory structure.**
- 5. That the proposed land use of said property is **single-family residence with accessory structure addition.**
- 6. That the request(s) for the subject property is **pursuant to Chapter 17.66, a variance of Section 17.36.010(A) and Section 17.38.010 to allow an existing accessory structure to be expanded within the front yard with a front yard setback to be approximately ten (10) feet instead of the required thirty (30) feet.**
- 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 **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 following request(s) **is hereby approved:**

- **Pursuant to Chapter 17.66, a variance of Section 17.36.010(A) and Section 17.38.010 to allow an existing accessory structure to be expanded within the front yard with a front yard setback to be approximately ten (10) feet instead of the required thirty (30) feet.**



 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 following request(s) **is hereby approved:**

- **Pursuant to Chapter 17.66, a variance of Section 17.36.010(A) and Section 17.38.010 to allow an existing accessory structure to be expanded within the front yard with a front yard setback to be approximately ten (10) feet instead of the required thirty (30) feet**

which was duly seconded by **Tony Mares**.

The vote of the Board was as follows:

YES: **Charlie Chimento, Tony Mares, Andrew Spiro, Don Wulf**

NO:

PRESENT:

ABSENT:



RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

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Case #: **2020-002**

Address: **1339 North Oak Road, Rochester**

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 proposed addition is planned to be constructed 10 feet from the extended front property line like the existing accessory structure was constructed. The accessory structure is located approximately 600 feet from the road and approximately 300 feet from the single-family residence to the east and will not cause a visual impact on the area.

- (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 plight of the petitioner is unique because the previous owner of the subject property did not obtain a building permit for the existing accessory structure, a process that would have identified the non-compliance. However, the petitioner bought the subject property and inherited the non-conforming accessory structure with the intent of expanding the existing accessory structure. The subject property is unique in that the location of the accessory structure is nowhere near the road (approximately 600 feet away) so it will not have a visual impact on the area or adjacent parcels.

- (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.

Negative impacts are not anticipated.