

**GRANTING A REZONING AND VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
8889 CARDINAL HILL 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 rezoning and variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioners, **Paul Norgaard & Stephen Norgaard**, have petitioned the Sangamon County Board requesting **pursuant to Chapters 17.68 and 17.12, a rezoning from “B-1” General Business District to “R-1” Single-Family Residence District; pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow the existing residence on a parcel less than one (1) acre (approximately 0.5 acres) where public sewer is not available; and, a variance of Section 17.38.010 to allow the side yard setback for the existing residence to be approximately five (5) feet instead of the required ten (10) feet; and,**

WHEREAS, a public hearing was held at the Bank of Springfield Center on **August 20, 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 a rezoning and variances; and,**

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

FILED

AUG 28 2020

Don H. May
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **8th Day of September, 2020** that the following request(s) on the above described property are hereby approved:

- Pursuant to Chapters 17.68 and 17.12, a rezoning from “B-1” General Business District to “R-1” Single-Family Residence District;
- Pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow the existing residence on a parcel less than one (1) acre (approximately 0.5 acres) where public sewer is not available; and,
- Pursuant to Chapter 17.66, a variance of Section 17.38.010 to allow the side yard setback for the existing residence to be approximately five (5) feet instead of the required ten (10) feet;

Signed and passed by the Sangamon County Board in session on this **8th day of September, 2020**.

COUNTY BOARD CHAIRMAN

ATTEST:

SANGAMON COUNTY CLERK

EXHIBIT A

THE NORTH 100 FEET OF THE SOUTH 160 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

THAT PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 14 NORTH, RANGE 4, WEST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF SAID SECTION, 5 CHAINS AND 30 ½ LINKS NORTH OF THE SOUTHEAST CORNER OF SAID SECTION, AND RUNNING THENCE NORTH ON THE EAST LINE OF SAID SECTION 327 ½ FEET; THENCE WEST 199 ½ FEET; THENCE SOUTH 327 ½ FEET; THENCE EAST 199 ½ FEET TO THE PLACE OF BEGINNING.

EXCEPT ALL COAL, MINERALS, AND MINING RIGHTS HERETOFORE CONVEYED OR RESERVED OF RECORD. SITUATED IN THE COUNTY OF SANGAMON, STATE OF ILLINOIS.

PARCEL NUMBER: 30-09.0-400-016.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #4 NAME: Jeff Thomas

DOCKET NUMBER: 2020-021

ADDRESS: 8889 Cardinal Hill Road, Rochester, IL 62563

PETITIONER: Paul Norgaard & Stephen Norgaard

PRESENT ZONING CLASSIFICATION: "B-1" General Business District.

REQUESTED ZONING CLASSIFICATION: Pursuant to Chapters 17.68 and 17.12, a rezoning from "B-1" General Business District to "R-1" Single-Family Residence District; pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow the existing residence on a parcel less than one (1) acre (approximately 0.5 acres) where public sewer is not available; and, a variance of Section 17.38.010 to allow the side yard setback for the existing residence to be approximately five (5) feet instead of the required ten (10) feet.

AREA: 0.5 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION STAFF RECOMMENDATION: Recommend approval. The subject property contains a single-family residence, which is better suited in the proposed R-1 District. The bank is requiring the subject property to be rezoned residential in order to refinance the residence, and without granting the requested variances the subject property would not be able to yield a reasonable return. 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: 2020-021
Paul Norgaard & Stephen Norgaard)	
)	PROPERTY LOCATED AT:
)	8889 Cardinal Hill 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 **rezoning 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 **August 20, 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:

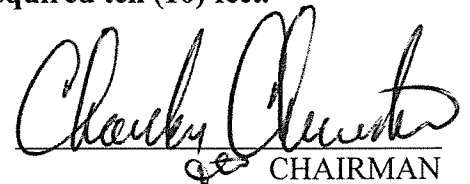
1. That said Board has jurisdiction to consider the petition filed herein.
2. That the above-captioned petitioner(s) is the owner(s) and/or has a beneficial interest in, contract to purchase, or is the County Board Member representing the property commonly known as: **8889 Cardinal Hill Road, Rochester, IL 62563** and more particularly described as:

See Exhibit A

3. That the present zoning of said property is **“B-1” General Business District**.
4. That the present land use of said property is **Single-family residence/former bait shop**.
5. That the proposed land use of said property is **Single-family residence**.
6. That the request(s) for the subject property **are pursuant to Chapters 17.68 and 17.12, a rezoning from “B-1” General Business District to “R-1” Single-Family Residence District; pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow the existing residence on a parcel less than one (1) acre (approximately 0.5 acres) where public sewer is not available; and, a variance of Section 17.38.010 to allow the side yard setback for the existing residence to be approximately five (5) feet instead of the required ten (10) 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 **rezoning and variances** are 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) **are hereby approved**:

- **Pursuant to Chapters 17.68 and 17.12, a rezoning from “B-1” General Business District to “R-1” Single-Family Residence District;**
- **Pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow the existing residence on a parcel less than one (1) acre (approximately 0.5 acres) where public sewer is not available; and,**
- **Pursuant to Chapter 17.66, a variance of Section 17.38.010 to allow the side yard setback for the existing residence to be approximately five (5) feet instead of the required ten (10) feet.**


CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Andrew Spiro**, which was duly seconded by **JD Sudeth**, 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) **are hereby approved:**

- Pursuant to Chapters 17.68 and 17.12, a rezoning from “B-1” General Business District to “R-1” Single-Family Residence District;
- Pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow the existing residence on a parcel less than one (1) acre (approximately 0.5 acres) where public sewer is not available; and,
- Pursuant to Chapter 17.66, a variance of Section 17.38.010 to allow the side yard setback for the existing residence to be approximately five (5) feet instead of the required ten (10) feet.

The vote of the Board was as follows:

YES: **Charlie Chimento, Tony Mares, Andrew Spiro, JD Sudeth**

NO:

PRESENT:

ABSENT: **Don Wulf**



RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: **2020-021**

Address: **8889 Cardinal Hill Road, Rochester**

- (i) Existing uses of property within the general area of the property in question.
North, East, & South – Residence. West – Cropland.
- (ii) The zoning classification of property within the general area of the property in question.
North & East – Agricultural. South & West – B-1.
- (iii) The suitability of the property in question to the uses permitted under the existing zoning classification.
The existing single-family residence is not a permitted use in the B-1 District.
- (iv) The trend of development, within the vicinity since the property was originally classified.
The subject property has been utilized as a residence so the zoning classification should be R-1. In 1988, the parcel north of the subject property was rezoned from B-1 to Agricultural and granted a variance to be 0.78 acres instead of the required 2 acres. In 1984, a Use Variance was granted for a woodworking shop south of the subject property.

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2020-021**

Address: **8889 Cardinal Hill 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 bank is requiring the subject property to be rezoned residential in order to refinance the residence, and without granting the requested variances the subject property would not be able to yield a reasonable return.

- (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 subject property is zoned B-1 but is not being used as a business, so the bank is requiring the petitioner to rezone to R-1 in order to refinance which also triggers the need for the requested variances. The subject property was created in 1979 as less than one acre and the existing residence has been located on the subject for over 25 years, so the subject property has few other options than to obtain the variances.

- (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.