

CASE # 2009-15
RESOLUTION NUMBER 7-1

GRANTING A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
2329 MOORE 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 a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **John D. Moore**, has petitioned the Sangamon County Board for a **variance to allow 2 parcels less than 40 acres**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **March 19, 2009**, 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

APR 02 2009

Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 15th day of April, 2009 that the request for a variance to allow 2 parcels less than 40 acres on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 15th day of April, 2009.

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

DON STEPHENS

GREG STUMPF

LINDA DOUGLAS WILLIAMS

ATTEST:

Joe Aiello

SANGAMON COUNTY CLERK

A. Sam Steiner

COUNTY BOARD CHAIRMAN

7-3

EXHIBIT A

The East 58.646 acres of the West Half (W 1/2) of the Southeast Quarter (SE 1/4) of Section 14; also the North 4.396 acres of the East part of the West Half (W 1/2) of the Northeast Quarter (NE 1/4) of Section 23, both of which tracts are situated in Township 16 North, Range 6 West of the Third Principal Meridian. Excepting and reserving therefrom the North Fifteen (15) acres and also the South Fifteen (15) acres thereof.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 1 NAME: Tom Fraase

DOCKET NUMBER: 2009-15

ADDRESS: 2329 Moore Road, Springfield, IL 62707

PETITIONER: John D. Moore

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: "A" Agricultural District with a variance to allow 2 parcels less than 40 acres.

AREA: 33.06 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: **Recommend approval. The property owner seeks to divide off a parcel that contains a garage and outbuilding, and contained a residential structure that was recently demolished to rebuild a new home. The standards for variation are met.**

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval

Aynali Knowles
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: **2009-15**
John D. Moore)
))
)) PROPERTY LOCATED AT:
)) **2329 Moore 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 **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 **March 19, 2009** 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 **2329 Moore Road, Springfield, IL 62707** 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 **Farmland and residence.**
- 5. That the proposed land use of said property is **Divide off residence from the farmland.**
- 6. That the requested **variance** of said property is **to allow 2 parcels less than 40 acres.**
- 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 requested **variance** be **approved.**

Charles Chimento/ck
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 **Marvin Traylor.**

The vote of the Board was as follows:

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

NO:

ABSENT:

Aynali Knowles
RECORDING SECRETARY

EXHIBIT A

The East 58.646 acres of the West Half (W 1/2) of the Southeast Quarter (SE ¼) of Section 14; also the North 4.396 acres of the East part of the West Half (N 1/2) of the Northeast Quarter (NE 1/4) of Section 23, both of which tracts are situated in Township 16 North, Range 6 West of the Third Principal Meridian. Excepting and reserving therefrom the North Fifteen (15) acres and also the South Fifteen (15) acres thereof.

7-8

13-14
400-016

306.97
222.44
307.37
G-142AAM

836.88

4

937.62

SUBJECT
Parcel

SPLIT

886.3

293.2
13-14
400-006
222.95

13-14
400-007
222.95
293.2

7
8
13-14
400-001

13-14
400-003

1805.1

2009-15
MOORE Rd
13-14-400-003

1325.28

MOORE RD

13-14
400-011
132
230

207.35

176.28
175.3

205.62

13-14
400-019

478

429.59
957

124.08
359.04
358.38

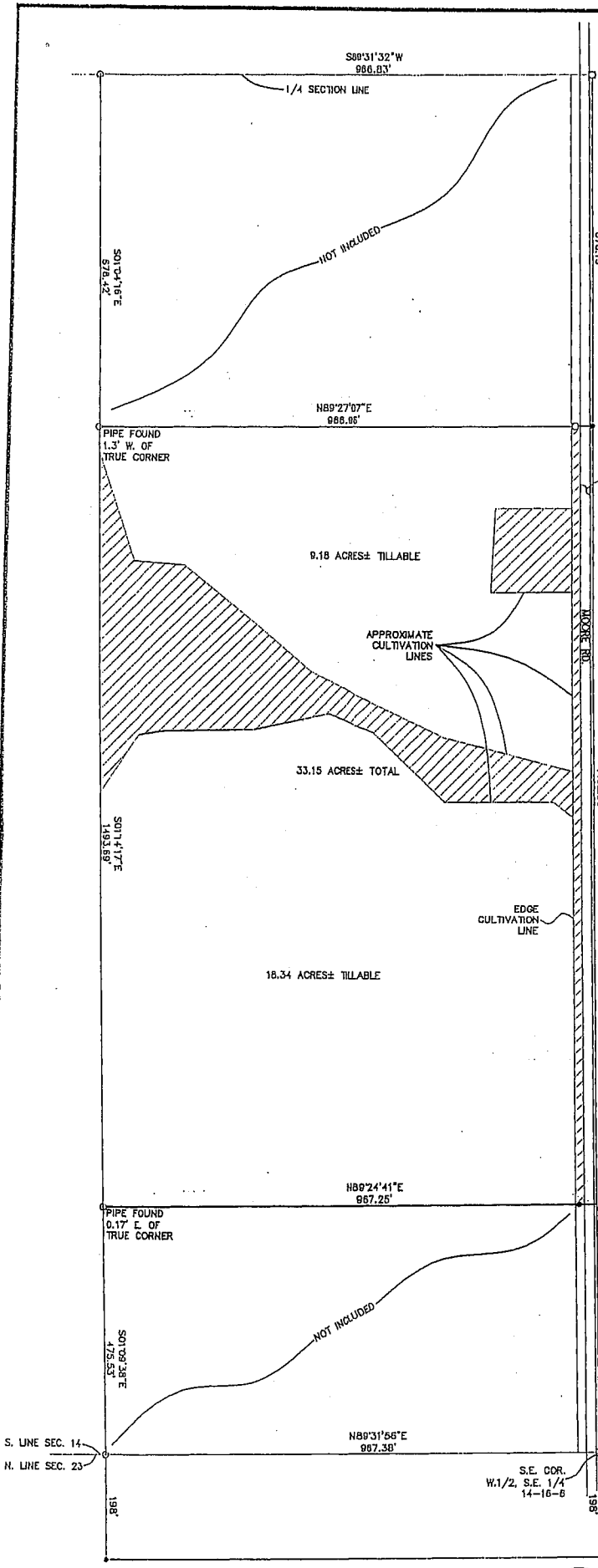
968.22
968.22

13-23
201-011

210

132

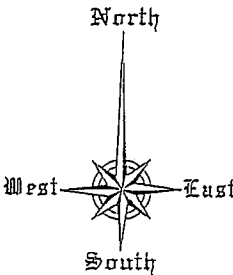
PLAT OF SURVEY



N.E. COR.
W. 1/2, S.E. 1/4
14-16-8

THE EAST 58.646 ACRES OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 14; ALSO THE NORTH 4.396 ACRES OF THE EAST PART OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 23, BOTH OF WHICH TRACTS ARE SITUATED IN TOWNSHIP 16 NORTH, RANGE 8 WEST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPTING AND RESERVING THEREFROM THE NORTH 15 ACRES AND ALSO THE SOUTH 15 ACRES THEREOF, SITUATED IN SANGAMON COUNTY, ILLINOIS.

TOTAL ACREAGE = 33.15 ACRES±
TOTAL TILLABLE = 27.52 ACRES±



- STONE
- IRON PIN
- IRON PIPE
- ▨ NON-TILLABLE

SCALE 1" = 200'-0"



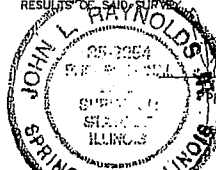
April, 2006

NO PART OF THE PROPERTY SHOWN ON THIS PLAT OF SURVEY IS LOCATED WITHIN THE SPECIAL FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

LEGAL DESCRIPTIONS OF PROPERTY PROVIDED AT TIME OF SURVEY. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP, TITLE EVIDENCE, OR ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

I DO HEREBY CERTIFY THAT, IN THE MONTH OF April, 2006, A SURVEY WAS MADE UNDER MY DIRECTION OF THE ABOVE DESCRIBED PROPERTY AND THE FOREGOING PLAT CORRECTLY REPRESENTS THE RESULTS OF SAID SURVEY.



John L. Reynolds Jr.
JOHN L. REYNOLDS JR.
PROFESSIONAL LAND SURVEYOR
#2264 (EXP. 11/30/06)

J. L. REYNOLDS, INC.
LAND SURVEYING, PLANNING & ENGINEERING
1025 South Second Street, Springfield, IL 62704-3004
(217)-241-3500

7-10

SSCRPC Springfield
Sangamon County Regional
Planning Commission

Staff Findings and Recommendation
(inspected 3/2/09 by MB & AJ)

SANGAMON COUNTY ZONING CASE # 2009-15

ADDRESS 2329 Moore Road

Property Index # 13-14-400-003

PETITIONER John Moore

REQUESTED ZONING A variance to allow 2 parcels less than 40 acres.

PROPOSED LAND USE Divide single family residence from cropland.

EXISTING:

ZONING A

LAND USE Garage/Outbuilding and cropland

ROAD FRONTAGE Moore Road - 1,485' CONDITION OF PAVEMENT Good

STRUCTURE DESIGNED FOR Garage/Outbuildings

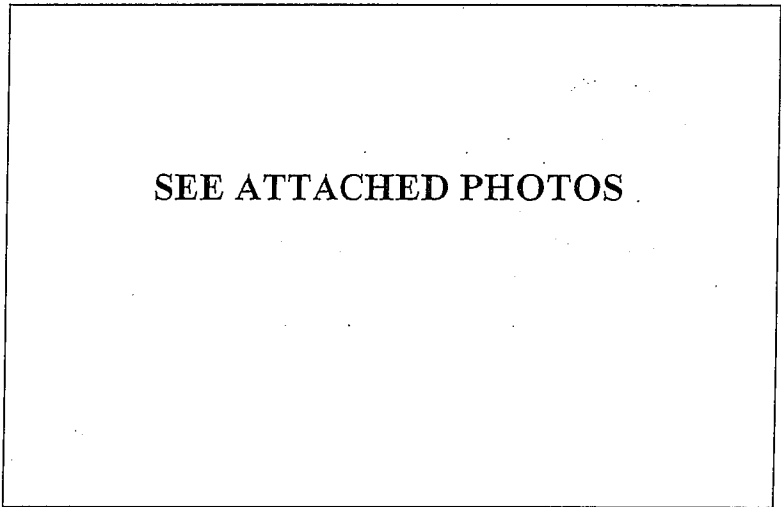
CONDITION OF STRUCTURE Good

LOT AREA 33.06 acres

FRONT YARD 55'

SIDE YARDS 200' / 1,245'

REAR YARD 845'



Would the proposed zoning be spot zoning? N/A

PLANNING COMMISSION STAFF RECOMMENDATION: Recommend approval. The property owner seeks to divide off a parcel that contains a garage and outbuilding, and contained a residential structure that was recently demolished to rebuild a new home. The standards for variation are met.

Case #: 2009-15

Address: 2329 Moore Road



2009-15



2009-15

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: 2009-15

Address: 2329 Moore 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 parcel that the owner seeks to divide off contained a pre-existing residential structure that was demolished for the purposes of rebuilding at the same location. The property also contains an existing garage and outbuilding. It would not be economically feasible to return this property to farmland since the property has been used as residential.

- (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 property is unique in that it currently contains a garage and outbuilding, and until recently contained a residential structure that was demolished for the purposes of building a new house. It would not be reasonable to require the property owner to return the property to agricultural farmland since its current use is residential.

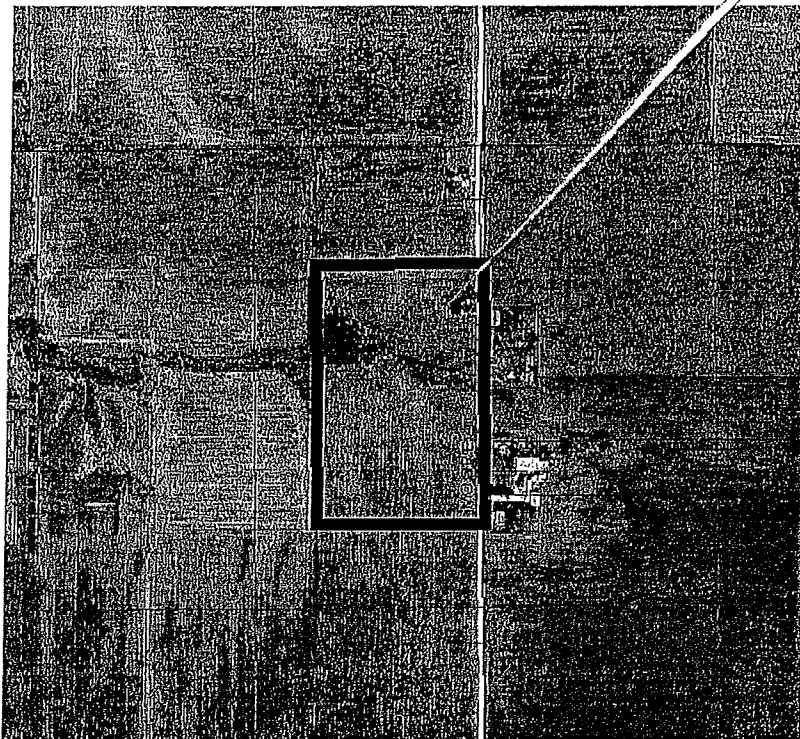
- (iii) that the variation, if granted, will not alter the essential character of the locality, impair an adequate supply of light and air to adjacent property, increase the congestion of traffic, or diminish or impair property values in the locality.

This is not a new building side as the house site and outbuildings are already in existence. As such, no addition negative impact is anticipated.

County Zoning

Case# 2009-15

Requested:
Variance

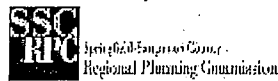


County Zoning

	RM-4		I1
	R3		I2
	R2		B3
	R1a		B2
	R1		B1
	OFF		A

City Zoning

	R5		H1		OFF
	R1		H2		PUD
	R2		H3		B1
	R3a		S1		B2
	R3b		S2		I1
	R4		S3		I2



0 300 600 Feet

