

CASE # 2009-03 7-1
RESOLUTION NUMBER

GRANTING VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
8876 WAVERLY ROAD, LOAMI
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 variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioners, **Ted R. & Julie Mies**, have petitioned the Sangamon County Board for **variances to allow 3 parcels less than 40 acres and to allow the lot depth to exceed 2 ½ times the lot width for 2 parcels**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **January 15, 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 variances**; and

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

FILED

JAN 28 2009

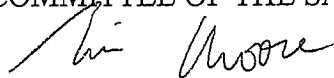
Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 10th day of February, 2009 that the request for variances to allow 3 parcels less than 40 acres and to allow the lot depth to exceed 2 ½ times the lot width for 2 parcels on the above described parcel is hereby approved.

Signed and passed by the Sangamon County Board in session on this 10th day of February, 2009.

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

DON STEPHENS

GREG STUMPF

LINDA DOUGLAS WILLIAMS

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

Lots Sixteen (16), Seventeen (17), Eighteen (18), Nineteen (19), Twenty (20), Twenty-one (21) and Twenty-two (22), being the South 101.19 acres of the Southwest Quarter of Section 7, Township 14 North, Range 7 West of the Third Principal Meridian, reference being had to the plat in the partition of the estate of John Hodgerson, deceased, as recorded in the Circuit Clerk's office of Sangamon County, Illinois, in Chancery Record L, page 513.

Excepting therefrom the following described tract of land:

All that portion of the Northwest Quarter of the Northwest Quarter of Section 18, Township 14 North, Range 7 West of the Third Principal Meridian, and also that portion of the Southwest Quarter of Section 7, Township 14 North, Range 7 West of the Third Principal Meridian contained in the strip described as follows:

Beginning at a point 2.7 feet East and 4133.15 feet North of a stake at the Southeast corner of Section 13, Township 14 North, Range 8 West of the Third Principal Meridian on the centerline of a highway to be known as F.A.S. Route 621 Section 75A MFT as said centerline is now surveyed and staked out by the Sangamon County Highway Department and extending in a Northerly direction , a distance of 2915 feet along aforesaid centerline as a strip of uniform width of 40 feet lying adjacent to and East of aforesaid centerline as shown by a plat on file in the Office of the Sangamon County Recorder, excluding that land already in use for highway purposes as of which is excepted from this dedication.

Situated in Sangamon County, Illinois.

2009-03
Mies
8876 WAVERLY RD
27-07-300-083

CH. 10 WAVERLY RD.

W. LOAMI RD.

LOAMI RD.

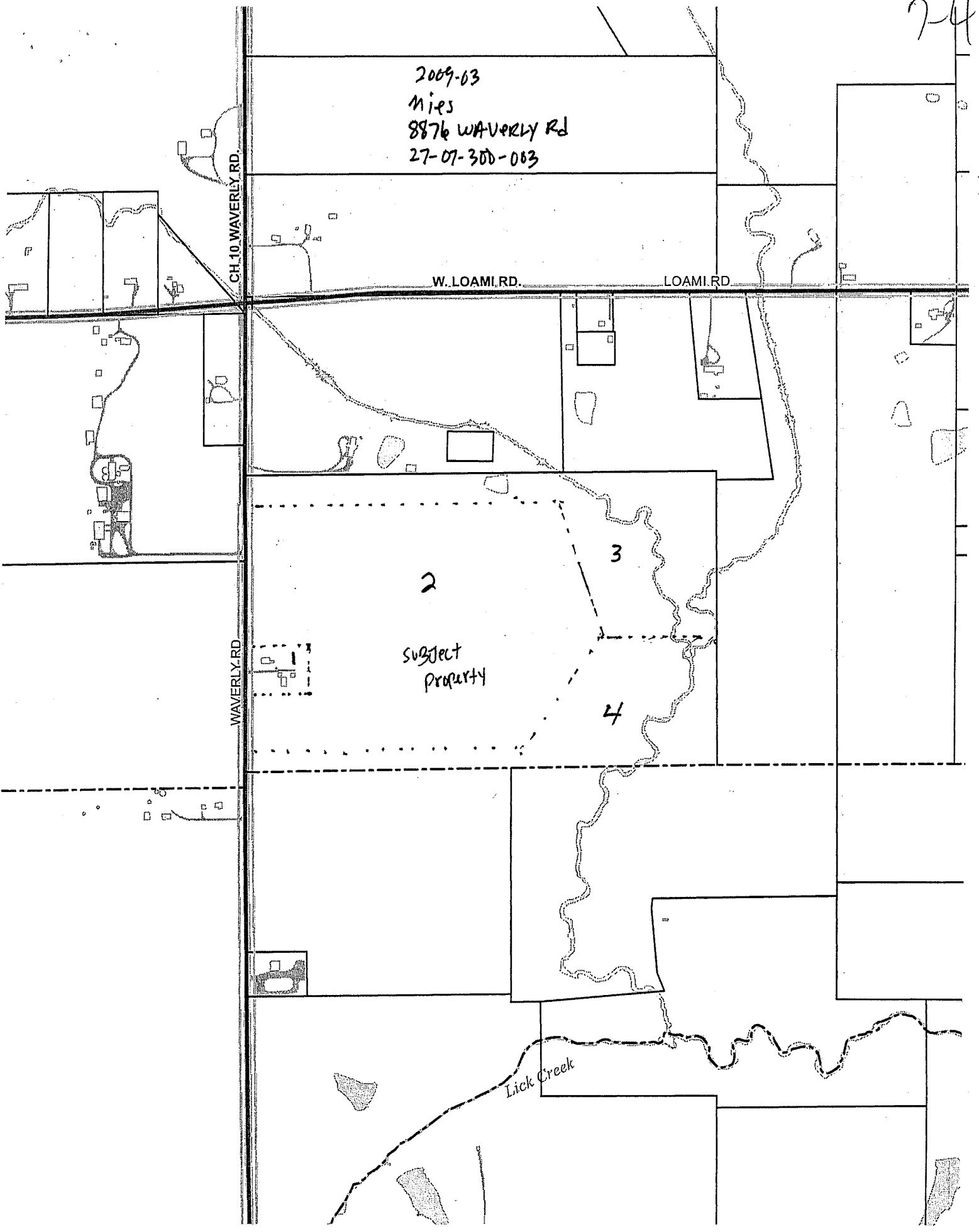
WAVERLY RD.

2
subject
property

3

4

Lick Creek



RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 7 NAME: **Craig Hall**

DOCKET NUMBER: **2009-03**

ADDRESS: **8876 Waverly Road, Loami, IL 62661**

PETITIONER: **Ted R. & Julie Mies**

PRESENT ZONING CLASSIFICATION: **"A" Agricultural District**

REQUESTED ZONING CLASSIFICATION: **"A" Agricultural District with variances to allow 3 parcels less than 40 acres and to allow the lot depth to exceed 2 1/2 times the lot width for 2 parcels.**

AREA: **100.48 acres**

COMMENTS: **None**

OBJECTORS: **Yes**

PLANNING COMMISSION RECOMMENDATION: **Recommend approval. The standards for variation are met.**

SANGAMON COUNTY BOARD OF APPEALS RECOMMENDATION: **Approval**



RECORDING SECRETARY

76

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2009-03
Ted R. & Julie Mies)	
)	PROPERTY LOCATED AT:
)	8876 Waverly Road
)	Loami, IL 62661
)	

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 **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 **January 15, 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 **8876 Waverly Road, Loami, IL 62661** 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, farmland, and floodplain.**
5. That the proposed land use of said property is **single family residence, farmland, and floodplain.**
6. That the requested **variances** of said property are **to allow 3 parcels less than 40 acres and to allow the lot depth to exceed 2 1/2 times the lot width for 2 parcels.**
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 **variances** 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 **variances** be **approved**.

Charles Chimento
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **John Luchessi** 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 **Byron Deaner**.

The vote of the Board was as follows:

YES: **Charles Chimento, Byron Deaner, Peggy Egizii, Judith Johnson, John Luchessi**

NO:

ABSENT: **Marvin Traylor**

Byron Deaner
RECORDING SECRETARY

EXHIBIT A

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Situated in Sangamon County, Illinois.

SSCRPC Springfield
Sangamon County Regional
Planning Commission

Staff Findings and Recommendation
(inspected 1/2/2009 by MB & AJ)

SANGAMON COUNTY ZONING CASE # 2009-03
ADDRESS 8876 Waverly Road
Property Index # 27-07-300-003

PETITIONER Ted & Julie Mies

REQUESTED ZONING Variances to allow 3 parcels less than 40 acres and to allow the lot depth to exceed 2 1/2 times the lot width for 2 parcels.

PROPOSED LAND USE Single family residence and cropland

EXISTING:

ZONING Agricultural

LAND USE Single family residence and cropland

ROAD FRONTAGE Waverly Road - 1,670' CONDITION OF PAVEMENT Good

STRUCTURE DESIGNED FOR Residence

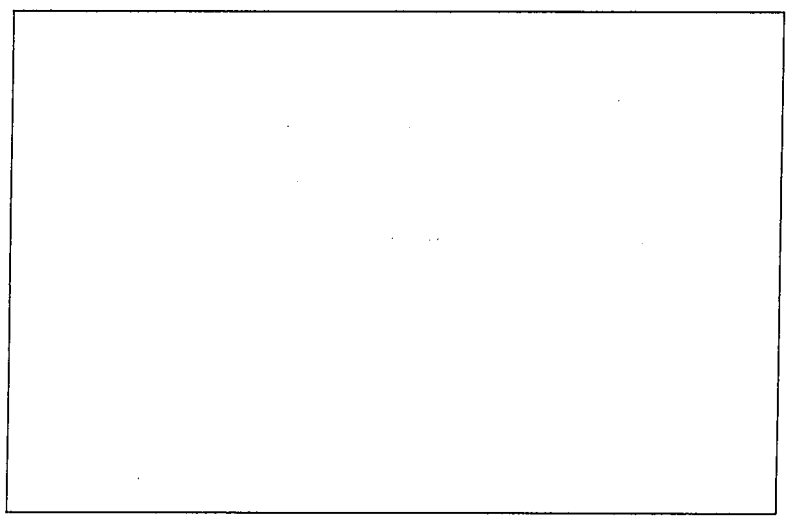
CONDITION OF STRUCTURE Good

LOT AREA 100.48 acres

FRONT YARD 90'

SIDE YARDS 1,011'/605'

REAR YARD 2,250'



Would the proposed zoning be spot zoning? N/A

PLANNING COMMISSION STAFF RECOMMENDATION: **Recommend approval. The standards for variation are met.**

710

Case #: 2009-03

Address: 8876 Waverly Road



2009-03

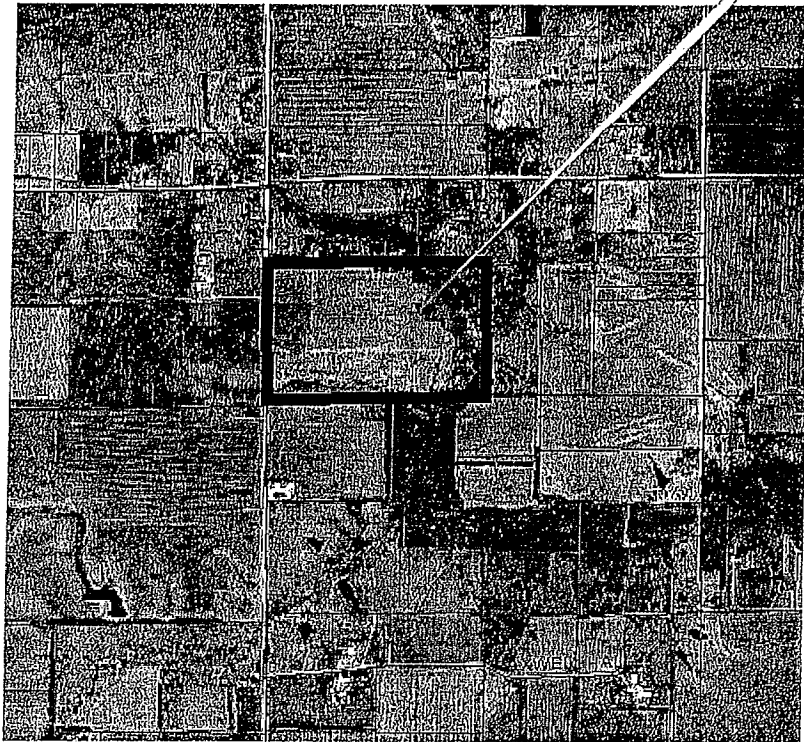


2009-03B

County Zoning

Case# 2009-03

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



SSC
RPC Springfield-Emery County
Regional Planning Commission

0 500 1,000 2,000 Feet



SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS

Case #: 2009-03

Address: 8876 Waverly 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 request is made to facilitate division of 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 request is made to divide off the existing home and floodplain from the cropland. The petitioner plans to create a new building site to sell and a possible future building site for himself. The tillable land will be preserved. Given the size of this tract, division of this property would be in line with the trend in the area.

- (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.

No negative impact is anticipated.