

CASE # 2009-198-1
RESOLUTION NUMBER 8-1

GRANTING A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
18290 COX ROAD, AUBURN
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, **Dan Peters**, 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 **April 16, 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

MAY 01 2009

Joe Aiello
Sangamon County Clerk

82

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 12th day of May, 2009 that the request for a variance to allow 2 parcels less than 40 acres on the above described parcel is here by approved.

Signed and passed by the Sangamon County Board in session on this 12th day of May, 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:

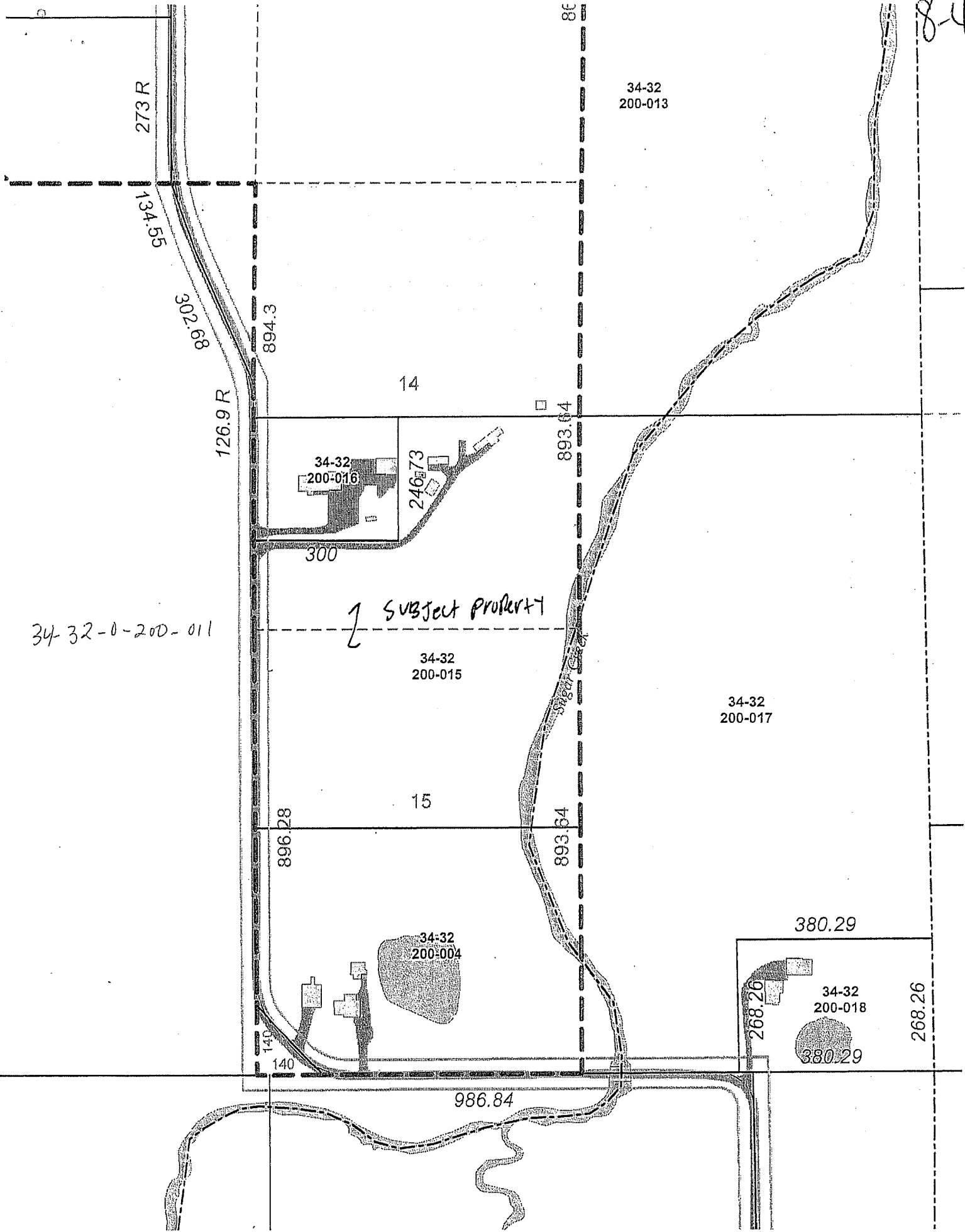

SANGAMON COUNTY CLERK
COUNTY BOARD CHAIRMAN

83

EXHIBIT A

That part of the Northeast Quarter of Section 32, Township 13 North, Range 6 West of the Third Principal Meridian, lying East of the center of the public highway. Excepting from the East Half of said Northeast Quarter the South 7.84 acres of Lot 15 thereof. (Being the South 7.84 acres of the West 10.23 ½ chains of said East Half, Northeast Quarter.) For a more particular description of said Lot 15, reference is hereby had to the plat of the partition of the Estate of Elijah A. West, deceased. Also excepting from the Southeast Quarter of said Northeast Quarter, that part lying South and East of Sugar Creek. Also excepting all that part of the North Half of the Northeast Quarter of said Section 32 lying East of center of the public highway, which highway crosses said North Half of the Northeast Quarter in the Northerly – Southerly direction. Also except the West Cemetery. Also excepting and reserving the coal underlying the above described premises.

8-4



34-32
200-013

273 R

134.55

302.98

126.9 R

894.3

14

34-32
200-016

246.73

300

893.64

34-32-0-200-011

SUBJECT PROPERTY

34-32
200-015

34-32
200-017

15

896.28

893.64

34-32
200-004

380.29

140

140

986.84

268.26

34-32
200-018

380.29

268.26

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #6 NAME: Sam Snell

DOCKET NUMBER: 2009-19

ADDRESS: 18290 Cox Road, Auburn, IL 62615

PETITIONER: Dan Peters

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

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

AREA: 13.29 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: **Recommend approval. The property owner seeks to divide off a parcel that already contains a residential structure. The standards for variation are met.**

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval

Cyndi Knowles
RECORDING SECRETARY

8-6

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2009-19
Dan Peters)	
)	PROPERTY LOCATED AT:
)	18290 Cox Road
)	Auburn, IL 62615
)	

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 **April 16, 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 **18290 Cox Road, Auburn, IL 62615** and more particularly described as:

See Exhibit A

87

Page 2

- 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.
- 5. That the proposed land use of said property is existing use continued.
- 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.

Charlie Chimento/cx
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Byron Deaner** 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 **Don Wulf**.

The vote of the Board was as follows:

YES: **Charles Chimento, Byron Deaner, Marvin Traylor, John Luchessi, Don Wulf**

NO:

ABSENT: **Peggy Egizii, Judith Johnson**

Cyndi Knowles
RECORDING SECRETARY

EXHIBIT A

That part of the Northeast Quarter of Section 32, Township 13 North, Range 6 West of the Third Principal Meridian, lying East of the center of the public highway. Excepting from the East Half of said Northeast Quarter the South 7.84 acres of Lot 15 thereof. (Being the South 7.84 acres of the West 10.23 ½ chains of said East Half, Northeast Quarter.) For a more particular description of said Lot 15, reference is hereby had to the plat of the partition of the Estate of Elijah A. West, deceased. Also excepting from the Southeast Quarter of said Northeast Quarter, that part lying South and East of Sugar Creek. Also excepting all that part of the North Half of the Northeast Quarter of said Section 32 lying East of center of the public highway, which highway crosses said North Half of the Northeast Quarter in the Northerly – Southerly direction. Also except the West Cemetery. Also excepting and reserving the coal underlying the above described premises.

8-9

SSCRPC Springfield
Sangamon County Regional
Planning Commission

Staff Findings and Recommendation
(inspected 4/1/2009 by MB & AJ)

SANGAMON COUNTY ZONING CASE # 2009-19

ADDRESS 18290 Cox Road

Property Index # 34-32-200-015

PETITIONER Dan Peters

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

PROPOSED LAND USE Divide the manufactured home and outbuildings from the cropland

EXISTING:

ZONING A

LAND USE Manufactured home, outbuildings & cropland

ROAD FRONTAGE Cox Road – 580' CONDITION OF PAVEMENT Good

STRUCTURE DESIGNED FOR Residence

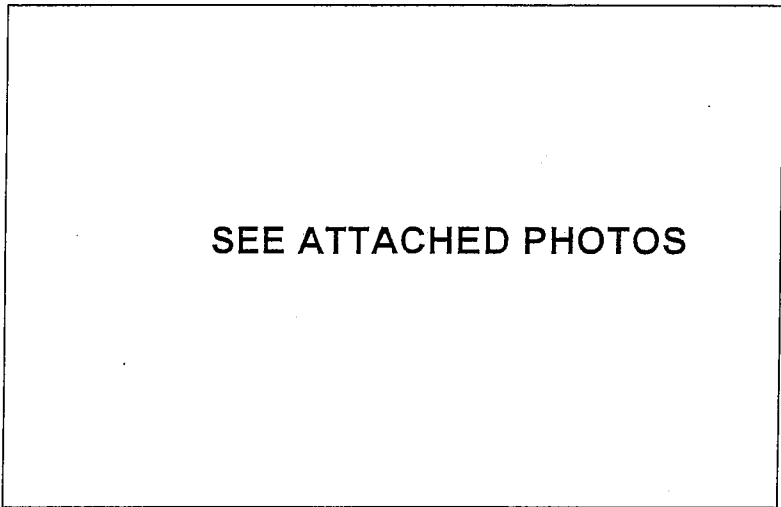
CONDITION OF STRUCTURE Fair

LOT AREA 13.29 acres

FRONT YARD 75'

SIDE YARDS 116' / 660'

REAR YARD 290'



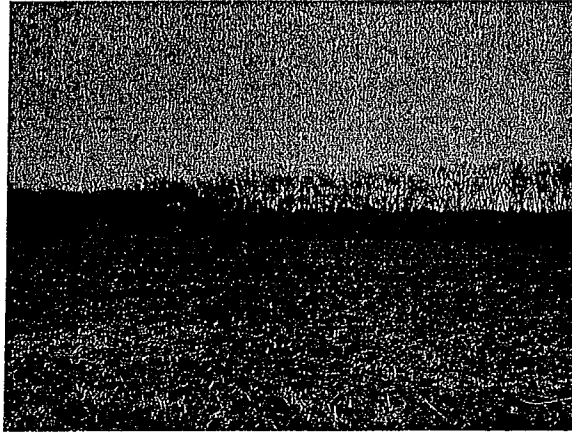
Would the proposed zoning be spot zoning? N/A

PLANNING COMMISSION STAFF RECOMMENDATION: Recommend approval. The property owner seeks to divide off a parcel that already contains a residential structure. The standards for variation are met.

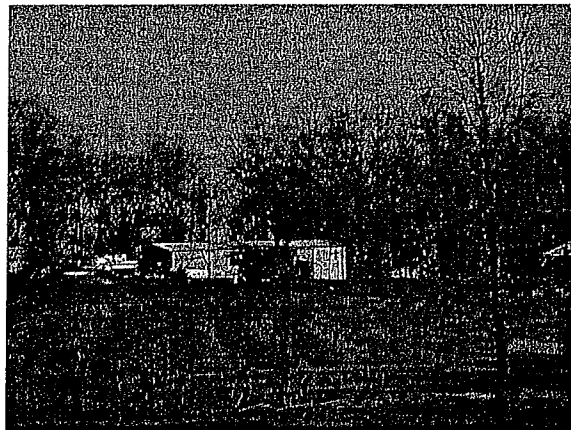
8-10

Case #: 2009-19

Address: 18290 Cox Road



18290 Cox Road



18290 Cox Road

8-11

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: 2009-19

Address: 18290 Cox 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 contains a pre-existing residence and outbuildings. It would not be economically feasible to return the 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 petitioner is requesting to divide the residence and outbuildings while preserving the tillable acreage.

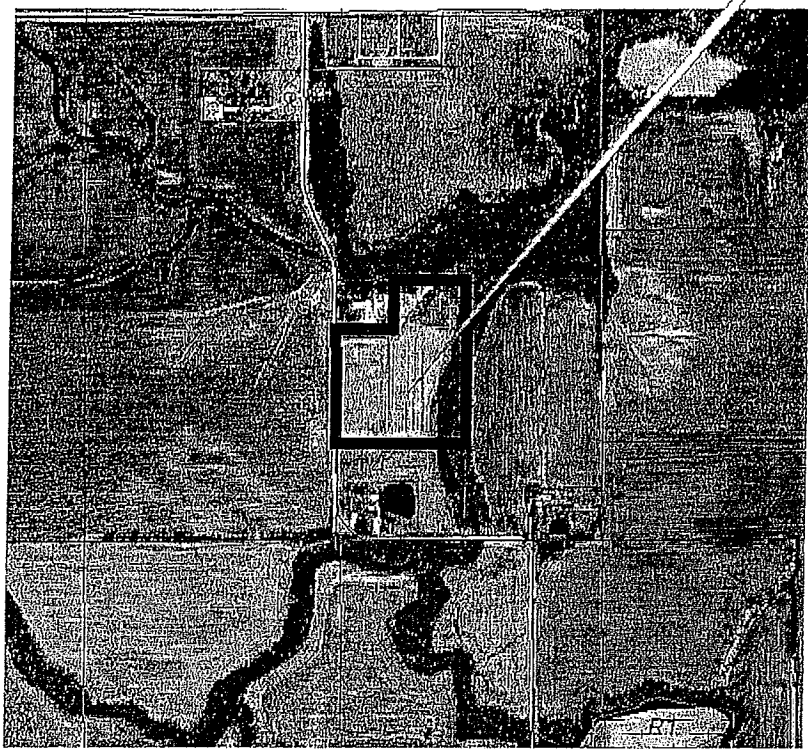
- (iii) that the variation, if granted, will not alter the essential character of the locality, impair an adequate supply of light and air to adjacent property, increase the congestion of traffic, or diminish or impair property values in the locality.

No negative impact is anticipated.













County Zoning

Case# 2009-19



















Requested:
Variance



County Zoning

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

City Zoning

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



Springfield-Englewood
Regional Planning Commission



0 250 500 1,000 Feet