

CASE# 2014-020
RESOLUTION NUMBER 3-1

GRANTING A REZONING AND VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
1000 TANSEY AVE, 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 an amendment and variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See **EXHIBIT A**

WHEREAS, the Petitioner, **Dennis L. Taylor**, has petitioned the Sangamon County Board for a **rezoning from "A" Agricultural District to "R-1" Single-Family Residence District, a variance to allow a front yard setback of ten (10) feet instead of the required (30) feet and a variance to allow one (1) parcel less than one (1) acre without a public sewer; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **May 15, 2014** 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 rezoning and variances; and**

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

FILED

MAY 30 2014

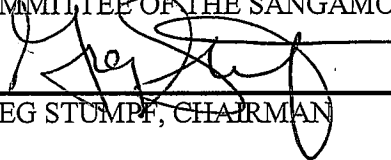
Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 10th day of June, 2014 that the request for rezoning from "A" Agricultural District to "R-1" Single-Family Residence District, a variance to allow a front yard setback of ten (10) feet instead of the required (30) feet and a variance to allow one (1) parcel less than one (1) acre without a public sewer on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 10th day of June, 2014.

Respectfully submitted,

PUBLIC HEALTH, SOLID WASTE & ZONING
COMMITTEE OF THE SANGAMON COUNTY BOARD



GREG STUMPF, CHAIRMAN

DAVID MENDENHALL, VICE CHAIRMAN

JOHN FULGENZI

CRAIG HALL

SAM SNELL

ABE FORSYTH

JASON RATTIS

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

PART OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 15 NORTH, RANGE 5 WEST OF THE THIRD PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A STONE MARKING THE SOUTHWEST CORNER OF SECTION 31, TOWNSHIP 16 NORTH, RANGE 4 WEST OF THE THIRD PRINCIPAL MERIDIAN THENCE NORTH 89 DEGREES 22 MINUTES 32 SECONDS EAST ALONG THE TOWNSHIP LINE A DISTANCE OF 524.76 FEET TO AN IRON PIN MARKING THE BEGINNING OF A 511.05 FOOT RADIUS CURVE TO THE LEFT, THENCE SOUTH EASTERLY ALONG SAID CURVE HAVING A LONG CHORD WITH A COURSE OF SOUTH 57 DEGREES 42 MINUTES 58 SECONDS EAST AND A DISTANCE OF 150.00 FEET TO AN IRON PIPE MARKING THE TRUE POINT OF BEGINNING, THENCE NORTH 00 DEGREES 39 MINUTES 56 SECONDS WEST 81.48 FEET TO AN IRON PIPE, THENCE NORTH 89 DEGREES 23 MINUTES 55 SECONDS EAST 58.38 FEET TO A POINT MARKING THE BEGINNING OF A 5679.65 FOOT RADIUS CURVE TO THE LEFT, THENCE SOUTHEASTERLY ALONG SAID CURVE HAVING A LONG CHORD WITH A COURSE OF SOUTH 59 DEGREES 12 MINUTES 37 SECONDS EAST A DISTANCE OF 136.50 FEET TO AN IRON PIPE ON THE RANGE LINE, THENCE SOUTH 00 DEGREES 39 MINUTES 13 SECONDS EAST ALONG THE RANGE LINE A DISTANCE OF 92.97 FEET TO AN IRON PIPE MARKING THE BEGINNING OF A 5759.65 FOOT RADIUS CURVE TO THE RIGHT, THENCE NORTHWESTERLY ALONG SAID CURVE HAVING A LONG CHORD WITH A COURSE NORTH 59 DEGREES 56 MINUTES 53 SECONDS WEST AND A DISTANCE OF 42.51 FEET TO AN IRON PIPE, THENCE SOUTH 30 DEGREES 15 MINUTES 19 SECONDS WEST 20.07 FEET TO AN IRON PIPE MARKING THE BEGINNING OF A 5779.65 FOOT RADIUS CURVE TO THE RIGHT, THENCE NORTHWESTERLY ALONG SAID CURVE HAVING A LONG CHORD WITH A COURSE OF NORTH 59 DEGREES 12 MINUTES 17 SECONDS WEST AND A DISTANCE OF 150.00 FEET TO THE TRUE POINT OF BEGINNING. SAID TRACT CONTAINS 0.424 ACRE, MORE OR LESS, ALL IN THE COUNTY OF SANGAMON, STATE OF ILLINOIS.

RECAP

(For County Board Use)

COUNTY BOARD MEMBER: # 14 NAME: Joel Tjelmeland, Jr.

DOCKET NUMBER: 2014-020

ADDRESS: 1000 Tansey Ave, Springfield, IL 62712

PETITIONER: Dennis L. Taylor

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: "R-1" Single-Family Residence District, a variance to allow a front yard setback of ten (10) feet instead of the required (30) feet and a variance to allow one (1) parcel less than one (1) acre without a public sewer.

AREA: .41 acre

COMMENTS: None

OBJECTORS: Yes

PLANNING COMMISSION
RECOMMENDATION:

Recommend approval of the requested R-1 zoning. The Land Evaluation and Site Assessment score of 130 indicates the property is acceptable for non-agricultural development. Recommend approval of the requested variance of the front yard setback as there are no anticipated negative impacts in granting the variance. Recommend denial of the requested variance to allow the subject property to be less than one (1) acre without a public sewer given the fact that the one acre minimum lot area requirement is based on public health issues in relation to the maintenance of septic systems. The petitioner must provide evidence of availability of public sewer or evidence showing Public Health will issue a septic permit as testimony at the hearing.

**AMENDED RECOMMENDATION:
In addition to the above recommendations of approval, also recommend approval of the approval of the variance to allow the subject**

property to be less than one (1) acre without a public sewer. Evidence regarding restrictions related to the type of septic system that could be installed was provided by the Department of Public Health. The Findings of Fact and Standards for Variations are met for the petition to be approved as submitted.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

**Approval of Amended Staff
Recommendation**

Cyndi Knowles
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2014-020
Dennis L. Taylor)	
)	PROPERTY LOCATED AT:
)	1000 Tansey Ave
)	Springfield, IL 62712

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 an **amendment 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 **May 15, 2014** 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: **1000 Tansey Ave, Springfield, IL 62712** 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 **vacant.**
- 5. That the proposed land use of said property is **a pole barn with a single-family residence inside.**
- 6. That the requested **rezoning and variances** of said property are **a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District, a variance to allow a front yard setback of ten (10) feet instead of the required (30) feet and a variance to allow one (1) parcel less than one (1) acre without a public sewer.**
- 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** 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 **rezoning and variances** be **approved.**

Charles 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 **Charles Chimento.**

The vote of the Board was as follows:

YES: **Charles Chimento, Byron Deaner, John Lucchesi and Janet Dobrinsky**

NO:

PRESENT:

ABSENT: **Don Wulf**

Cyndi Knowles

 RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: **2014-020**

Address: **1000 Tansey Avenue, Springfield**

- (i) Existing uses of property within the general area of the property in question.

To the north and east is timber. To the south and west are single-family residences.

- (ii) The zoning classification of property within the general area of the property in question.

The property is surrounded by Agricultural zoning.

- (iii) The suitability of the property in question to the uses permitted under the existing zoning classification.

The Land Evaluation and Site Assessment score of 130 indicates the property is deemed acceptable for non-agricultural development.

- (iv) The trend of development, within the vicinity since the property was originally classified.

The area has remained stable and residential in character.

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: 2014-020

Address: 1000 Tansey Avenue, Springfield

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 property was once a railroad right-of-way. The lot has limited depth which makes it difficult to build a structure to allow the owner 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 unique in that it is an old railroad right-of-way so the configuration and size make it difficult to place a structure without seeking variance relief. Additionally, the one acre minimum lot area requirement is based on public health issues in relation to the maintenance of septic systems. Evidence of availability of public sewer or evidence showing Public Health will issue a septic permit will be required.

AMENDED: Evidence regarding restrictions related to the type of septic system that could be installed was provided by the Department of Public Health.

- (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.