

CASE # 2009-16
RESOLUTION NUMBER 8-1

GRANTING A VARIANCE
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 a variance 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 a **variance to allow 1 parcel 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 1 parcel 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 DiIorio

SANGAMON COUNTY CLERK

A. Sam Steiner

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.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 7 NAME: Craig Hall

DOCKET NUMBER: 2009-16

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 a variance to allow 1 parcel less than 40 acres.

AREA: 100.48 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 and outbuildings. The standards for variation are met.**

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval

Cyndi Knowles
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2009-16
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 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 **8876 Waverly Road, Loami, IL 62661** and more particularly described as:

See Exhibit A

8-6

Page 2

3. That the present zoning of said property is "A" Agricultural District.
4. That the present land use of said property is Residence, farmland, and floodplain.
5. That the proposed land use of said property is existing use continued.
6. That the requested variance of said property is to allow 1 parcel 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 **Judith Johnson** 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, Marvin Traylor**

NO:

ABSENT:

Cyndi Knowles
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

RE: Docket No. 2009-16 Date: March 19, 2009

Name: Ted & Julie Mies

Address: 8876 Waverly Road, Loami

Motion Made By: Judith Johnson

Seconded By: Byron Deaner

MOTION: Approval

VOTE	YEAS	NAYS
Charles Chimento, Chairman	X	
Byron Deaner	X	
Peggy Egizii	X	
Judith Johnson	X	
Marvin Traylor	X	

ALTERNATES

VOTE	YEAS	NAYS
John Luchessi		
Don Wulf		

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.

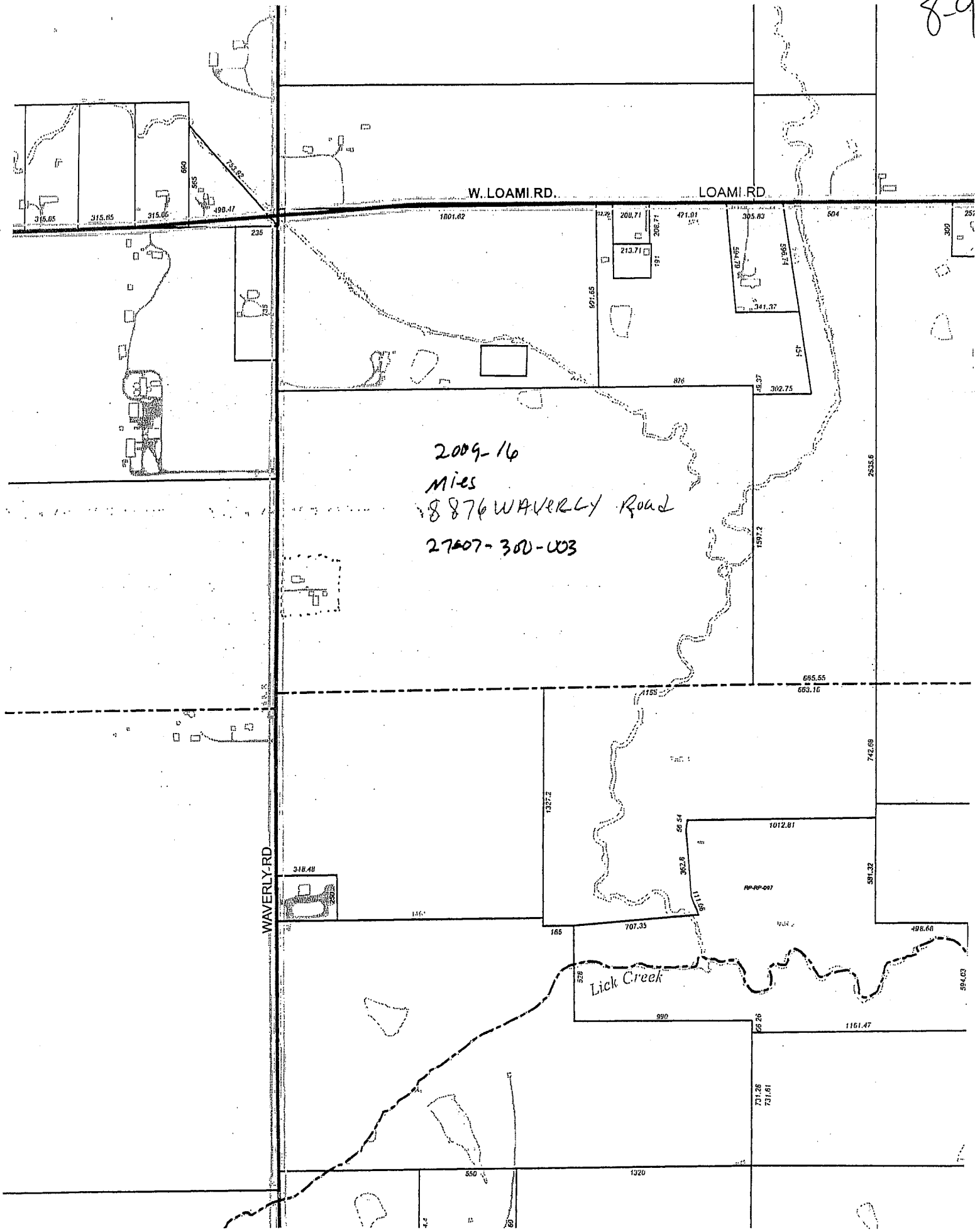
Excepting therefrom the following described tract of land:

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.

8-9



W. LOAMI RD.

LOAMI RD.

WAVERLY RD.

2009-16
 Mies
 8876 WAVERLY Road
 27607-300-003

Lick Creek

318.48

315.65 315.65 315.06 490.47

1801.62

235

200.71 213.71 191

421.01

305.83

604

251

901.65

341.37

14.985

876

15.37

302.75

2535.6

665.55
663.16

1327.2

742.68

318.48

146

165

1012.81

581.32

707.35

486.60

Lick Creek

594.03

990

26.26

1161.47

731.26
731.61

550

1920

SSCRPC Springfield
Sangamon County Regional
Planning Commission

Staff Findings and Recommendation
(inspected 1/2/09 by MB & AJ)

SANGAMON COUNTY ZONING CASE # 2009-16

ADDRESS 8876 Waverly Road

Property Index # 27-07-300-003

PETITIONER Ted & Julie Mies

REQUESTED ZONING A variance to allow 1 parcel less than 40 acres.

PROPOSED LAND USE Divide single family residence from the cropland.

EXISTING:

ZONING A

LAND USE Single family residence and cropland.

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

STRUCTURE DESIGNED FOR Residence

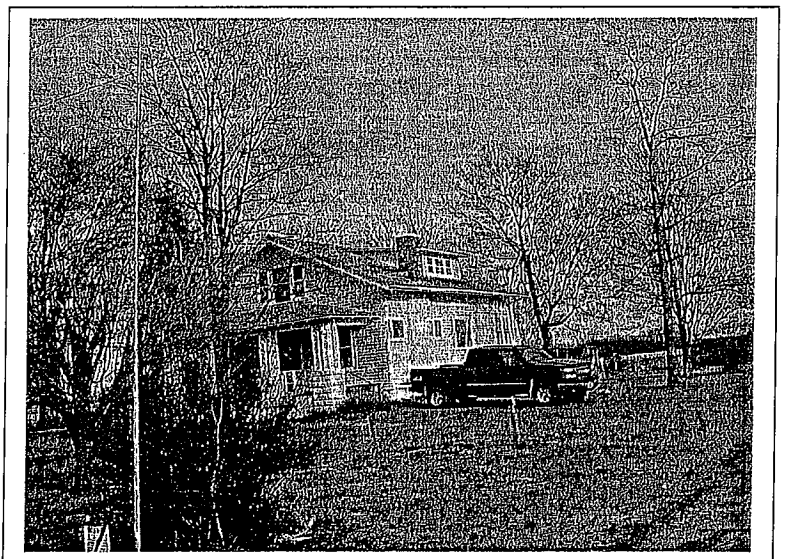
CONDITION OF STRUCTURE Good

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 property owner seeks to divide off a parcel that already contains a residential structure and outbuildings. The standards for variation are met.**

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: 2009-16

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 parcel that the owner seeks to divide off contains a pre-existing residential structure and outbuildings. It would not be economically feasible to return the property to farmland since the property has been use 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 already contains a residential structure and outbuildings. It would not be reasonable to require the property owner to return the property to agricultural farmland since its current use is residential.

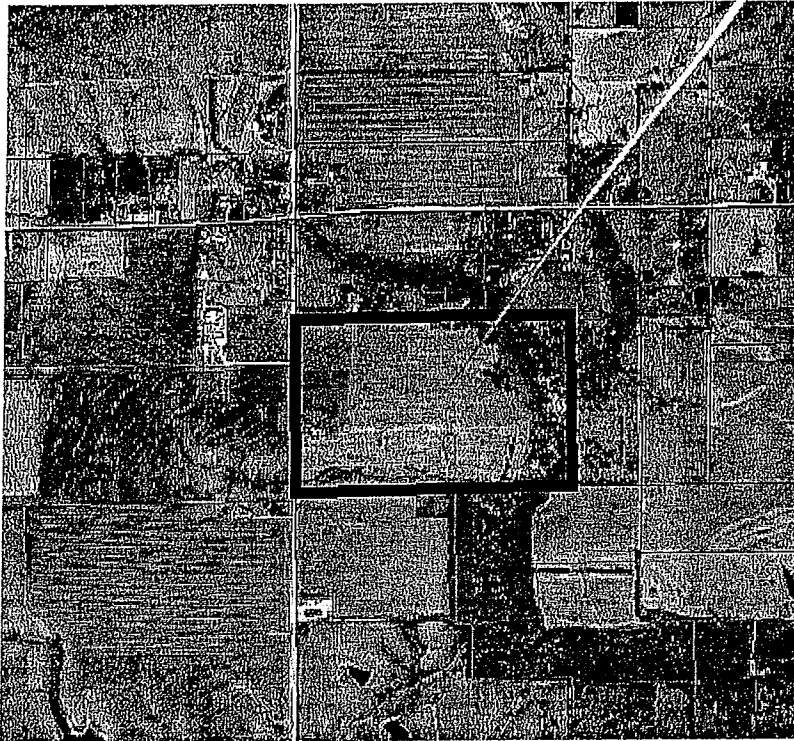
- (iii) that the variation, if granted, will not alter the essential character of the locality, impair an adequate supply of light and air to adjacent property, increase the congestion of traffic, or diminish or impair property values in the locality.

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

County Zoning

Case# 2009-16

Requested:
Variance

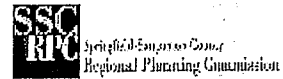


County Zoning

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

City Zoning

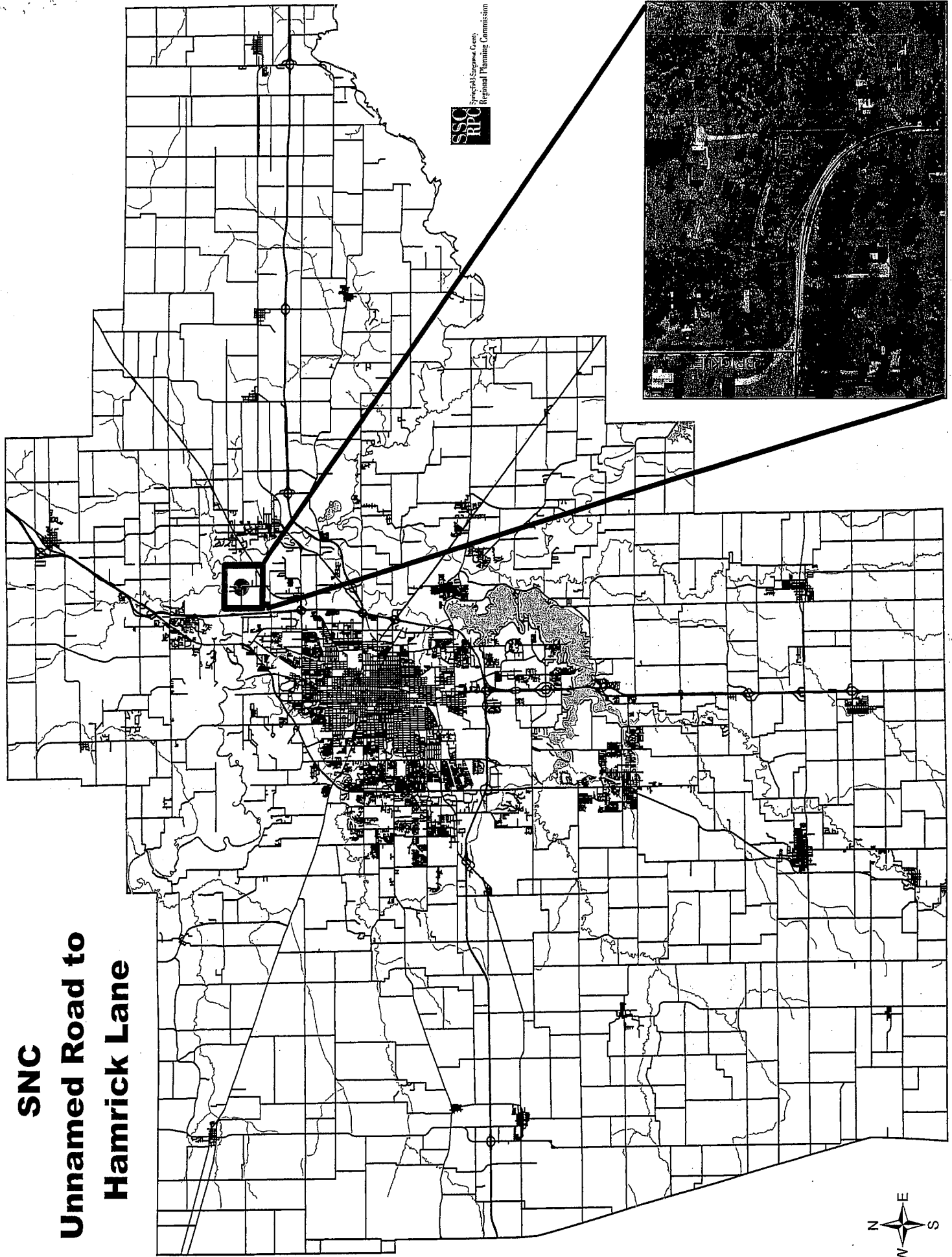
	R5		H1		OFF
	R1		H2		PUD
	R2		H3		B1
	R3a		S1		B2
	R3b		S2		I1
	R4		S3		I2



0 400 800 Feet



SNC Unnamed Road to Hamrick Lane



SSC RPC
 Specialized Strategic County
 Regional Planning Commission

