

CASE # 2006-04 41
RESOLUTION NUMBER _____

GRANTING A VARIANCE
FOR CERTAIN PROPERTY LOCATED IN THE
2800 BLOCK OF DINIUS ROAD
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 **Mark & Stacie Henderson**, have petitioned the Sangamon County Board for a **variance of the lot area requirement from 40 acres to 5 acres**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **January 19, 2006**, 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

JAN 20 2006

Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 1st day of February, 2006 that the request for a variance of the lot area requirement from 40 acres to 5 acres on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 1st day of February, 2006

Respectfully submitted,

PUBLIC HEALTH, SAFETY & ZONING
COMMITTEE OF THE SANGAMON COUNTY BOARD

Dan Vaughn

DAN VAUGHN, CHAIRMAN

ABE FORSYTH

BILL MOSS

TYRONE PACE

TIM MOORE

DON STEPHENS

DAVID MENDENHALL

ATTEST:

Joe Gallo

SANGAMON COUNTY CLERK

A. Van Meter

COUNTY BOARD CHAIRMAN

EXHIBIT A

The North 466' of the West 466' of the East 1250' of Section 6, Township 18 North, Range 4 West of the Third Principal Meridian.

Part of the northeast quarter of section 6, Township 17 North, Range 4 west of the third principle meridian, Sangamon County, Illinois described as follows:

Commencing at the Northeast corner of the Northeast Quarter of said section 6, thence South 88 degrees 49 minutes 19 seconds West, 686.25 feet along the line between Township 17 North and Township 18 North; thence South 01 degrees 02 minutes 09 seconds East, 51.44 feet to a point on the south right of way line of F.A.S. Route 1645 (Dinius Road), said point being the Point of Beginning; thence continuing South 01 degrees 02 minutes 09 seconds East. 466.69 feet; thence south 88 degrees 57 minutes 51 seconds West, 466.69 feet; thence North 01 degrees 02 minutes 09 seconds West, 466.69 feet to the south right of way line of F.A.S. Route 1645 (Dinius Road); thence North 88 degrees 57 minutes 51 seconds East. 466.69 feet along said south right of way line to a Point of Beginning, continuing 5.000 acres, more or less.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 2 NAME: **Dan Vaughn**

DOCKET NUMBER: **2006-04**

ADDRESS: **2800 Block of Dinius Road, Williamsville, IL 62693**

PETITIONER: **Mark & Stacie Henderson**

PRESENT ZONING CLASSIFICATION: **"A" Agricultural District with a use variance**

REQUESTED ZONING CLASSIFICATION:

AREA: **5 acres**

COMMENTS: **None**

OBJECTORS: **None**

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

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



RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2006-04
Mark & Stacie Henderson)	
)	PROPERTY LOCATED AT:
)	2800 Block of Dinius Road
)	Williamsville, IL 62693
)	

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 **January 19, 2006** 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 or contract to purchase the property commonly known as **2800 Block of Dinius Road, Williamsville, IL 62693** and more particularly described as:

See **EXHIBIT A**

Page 2

- 3. That the present zoning of said property is "A" **Agricultural District with a use variance**
- 4. That the present land use of said property is **Farmland**
- 5. That the proposed land use of said property is **Residence, Contractors Office and shop (excavating business.)**
- 6. That the requested **variance** of said property is: **of the lot area from 40 acres to 5 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**.


 CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Donn Malwick** 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 **Barbara Braner**.

The vote of the Board was as follows:

YES: **Charles Chimento, Peggy Egizii, Barbara Braner, Pat Somers, Donn Malwick**

NO: **None**

ABSENT: **Marvin Traylor**


 RECORDING SECRETARY

EXHIBIT A

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ZONING VARIANCE CHECK LIST

DATE: 1-9-06

INSPECTED BY: DK LW

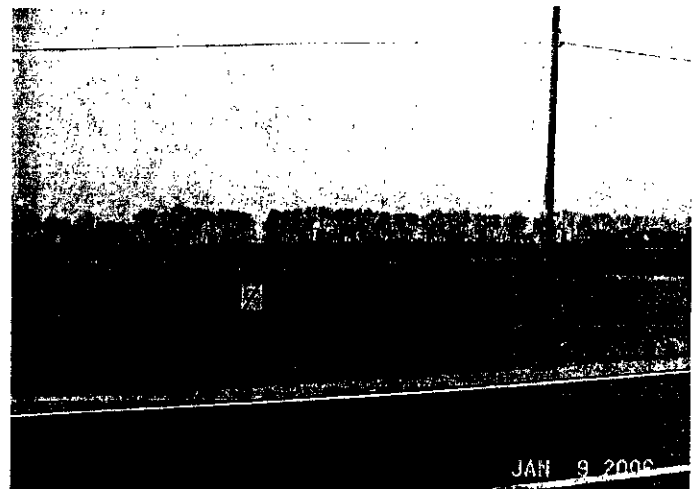
PETITIONER: Henderson, Mark and Stacie

ADDRESS: 2800 Block of Dinius Road

EXISTING ZONING: A with Use Variance

REQUEST DESCRIPTION: Variance of the lot area requirement from 40 acres to 5 acres.

Staff Estimate of the Effect of the Variance on the Area		None	Slight	Mod.	Great
CONTRASTS: CURRENT VS. PROPOSED	land use	X			
	appearance	X			
	height	X			
	parking	X			
PROBLEMS FORESEEN	drainage	X			
	sewer	X			
	traffic flow	X			

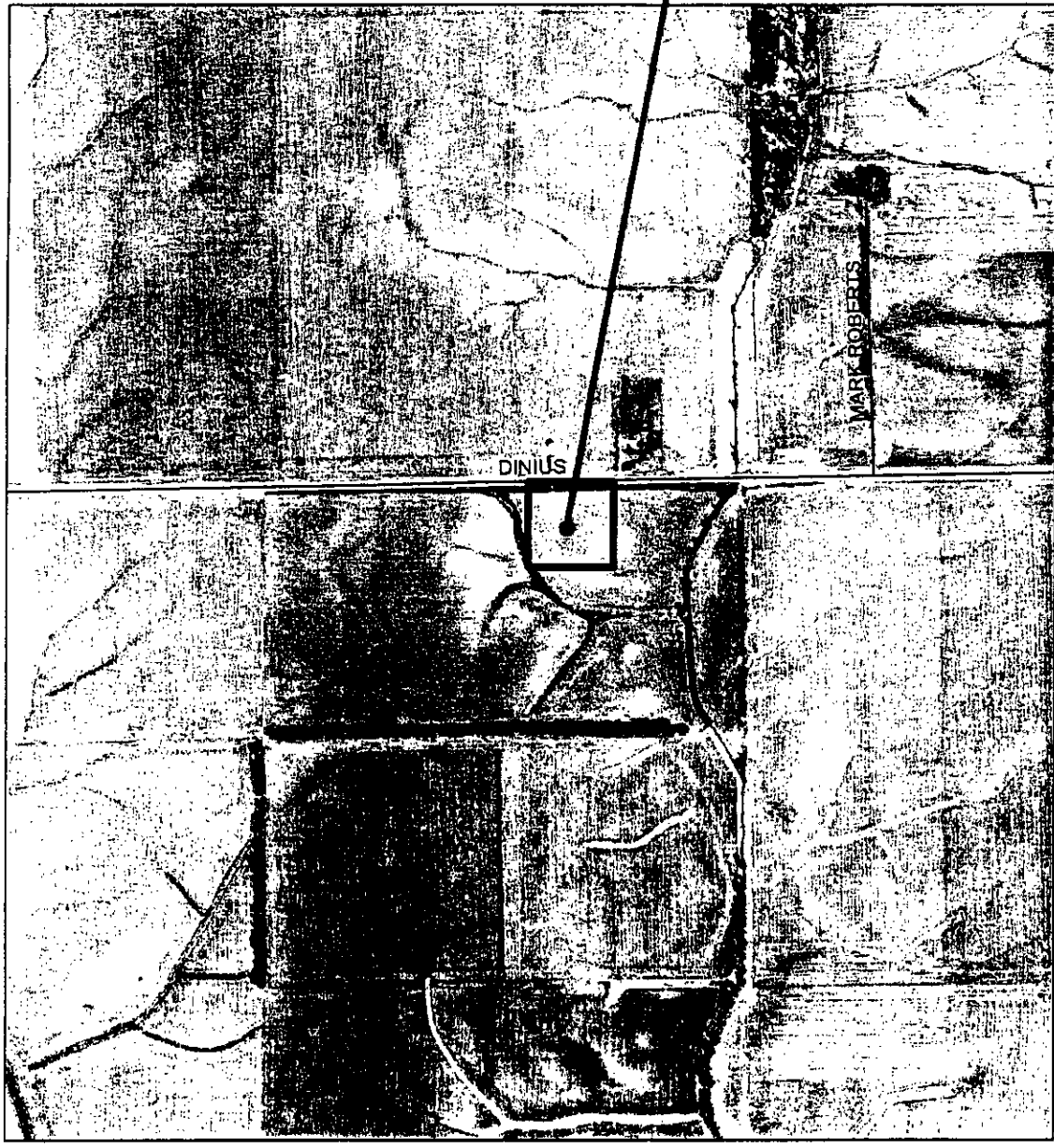


Frontage	Lineal Feet	Existing Yards (ft.)			Area
Dinius - 466		--	--	--	5 acres
		front	side	rear	

OTHER COMMENTS:

STAFF RECOMMENDATIONS: Recommend approval. The standards for variation are met.

County Zoning Case# 2006-04

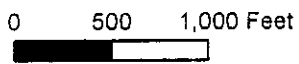


County Zoning

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

City Zoning

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





RECOMMENDED STANDARDS FOR VARIATIONS

Case #: **2006-4**

Address: **2800 Block of Dinius 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.

Although a rezoning of the property was denied, a use variance was granted to allow an excavating business (with a home). Under the commercial zoning normally needed for the proposed use the lot area requirement would be met. With the property remaining in the agricultural zoning district, however, a lot area of 40 acres is required which is unnecessary for the proposed use.

- (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