

FILED

DEC 30 2005

Jae Aiello
Sangamon County Clerk

CASE # 2005-90
RESOLUTION NUMBER 5-1

GRANTING A USE VARIANCE
FOR CERTAIN PROPERTY LOCATED IN
THE 2800 BLOCK OF DINIUS ROAD, WILLIAMSVILLE
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 use variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

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.

WHEREAS, the Petitioners, **John & Evelyn Sweeney**, have petitioned the Sangamon County Board for a **use variance to allow an Excavating Business**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **December 15, 2005**, 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 use variance**; and

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

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 10th day of January, 2006 that the request for a use variance on the above referenced property to allow an Excavating Business is hereby approved.

Signed and passed by the Sangamon County Board in session on this 10th day of January, 2006.

Respectfully submitted,


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

DAN VAUGHN, CHAIRMAN

ABE FORSYTH

BILL MOSS

TYRONE PACE



TIM MOORE

DON STEPHENS

DAVID MENDENHALL

ATTEST:



SANGAMON COUNTY CLERK



COUNTY BOARD CHAIRMAN

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 2 NAME: Dan Vaughn

DOCKET NUMBER: 2005-90

ADDRESS: In the 2800 Block of Dinius Rd., Williamsville, IL. 62693

PETITIONER: John & Evelyn Sweeney

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: "A" Agricultural District with a Use Variance to allow an Excavating Business.


AREA: 5 acres

COMMENTS: none

OBJECTORS: none

PLANNING COMMISSION RECOMMENDATION: Approval. Although more appropriately allowed as a conditional permitted use, this is not an option under the current zoning ordinance but it is felt the proposed use is in conformance with the intent of the zoning regulations.

SANGAMON COUNTY BOARD OF APPEALS RECOMMENDATION: Approval with inside storage only.


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: 2005-90
 John & Evelyn Sweeney)
)
) PROPERTY LOCATED AT:
) **In the 2800 Bl. of Dinius Rd.**
) **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 **Use 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 **December 15, 2005** 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 **In the 2800 Block of Dinius Rd., Williamsville, IL. 62693** and more particularly described as:

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.

- 3. That the present zoning of said property is "A" Agricultural District.
- 4. That the present land use of said property is cropland.
- 5. That the proposed land use of said property is an Excavating Business.
- 6. That the requested use variance of said property is: to allow an excavating business.
- 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 use 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 use variance be granted.

Charles Chimento
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Marvin Traylor** 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 with inside storage only**, which was duly seconded by **Patrick Somers**.

The vote of the Board was as follows:

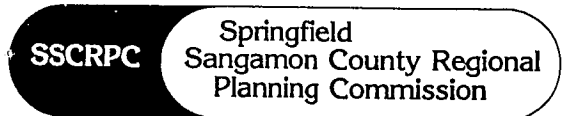
YES: **Charles Chimento, Donn Malwick, Peggy Egizii, Patrick Somers, Marvin Traylor**

NO:

ABSENT:

RJ Armstrong
RECORDING SECRETARY

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CASE #: 2005-90

INDEX #: Pt. 07-06-200-003

DATE: 11-29-05

INSPECTED BY: DK LW

USE VARIANCE CHECK LIST

PETITIONER: Sweeney, John & Evelyn

ADDRESS: 2800 Block of Dinius Road CITY OR VILLAGE OR NEAREST ONE: Williamsville

REQUEST DESCRIPTION: Use Variance for Excavating Business

EXISTING ZONING: A

EXISTING LAND USE: Cropland

PROPOSED LAND USE: Residence, Contractor's Office and Shop for Excavating Business

LAND AREA: 5 acres ROAD FRONTAGE: 466 Lineal Ft. ROAD COND: Good

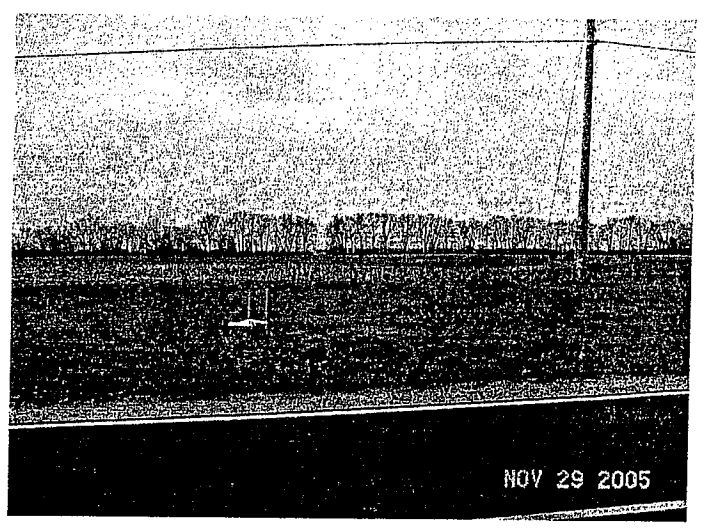
STRUCTURE DESIGNED FOR: NA CONDITION OF STRUCTURE: NA

EXISTING YARDS: Front -- ft. Side -- ft. Rear -- ft.

- NEARBY LAND USE:
- a. To North Cropland, Single Family Residence
 - b. To South Cropland
 - c. To East Cropland
 - d. To West Cropland

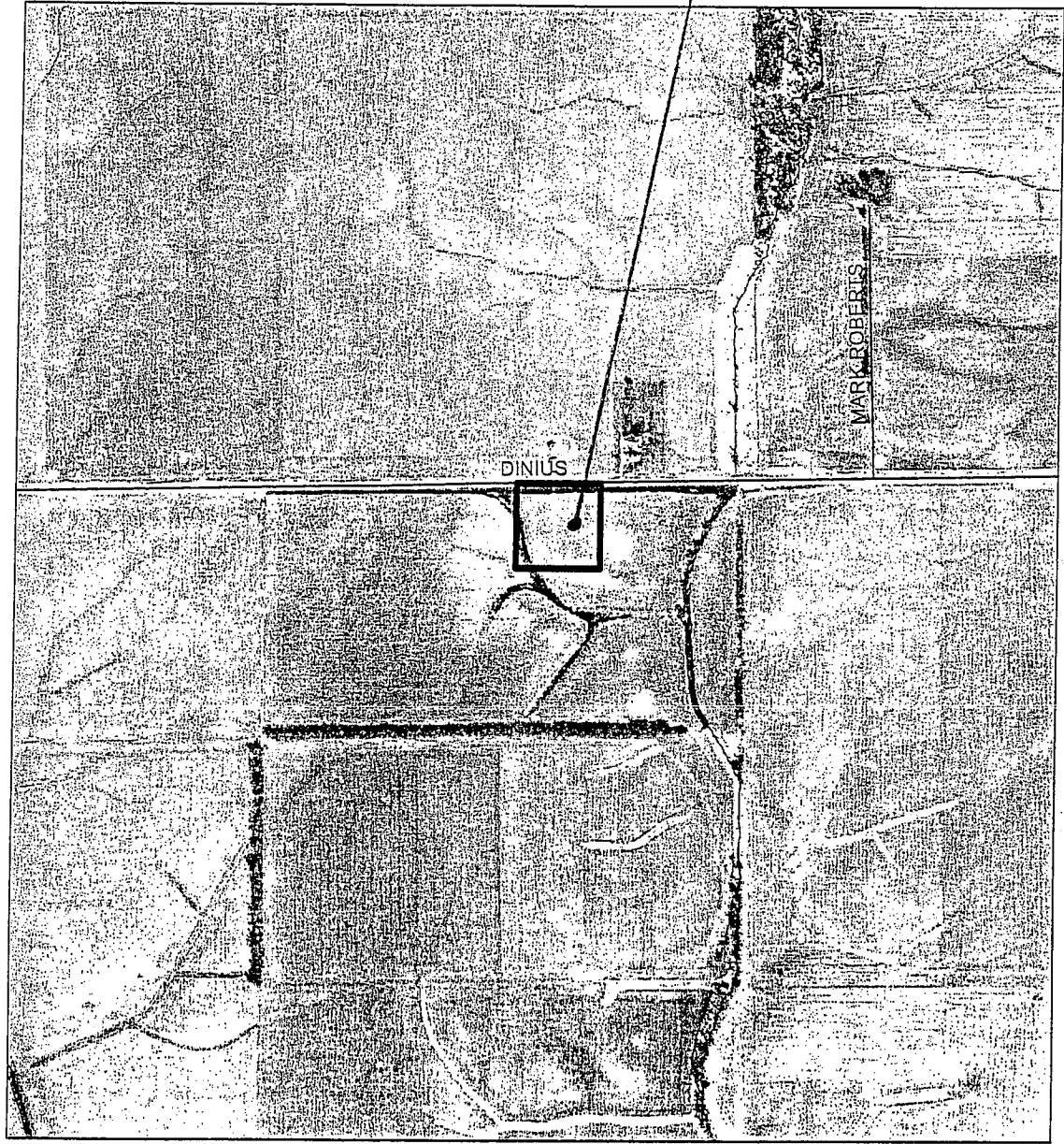
OTHER COMMENTS:

Staff Estimate of the Effect of the Use Variance on the Area		None	Slight	Mod.	Great
CONTRASTS: CURRENT VS. PROPOSED	land use	X			
	appearance	X			
	height	X			
	parking spaces	X			
PROBLEMS FORESEEN	drainage	X			
	sewer	X			
	traffic flow	X			
WILL USE INCREASE	pop. density	X			
	dwellings, density	X			
	school pop.	X			
	traffic volume	X			



RECOMMENDATIONS: Recommend approval. Although more appropriately allowed as a conditional permitted use, this is not an option under the current zoning ordinance but it is felt the proposed use is in conformance with the intent of the zoning regulations.

County Zoning Case# 2005-090

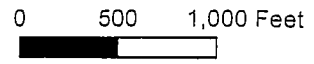


County Zoning

	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 USE VARIATIONS

Case #: 2005-90

Address: 2800 Block of Dinius Road

The Zoning Board of Appeals shall not recommend to the Sangamon County Board that the regulations of the zoning ordinance be varied as authorized in Section 17.66.010 thereof, unless it shall make findings of fact based upon the evidence presented to it in each specified case:

- (i) that the variance is justified by a showing of special circumstances demonstrating practical difficulties or particular hardship in the way of carrying out the strict letter of the Zoning Regulations.

The proposed use is similar to activity found on a farmstead but there is no provision in the zoning ordinance to allow this specific use in an agricultural zoning district. Although more appropriately allowed as a conditional permitted use, this is not currently an option.

- (ii) that the variance is compatible with the trend of development in the area.

The area is agricultural and rural in character and the proposed use would be compatible with the area.

- (iii) that the variance will benefit the community and be in harmony with the general purpose and intent of the Zoning Regulations.

Although there does not appear to be a direct benefit to the community, the proposed use would not be a detriment and would be in harmony with the purpose and intent of the zoning regulations.

- (iv) that the variance will not create a negative impact on the area, 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