

CASE # 2008-67
RESOLUTION NUMBER 10-1

**GRANTING A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
APPX. 12300 TEBBE ROAD, NEW BERLIN
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, **John T. Knepler and David A. Knepler**, have petitioned the Sangamon County Board for a **variance of requirement 17.38.030.0 (D.) to allow the creation of a parcel exceeding 5 acres; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **October 16, 2008**, 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.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 12th day of November, 2008 that the request for a variance of requirement 17.38.030.0 (D.) to allow the creation of a parcel exceeding 5 acres on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 12th day of November, 2008.

Respectfully submitted,

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


TIM MOORE, CHAIRMAN

ABE FORSYTH, VICE CHAIRMAN

JENNIFER DILLMAN

DAVID MENDENHALL

GEORGE PRECKWINKLE

SAM SNELL

DON STEPHENS

LINDA DOUGLAS WILLIAMS

ATTEST:


SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

The West Half of the Southeast Quarter, and the North Half of the Northeast Quarter of the Southeast Quarter, all in Section 16, Township 15 North, Range 7 West of the Third Principal Meridian.

Excepting therefrom the following:

Part of the Southeast Quarter of Section 16, Township 15 North, Range 7 West of the Third Principal Meridian, further described as follows:

Commencing at an iron pipe at the center of said Section 16; thence North 89 degrees 11 minutes 07 seconds East 493.23 feet to an iron pin; thence South 00 degrees, 44 minutes 18 seconds East 36.50 feet to an iron pin at the point of beginning; thence North 89 degrees 11 minutes 07 seconds East 312.47 feet to an iron pin; thence South 00 degrees 45 minutes 17 seconds West 305.07 feet to an iron pin; thence South 89 degrees 11 minutes 07 seconds West 304.52 feet to an iron pin; thence North 00 degrees 44 minutes 18 seconds West 304.96 feet to the point of beginning, containing 2.16 acres more or less.

Little Spring Creek

2008-67
Knepler
12300 Tebbe Rd

TEBBE RD.

TEBBE RD

20-16-400-010

SUBJECT
PROPERTY

KNEPLER RD

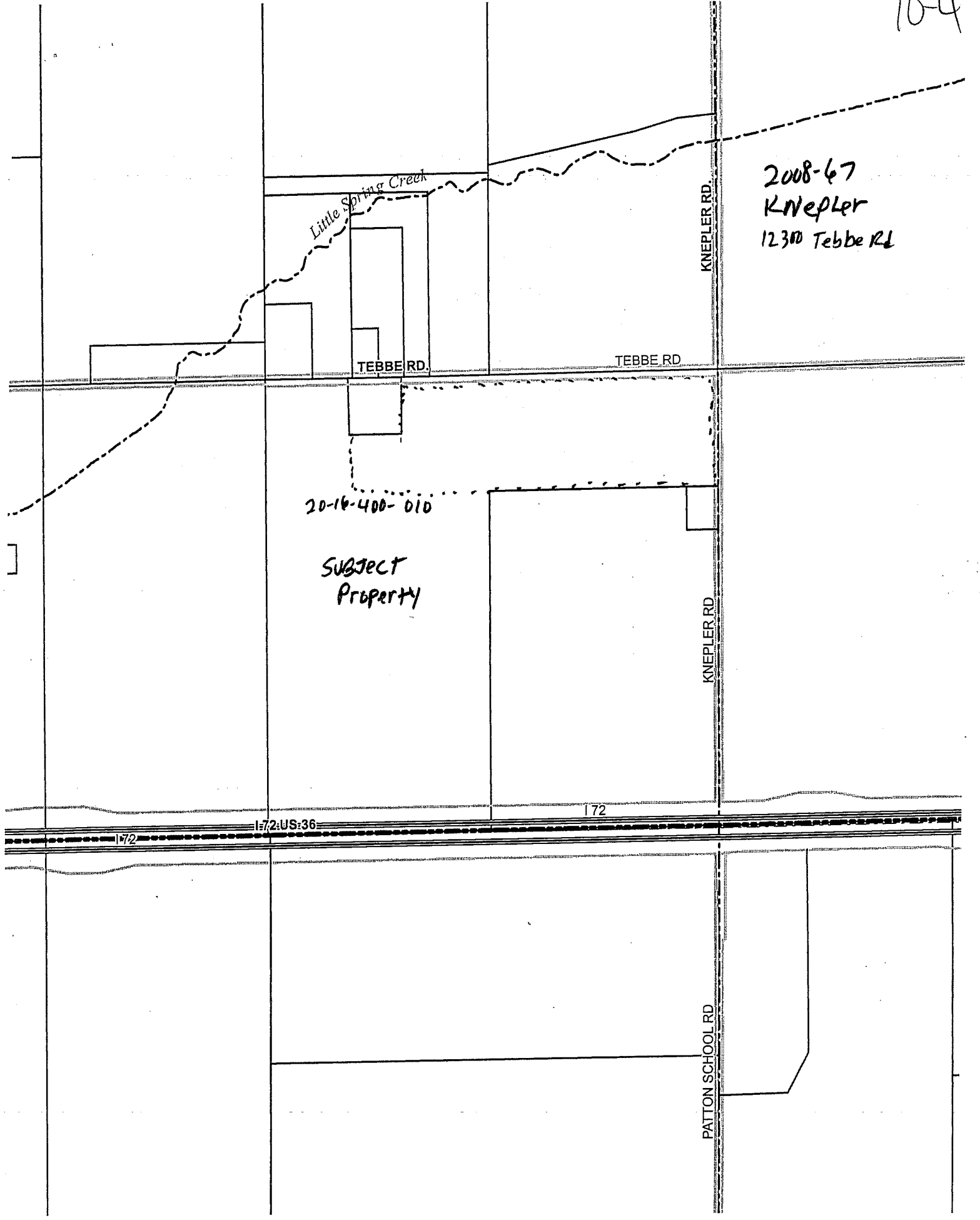
KNEPLER RD

172

172:US:36

172

PATTON SCHOOL RD



RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 7 NAME: **Craig Hall**

DOCKET NUMBER: **2008-67**

ADDRESS: **Appx. 12300 Tebbe Road, New Berlin, Illinois**

PETITIONER: **John T. Knepler and David A. Knepler**

PRESENT ZONING CLASSIFICATION: **"A" Agricultural District**

REQUESTED ZONING CLASSIFICATION: **"A" Agricultural District with a variance of requirement 17.38.030.0 (D.) to allow the creation of a parcel exceeding 5 acres**

AREA: **93.46 acres**

COMMENTS: **None**

OBJECTORS: **None**

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

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



RECORDING SECRETARY

106

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: 2008-67
 John T. Knepler and David A. Knepler)
)
) PROPERTY LOCATED AT:
) Appx. 12300 Tebbe Road
) New Berlin, Illinois
)

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 **October 16, 2008** 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 **Appx. 12300 Tebbe Road, New Berlin, Illinois** and more particularly described as:

See Exhibit A

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- 3. That the present zoning of said property is "A" Agricultural District.
- 4. That the present land use of said property is **Agricultural**.
- 5. That the proposed land use of said property is **Agricultural with a dwelling in the future**.
- 6. That the requested **variance** of said property is of requirement 17.38.030.0 (D.) to **allow the creation of a parcel exceeding 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**.

Charles Chimento
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Don Wulf** 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 **Judith Johnson**.

The vote of the Board was as follows:

YES: **Charles Chimento, Byron Deaner, Judith Johnson, Marvin Traylor, Don Wulf**

NO:

ABSENT: **Peggy Egizii**

GA Armstrong
RECORDING SECRETARY

EXHIBIT A

The West Half of the Southeast Quarter, and the North Half of the Northeast Quarter of the Southeast Quarter, all in Section 16, Township 15 North, Range 7 West of the Third Principal Meridian.

Excepting therefrom the following:

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SSCRPC

Springfield
Sangamon County Regional
Planning Commission

Staff Findings and Recommendation

(inspected 9/26/08 by MB & AJ)

SANGAMON COUNTY ZONING CASE # 2008-67

ADDRESS Approx. 12300 Tebbe Road

Property Index # 20-16-400-010

PETITIONER Knepler, John T. and David A.

REQUESTED ZONING A variance to allow division of property to create 2 parcels exceeding 5 acres.

PROPOSED LAND USE Agricultural with single family residence

EXISTING:

ZONING Agricultural

LAND USE Agricultural with a single family residence at a future date.

ROAD FRONTAGE Tebbe Rd. - 2,357'

CONDITION OF PAVEMENT Fair

STRUCTURE DESIGNED FOR N/A

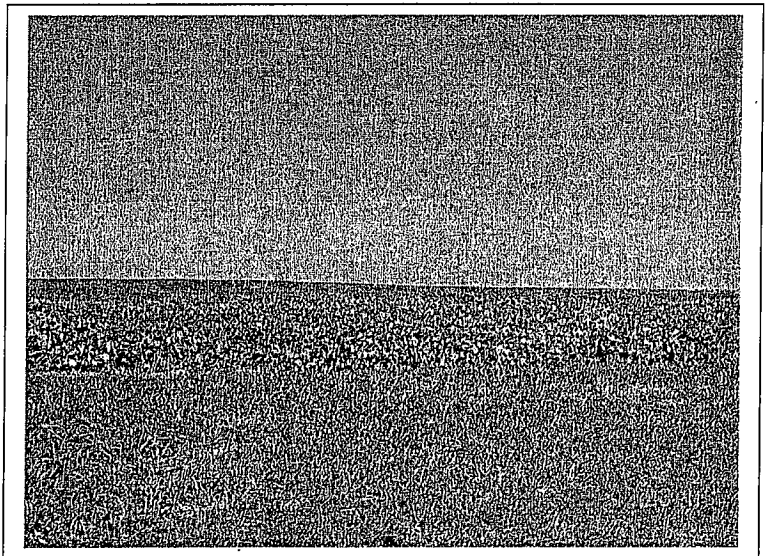
CONDITION OF STRUCTURE N/A

LOT AREA 93.46 acres

FRONT YARD N/A

SIDE YARDS N/A

REAR YARD N/A



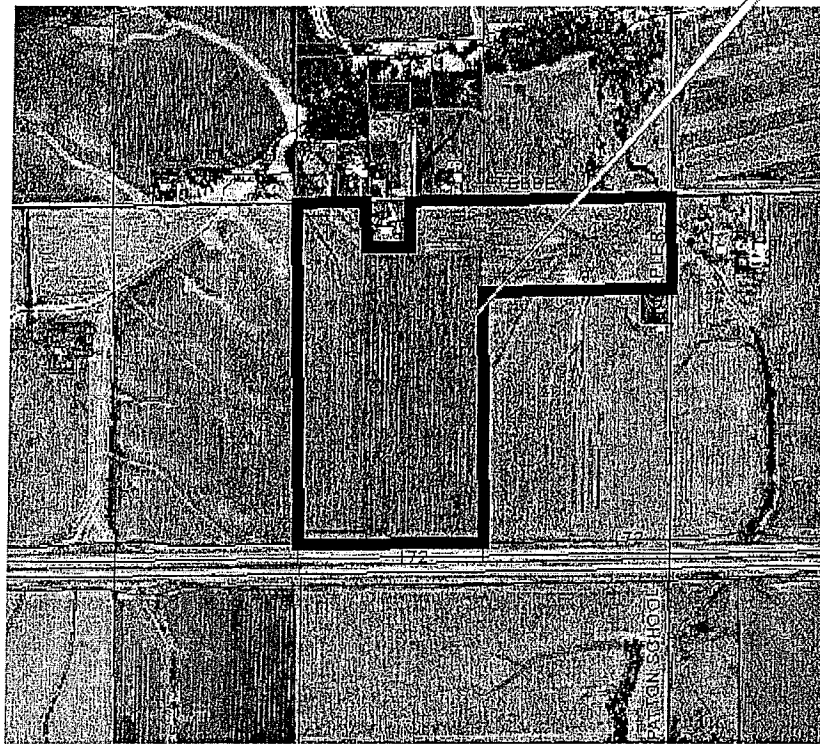
Would the proposed zoning be spot zoning? N/A

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

County Zoning

Case# 2008-67

Requested:
Variance

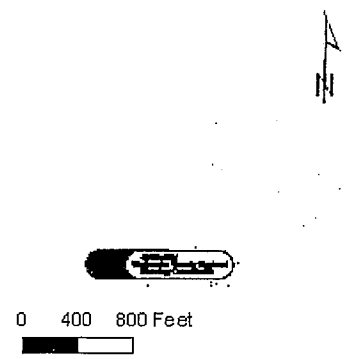


County Zoning

City Zoning

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

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



10-11

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2008-67**

Address: **Approx. 12300 Tebbe 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.

The topography and large configuration of this property make this appropriate.

- (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.