

CASE # 2009-36
RESOLUTION NUMBER 3-1

GRANTING A USE VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
5741 WAGON FORD ROAD, CHATHAM
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:

See Exhibit A

WHEREAS, the Petitioners, **Randy & Susan Fulks**, have petitioned the Sangamon County Board for a **rezoning from "A" Agricultural District to "I-1" Industrial District to allow a single family residence & striping business;** and

WHEREAS, a public hearing was held at the Sangamon County Building on **July 16, 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 **deny the rezoning but in the alternative grant a use variance;** and

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

FILED

JUL 30 2009

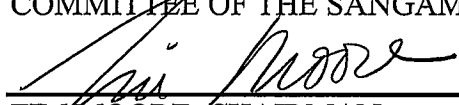
Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 11th day of August, 2009 that the request for a rezoning from "A" Agricultural District to "I-1" Industrial District to allow a single family residence & striping business hereby denied but in the alternative approval of a use variance for a striping business with no expansion of the existing building for use by the striping business and no outside parking of vehicles used for the striping business beyond the vehicles currently parked outside.

Signed and passed by the Sangamon County Board in session on this 11th day of August, 2009.

Respectfully submitted,

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



TIM MOORE, CHAIRMAN

ABE FORSYTH, VICE CHAIRMAN

JOHN FULGENZI

DAVID MENDENHALL

SAM SNELL

DON STEPHENS

GREG STUMPF

LINDA DOUGLAS WILLIAMS

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

Part of the Northeast Quarter of the Southeast Quarter of Section 27, Township 15 North, Range 6 West of the Third Principal Meridian; described more particularly as follows:

Commencing at P.K. nail marking the East Quarter corner of the aforementioned Section 27; thence South 1 degree 13 minutes 27 seconds East along the Section line a distance of 1071.06 feet to a P.K. nail marking the true point of beginning; thence continuing South 1 degree 13 minutes 27 seconds East along the Section line a distance of 253.66 feet to an iron pin; thence North 89 degrees 52 minutes 37 seconds West a distance of 867.53 feet to an iron pipe; thence North 1 degree 13 minutes 27 seconds West a distance of 253.66 feet; thence South 89 degrees 52 minutes 37 seconds East a distance of 867.53 feet to the true point of beginning.

Except the coal and other minerals underlying the surface of said land and all rights and easements in favor of the estate of said coal and minerals.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 1 NAME: Harry "Tom" Fraase

DOCKET NUMBER: 2009-36

ADDRESS: 5741 Wagon Ford Road, Chatham, IL 62629

PETITIONER: Randy & Susan Fulks

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: "I-1" Industrial District

AREA: 5.05

COMMENTS: None

OBJECTORS: Yes

PLANNING COMMISSION RECOMMENDATION: **Recommend denial of requested I-1 zoning uses, if granted, would run with property forever and this is not seen as appropriate at this location. Staff recommends approval of a use variance for the requested striping business with the stipulation that all equipment be stored inside. The standards for variation are met.**

SANGAMON COUNTY BOARD OF APPEALS

RECOMMENDATION: **Deny rezoning but approve use variance with no expansion of the existing building for use by the striping business and no outside parking of vehicles used for the striping business beyond the vehicles currently parked outside.**

Cyndi Knowles
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: 2009-36
 Randy & Susan Fulks)
) PROPERTY LOCATED AT:
) 5741 Wagon Ford Road
) Chatham, IL 62629
)

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** 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 **July 16, 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 **5741 Wagon Ford Road, Chatham, IL 62629** 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 **a single family residence and a striping business.**
- 5. That the proposed land use of said property is **existing use continued.**
- 6. That the requested **rezoning** of said property is from **"A" Agricultural District to "I-1" Industrial District to allow for a striping 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 not** support the proposition that the adoption of the proposed **rezoning** 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 be denied but in the alternative and in accord with the amended staff report, approval of a use variance for a striping business with no expansion of the existing building for use by the striping business and no outside parking of vehicles used for the striping business beyond the vehicles currently parked outside.**

Charles Chimento /ck
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 **denied of I-1 but in the alternative and in accord with the amended staff report, approval of a use variance for a striping business with no expansion of the existing building for use by the striping business and no outside parking of vehicles used for the striping business beyond the vehicles currently parked outside** which was duly seconded by **Judith Johnson**.

The vote of the Board was as follows:

YES: **Charles Chimento, Peggy Egizii, Judith Johnson, Byron Deaner, Marvin Traylor**

NO:

ABSENT:

Cyndi Knowles
RECORDING SECRETARY

EXHIBIT A

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