

CASE# 2010-15 3-1
RESOLUTION NUMBER 3-1

GRANTING A REZONING AND VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
6333 CURRAN 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 an amendment and variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Gerald W. Butler**, has petitioned the Sangamon County Board for a **rezoning from "A" Agricultural District to "R-1" Single Family Residence District, a variance to allow the lot depth to be two and one half (2 1/2) times the lot width for three (3) parcels, and a variance to allow the lot width to be met at a distance greater than sixty (60) feet from the public road for one (1) parcel; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **May 20, 2010** 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 rezoning and variances for proposed parcels one (1) and two (2); and**

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

FILED

MAY 26 2010

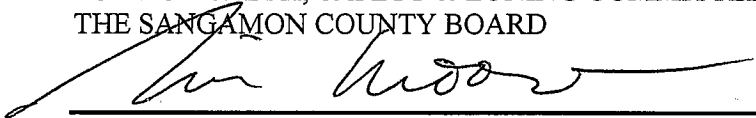
Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 8th day of June, 2010 that the request for a rezoning from "A" Agricultural District to "R-1" Single Family Residence District for proposed parcels one (1) and two (2), a variance to allow the lot depth to be two and one half (2 1/2) times the lot width for proposed parcel two (2), and a variance to allow the lot width to be met at a distance greater than sixty (60) feet from the public road for proposed parcel one (1) on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 8th day of June, 2010.

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 East Half of the Northwest Quarter of Section 33, Township 15 North, Range 6 West of the Third Principal Meridian, Described More Particularly as Follows:

Commencing at a Railroad Spike Marking the South One Quarter Corner of the Aforementioned Section 33, Thence North 00 Degrees 58 Minutes 01 Seconds West Along the Quarter Section Line a Distance of 2887.42 Feet to a Mag Nail Marking the True Point of Beginning, Thence South 89 Degrees 30 Minutes 28 Seconds West, A Distance of 1325.91 Feet to an Iron Pipe on the Quarter, Quarter Section Line, Thence North 00 Degrees 52 Minutes 49 Seconds West Along the Quarter, Quarter Section Line a Distance of 1183.21 Feet to a Stone, Thence North 89 Degrees 30 Minutes 28 Seconds East a Distance of 1324.12 Feet to a Mag Nail on the Quarter Section Line, Thence South 00 Degrees 58 Minutes 01 Seconds East Along the Quarter Section Line a Distance of 831.87 Feet to a Mag Nail, Thence South 89 Degrees 01 Minutes 59 Seconds West a Distance of 150.00 Feet to an Iron Pipe, Thence South 00 Degrees 58 Minutes 01 Seconds East a Distance of 290.40 Feet to an Iron Pipe, Thence North 89 Degrees 01 Minutes 59 Seconds East a Distance of 150.00 Feet to a Mag Nail on the Quarter Section Line, Thence South 00 Degrees 58 Minutes 01 Seconds East Along the Quarter Section Line a Distance of 60.96 Feet to the True Point of Beginning. Said Tract Contains 34.990 Acres, More or Less, of Which 0.729 Are is Within the Existing Dedicated Right-Of-Way of Sangamon County Highway 18, All in County of Sangamon, State of Illinois, as Shown as Parcel 2 on Plat of Survey recorded July 11, 2006 As Document No. 2006R25898.

Basis of Bearing is North 00 Degrees 58 Minutes 01 Seconds West Along the Quarter Section Line.

Situated in Sangamon County, Illinois

RECAP
(For County Board Use)

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

DOCKET NUMBER: 2010-015

ADDRESS: 6333 Curran Road, New Berlin, IL. 62670

PETITIONER: Gerald W. Butler

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: "R-1" Single Family Residence District, a variance to allow the lot depth to be two and one half (2 1/2) times the lot width for three (3) parcels, and a variance to allow the lot width to be met at a distance greater than sixty (60) feet from the public road for one (1) parcel.

AREA: 34.29 acres

COMMENTS: Yes

OBJECTORS: Yes

PLANNING COMMISSION RECOMMENDATION: See Exhibit B

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION: Approval rezoning and variances for proposed parcels one (1) and two (2) as recommended by Planning Commission.


Cynthia Knowler
RECORDING SECRETARY

Exhibit B

The petitioner has submitted a different lot configuration than the previous hearing also requiring variances on the revised proposed configuration; The LESA score of 178 indicates the property is considered suitable for agricultural use only. While the proposed tracts # 3 and # 4 are smaller in size than previous request, approximately 15 acres would be removed from agricultural production. Staff continues to recommend denial of R-1 zoning and the requested variances for proposed tract # 3 and # 4. Staff still recommends approval of the R-1 zoning and requested variances for proposed tracts # 1 and # 2. There is an existing residential structure and farm outbuildings on proposed tract # 2. There is also an existing residential structure on a parcel in front of proposed tract # 1 that was previously divided from the property. This results in mitigating factors, which makes proposed tracts # 1 and # 2 more suitable for residential uses and development.

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2010-015
Gerald W. Butler))
)	PROPERTY LOCATED AT:
)	6333 Curran Road,
)	New Berlin, IL. 62670

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 **amendment and variances** 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 **May 20, 2010** 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: **6333 Curran Road, New Berlin, IL.** 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 single family residence and farmland.
- 5. That the proposed land use of said property is "R-1" Single Family Residence District.
- 6. That the requested rezoning and variances of said property is rezoning from "A" Agricultural District to "R-1" Single Family Residence District, a variance to allow the lot depth to be two and one half (2 1/2) times the lot width for three (3) parcels, and a variance to allow the lot width to be met at a distance greater than sixty (60) feet from the public road for one (1) parcel.
- 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 and variances** 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 and variances** be **denied but in the alternative that the rezoning and variances for proposed parcels one (1) and two (2) be approved.**

Charles Chimento/ck
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Peggy Egizii**, 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 but in the alternative that the rezoning and variances for proposed parcels one (1) and two (2) be approved as recommended by the staff**, which was duly seconded by **Judith Johnson**.

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