

CASE# 2013-030
RESOLUTION NUMBER 3-1

GRANTING VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
IN THE 3500 BLOCK OF NORTH CLAYVILLE RD., PLEASANT PLAINS
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 variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

The Southeast Quarter of the Northwest Quarter and the West Half of the Southwest Quarter of the Northeast Quarter, all in Section 9, Township 16 North, Range 7 West of the Third Principal Meridian, Sangamon County, Illinois, containing 60 acres more or less.

WHEREAS, the Petitioners, **Brian Hamel and Genene Hamel Welch**, have petitioned the Sangamon County Board for **a variance to allow two parcels (2) less than forty (40) acres and a variance to allow for the lot depth to exceed two and one-half (2 ½) times the lot width for both parcels; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **July 18, 2013** 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 variances; and**

FILED

JUL 19 2013

Joe Aiello
Sangamon County Clerk

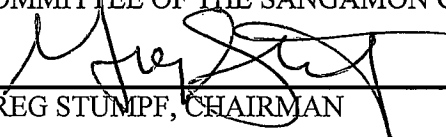
WHEREAS, the Sangamon County Board does hereby adopt the recommendation of the Sangamon County Zoning Board of Appeals.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 6th day of August, 2013 that the request for a variance to allow two (2) parcels less than forty (40) acres and a variance to allow for the lot depth to exceed two and one-half (2 ½) times the lot width for both parcels on the above referenced property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 6th day of August, 2013.

Respectfully submitted,

PUBLIC HEALTH, SOLID WASTE & ZONING
COMMITTEE OF THE SANGAMON COUNTY BOARD



GREG STUMPF, CHAIRMAN

DAVID MENDENHALL, VICE CHAIRMAN

JOHN FULGENZI

CRAIG HALL

SAM SNELL

ABE FORSYTH

JASON RATTS

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

RECAP

(For County Board Use)

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

DOCKET NUMBER: **2013-030**

ADDRESS: **In the 3500 Block of North Clayville Rd., Pleasant Plains, IL. 62677**

PETITIONER: **Brian Hamel and Genene Hamel Welch**

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

REQUESTED ZONING CLASSIFICATION: **"A" Agricultural District with a variance to allow two (2) parcels less than forty (40) acres and a variance to allow for the lot depth to exceed two and one-half (2 1/2) times the lot width for both parcels.**

AREA: **60 acres**

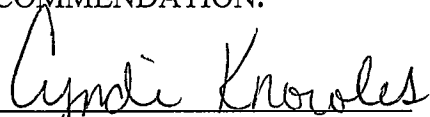
COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION RECOMMENDATION: **Approval of the requested variances. The petitioners are seeking to divide the sixty acre subject parcel into two thirty acre parcels in order to carry out the wishes of a Will. There will be no change in land use and there are no negative impacts anticipated in allowing the requested variances.**

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval


Cyndi Knowles
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: **2013-030**
Brian Hamel and Genene Hamel Welch)
) PROPERTY LOCATED AT:
) **In the 3500 Bl. Of N. Clayville**
) **Pleasant Plains, IL. 62677**

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 **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 **July 18, 2013** 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: **In the 3500 Block of N. Clayville Rd., Pleasant Plains, IL.** and more particularly described as:

The Southeast Quarter of the Northwest Quarter and the West Half of the Southwest Quarter of the Northeast Quarter, all in Section 9, Township 16 North, Range 7 West of the Third Principal Meridian, Sangamon County, Illinois, containing 60 acres more or less.

- 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 cropland.
- 6. That the requested variances of said property are to allow two parcels (2) less than forty (40) acres and a variance to allow for the lot depth to exceed two and one-half (2 1/2) times the lot width for both parcels.
- 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 variances are 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 variances be approved.

Charles Chimento/ck
 CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Judith Johnson**, 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 **John Lucchesi**.

The vote of the Board was as follows:

YES: **Charles Chimento, Don Wulf, John Lucchesi, Judith Johnson, Janet Dobrinsky**

NO:

PRESENT:

ABSENT: **Peggy Egizii, Byron Deaner**

Cyndi Knowles
 RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: 2013-030

Address: **In the 3500 Block of North Clayville Road, Pleasant Plains**

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 being made to facilitate division of the property into 2 equal parcels in order to carry out the provisions of a trust. Denial of the variance would not allow the will to be implemented resulting in an economic hardship to the beneficiaries.

- (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 division is being requested by the petitioners in order to carry out the wishes of a will.

- (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 in allowing division of the subject parcel, as the land use is remaining the same.