

FILED

DEC 26 2013

Joe Aiello
Sangamon County Clerk

CASE# 2013-053
RESOLUTION NUMBER 3-1

GRANTING A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
3313 W. DIVERNON ROAD, DIVERNON
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, **Bonnie J. Donis, Beth K. Hummel and Robert A. Brackebusch** represented by Attorney **Barry Hines**, have petitioned the Sangamon County Board for a **variance to allow one (1) parcel less than forty (40) acres to allow approximately twelve (12) acres to be divided off the existing ninety-six (96) acre parcel;** and

WHEREAS, a public hearing was held at the Sangamon County Building on **December 19, 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 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 14th Day of January, 2014 that the request for a variance to allow one (1) parcel less than forty (40) acres to allow approximately twelve (12) acres to be divided off the existing ninety-six (96) acre parcel on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 14th Day of January, 2014.

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 RATTTS

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

The East Half of the Southeast Quarter of Section 13, Township 13 North, Range 6 West of the Third Principal Meridian, ALSO the East 16.46 acres of the West Half of the Southeast Quarter of Section 13, Township 13 North, Range 6 West of the Third Principal Meridian, more particularly described as follows: Beginning at a stone in the Northeast corner of the West Half of the Southeast Quarter of Section 13, Township 13 North, Range 6 West of the Third Principal Meridian, running thence South 2654.63 feet to the South Section Line of said Section 13; thence West along the said Section Line of said Section 13, 269.84 feet; thence North parallel with the North and South Quarter Section Line of said Section, 2655.20 feet, and thence East 270.50 feet to the place of beginning, Sangamon County, Illinois.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 6 NAME: Sam Snell

DOCKET NUMBER: 2013-053

ADDRESS: 3313 W. Divernon Road, Divernon, IL 62530

PETITIONERS: **Bonnie J. Donis, Beth K. Hummel and Robert A. Brackebusch**

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

REQUESTED ZONING CLASSIFICATION: **"A" Agricultural District with a variance to allow one (1) parcel less than forty (40) acres to allow approximately twelve (12) acres to be divided off the existing ninety-six (96) acre parcel.**

AREA: **96.11 acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION RECOMMENDATION: **Recommend approval of the requested variance. The petitioners have inherited the subject property and wish to separate the home from the cropland. No negative impact is anticipated as there will be no land use changes to the property.**

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval


Cindi Knowles
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2013-053
Bonnie J. Donis, Beth K. Hummel and)	
Robert A. Brackebusch)	PROPERTY LOCATED AT:
)	3313 W. Divernon Road
)	Divernon, IL 62530

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 **December 19, 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: **3313 W. Divernon Road, Divernon, IL 62530** 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 **rural farm residence.**
- 5. That the proposed land use of said property is **rural farm residence.**
- 6. That the requested **variance** of said property is **to allow one (1) parcel less than forty (40) acres to allow approximately twelve (12) acres to be divided off the existing ninety-six (96) acre 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** 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/cx
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Byron Deaner**, 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 **Don Wulf**.

The vote of the Board was as follows:

YES: **Charles Chimento, Byron Deaner, Judith Johnson, Don Wulf, John Lucchesi**

NO:

PRESENT:

ABSENT: **Peggy Egizii, Janet Dobrinsky**

Cyndy Knowles
RECORDING SECRETARY

SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS

Case #: 2013-053

Address: 313 W. Divernon Road, Divernon

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 cropland from the single-family residence so the cropland can continue to be farmed.

- (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 of the subject parcel makes this property unique in that there is a natural division of the homestead from the cropland. The petitioners have inherited the subject property and it is their desire to separate the home from the cropland.

- (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 the division of the subject property.