

**GRANTING A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
5500-5900 BLOCK OF LOAMI BATES ROAD, LOAMI
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:

The Southeast Quarter (SE ¼) of the Southwest Quarter (SW ¼) of Section Twenty-Six (26), Township Fifteen (15) North, Range Seven (7) West of the Third Principal Meridian, Situated in Sangamon County, Illinois
Property Location: Route, Loami, Illinois
Permanent Index Number(s): 20-26.0-300-005

WHEREAS, the Petitioner, **Joel B. Muench**, has petitioned the Sangamon County Board requesting for **Proposed Parcels 1 and 2: pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 20 acres);** and,

WHEREAS, a public hearing was held at the Sangamon County Building on **February 16, 2023** 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 a variance;** and,

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

FILED

FEB 21 2023


Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **7th Day of March, 2023** that the following request(s) on the above described property is hereby approved:

For Proposed Parcels 1 and 2:

- Pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 20 acres).

Signed and passed by the Sangamon County Board in session on this **7th day of March, 2023**.

COUNTY BOARD CHAIRMAN

ATTEST:

SANGAMON COUNTY CLERK

RECAP
(For County Board Use)

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

DOCKET NUMBER: **2023-002**

ADDRESS: **5500-5900 Block of Loami Bates Road, Loami, IL 62661**

PETITIONER: **Joel B. Muench**

PRESENT ZONING CLASSIFICATION: **“A” Agricultural District**

REQUESTED ZONING CLASSIFICATION: **Proposed Parcels 1 and 2: pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 20 acres).**

AREA: **40 acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION STAFF RECOMMENDATION: **Recommend approval. Granting the requested variances would facilitate a division to separate the parcel into two equal 20 acre parcels of cropland to help settle an estate. The Standards for Variation are met.**

SANGAMON COUNTY ZONING BOARD OF APPEALS RECOMMENDATION: **Approval of Staff Recommendation.**

RECORDING SECRETARY

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SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: **2023-002**
Joel B. Muench)
))
)) PROPERTY LOCATED AT:
)) **5500-5900 Block of Loami Bates Road**
)) **Loami, IL 62661**

RECOMMENDATION OF THE ZONING 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 **February 16, 2023** 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: **5500-5900 Block of Loami Bates Road, Loami, IL 62661** and more particularly described as:

The Southeast Quarter (SE ¼) of the Southwest Quarter (SW ¼) of Section Twenty-Six (26), Township Fifteen (15) North, Range Seven (7) West of the Third Principal Meridian, Situated in Sangamon County, Illinois
Property Location: Route, Loami, Illinois
Permanent Index Number(s): 20-26.0-300-005

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 **for Proposed Parcels 1 and 2: cropland.**
6. That the request(s) for the subject property is **for Proposed Parcels 1 and 2: pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 20 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 following request(s) **is hereby approved:**

For Proposed Parcels 1 and 2:

- **Pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 20 acres).**

CHAIRMAN

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MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Anthony Mares**, which was duly seconded by **JD Sudeth**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the following request(s) **is hereby approved:**

For Proposed Parcels 1 and 2:

- **Pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 20 acres).**

The vote of the Board was as follows:

YES: Charles Chimento, Anthony Mares, Don Wulf, JD Sudeth

NO:

PRESENT:

ABSENT: Richard Thompson, George Petrilli

RECORDING SECRETARY

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**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2023-002**

Address: **5500-5900 Block of Loami Bates Road, Loami**

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.

Granting the requested variances would facilitate a division to separate the parcel into two equal 20 acre parcels of cropland to help settle an estate.

- (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 will help settle an estate.

- (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 change in land use is contemplated and negative impacts are not anticipated.