

CASE# 2010-40 4-1
RESOLUTION NUMBER _____

GRANTING A REZONING AND VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
13487 BAB ROAD, AUBURN
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 variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Illinois National Bank Land Trust #04-407**, has petitioned the Sangamon County Board for a **rezoning from "A" Agricultural District to "R-1" Single Family Residence District to allow for construction of a minor subdivision containing two residential lots of 2.5 acres each and a variance to allow the lot depth to exceed more than two and one-half times the lot width for both parcels; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **October 21, 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 variance; and**

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

FILED

OCT 28 2010

Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 9th day of November, 2010 that the request for a rezoning from "A" Agricultural District to "R-1" Single Family Residence District to allow for construction of a minor subdivision containing two residential lots of 2.5 acres each and a variance to allow the lot depth to exceed more than two and one-half times the lot width for both parcels on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 9th day of November, 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

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Exhibit A

Part of the SE Quarter of the NW Quarter of Section 1, Township 13 North, Range 6 West of the Third PM, Described more particularly as follows: commencing at a stone marking the center of aforementioned Section 1, thence North 00 degrees 20 minutes 49 seconds East along the Quarter Section line a distance of 123.95 feet to an iron pipe marking the true point of beginning, thence South 89 degrees 35 minutes 21 seconds West a distance 696.81 feet to an iron pipe, thence North 00 degrees 20 minutes 49 seconds East a distance of 312.60 feet to an iron pipe, thence North 89 degrees 35 minutes 21 seconds East a distance of 696.81 feet to an iron pipe on the Quarter Section line, thence South 00 degrees 20 minutes 49 seconds West along the Quarter Section line a distance of 312.60 feet to the true beginning. Said tract contains 5.00 acres, more or less, all in Sangamon County, State of Illinois. (Basis of bearing is North 00 degrees 20 minutes 49 seconds East along the Quarter Section Line).

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

Situated in Sangamon County, Illinois

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #6 NAME: Sam Snell

DOCKET NUMBER: 2010-040

ADDRESS: 13487 Bab Road, Auburn, IL. 62615

PETITIONER: Illinois National Bank Land Trust # 04-407

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: "R-1" Single Family Residence District to allow for construction of a minor subdivision containing two residential lots of 2.5 acres each with a variance to allow the lot depth to exceed more than two and one-half times the lot width for both parcels.

AREA: 5 acres

COMMENTS: None

OBJECTORS: Yes

PLANNING COMMISSION RECOMMENDATION: In zoning case 2009-50, the owner of this property requested rezoning this property to R-1 with the intention to place multiple residences on this parcel through the minor subdivision process. This request was approved by staff but denied by the County Board with numerous objectors disapproving of multiple lots on this five (5) acre parcel. Since then, the property has been put into a trust and currently the request is to rezone the property to R-1 with a variance to create two (2) lots for two (2) single family residences. Staff recommends approval of the requested R-1 zoning. The LESA score of 146 indicates the property

is suitable for non-agricultural development. Staff also recommends approval of the requested variance as the standards for variation have been met. The petitioner wishes to divide the property into two parcels to build two single family residences. Upon division, each parcel will have individually owned, non-easement based access.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:


RECORDING SECRETARY

Approval

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SANGAMON COUNTY ZONING BOARD OF APPEALS
SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: 2010-240
Illinois National Bank Land Trust # 04-407))
)) PROPERTY LOCATED AT:
)) 13487 Bab Road
)) Auburn, IL. 62615

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 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 **October 21, 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: **13487 Bab Road, Auburn, IL.** and more particularly described as:

See Exhibit A

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- 3. That the present zoning of said property is "A" Agricultural District.
- 4. That the present land use of said property is vacant.
- 5. That the proposed land use of said property is to allow for construction of a minor subdivision containing two residential lots of 2.5 acres each.
- 6. That the requested rezoning and variance of said property is "R-1" Single Family Residence District to allow for construction of a minor subdivision containing two residential lots of 2.5 acres each and a variance to allow the lot depth to exceed more than two and one-half 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 rezoning and 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 rezoning and variance be approved.

Charles Chimento / [Signature]
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 approved, which was duly seconded by **John Luchessi**.

The vote of the Board was as follows:

YES: **Charles Chimento, John Luchessi, Peggy Egizii, Judith Johnson, Marvin Traylor**

NO:

ABSENT: **Byron Deaner**

Cyndi Knowles / [Signature]
RECORDING SECRETARY