

CASE# 2011-015 4-1
RESOLUTION NUMBER _____

GRANTING A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
IN THE 12,800 BLOCK OF FISHBURN ROAD, MECHANICSBURG
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, **David & Mildred Daniels**, have petitioned the Sangamon County Board for a **variance to allow one parcel less than forty (40) acres**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **April 21, 2011** 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.

FILED

APR 29 2011

Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 10th day of May, 2011 that the request for a variance to allow one parcel less than forty (40) acres on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 10th day of May, 2011.

Respectfully submitted,

PUBLIC HEALTH, SAFETY & ZONING COMMITTEE OF THE SANGAMON COUNTY BOARD

Tim Moore /ck
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

THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION FIFTEEN (15), EXCEPT 4.29 ACRES IN THE SOUTHEAST CORNER AND 3.0 ACRES ADJOINING THE 4.29 ACRES ON THE WEST IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION FIFTEEN (15), TOWNSHIP FIFTEEN (15) NORTH, RANGE THREE (3) WEST OF THE THIRD PRINCIPAL MERIDIAN, SANGAMON COUNTY, ILLINOIS EXCEPT FOR FIVE (5) ACRES DESCRIBED AS FOLLOWS:

THE WEST 164.18 FEET OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION FIFTEEN (15), TOWNSHIP FIFTEEN (15) NORTH, RANGE THREE (3) WEST OF THE THIRD PRINCIPAL MERIDIAN. SITUATED IN SANGAMON COUNTY, ILLINOIS.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #3 NAME: David Mendenhall

DOCKET NUMBER: 2011-015

ADDRESS: In the 12,800 Block of Fishburn Road, Mechanicsburg, IL. 62545

PETITIONERS: David & Mildred Daniels

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: "A" Agricultural District with a variance to allow one parcel less than forty (40) acres.

AREA: 193 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: **Recommend approval. The owners divided large tracts of land for sale to adjacent landowners. Those sales have been finalized, but the remaining twenty-eight (28) acre parcel created a violation of the Plat Act because the parcel was less than forty (40) acres. The variance request is being made to correct the violation. There will be no negative impact on the immediate area.**

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: **2011-015**
David & Mildred Daniels)
))
)) PROPERTY LOCATED AT:
)) **In the 12,800 Block of**
)) **Fishburn Road**
)) **Mechanicsburg, IL. 62545**

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 **April 21, 2011** 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 12,800 Block of Fishburn Road, Mechanicsburg, 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 **agricultural**.
- 5. That the proposed land use of said property is **agricultural**.
- 6. That the requested **variance** of said property is a **variance to allow one parcel less than forty (40) 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 requested **variance** 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 **approved**, 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