

CASE# 2012-013 4-1
RESOLUTION NUMBER

GRANTING VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
4516 TOLLIVER RD., NEW BERLIN
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:

See Exhibit A

WHEREAS, the Petitioner, **David C. Kimball**, has petitioned the Sangamon County Board for a **variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width for one (1) parcel and a variance to allow two (2) parcels less than forty (40) acres to allow approximately three and one-half (3 ½) acres to be divided off the existing thirty-two point forty seven (32.47) acres; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **April 19, 2012** 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 variances**; and

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

FILED

APR 27 2012

Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 8th day of May, 2012 that the request for a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width for one (1) parcel and a variance to allow two (2) parcels less than forty (40) acres to allow approximately three and one-half (3 ½) acres to be divided off the existing thirty-two point forty seven (32.47) acres on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 8th day of May, 2012.

Respectfully submitted,

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

TIM MOORE, CHAIRMAN

Abe Forsyth
ABE FORSYTH, VICE CHAIRMAN

JOHN FULGENZI

DAVID MENDENHALL

SAM SNELL

GREG STUMPF

JASON RATTI

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

The Northwest Quarter of the Southeast Quarter; and the Southwest Quarter of the Southeast Quarter, except the South 26.265 acres thereof and except that part of said Quarter Quarter Section described as follows, to-wit: Beginning at a point on the West line of the Southwest Quarter of the Southeast Quarter of Section 23, Township 15 North, Range 7 West of the Third Principal Meridian, which is 450.10 feet South of the Northwest corner of said Quarter Quarter Section, thence South along said West line 7.83 feet, thence East 1328.57 feet, more or less, to a point in the East line of said Quarter Quarter Section, thence North along said East line 7.21 feet, thence West to the point of beginning. All lying and being in Section 23, Township 15 North, Range 7 West of the Third Principal Meridian and further excepting that part described as follows:

The North 450.19 feet to the Southwest Quarter of the Southeast Quarter of Section 23, Township 15 North, Range 7 West of the Third Principal Meridian.

Also: The South 249.81 feet of the Northwest Quarter of the Southeast Quarter of said Section 23, Township 15 North, Range 7 West of the Third Principal Meridian.

Also: The North 38 feet of the East 535 feet of the South 287.81 feet of the Northwest Quarter of the Southeast Quarter of said Section 23, Township 15 North, Range 7 West of the Third Principal Meridian.

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

RECAP
(For County Board Use)

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

DOCKET NUMBER: **2012-013**

ADDRESS: **4516 Tolliver Rd., New Berlin, IL. 62670**

PETITIONER: **David C. Kimball**

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

REQUESTED ZONING CLASSIFICATION: **A variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width for one (1) parcel and a variance to allow two (2) parcels less than forty (40) acres to allow approximately three and one-half (3 ½) acres to be divided off the existing thirty-two point forty seven (32.47) acres.**

AREA: **32.47 acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION RECOMMENDATION: **Approval of the requested variances. The standards for variation are met. The petitioner is requesting to divide the single family residence from the cropland for the purposes of refinancing. Additionally, no negative impact is anticipated with allowing this division as the use of the land will remain the same.**

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: **2012-013**
 David C. Kimball)
)
) PROPERTY LOCATED AT:
) **4516 Tolliver Rd.**
) **New Berlin, IL. 62670**

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 **April 19, 2012** 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: **4516 Tolliver Rd., New Berlin, 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 a single-family residence and farmland.
- 5. That the proposed land use of said property is a single-family residence and farmland.
- 6. That the requested variances of said property are a variance to allow the lot depth to be greater than two and one-half (2 1/2) times the lot width for one (1) parcel and a variance to allow two (2) parcels less than forty (40) acres to allow approximately three and one-half (3 1/2) acres to be divided off the existing thirty-two point forty seven (32.47) 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 variances 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 variances be approved.

Charles Chimento/ck
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

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

The vote of the Board was as follows:

YES: **Charles Chimento, Peggy Egizii, Judith Johnson, Don Wulf & Byron Deaner**

NO:

ABSENT: **Marvin Traylor**

Cyndi Knowles
RECORDING SECRETARY