

CASE# 2012-023  
RESOLUTION NUMBER 4-1

**GRANTING A REZONING**  
FOR CERTAIN PROPERTY LOCATED AT  
**309 & 313 EAST 1<sup>ST</sup> ST., 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 an amendment** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

**Lots 7 & 8 Block 1 of the Village of Berlin**

WHEREAS, the Petitioner, **Tommy Sheppard**, has petitioned the Sangamon County Board for rezoning from **“R-1” Single-Family Residence District to “B-3” General Business District**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **July 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 rezoning**; and

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

**FILED**

JUL 30 2012


*Joe Aiello*  
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 14<sup>th</sup> day of August, 2012 that the request to rezone from "R-1" Single-Family Residence District to "B-3" General Business District on the above referenced property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 14<sup>th</sup> day of August, 2012.

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

GREG STUMPF

JASON RATTS

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

**ATTEST:**

\_\_\_\_\_  
SANGAMON COUNTY CLERK

\_\_\_\_\_  
COUNTY BOARD CHAIRMAN

**RECAP**  
(For County Board Use)

COUNTY BOARD MEMBER: #7                      NAME: Craig Hall

DOCKET NUMBER: 2012-023

ADDRESS: 309 & 313 East 1<sup>st</sup> St., Berlin, IL. 62670

PETITIONER: Tommy Sheppard

PRESENT ZONING CLASSIFICATION: "R-1" Single-Family Residence District

REQUESTED ZONING CLASSIFICATION: "B-3" General Business District

AREA: 11,400 square feet

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION:      **Approval of the requested B-3 zoning. The likelihood of the parcels ever being converted back to residential is unlikely. The property is bound on two sides by cropland and the effect of the proposed use is not seen to have a negative impact on the surrounding properties. It should be noted that the existing mini-storage unit was constructed without a building permit which resulted in a Sangamon County code violation.**

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: **2012-023**  
 Tommy Sheppard )  
 )  
 ) PROPERTY LOCATED AT:  
 ) **309 & 313 East 1<sup>st</sup> St.**  
 ) **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 an **amendment** 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 **July 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: **309 & 313 East 1<sup>st</sup> St., Berlin, IL.** and more particularly described as:

**Lots 7 & 8 Block 1 of the Village of Berlin**

- 3. That the present zoning of said property is **“R-1” Single-Family Residence District.**
- 4. That the present land use of said property is **one (1) mini-storage unit.**
- 5. That the proposed land use of said property is **two (2) mini-storage units.**
- 6. That the requested **rezoning** of said property is **from “R-1” Single-Family Residence District to “B-3” General Business District.**
- 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** 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** be **granted.**

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 **John Lucchesi**.

The vote of the Board was as follows:

YES: **Byron Deaner, Peggy Egizii, Judith Johnson, Don Wulf, John Lucchesi**

NO:

ABSENT: **Charles Chimento**

Cyndi Knowles  
RECORDING SECRETARY

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SANGAMON COUNTY  
RECOMMENDED - FINDINGS OF FACT

Case #: 2012-023

Address: 309 & 313 East 1<sup>st</sup> Street, Berlin

- (i) Existing uses of property within the general area of the property in question.

**To the south and west are single family residences. To the north and east is cropland.**

- (ii) The zoning classification of property within the general area of the property in question.

**There is Agricultural zoning to the north and east. Directly southeast is B-1. There is R-1 to the south and west.**

- (iii) The suitability of the property in question to the uses permitted under the existing zoning classification.

**The subject property with the existing structure is not suitable for residential zoning as there is a mini storage unit on it. The other subject property is vacant with what appears to be a rock parking area.**

- (iv) The trend of development, within the vicinity since the property was originally classified.

**The property has remained residential with some parcels of B-3 in the area.**