

CASE# 2015-033
RESOLUTION NUMBER 4-1

GRANTING A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
IN THE 16,600 – 16,700 BLOCK OF HENKEL CREEK ROAD, DIVERNON
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 Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of Section 23, Township 13 North, Range 5 West of the Third Principal Meridian.

WHEREAS, the Petitioner, **Paul Thomas Cody, Successor Trustee of the Mary Jane Cody Declaration of Trust Dated 12/06/00**, has petitioned the Sangamon County Board for a **variance to allow two (2) parcels less than forty (40) acres; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **September 17, 2015** 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

SEP 25 2015

Don J. Heagy
Sangamon County Clerk

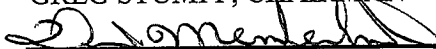
NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 6th Day of October, 2015 that the request for a variance to allow two (2) parcels less than forty (40) acres on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 6th day of October, 2015.

Respectfully submitted,

PUBLIC HEALTH, SOLID WASTE & ZONING
COMMITTEE OF THE SANGAMON COUNTY BOARD

GREG STUMPF, CHAIRMAN



DAVID MENDENHALL, VICE CHAIRMAN

CRAIG HALL

SAM SNELL

ABE FORSYTH

JASON RATTS

LINDA DOUGLAS WILLIAMS

ANNETTE FULGENZI

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

RECAP

(For County Board Use)

COUNTY BOARD MEMBER: 4 NAME: **Jeff Thomas**

DOCKET NUMBER: **2015-033**

ADDRESS: **In the 16,600 – 16,700 Block of Henkel Creek Road, Divernon, IL 62530**

PETITIONER: **Paul Thomas Cody, Successor Trustee of the Mary Jane Cody Declaration of Trust Dated 12/06/00**

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

REQUESTED ZONING CLASSIFICATION: **“A” Agricultural District with a variance to allow two (2) parcels less than forty (40) acres**

AREA: **40.5 acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION RECOMMENDATION: **Recommend approval. The variance will allow a division of the subject property into two (2) equal halves, north and south. The division will help settle a trust in the family. The property is and will continue to remain farmland. The Standards of Variation are met.**

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval as staff recommended.


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2015-033
Paul Thomas Cody, Successor Trustee)	
of the Mary Jane Cody Declaration of)	PROPERTY LOCATED AT:
Trust Dated 12/06/00)	In the 16,600 – 16,700 Block of
)	Henkel Creek Road
)	Divernon, IL 62530

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 **September 17, 2015** 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 16,600 – 16,700 Block of Henkel Creek Road, Divernon, IL 62530** and more particularly described as:

The Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of Section 23, Township 13 North, Range 5 West of the Third Principal Meridian.

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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 **farmland**.
- 5. That the proposed land use of said property is **farmland**.
- 6. That the requested **variance** of said property to allow two (2) parcels 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, **Anthony Mares**, 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 **Don Wulf**.

The vote of the Board was as follows:

YES: **Charles Chimento, Anthony Mares, Don Wulf, Andrew Spiro, & Marilyn Herbert.**

NO:

PRESENT:

ABSENT:

Cyndi Knowles
RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2015-033**

Address: **16600-16700 Block of Henkel Creek Road, Divernon**

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.

The requested variance will allow a division into two (2) equal halves of approximately twenty (20) acres each. The property is and will continue to remain farmland. Granting the variance will allow the provisions of a trust to be executed.

- (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 is requested to settle a trust and disburse interests in the land within the family.

- (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 negative impacts are anticipated.