

CASE# 2015-041 4-1
RESOLUTION NUMBER _____

GRANT A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
3848 DINIUS ROAD, WILLIAMSVILLE
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, **Mark & Stacie Henderson**, have petitioned the Sangamon County Board for a **variance to allow two (2) principal uses (excavating business and single-family residence) on one (1) parcel; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **October 15, 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

OCT 28 2015

Don J. Hays
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 10th Day of November, 2015 that the request for a variance to allow two (2) principal uses (excavating business and single-family residence) on one (1) parcel on the above described property is hereby approved.

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

EXHIBIT A

Part of the Northeast Quarter of Section 6, Township 17 North, Range 4 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows:

Commencing at the Northeast corner of the Northeast Quarter of said Section 6, thence South 88 degrees 49 minutes 19 seconds West, 686.25 feet along the line between Township 17 North and Township 18 North; thence South 01 degrees 02 minutes 09 seconds East, 51.44 feet to a point on the south right of way line of F.A.S. Route 1645 (Dinius Road), said point being the Point of Beginning; thence continuing South 01 degrees 02 minutes 09 seconds East, 466.69 feet; thence South 88 degrees 57 minutes 51 seconds West, 466.69 feet; thence North 01 degrees 02 minutes 09 seconds West, 466.69 feet to the south right of way line of F.A.S. Route 1645 (Dinius Road); thence North 88 degrees 57 minutes 51 seconds East, 466.69 feet along said south right of way line to the Point of Beginning, containing 5.000 acres, more or less.

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RECAP
(For County Board Use)

COUNTY BOARD MEMBER: 2 NAME: **Todd Smith**

DOCKET NUMBER: **2015-041**

ADDRESS: **3848 Dinius Road, Williamsville, IL 62693**

PETITIONER: **Mark & Stacie Henderson**

PRESENT ZONING CLASSIFICATION: **"A" Agricultural District with a Use Variance for an excavating business.**

REQUESTED ZONING CLASSIFICATION: **"A" Agricultural District with a Use Variance for an excavating business and a variance to allow two (2) principal uses on one (1) parcel.**

AREA: **5 acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION RECOMMENDATION: **Recommend approval. Granting the variances would allow the owner to construct a residence on the subject property. Based on a review of the information filed for Zoning Case #2005-090, it appears that it was the intent of the Petitioner to construct a residence in the future. However, the Use Variance that was granted was only for the excavating business. The Standards for Variation are met.**

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval as staff recommended.


RECORDING SECRETARY

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SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2015-041
Mark & Stacie Henderson)	
)	PROPERTY LOCATED AT:
)	3848 Dinius Road
)	Williamsville, IL 62693

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 **October 15, 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: **3848 Dinius Road, Williamsville, IL 62693** and more particularly described as:

See Exhibit A

- 3. That the present zoning of said property is "A" Agricultural District with a Use Variance for an excavating business.
- 4. That the present land use of said property is a pole barn with storage of equipment for an excavating business.
- 5. That the proposed land use of said property is a single-family residence and a pole barn with storage of equipment for an excavating business.
- 6. That the requested variance of said property is to allow two (2) principal uses on one (1) parcel.
- 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
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, & John Lucchesi**

NO:

PRESENT:

ABSENT: **Merilyn Herbert & Janet Dobrinsky**

Cyndi Knowles
RECORDING SECRETARY

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RECOMMENDED STANDARDS FOR USE VARIATIONS

Case #: 2015-041

Address: 3848 Dinius Road, Williamsville

The Zoning Board of Appeals shall not recommend to the Sangamon County Board that the regulations of the zoning ordinance be varied as authorized in Section 17.66.010 thereof, unless it shall make findings of fact based upon the evidence presented to it in each specified case:

- (i) that the variance is justified by a showing of special circumstances demonstrating practical difficulties or particular hardship in the way of carrying out the strict letter of the Zoning Regulations.

Granting the use variance would allow the owner to construct a residence on the subject property. Based on a review of the information filed for Zoning Case # 2005-090, it appears that it was the intent of the Petitioner to construct a residence in the future. However, the Use Variance that was granted was only for the excavating business.

- (ii) that the variance is compatible with the trend of development in the area.

The area has a rural/agricultural character. The addition of one residence to the area would be compatible.

- (iii) that the variance will benefit the community and be in harmony with the general purpose and intent of the Zoning Regulations.

Granting the variance would allow a residence, an as of right use in the Agricultural District, to be constructed on the subject property with the excavating business.

- (iv) that the variance will not create a negative impact on the area, 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.