

FILED

CASE#2022-018
RESOLUTION NUMBER 5-1

NOV 30 2022

Don J. Hayes
Sangamon County Clerk

**GRANTING A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
8290 STALEY ROAD, LOAMI
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 West ½ of the Northwest ¼ of Section 9, Twp. 14N, Range 7W of the Third P.M., except 1.75 acres, more or less, in the SW corner thereof previously deeded for cemetery purposes.

Parcel Number 27-09.0-100-001

WHEREAS, the Petitioner, **Nellie J. Staley Trust, Steven L. Staley, Trustee**, has petitioned the Sangamon County Board requesting for **Proposed Parcel 1: pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 20 acres);** and,

WHEREAS, a public hearing was held at the Sangamon County Building on **November 17, 2022** 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 a variance;** and,

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

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **13th Day of December, 2022** that the following request(s) on the above described property is hereby approved:

For Proposed Parcel 1:

- Pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 20 acres).

Signed and passed by the Sangamon County Board in session on this **13th day of December, 2022.**

COUNTY BOARD CHAIRMAN

ATTEST:

SANGAMON COUNTY CLERK

RECAP
(For County Board Use)

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

DOCKET NUMBER: **2022-018**

ADDRESS: **8290 Staley Road, Loami, IL 62661**

PETITIONER: **Nellie J. Staley Trust, Steven L. Staley, Trustee**

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

REQUESTED ZONING CLASSIFICATION: **Proposed Parcel 1: pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 20 acres).**

AREA: **78.25 acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION STAFF RECOMMENDATION: **Recommend approval. Granting the requested variance would facilitate a division of the subject property for the distribution of assets for a trust. No change in land use is contemplated and negative impacts are not anticipated. The Standards for Variation are met.**

SANGAMON COUNTY ZONING BOARD OF APPEALS RECOMMENDATION:
Approval of Staff Recommendation.


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2022-018
Nellie J. Staley Trust,)	
Steven L. Staley, Trustee)	PROPERTY LOCATED AT:
)	8290 Staley Road
)	Loami, IL 62661

RECOMMENDATION OF THE ZONING 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 **November 17, 2022** 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: **8290 Staley Road, Loami, IL 62661** and more particularly described as:

The West ½ of the Northwest ¼ of Section 9, Twp. 14N, Range 7W of the Third P.M., except 1.75 acres, more or less, in the SW corner thereof previously deeded for cemetery purposes.

Parcel Number 27-09.0-100-001

- 3. That the present zoning of said property is **“A” Agricultural District.**
- 4. That the present land use of said property is **Single-family residence with agricultural buildings and cropland.**
- 5. That the proposed land use of said property is **for Proposed Parcel 1: Cropland. Proposed Parcel 2: Single-family residence with agricultural buildings and cropland.**
- 6. That the request(s) for the subject property **is for Proposed Parcel 1: pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 20 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 following request(s) **is hereby approved:**

For Proposed Parcel 1:

- **Pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 20 acres).**


 CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **George Petrilli**, which was duly seconded by **Anthony Mares**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the following request(s) is hereby approved:

For Proposed Parcel 1:

- Pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 20 acres).

The vote of the Board was as follows:

YES: **Charlie Chimento, Anthony Mares, George Petrilli**

NO:

PRESENT:

ABSENT: **Don Wulf, Richard Thompson**



RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2022-018**

Address: **8290 Staley Road, Loami**

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.

Granting the requested variance would facilitate a division of the subject property for the distribution of assets for a trust.

- (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 of land is to settle the distribution of assets for a trust.

- (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 change in land use is contemplated and negative impacts are not anticipated.