

**FILED**

MAY 23 2023

*Don / Hayes*  
Sangamon County Clerk

CASE#2023-010  
RESOLUTION NUMBER 5.1

**GRANTING VARIANCES  
FOR CERTAIN PROPERTY LOCATED AT  
10303 BOYD FARM ROAD, ROCHESTER  
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 the variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

**See Exhibit A**

WHEREAS, the Petitioner, **Dietrich & Jessica Ostermeier**, 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 5 acres); and, for Proposed Parcel 2: pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 34.5 acres); and, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width; and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **May 18, 2023** 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.

**NOW, THEREFORE, BE IT RESOLVED** by the County Board of Sangamon County, Illinois, in session assembled this **13<sup>th</sup> Day of June, 2023** that the following request(s) on the above described property are 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 5 acres); and,

**For Proposed Parcel 2:**

- Pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 34.5 acres); and,
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width.

Signed and passed by the Sangamon County Board in session on this **13<sup>th</sup> day of June, 2023**.

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

**ATTEST:**

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

**Exhibit A**

**THE SOUTH 10 ACRES OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 14 NORTH, RANGE 3 WEST OF THE THIRD PRINCIPAL MERIDIAN, AND THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 14 NORTH, RANGE 3 WEST OF THE THIRD PRINCIPAL MERIDIAN;**

**EXCEPT 10 ACRES IN A SQUARE IN THE SOUTHEAST CORNER THEREOF;**

**ALSO EXCEPTING THE FOLLOWING DESCRIBED TRACT OF LAND, TO-WIT: BEGINNING AT A STONE 20 FEET WEST OF THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SOUTHWEST QUARTER OF SECTION 5, RUNNING THENCE NORTH 1 CHAIN AND 65 LINKS, THENCE WEST 2.46 CHAINS, THENCE SOUTH 2.29 CHAINS, AND THENCE EAST 2.46 CHAINS AND THENCE NORTH 64 LINKS TO THE PLACE OF BEGINNING, CONTAINING .56 OF AN ACRE;**

**ALSO EXCEPTING 30 FEET IN WIDTH OFF THE WHOLE LENGTH OF THE EAST SIDE OF THE FOREGOING TRACT.**

**SITUATED IN SANGAMON COUNTY, ILLINOIS.**

Permanent Index No.:       **31-05.0-300-005**  
**10303 Boyd Farm Road, Rochester, IL 62563**

**RECAP**

(For County Board Use)

COUNTY BOARD MEMBER: # 3                      NAME: **David Mendenhall**

DOCKET NUMBER: **2023-010**

ADDRESS: **10303 Boyd Farm Road, Rochester, IL 62563**

PETITIONER: **Dietrich and Jessica Ostermeier**

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

REQUESTED ZONING CLASSIFICATION: **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 5 acres); and, for Proposed Parcel 2: pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 34.5 acres); and, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width.**

AREA:        **39.5 acres**

COMMENTS:    **None**

OBJECTORS:    **None**

PLANNING COMMISSION STAFF RECOMMENDATION: **Recommend approval. Granting the requested variances will facilitate a division to separate the single-family residence and outbuildings from the cropland. 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.**

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RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF: ) DOCKET NO: **2023-010**  
**Dietrich and Jessica Ostermeier** )  
)  
) PROPERTY LOCATED AT:  
) **10303 Boyd Farm Road**  
) **Rochester, IL 62563**

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 **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 **May 18, 2023** 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: **10303 Boyd Farm Road, Rochester, IL 62563** 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 **Single-family residence, outbuildings, and cropland.**
5. That the proposed land use of said property is **for Proposed Parcel 1: Single-family residence and outbuildings; and, for Proposed Parcel 2: Cropland.**
6. That the request(s) for the subject property **are 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 5 acres); and, for Proposed Parcel 2: pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 34.5 acres); and, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width.**
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 following request(s) **are 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 5 acres); and,

**For Proposed Parcel 2:**

- Pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 34.5 acres); and,
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width.

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CHAIRMAN

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Richard Thompson**, which was duly seconded by **George Petrilli**, 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) **are 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 5 acres); and,

**For Proposed Parcel 2:**

- Pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 34.5 acres); and,
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width.

The vote of the Board was as follows:

YES:           **Charli Chimento, Anthony Mares, Don Wulf, Richard Thompson,  
George Petrilli**

NO:

PRESENT:

ABSENT:

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RECORDING SECRETARY

**SANGAMON COUNTY  
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2023-010**

Address: **10303 Boyd Farm Road, Rochester**

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 variances will facilitate a division to separate the single-family residence and outbuildings from the cropland.**

- (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 bank is requiring the subject property to separate the existing single-family residence from the cropland for financing purposes; therefore, the requested variances are necessary.**

- (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.**