

CASE# 2013-055 5-1
RESOLUTION NUMBER

GRANTING VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
700 BLOCK OF STANTON AIRPORT RD, RIVERTON
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 variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See **EXHIBIT A**

WHEREAS, the Petitioners, **Kenneth & Polly Kirby**, have petitioned the Sangamon County Board for a **variance for proposed Parcel 1 to allow one (1) parcel less than forty (40) acres; and, for proposed Parcels 1 and 2 a variance to allow two (2) parcels with zero feet (0') of road frontage instead of the required one hundred fifty feet (150') of road frontage; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **December 19, 2013** 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.

FILED

DEC 26 2013

Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 14th Day of January, 2014 that the request for a variance for proposed Parcel 1 to allow one (1) parcel less than forty (40) acres; and, for proposed Parcels 1 and 2 a variance to allow two (2) parcels with zero feet (0') of road frontage instead of the required one hundred fifty feet (150') of road frontage on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 14th Day of January, 2014.

Respectfully submitted,

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



GREG STUMPF, CHAIRMAN

DAVID MENDENHALL, VICE CHAIRMAN

JOHN FULGENZI

CRAIG HALL

SAM SNELL

ABE FORSYTH

JASON RATTS

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

PART OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 26 AND PART OF THE WEST HALF (W ½) OF THE WEST HALF (2 ½) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION 25, BOTH BEING IN TOWNSHIP 16 NORTH, RANGE 4 WEST OF THE THIRD PRINCIPLE MERIDIAN IN SANGAMON COUNTY, ILLINOIS MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT AN IRON PIN LOCATED 2.9 FEET SOUTH OF A STONE MARKING THE NORTHWEST CORNER OF THE NORTHEAST QUARTER (NE ¼) OF THE AFORESAID SECTION 26; THENCE EASTERLY, 768.88 FEET, ALONG THE NORTH LINE OF SAID SECTION 26 TO AN IRON PIN FOUND MARKING THE SOUTHEAST CORNER OF AN ACCESS EASEMENT SURVEYED IN AUGUST, 1967, BY RAYNOLDS & WALSCHLEGER FOR LENA CROMLEY, MARKING THE TRUE POINT OF BEGINNING; THENCE NORTH 89° 45' 05" EAST, 1881.64 FEET TO AN IRON PIN; THENCE NORTH 89° 03' 16" EAST, ALONG THE NORTH LINE OF SAID SECTION 25, 317.79 FEET TO AN IRON PIN; THENCE SOUTH 01° 21' 49" WEST, 874.54 FEET TO AN IRON PIN; THENCE SOUTH 77° 33' 49" WEST, 313.97 FEET TO AN IRON PIN; THENCE SOUTH 00° 35' 28" WEST, 292.94 FEET TO AN IRON PIN; THENCE SOUTH 85° 45' 41" WEST, 1880.16 FEET TO AN IRON PIN; THENCE NORTH 00° 15' 21" EAST 1360.39 FEET TO THE TRUE POINT OF BEGINNING SAID TRACT CONTAINS 62.30 ACRES, MORE OR LESS, AND IS SUBJECT TO AN ACCESS AND UTILITY EASEMENT HAVING A UNIFORM WIDTH OF 30 FEET WHICH LIES ADJACENT TO AND PARALLEL WITH THE WEST LINE OF SAID TRACT, AND ALL OTHER ROADWAY AND UTILITY EASEMENTS OF RECORD

EXCEPTING OUT:

AND PART OF THE WEST HALF (W ½) OF THE WEST HALF (2 ½) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION 25, BOTH

AND

THENCE NORTH 89° 03' 16" EAST, ALONG THE NORTH LINE OF SAID SECTION 25, 317.79 FEET TO AN IRON PIN; THENCE SOUTH 01° 21' 49" WEST, 874.54 FEET TO AN IRON PIN; THENCE SOUTH 77° 33' 49" WEST 313.97 FEET TO AN IRON

RECAP
(For County Board Use)

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

DOCKET NUMBER: **2013-055**

ADDRESS: **700 Block of Stanton Airport Rd, Riverton, IL 62561**

PETITIONERS: **Kenneth & Polly Kirby**

PRESENT ZONING CLASSIFICATION: **"A" Agricultural District**

REQUESTED ZONING CLASSIFICATION: **"A" Agricultural District with a variance for proposed Parcel 1 to allow one (1) parcel less than forty (40) acres; and, for proposed Parcels 1 and 2 a variance to allow two (2) parcels with zero feet (0') of road frontage instead of the required one hundred fifty feet (150') of road frontage**

AREA: **55.7 Acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION RECOMMENDATION: **Recommend approval. The standards for variation have been met. Granting the variances would allow the property to continue to be farmed and come into compliance with the zoning regulations. There will be no land use changes therefore no negative impact is anticipated in allowing the proposed division.**

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: 2014-055
Kenneth & Polly Kirby)	
)	PROPERTY LOCATED AT:
)	700 Block of Stanton Airport Rd
)	Riverton, IL

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 **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 **December 19, 2013** 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: **700 Block of Stanton Airport Rd, Riverton, IL 62561** 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 **Agricultural, Farm Ground & CREP, CRP.**
- 5. That the proposed land use of said property is **Agricultural, Farm Ground & CREP, CRP.**
- 6. That the requested **variances** of said property are **a variance for proposed Parcel 1 to allow one (1) parcel less than forty (40) acres; and, for proposed Parcels 1 and 2 a variance to allow two (2) parcels with zero feet (0') of road frontage instead of the required one hundred fifty feet (150') of road frontage.**
- 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 requested **variances** be **approved**.

Charles Chimento
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Don Wulf**, 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 **Judith Johnson**.

The vote of the Board was as follows:

YES: **Charles Chimento, Byron Deaner, Judith Johnson, Don Wulf, John Lucchesi**

NO:

PRESENT:

ABSENT: **Peggy Egizii, Janet Dobrinsky**

Cyndi Knowles
RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: 2013-055

Address: In the 700 Block of Stanton Airport Road, Riverton

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 request is being made to allow division of the property so the owner can sell a portion of the cropland to the previous owner. The division would allow the new owner to continue farming the property without resulting in an economic loss.

- (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 property has been in existence for 75 years without frontage and granting the variance would allow the owner to comply with the regulations.

- (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 impact is anticipated as there will be no visible changes to the property.