

CASE# 2015-029 5-1
RESOLUTION NUMBER

GRANTING VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
16830 RED LANE, NEW BERLIN
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 Petitioner, **Francis L. Fromme Estate**, has petitioned the Sangamon County Board for **Proposed Parcel 1: a variance to allow one (1) parcel less than forty (40) acres in the "A" Agricultural District, a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width for one (1) parcel, and a variance to allow one (1) parcel zero (0) foot of road frontage instead of the required one hundred-fifty (150) feet;** and

WHEREAS, a public hearing was held at the Sangamon County Building on **August 20, 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 variances;** and

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

FILED

AUG 28 2015

Don J. May
Sangamon County Clerk

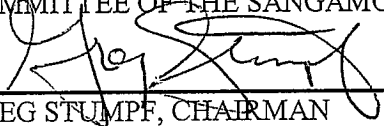
b'd

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **8th Day of September, 2015** that the request for **Proposed Parcel 1: a variance to allow one (1) parcel less than forty (40) acres in the "A" Agricultural District, a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width for one (1) parcel, and a variance to allow one (1) parcel zero (0) foot of road frontage instead of the required one hundred-fifty (150) feet on the above described property is hereby approved.**

Signed and passed by the Sangamon County Board in session on this **8th day of September, 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 RATTIS

LINDA DOUGLAS WILLIAMS

ANNETTE FULGENZI

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

The South 64 acres of the East Half of the Northwest Quarter of Section 26 and the North 25 acres of the Northeast Quarter of the Southwest Quarter of Section 26, all in Township 15 North, Range 8 West of the Third Principal Meridian, Sangamon County, Illinois.

EXCEPT THE FOLLOWING TRACT:

Part of the East Half of the West Half of Section 26, Township 15 North, Range 8 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows:

Beginning at the Southwest corner of the East Half of the Northwest Quarter of said Section 26, thence north on the Quarter Quarter Section line, 2118.63 feet to the south right of way line of the Norfolk and Southern Railroad; thence deflecting to the right 90 degrees, 25', 26", 368.03 feet on said south right of way line; thence deflecting to the right 89 degrees, 34', 34", 1843.66 feet; thence deflecting to the left 89 degrees, 52', 58', 143.98 feet; thence deflecting to the right 89 degrees, 52', 58', 273.00 feet; thence deflecting to the right 90 degrees, 07', 02', 452.00 feet; thence deflecting to the left 90 degrees, 07', 02', 150.00 feet; thence deflecting to the right 90 degrees, 07', 02", 60.00 feet; thence deflecting to the right 89 degrees, 52', 58", 150.00 feet to the point of beginning, containing 19.00 acres, more or less.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: 7 NAME: Craig Hall

DOCKET NUMBER: 2015-029

ADDRESS: 16830 Red Lane, New Berlin, IL 62670

PETITIONER: Francis L. Fromme Estate

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: "A" Agricultural District with for Proposed Parcel 1: a variance to allow one (1) parcel less than forty (40) acres in the "A" Agricultural District, a variance to allow the lot depth to be greater than two and one-half (2 1/2) times the lot width for one (1) parcel, and a variance to allow one (1) parcel zero (0) foot of road frontage instead of the required one hundred-fifty (150) feet.

AREA: 70 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION
RECOMMENDATION:

Recommend approval. Granting the requested variances will help the owner facilitate a division and settle an estate. The subject property is and will continue to remain in crop production. The currently landlocked seventy (70) acre tract will be reduced below forty (40) acres in size, with part of the parcel being combined with a parcel to the south. The standards of variation are met.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval as staff recommended.


RECORDING SECRETARY

56

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2015-029
Francis L. Fromme Estate)	
)	PROPERTY LOCATED AT:
)	16830 Red Lane
)	New Berlin, IL 62670

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 **August 20, 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: **16830 Red Lane, New Berlin, IL 62670** 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 grain farming.
- 5. That the proposed land use of said property is grain farming.
- 6. That the requested variances of said property are for Proposed Parcel 1: a variance to allow one (1) parcel less than forty (40) acres in the "A" Agricultural District, a variance to allow the lot depth to be greater than two and one-half (2 1/2) times the lot width for one (1) parcel, and a variance to allow one (1) parcel zero (0) foot of road frontage instead of the required one hundred-fifty (150) feet .
- 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/cx
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **John Lucchesi**, 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 **Anthony Mares**.

The vote of the Board was as follows:

YES: **Charles Chimento, Anthony Mares, Andrew Spiro, & John Lucchesi**

NO:

PRESENT: **Merilyn Herbert**

ABSENT: **Don Wulf & Janet Dobrinsky**

Cyndi Knowles
RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: 2015-029

Address: 16830 Red Lane, New Berlin

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 help the owner facilitate a division and settle an estate. The subject property is and will continue to remain in crop production. Given that the subject property is landlocked, agricultural production is its only plausible use. The currently landlocked seventy (70) acre tract will be reduced below forty (40) acres in size, with part of the parcel being combined with a parcel to the south. The property can continue to be used for this purpose in the Agricultural zoning district.

- (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 requested variance is necessary to support settlement of an estate. This is a relatively unique circumstance that warrants granting the requested relief.

- (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.