

CASE# 2012-031
RESOLUTION NUMBER 6-1

GRANTING VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
14670 & 14688 NAVE RD., MECHANICSBURG
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, **William Rincker & Michael Benz**, have petitioned the Sangamon County Board for a **variance of Lot A to allow one (1) parcel less than forty (40) acres, a variance of Lot B to allow the lot depth to be greater than two and one-half (2 ½) times the lot width, and a variance to allow one (1) parcel greater than five (5) acres to allow an additional approximately five (5) acres to be divided off from Lot A and combined with Lot B; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **July 19th, 2012** 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

JUL 30 2012

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 August, 2012 that the request for a variance of Lot A to allow one (1) parcel less than forty (40) acres, a variance of Lot B to allow the lot depth to be greater than two and one-half (2 ½) times the lot width, and a variance to allow one (1) parcel greater than five (5) acres to allow an additional approximately five (5) acres to be divided off from Lot A and combined with Lot B on the above referenced property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 14th day of August, 2012.

Respectfully submitted,

PUBLIC HEALTH, SAFETY & ZONING COMMITTEE OF
THE SANGAMON COUNTY BOARD



TIM MOORE, CHAIRMAN

ABE FORSYTH, VICE CHAIRMAN

JOHN FULGENZI

DAVID MENDENHALL

SAM SNELL

GREG STUMPF

JASON RATTS

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

Part of the Northwest Quarter of the Northeast Quarter of Section 12, Township 15 North, Range 3 West of the Third Principal Meridian, described more particularly as follows:

Commencing at an iron pin marking the Northeast corner of the Northwest Quarter of the Northeast Quarter of the aforementioned Section 12; thence South 00 degrees 22 minutes 49 seconds West along the Quarter, Quarter Section line, a distance of 577.98 feet measured, to an iron pipe marking the true point of beginning; thence continuing South 00 degrees 22 minutes 49 seconds West along the Quarter, Quarter Section line, a distance of 128.95 feet to an iron pipe; thence South 90 degrees 00 minutes 00 seconds West 337.88 feet to an iron pipe; thence North 00 degrees 22 minutes 49 seconds East 128.95 feet to an iron pin; thence North 90 degrees 00 minutes 00 seconds East 337.88 feet measured, (338 feet deed) to the point of beginning.

Basis of bearing is South 00 degrees 22 minutes 49 seconds West along the Quarter, Quarter Section line.

Except all coal, oil, gas and other minerals underlying said land, together with the right to mine and remove same, heretofore conveyed of record.

Together with all easements and appurtenances in favor of said above described property.

AND

Part of the Northeast Quarter of Section 12, Township 15 North, Range 3 West of the Third Principal Meridian, more particularly described as follows:

Beginning at the Northeast Corner, Northwest Quarter, Northeast Quarter of Section 12, Township 15 North, Range 3 West of the Third Principal Meridian, thence westerly along the North Line of the Northwest Quarter, Northeast Quarter of Said Section 12, 338.0 feet, thence southerly parallel with the East Line of the Northwest Quarter, northeast Quarter of said Section 12, 450.0 feet, thence easterly parallel to said North Line, 338.0 feet, thence northerly along said East Line, 450.0 feet to the Point of Beginning, containing 3.49 acres, more or less, all in Sangamon County, Illinois and subject to roadway as it now exists.

AND

PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 15 NORTH, RANGE 3 WEST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED MORE PARTICULARLY AS FOLLOWS:

COMMENCING AT AN IRON PIN MARKING THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE AFOREMENTIONED SECTION 12, THENCE SOUTH 00 DEGREES 22 MINUTES 49 SECONDS WEST ALONG THE QUARTER, QUARTER SECTION LINE A DISTANCE OF

449.03 FEET MEASURED, (450 FEET DEED) TO THE TRUE POINT OF BEGINNING, THENCE CONTINUING SOUTH 00 DEGREES 22 MINUTES 49 SECONDS WEST ALONG THE QUARTER, QUARTER SECTION LINE A DISTANCE OF 128.95 FEET TO AN IRON PIPE, THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST 337.88 FEET TO AN IRON PIPE, THENCE NORTH 00 DEGREES 22 MINUTES 49 SECONDS EAST 128.95 FEET TO AN IRON PIN, THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST 337.88 FEET MEASURED, (338 FEET DEED) TO THE TRUE POINT OF BEGINNING. SAID PARCEL CONTAINS 1.00 ACRES MORE OR LESS, ALL IN THE COUNTY OF SANGAMON, STATE OF ILLINOIS.

BASIS OF BEARING IS SOUTH 00 DEGREES 22 MINUTES 49 SECONDS WEST ALONG THE QUARTER, QUARTER SECTION LINE.

AND

PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 15 NORTH, RANGE 3 WEST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED MORE PARTICULARLY AS FOLLOWS:

COMMENCING AT AN IRON PIN MARKING THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE AFOREMENTIONED SECTION 12, THENCE SOUTH 00 DEGREES 22 MINUTES 49 SECONDS WEST ALONG THE QUARTER, QUARTER SECTION LINE A DISTANCE OF 577.98 FEET MEASURED, TO AN IRON PIPE MARKING THE TRUE POINT OF BEGINNING, THENCE CONTINUING SOUTH 00 DEGREES 22 MINUTES 49 SECONDS WEST ALONG THE QUARTER, QUARTER SECTION LINE A DISTANCE OF 128.95 FEET TO AN IRON PIPE, THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST 337.88 FEET TO AN IRON PIPE, THENCE NORTH 00 DEGREES 22 MINUTES 49 SECONDS EAST 128.95 FEET TO AN IRON PIN, THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST 337.88 FEET MEASURED, (338 FEET DEED) TO THE TRUE POINT OF BEGINNING. SAID PARCEL CONTAINS 1.00 ACRE, MORE OR LESS, ALL IN THE COUNTY OF SANGAMON, STATE OF ILLINOIS.

BASIS OF BEARING IS SOUTH 00 DEGREES 22 MINUTES 49 SECONDS WEST ALONG THE QUARTER, QUARTER SECTION LINE.

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RECAP
(For County Board Use)

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

DOCKET NUMBER: **2012-031**

ADDRESS: **14670 & 14688 Nave Rd., Mechanicsburg, IL. 62545**

PETITIONER: **William Rincker & Michael Benz**

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

REQUESTED ZONING CLASSIFICATION: **"A" Agricultural District with a variance of Lot A to allow one (1) parcel less than forty (40) acres, a variance of Lot B to allow the lot depth to be greater than two and one-half (2 ½) times the lot width, and a variance to allow one (1) parcel greater than five (5) acres to allow an additional approximately five (5) acres to be divided off from Lot A and combined with Lot B.**

AREA: **28.60 acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION RECOMMENDATION: **Approval of the requested variances. The standards for variation are met. The petitioners wish to transfer five (5) acres from Parcel A to Parcel B and there do not appear to be any anticipated negative impacts on the immediate area in allowing the division.**

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval


RECORDING SECRETARY

6-6

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2012-031
William Rincker & Michael Benz)	
)	PROPERTY LOCATED AT:
)	14670 & 14688 Nave Rd.
)	Mechanicsburg, IL. 62545

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 **July 19th, 2012** 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: **14670 & 14688 Nave Rd., Mechanicsburg, IL.** 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 two (2) single-family residences, outbuildings and cropland.
5. That the proposed land use of said property is two (2) single-family residences, outbuildings and cropland.
6. That the requested variances of said property are a variance of Lot A to allow one (1) parcel less than forty (40) acres, a variance of Lot B to allow the lot depth to be greater than two and one-half (2 1/2) times the lot width, and a variance to allow one (1) parcel greater than five (5) acres to allow an additional approximately five (5) acres to be divided off from Lot A and combined with Lot B.
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 are 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/CC
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Byron Deaner**, 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 **John Lucchesi**.

The vote of the Board was as follows:

YES: **Byron Deaner, Peggy Egizii, Judith Johnson, Don Wulf, John Lucchesi**

NO:

ABSENT: **Charles Chimento**

Cyndi Knowles
RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: 2012-031

Address: 14670 & 14688 Nave Road, Mechanicsburg

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 made to facilitate division of the property by transferring ownership of the rear five (5) acres of Parcel A to Parcel B.

- (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 owner of Parcel B recently combined one (1) acre from Parcel A and wishes to transfer the remaining acreage to the south of Parcel B.

- (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.

There is no negative impact anticipated in allowing the requested variance.