

CASE# 2012-048 6-1
RESOLUTION NUMBER _____

DENYING A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
15146 FREVERT RD., 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 **deny a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See **EXHIBIT A**

WHEREAS, the Petitioner, **Christopher T. McCombs**, has petitioned the Sangamon County Board for a **variance of section 17.06.080 to allow two (2) principal uses on one (1) parcel**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **October 18, 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 **deny the variance**; and

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

FILED

OCT 31 2012

Jae Aiello
Sangamon County Clerk

62

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 18th day of October, 2012 that the request for a variance of section 17.06.080 to allow two (2) principal uses on one (1) parcel on the above described property is hereby denied.

Signed and passed by the Sangamon County Board in session on this 18th day of October, 2012.

Respectfully submitted,

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

Tim Moore/cx

TIM MOORE, CHAIRMAN

ABE FORSYTH, VICE CHAIRMAN

JOHN FULGENZI

DAVID MENDENHALL

SAM SNELL

GREG STUMPF

JASON RATTIS

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

6-3

EXHIBIT A

A part of the Southeast quarter of Section One, Township 15 North, Range 8 West, of the 3rd Principal Meridian, more particularly bounded and described as follows with bearings given for the purposes of description only:

Beginning at an iron pin marking the Northwest Corner of a Tract Survey by Robert Rentz and recorded as document # 10150 on July 26, 1988 in the Sangamon County Recorders Office; thence South 18 degrees 38 minutes 04 seconds West along the West line of said Tract Survey, a distance of 373.74 feet to an iron pin; thence south 02 degrees 33 minutes 21" West along the West line of said Tract Survey, a distance of 238.60 feet to an iron pin; thence South 89 degrees 41 minutes 09" East along the South line of said Tract Survey, a distance of 401.16 feet to an iron pin; thence South 01 degrees 54 minutes 43" West, a distance of 316.57 feet to an iron pin in the South line of the North 55 acres of the South 105 Acres of the Southeast quarter of Section 1; thence North 89 degrees 32 minutes 17" West along said South line, a distance of 424.69 feet to an iron pin; thence North 02 degrees 33 minutes 21" East, a distance of 557.81 feet to an iron pin; thence North 18 degrees 38 minutes 04" East, a distance of 369.92 feet to an iron pin; thence South 89 degrees 44 minutes 24" East, a distance of 21.07 feet to the Point of Beginning, containing 3.35 acres more or less.

Situated in the County of Sangamon and the State of Illinois.

6-4

RECAP
(For County Board Use)

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

DOCKET NUMBER: **2012-048**

ADDRESS: **15146 Frevert Rd., New Berlin, IL. 62670**

PETITIONER: **Christopher T. McCombs**

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

REQUESTED ZONING CLASSIFICATION: **"A" Agricultural District with a variance of section 17.06.080 to allow two (2) principal uses on one (1) parcel.**

AREA: **3 acres**

COMMENTS: **None**

OBJECTORS: **Yes**

PLANNING COMMISSION RECOMMENDATION: **Recommend denial of the requested variance to allow two (2) uses on one (1) parcel. The petitioner is requesting to construct a church behind the current single-family residence which is accessed via a "flag lot". The standards for variation are not met. There is a concern with the lack of driveway that leads to the current residence and the effect of traffic from a church would have on the property. Furthermore, there is a safety concern in allowing a second use on the property and access by emergency personnel would be difficult given the limited access to the property.**

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Denial of the variance.


RECORDING SECRETARY

6-5

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2012-048
Christopher T. McCombs)	
)	PROPERTY LOCATED AT:
)	15146 Frevert Rd.
)	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 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 **October 18, 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: **15146 Frevert Rd., New Berlin, IL. 62670** and more particularly described as:

See **EXHIBIT A**

6-6

Page 2

3. That the present zoning of said property is "A" Agricultural District
4. That the present land use of said property is a single-family residence.
5. That the proposed land use of said property is a single-family residence and a church.
6. That the requested variance of said property is of section 17.06.080 to allow two (2) principal uses on one (1) parcel.
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 not 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 requested variance be denied.

Charles Chimento/cx
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Judith Johnson**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **denied**, which was duly seconded by **Peggy Egizii**.

The vote of the Board was as follows:

YES: **Judith Johnson, Peggy Egizii, Charles Chimento, Don Wulf, John Lucchesi**

NO:

ABSENT: **Byron Deaner**

Cyndi Knowles
RECORDING SECRETARY