

CASE# 2013-021  
RESOLUTION NUMBER 6-1

**GRANTING VARIANCES**  
FOR CERTAIN PROPERTY LOCATED AT  
**IN THE 8,200 BLOCK OF OLD JACKSONVILLE 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 **grant variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See **EXHIBIT A**

WHEREAS, the Petitioner, **Barbara A. Braner**, has petitioned the Sangamon County Board for a **variance to allow road frontage of forty (40) feet instead of the required one-hundred fifty (150) feet; a variance to allow road frontage to be met at a distance greater than sixty (60) feet from public road; a variance to allow one (1) parcel less than forty (40) acres and 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**

WHEREAS, a public hearing was held at the Sangamon County Building on **May 16, 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**

MAY 29 2013

*Joe Aiello*  
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 11<sup>th</sup> day of June, 2013 that the request for a variance to allow road frontage of forty (40) feet instead of the required one-hundred fifty (150) feet; a variance to allow road frontage to be met at a distance greater than sixty (60) feet from public road; a variance to allow one (1) parcel less than forty (40) acres and 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 on the above referenced property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 11<sup>th</sup> day of June, 2013.

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**

**Parcel 1**

An undivided two-thirds interest in the following-described real estate:

The West 25 acres of even width of the South Half of the Northeast Quarter of Section 6, Township 15 North, Range 6 West of the Third Principal Meridian.

Except:

Part of the West 25 acres of the South Half of the Northeast Quarter of Section 6, Township 15 North, Range 6 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows:

From the center of said Section 6, North on the Quarter Section line 843.65 feet to the point of beginning, thence North on aforesaid Quarter Section line 420.00 feet to the South right-of-way-line of County Highway 8; thence Easterly on aforesaid right-of-way line 821.80 feet; thence South parallel with the Quarter Section line 420.00 feet; thence West 821.80 feet to the point of beginning.

**Parcel 2**

The East 55.76 acres of the South Half of the Northeast Quarter of Section Six (6), Township Fifteen (15) North, Range Six (6) West of the Third Principal Meridian;

Also that part of the Southeast Quarter of Section Six (6), aforesaid, described as follows:

Beginning at the Northeast corner of said Southeast Quarter and running thence South 11 chains and 33 links; thence South 72 degrees 5 minutes West 20 chains and 33 links; thence North 38 degrees West 22 chains and 81 links to the North line of said quarter Section and thence East 33 chains and 38 links to the beginning.

Excepting from the aforesaid Parcel 2, the following described Tracts A, B, C, D and E:

**Tract A:** Part of the Southeast Quarter of the Northeast Quarter of Section 6, Township 15 North, Range 6 West of the Third Principal Meridian, described as follow:

Beginning at a pipe at the Northeast Corner, Southeast Quarter, Northeast Quarter of Section 6, Township 15 North, Range 6 West of the Third Principal Meridian; thence South 0 degrees 22' East, 300.63 feet along the centerline of the Farmingdale Road, thence South 89 degrees 38' West, 45.0 feet to an iron pin on the West right-of-way line of said road, thence South 89 degrees 38' West, 106.97 feet to an iron pin; thence North 39 degrees 56' West 100.73 feet to an iron pin, thence North 32 degrees 42' West, 82.30 feet to an iron pin; thence North 6 degrees 13' East 33.46 feet to an iron pin; thence North 57 degrees 47' West, 40.94 feet to an iron pin; thence

North 70.00 feet to the South right of way line of the Old Jacksonville Road; thence North 30.00 feet to the North line of the Southeast Quarter, Northeast Quarter of said Section 6; thence East 289.94 feet along aid line to the point of beginning.

**Tract B:** Part of the East 55.76 acres of the South Half of the Northeast Quarter of Section 6, Township 15 North, Range 6 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows: From the Southeast corner of the Northeast Quarter of the Northeast Quarter of said Section 6, South 27.52 feet; thence West on the South right-of-way line of County Highway Eight (8), for a distance of 1454.77 feet to the point of beginning; thence deflecting to the left 91 degrees 55' for a distance of 256.00 feet; thence deflecting to the right 91 degrees 55' for a distance of 175.00 feet; thence deflecting to the right 88 degrees 05' for a distance of 256.00 feet to the aforesaid South right-of-way line; thence East 175.00 feet to the point of beginning.

**Tract C:** Part of the Northeast Fractional Quarter of Section 6, Township 15 North, Range 6 West of the Third Principal Meridian more particularly described as follows: Beginning at the center of said Section 6; thence North on the quarter Section line a distance of 1,263.65 feet to the South right-of-way line of County Highway 8; thence Easterly along said right-of-way line a distance of 821.80 feet to an iron pipe marking the Northeast corner of Raymond N. and Mary W. Richey's land; the true point of beginning; thence South parallel with said Quarter Section line a distance of 251 feet to an iron pin; thence South 89 degrees 52 minutes 24 seconds East a distance of 170.16 feet to an iron pin; thence North a distance of 256 feet to an iron pin in the South right-of-way line of County Highway 8; thence North 89 degrees 52 minutes 24 seconds West along said right-of-way line a distance of 170.16 feet; thence South along said right-of-way line a distance of 5 feet to the true point of beginning.

**Tract D:** Part of the Southeast Quarter of the Northeast Quarter of Section 6, Township 15 North, Range 6 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows:

From the Northeast corner of the Southeast Quarter of the Northeast Quarter of said Section 6 South on the Section line 625.20 feet; thence West at right angles 35.00 feet to the West right-of-way line of S.A.R. 15, the point of beginning; thence continuing West 300.00 feet; thence South at right angles, 220.00 feet; thence East at right angles 300.00 feet to the aforesaid right-of-way line; thence North at right angles on aforesaid right-of-way line, 220.00 feet to the point of beginning, containing 1.51 acres, more or less; and

**Tract E:** Part of the Northeast Quarter of Section 6, Township 15 North, Range 6 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows:

From the center of said Section 6, North on the Quarter Section line 1263.65 feet to the South right-of-way line of County Highway 8; thence East on said South right-of-way line 821.80 feet to the point of beginning; thence North on said right-of-way line 5.00 feet; thence East on said right-of-way line 211.00 feet to a pipe at the Northwest corner of the property belonging to Daniel L. Pearce and Jacquelyn Nanovich as recorded in the Office of the Sangamon County Recorder of Deeds, Document No. 789781; thence deflecting to the right 88 degrees 06', 256.00

feet on the West line of the aforesaid Pearce and Nanovich property; thence deflecting to the left 88 degrees 05', 175.00 feet; thence deflecting to the right 88 degrees 05', 407.80 feet; thence West parallel to the aforesaid South right-of-way line 407.74 feet; thence North parallel to the aforesaid Quarter Section line 663.86 feet to the point of beginning.

**RECAP**  
(For County Board Use)

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

DOCKET NUMBER: **2013-021**

ADDRESS: **In the 8,200 Block of Old Jacksonville Rd. New Berlin, IL**

PETITIONER: **Barbara A. Braner**

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

REQUESTED ZONING CLASSIFICATION: **"A" Agricultural District with a variance to allow road frontage of forty (40) feet instead of required one-hundred fifty (150) feet; a variance to allow road frontage to be met at a distance greater than sixty (60) feet from public road; a variance to allow one (1) parcel less than forty (40) acres and 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.**

AREA: **100.58 acres**

COMMENTS: **None**

OBJECTORS: **Yes**

PLANNING COMMISSION RECOMMENDATION: **Approval. The requests are being made in order to divide the land to fulfill the provisions of a Trust. The petition cites that there will be no changes in appearance in the property. As such, it is anticipated that there will be no negative impact on the area.**

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: 2013-021  
 Barbara Braner )  
 )  
 ) PROPERTY LOCATED AT:  
 ) **In the 8,200 Block of Old**  
 ) **Jacksonville 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 **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 16, 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: **In the 8,200 Block of Old Jacksonville Rd., New Berlin, 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 farmland & timber.
- 5. That the proposed land use of said property is farmland & timber.
- 6. That the requested variances of said property are a variance to allow road frontage of forty (40) feet instead of required one-hundred fifty (150) feet; a variance to allow road frontage to be met at a distance greater than sixty (60) feet from public road; a variance to allow one (1) parcel less than forty (40) acres and 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.
- 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, **Bryon 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 **Don Wulf**.

The vote of the Board was as follows:

YES: **Charles Chimento, Bryon Deaner, Judith Johnson, Don Wulf, Janet Dobrinsky**

NO:

PRESENT:

ABSENT: **Peggy Egizii**

*Cynthia Koroled*  
RECORDING SECRETARY



SANGAMON COUNTY  
RECOMMENDED - STANDARDS FOR VARIATIONS

Case #: 2013-021

Address: 8,200 Block of Old Jacksonville Road, 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.

The property can continue to be economically used and yield a reasonable return if the variances are not granted. However, the requests are made in order to divide the land per the conditions of a Trust. If the petitioner is unable to meet the provisions of the Trust, it could result in economic hardship.

- (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 division of land fulfills the provisions of a Trust. This does create some plight to the owner and circumstances unique to the property given the current layout of the property.

- (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.

The petition cites that there will be no alterations to the property or changes in appearance. If this is the case, there will be no negative impact on the area.