

CASE# 2013-042
RESOLUTION NUMBER 6-1

GRANTING VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
12001 & 12005 ACKERMAN RD., VIRDEN
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 **granting variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See **EXHIBIT A**

WHEREAS, the Petitioner, **Kaye Barrett**, has petitioned the Sangamon County Board for proposed **Parcels one (1) and two (2)**, a variance to allow **two (2) parcels less than forty (40) acres**; for proposed **Parcels three (3) and four (4)**, a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District with a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width; to allow the property to be divided; and

WHEREAS, the Petitioner, **Kaye Barrett**, amended the petition to allow **four (4) parcels 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 proposed parcels three (3) and four (4)**.

WHEREAS, a public hearing was held at the Sangamon County Building on **October 17, 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

FILED

OCT 30 2013

Joe Aiello
Sangamon County Clerk

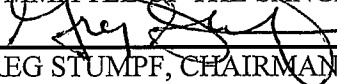
WHEREAS, the Sangamon County Zoning Board of Appeals has presented to the Sangamon County Board of Sangamon County its Findings of Fact and Recommendation that the Sangamon County Board **grant the variances**; and

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

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **12th day of November, 2013** that the request for a variance to allow four (4) parcels 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 proposed Parcels three (3) and four (4) to allow the property to be divided on the above referenced property is hereby approved.

Signed and passed by the Sangamon County Board in session on this **12th day of November, 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 RATTTS

LINDA DOUGLAS WILLIAMS

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LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

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EXHIBIT A

Part of the Southeast Quarter of the Northeast Quarter of Section 21, Township 13 North, Range 7 West of the Third principal Meridian in Sangamon County, Illinois, Being described except as follows:

Commencing at an Iron Pin at the Southwest Corner of the Southeast Quarter of the Northeast Quarter of Section 21: Thence North 0 Degrees 35 Minutes 09 Seconds West 40.00 Feet to the Point of Beginning; Thence North 0 Degrees 35 Minutes 09 Seconds West 316.07 Feet to an Iron Pin; Thence North 89 Degrees 19 Minutes 20 Seconds East 689.09 Feet to an Iron Pin; Thence South 0 Degrees 35 Minutes 09 Seconds East 316.07 Feet; Thence South 89 Degrees 19 Minutes 20 Seconds West 689.09 Feet to the Point of Beginning, Containing 5.00 Acres More or Less.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 7 NAME: Craig Hall

DOCKET NUMBER: 2013-042

ADDRESS: 12001 & 12005 Ackerman Rd., Virden, IL. 62690

PETITIONER: Kaye Barrett

PRESENT ZONING CLASSIFICATION: "A" Agricultural District with a Conditional Permitted Use to allow a dog kennel.

REQUESTED ZONING CLASSIFICATION: For proposed Parcels one (1) and two (2), a variance to allow two (2) parcels less than forty (40) acres; for proposed Parcels three (3) and four (4), a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District with a variance to allow the lot depth to be greater than two and one-half (2 1/2) times the lot width; to allow the property to be divided.

AMENDED: Amend petition to request a variance to allow four (4) parcels 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 proposed Parcels three (3) and four (4).

AREA: 38.78 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: Recommend denial of the requested R-1 zoning. The LESA score for the proposed parcel is 186. LESA guidelines indicate that a score of 175 or higher shall be considered suitable for agricultural use only. It does not appear that there are factors that can be mitigated to make it suitable for non-agricultural development. Recommend denial of the requested variances as there do not appear to

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be circumstances unique to this property. The standards for variation have not been met.

AMENDED: Because of the change and the way Mrs. Barrett is amending her petition, staff recommends approval of a variance to allow four (4) parcels less than forty (40) acres and the variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width for proposed Parcel three (3) and four (4). It is staff's opinion that there will be no negative impact on the immediate area and the preservation of the farmland for proposed Parcels 3 and 4 are the intent of the agricultural district.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval as amended by both petitioner and staff recommendation.



RECORDING SECRETARY

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SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2013-042
Kaye Barrett)	
)	PROPERTY LOCATED AT:
)	12001 & 12005 Ackerman Rd.
)	Virden, IL. 62690

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 **October 17, 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: **12001 & 12005 Ackerman Rd., Virden, IL. 62690** and more particularly described as:

See **EXHIBIT A**

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3. That the present zoning of said property is **"A" Agricultural District with a Conditional Permitted Use to allow a dog kennel.**
4. That the present land use of said property is **a single-family residence, dog kennel and farmland.**
5. That the proposed land use of said property is **a single-family residence, dog kennel and farmland.**
6. That the requested **variances** of said property are **to allow four (4) parcels 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 proposed Parcels three (3) and four (4).**
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/cx
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 as amended**, which was duly seconded by **Peggy Egizii**.

The vote of the Board was as follows:

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

NO:

PRESENT:

ABSENT: **Byron Deaner, Janet Dobrinsky**

Cyndi Knowles
RECORDING SECRETARY

**ZONING BOARD OF APPEALS
RECOMMENDED – STANDARDS FOR VARIATIONS
October 17, 2013**

Case #: 2013-042

Address: 12001 & 12005 Ackerman Rd., Virden, IL. 62690

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 up on 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 to substain 2 single-family residences. That is no longer applicable. Instead ~~it would be~~ the request is being made to facilitate the division of the single-family residence and the dog kennel from 2 parcels that shall remain cropland.

- (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 wishes to separate the cropland for the continued economic viability of the property. No negative impact is anticipated therefore staff does recommend approval of a variance to allow 4 parcels less than 40 acres and the variance to allow the lot depth to be greater than 2 ½ times the lot width for proposed Parcels 3 and 4.

- (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.

It is staff's opinion that there will be no negative impact on the immediate area and the preservation of the farmland for proposed Parcels 3 and 4 are the intent of the agricultural district.