

CASE# 2012-010  
RESOLUTION NUMBER 8-1

**GRANTING A USE VARIANCE AND VARIANCE**  
FOR CERTAIN PROPERTY LOCATED AT  
**3429 ROBINSON RD., PLEASANT PLAINS**  
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 a use variance and variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

**See Exhibit A**

WHEREAS, the Petitioner, **Melinda S. Gilbreth**, has petitioned the Sangamon County Board for a **rezoning from "A" Agricultural District to "B-2" Retail Business District with a variance to allow two (2) principal uses on one (1) parcel; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **March 15, 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 rezoning but, in the alternative, grant a use variance to allow a bakery in the manufactured home providing that the hours of operation are by appointment only, the owner of bakery is the only employee and no signage, and a variance to allow two (2) principal uses on one (1) parcel; and**

**FILED**

MAR 28 2012

*Joe Aiello*  
Sangamon County Clerk

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 11<sup>th</sup> day of April, 2012 that the request for a rezoning from "A" Agricultural District to "B-2" Retail Business District be denied but, in the alternative, a use variance to allow a bakery in the manufactured home providing that the hours of operation are by appointment only, the owner of bakery is the only employee and no signage, and a variance to allow two (2) principal uses on one (1) parcel on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 11<sup>th</sup> day of April, 2012.

Respectfully submitted,

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

TIM MOORE, CHAIRMAN  
*Abe Forsyth*  
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 Northeast Quarter of the Southwest Quarter of Section 11, Township 16 North, Range 8 West of the Third Principal Meridian, more particularly described as follows:

Commencing at a found iron pin marking the Northeast corner of the northeast quarter of the southwest quarter of the aforesaid Section 11; thence south 00 degrees 00 minutes 00 seconds east along the quarter section line 195.13 feet to the true point of beginning; thence continue south 00 degrees 00 minutes 00 seconds east 466.69 feet; thence south 90 degrees 00 minutes 00 seconds west 466.69 feet to a set iron pin; thence north 00 degrees 00 minutes 00 seconds east 466.69 feet to a set iron pin; thence south 90 degrees 00 minutes 00 seconds east 466.69 feet to the true point of beginning.

Situated in Sangamon County, Illinois.

**RECAP**  
(For County Board Use)

COUNTY BOARD MEMBER: # 7                      NAME: Craig Hall

DOCKET NUMBER: 2012-010

ADDRESS: 3429 Robinson Rd., Pleasant Plains, IL. 62677

PETITIONER: Melinda S. Gilbreth

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: "B-2" Retail Business District with a variance to allow two (2) principal uses on one (1) parcel.

AREA: 5 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION:      **Denial of the requested B-2 zoning as it is seen as too intense and commercial zoning would not be consistent with the immediate area. Even though the LESA score of 214 is considered acceptable for non-agricultural uses only, it is highly unlikely that the grassy area that surrounds the homestead in which the bakery would be located would ever be converted to cropland. Furthermore, staff recommends that a use variance to allow for a bakery located in the manufactured home is appropriate, with the stipulation that hours are by appointment only and the owner of the bakery is the only employee, as stated in the petition. Additionally, staff recommends that there should be no signage because of the precedent set by the County Board regarding signage. Recommend**

approval of the requested variance to allow two (2) principal uses on one (1) parcel. The standards for variation are met.

SANGAMON COUNTY BOARD OF APPEALS  
RECOMMENDATION:

**Denial of the rezoning to "B-2" Retail Business District but, in the alternative, approval of a use variance to allow a bakery in the manufactured home providing that the hours of operation are by appointment only, the owner of the bakery is the only employee and no signage, and a variance to allow two (2) principal uses on one (1) parcel.**

  

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RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:	)	DOCKET NO: <b>2012-010</b>
<b>Melinda S. Gilbreth</b>	)	
	)	PROPERTY LOCATED AT:
	)	<b>3429 Robinson Rd.</b>
	)	<b>Pleasant Plains, IL. 62677</b>

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 an **amendment and 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 **March 15, 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: **3429 Robinson Rd., Pleasant Plains, 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 **a single-family residence, manufactured home and out buildings.**
- 5. That the proposed land use of said property is **a single-family residence, bakery in the manufactured home and out buildings.**
- 6. That the requested **rezoning and variance** of said property is **from “A” Agricultural District to “B-2” Retail Business District with a variance 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 **rezoning** 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 **rezoning be denied but, in the alternative, a use variance to allow a bakery in the manufactured home providing that the hours of operation are by appointment only, the owner of bakery is the only employee and no signage, and a variance to allow two (2) principal uses on one (1) parcel be approved.**

*Charles Chimento/ck*  
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 CHAIRMAN

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Marvin Traylor**, 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 per staff recommendations**, which was duly seconded by **Byron Deaner**.

The vote of the Board was as follows:

- YES: **Charles Chimento, Byron Deaner, Marvin Traylor, Peggy Egizii, Judith Johnson**
- NO:
- ABSENT:

*Cyndi Knowles*  
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 RECORDING SECRETARY