

CASE# 2018-036  
RESOLUTION NUMBER 81

**GRANTING VARIANCES**  
FOR CERTAIN PROPERTY LOCATED AT  
**18000 BLOCK OF REICHERT ROAD, DIVERNON**  
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 the variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

**See Exhibit A**

WHEREAS, the Petitioner, **John Smith**, has petitioned the Sangamon County Board for **Proposed Parcel 1: a variance to allow one (1) parcel less than forty (40) acres (approximately 28 acres); for Proposed Parcel 2: a variance to allow one (1) parcel less than forty (40) acres (approximately 22 acres), and a variance to allow the lot depth to be greater than two and one-half (2.5) times the lot width; and, for Proposed Parcel 3: a variance to allow one (1) parcel less than forty (40) acres (approximately 22 acres), and a variance to allow the lot depth to be greater than two and one-half (2.5) times the lot width; and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **July 19, 2018** 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,

**FILED**

JUL 25 2018

*Don / May*  
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 **14<sup>th</sup> Day of August, 2018** that the requests for **Proposed Parcel 1: a variance to allow one (1) parcel less than forty (40) acres (approximately 28 acres); for Proposed Parcel 2: a variance to allow one (1) parcel less than forty (40) acres (approximately 22 acres), and a variance to allow the lot depth to be greater than two and one-half (2.5) times the lot width; and, for Proposed Parcel 3: a variance to allow one (1) parcel less than forty (40) acres (approximately 22 acres), and a variance to allow the lot depth to be greater than two and one-half (2.5) times the lot width on the above described property is hereby approved.**

Signed and passed by the Sangamon County Board in session on this **14<sup>th</sup> day of August, 2018.**

Respectfully submitted,

PUBLIC HEALTH, SOLID WASTE & ZONING  
COMMITTEE OF THE SANGAMON COUNTY BOARD

  
\_\_\_\_\_  
GREG STUMPF, CHAIRMAN

\_\_\_\_\_  
DAVID MENDENHALL, VICE CHAIRMAN

\_\_\_\_\_  
CRAIG HALL

\_\_\_\_\_  
SAM SNELL

\_\_\_\_\_  
ABE FORSYTH

\_\_\_\_\_  
JASON RATTS

\_\_\_\_\_  
LINDA DOUGLAS WILLIAMS

\_\_\_\_\_  
ANNETTE FULGENZI

\_\_\_\_\_  
LINDA FULGENZI

\_\_\_\_\_  
LISA HILLS

\_\_\_\_\_  
MIKE SULLIVAN

\_\_\_\_\_  
ROSE RUZIC

**ATTEST:**

\_\_\_\_\_  
SANGAMON COUNTY CLERK

\_\_\_\_\_  
COUNTY BOARD CHAIRMAN

**EXHIBIT A**

THE NORTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION THIRTY-THREE (33), TOWNSHIP THIRTEEN (13) NORTH, RANGE FIVE (5) WEST OF THE THIRD PRINCIPAL MERIDIAN, SANGAMON COUNTY, ILLINOIS.

AND

THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION THIRTY-THREE (33), TOWNSHIP THIRTEEN (13) NORTH, RANGE FIVE (5) WEST OF THE THIRD PRINCIPAL MERIDIAN, SANGAMON COUNTY, ILLINOIS.

EXCEPTING THEREFROM:

PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 13 NORTH, RANGE 5 WEST OF THE THIRD PRINCIPAL MERIDIAN, SANGAMON COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

FROM THE SOUTHEAST CORNER OF SAID SECTION 33; THENCE NORTH 00°47'55" WEST ON THE SECTION LINE, 2678.84 FEET; THENCE SOUTH 88°58'45" WEST, 146.05 FEET TO THE WEST RIGHT OF WAY LINE OF REICHERT ROAD (I-55FRONTAGE ROAD), THE POINT OF BEGINNING, THENCE CONTINUING ON SAID COURSE, 298.50 FEET; THENCE NORTH 00°58'49" WEST, 273.00 FEET; THENCE NORTH 88°58'45" EAST, 298.53 FEET TO A POINT ON SAID WEST RIGHT OF WAY LINE OF REICHERT ROAD; THENCE SOUTH 00°58'30" EAST ON SAID WEST RIGHT OF WAY LINE, 273.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1.87 ACRES, MORE OR LESS. SITUATED IN SANGAMON COUNTY, ILLINOIS.

PARCEL NUMBERS: 35-33.0-400-001 & 35-33.0-200-005

**RECAP**

(For County Board Use)

COUNTY BOARD MEMBER: #4 NAME: **Jeff Thomas**

DOCKET NUMBER: **2018-036**

ADDRESS: **18000 Block of Reichert Road, Divernon, IL 62530**

PETITIONER: **John Smith**

PRESENT ZONING CLASSIFICATION: **“A” Agricultural District.**

REQUESTED ZONING CLASSIFICATION: **Proposed Parcel 1: A variance to allow one (1) parcel less than forty (40) acres (approximately 28 acres).  
Proposed Parcel 2: A variance to allow one (1) parcel less than forty (40) acres (approximately 22 acres), and a variance to allow the lot depth to exceed two and one-half (2.5) times the lot width.  
Proposed Parcel 3: A variance to allow one (1) parcel less than forty (40) acres (approximately 22 acres), and a variance to allow the lot depth to exceed two and one-half (2.5) times the lot width.**

AREA: **73.13 acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION RECOMMENDATION: **Recommend approval. Granting the variances would facilitate a division of the subject property to help settle an estate. The property is and will remain in cropland. The Standards for Variation are met.**

SANGAMON COUNTY BOARD OF APPEALS  
RECOMMENDATION: **Approval of Staff Recommendation.**

  
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF: )	DOCKET NO: <b>2018-036</b>
<b>John Smith</b> )	
)	PROPERTY LOCATED AT:
)	<b>18000 Block of Reichert Road</b>
)	<b>Divernon, IL 62530</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 a **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 19, 2018** 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: **18000 Block of Reichert Road, Divernon, IL 62530** 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 **cropland.**
- 5. That the proposed land use of said property is **cropland.**
- 6. That the requested **variances** of said property are **for Proposed Parcel 1: a variance to allow one (1) parcel less than forty (40) acres (approximately 28 acres); for Proposed Parcel 2: a variance to allow one (1) parcel less than forty (40) acres (approximately 22 acres), and a variance to allow the lot depth to be greater than two and one-half (2.5) times the lot width; and, for Proposed Parcel 3: a variance to allow one (1) parcel less than forty (40) acres (approximately 22 acres), and a variance to allow the lot depth to be greater than two and one-half (2.5) times the lot width.**
- 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.**

  
 CHAIRMAN *TCB*

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Tony Mares**, 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: **Charlie Chimento, Tony Mares, Don Wulf, Andrew Spiro, Gina Lathan**

NO:

PRESENT:

ABSENT:

  
RECORDING SECRETARY



**SANGAMON COUNTY  
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: 2018-036

Address: 18000 Block of Reichert Road, Divernon

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.

**Granting the variances would facilitate a division of the subject property to help settle an estate. The property is and will remain in 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 division will help settle an estate.**

- (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.

**No change in land use is contemplated and no negative effects are anticipated.**