

CASE# 2011-052 9-1
RESOLUTION NUMBER _____

GRANTING A REZONING AND VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
16267 BERLIN TOWER ROAD, 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 an amendment and variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioners, **Megan & Mindi Smith**, have petitioned the Sangamon County Board for a **rezoning from "A" Agricultural District to "R-1" Single Family Residence District for one (1) parcel, a variance to allow one (1) parcel less than forty (40) acres and a variance of the lot depth to be greater than two and one-half (2 1/2) times the lot width for one (1) parcel; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **November 17, 2011** 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 rezoning and variances; and**

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

FILED

NOV 29 2011

Joe Aiello
Sangamon County Clerk

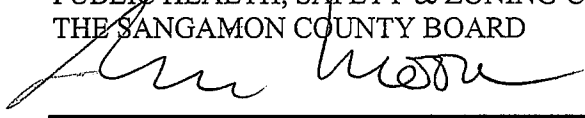
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NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 13th day of December, 2011 that the request for a rezoning from "A" Agricultural District to "R-1" Single Family Residence District for one (1) parcel, a variance to allow one (1) parcel less than forty (40) acres and a variance of the lot depth to be greater than two and one-half (2 1/2) times the lot width for one (1) parcel on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 13th day of December, 2011.

Respectfully submitted,

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



TIM MOORE, CHAIRMAN

ABE FORSYTH, VICE CHAIRMAN

JOHN FULGENZI

DAVID MENDENHALL

SAM SNELL

DON STEPHENS

JASON RATTTS

LINDA DOUGLAS WILLIAMS

ATTEST:

LINDA FULGENZI

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

Exhibit A

Part of the Southeast quarter of Section 26, Township 16 North, Range 8 west of the Third Principal Meridian; Described more particularly as follows:

Commencing at a Stone Marking the Southeast Corner of the Aforementioned Section 26, Thence South 90 degrees 00 minutes 00 seconds West Along the Section Line a Distance of 1119.65 Feet to an Iron Pipe Marking the True Point of Beginning, Thence Continuing South 90 degrees 00 minutes 00 seconds West Along the Section Line a Distance of 480.60 Feet to an Iron Pipe, Thence North 00 Degrees 48 Minutes 38 Seconds West a Distance 906.47 Feet to an Iron Pipe, Thence North 90 Degrees 00 Minutes 00 Seconds East a Distance of 480.60 Feet to an Iron Pipe, Thence South 00 Degrees 48 Minutes 38 Seconds East a Distance of 906.57 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: 2011-052

ADDRESS: 16267 Berlin Tower Road, New Berlin, IL 62670

PETITIONER: Megan & Mindi Smith

PRESENT ZONING CLASSIFICATION: "A" Agricultural District.

REQUESTED ZONING CLASSIFICATION: "R-1" Single Family Residence District for one (1) parcel, a variance to allow one (1) parcel less than forty (40) acres and a variance of the lot depth to be greater than two and one-half (2 1/2) times the lot width for one (1) parcel.

AREA: 10 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: Recommended denial of the requested R-1 zoning to allow for construction of a single family residence. Even though this property has been a part of a homestead for quite some time and the likelihood of converting one (1) acre of pasture to cropland is low, the Land Evaluation and Site Assessment score of 209 is considered very high and deems the property acceptable for agricultural use only. Since staff recommends denial of the R-1 zoning, then the requested variances to allow one (1) parcel less than forty (40) acres and a variance of the lot depth to be two and one-half (2 1/2) times the lot width for one (1) parcel are not needed.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval of the R-1 zoning and the
variances.

Cyndi Knowles
RECORDING SECRETARY

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SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2011-052
Megan & Mindi Smith)	
)	PROPERTY LOCATED AT:
)	16267 Berlin Tower Road
)	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 an **amendment and 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 **November 17, 2011** 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: **16267 Berlin Tower Road, New Berlin, IL.** and more particularly described as:

See Exhibit A

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- 3. That the present zoning of said property is "A" Agricultural District.
- 4. That the present land use of said property is one (1) single family residence.
- 5. That the proposed land use of said property is two (2) single family residences.
- 6. That the requested **rezoning and variances** of said property are a **rezoning from "A" Agricultural District to "R-1" Single Family Residence District for one (1) parcel, a variance to allow one (1) parcel less than forty (40) acres and a variance of 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 **rezoning and 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 **rezoning and variances** be **approved**.

Charles Chimento/ex
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Byron Deaner**, does not 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 **Marvin Traylor**.

The vote of the Board was as follows:

YES: **Charles Chimento, Byron Deaner, Peggy Egizii, Judith Johnson, Marvin Traylor**

NO:

ABSENT:

Cyndi Knowles
RECORDING SECRETARY

**ZONING BOARD OF APPEALS
RECOMMENDED – STANDARDS FOR VARIATIONS
NOVEMBER 17, 2011**

Case #: 2011-052

Address: 16267 Berlin Tower 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 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.

Because the subject property is 10 acres it is difficult to yield a reasonable return on that minimal of acres. This property has not been farmed in over 20 years.

- (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 subject property has not been farmed in over 20 years and does not appear that it will be farmed in the future due to having minimal acreage.

- (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 addition of one new single family residence to the area will not cause any adverse impact on the surrounding area.

**ZONING BOARD OF APPEALS
RECOMMENDED- FINDINGS OF FACT
NOVEMBER 17, 2011**

Case #: **2011-052**

Address: **16267 Berlin Tower Road, New Berlin**

- (i) Existing uses of property within the general area of the property in question.

Although most property in the area is zoned agricultural and used for farmland, the subject property has only been used as a single family residence and pasture.

- (ii) The zoning classification of property within the general area of the property in question.

The surrounding properties are all zoned agricultural.

- (iii) The suitability of the property in question to the uses permitted under the existing zoning classification.

Although it is zoned agricultural, this 10 acres has not been farmed in over 20 years and the likelihood that it will be farmed in the future is very minimal. Given the size of the subject property, a residence and pasture is most suitable.

- (iv) The trend of development, within the vicinity since the property was originally classified.

The area is mostly used for farming and pasture with some single family residences built in the area.