

CASE# 2011-060 5-1  
RESOLUTION NUMBER

**GRANTING A VARIANCE**  
FOR CERTAIN PROPERTY LOCATED AT  
**6333 CURRAN 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 a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

**See Exhibit A**

WHEREAS, the Petitioner, **Gerald W. Butler**, has petitioned the Sangamon County Board for a **rezoning from "A" Agricultural District and "R-1" Single Family Residence District to "R-1" Single Family Residence District 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 **December 15, 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 variance; and**

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

**FILED**

JAN 03 2012

*Joe Aiello*  
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 24<sup>th</sup> day of January, 2012 that the request for 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 described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 24<sup>th</sup> day of January, 2012.

Respectfully submitted,

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

*Tim Moore /ck*

TIM MOORE, CHAIRMAN

ABE FORSYTH, VICE CHAIRMAN

JOHN FULGENZI

DAVID MENDENHALL

SAM SNELL

GREG STUMPF

JASON RATTTS

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

**ATTEST:**

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

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

**Exhibit A**

**Part of the East Half of the Northwest Quarter of Section 33, Township 15 North, Range 6 West of the Third Principal Meridian, Described More Particularly as Follows:**

**Commencing at a Railroad Spike Marking the South One Quarter Corner of the Aforementioned Section 33, Thence North 00 Degrees 58 Minutes 01 Seconds West Along the Quarter Section Line a Distance of 2887.42 Feet to a Mag Nail Marking the True Point of Beginning, Thence South 89 Degrees 30 Minutes 28 Seconds West, A Distance of 1325.91 Feet to an Iron Pipe on the Quarter, Quarter Section Line, Thence North 00 Degrees 52 Minutes 49 Seconds West Along the Quarter, Quarter Section Line a Distance of 1183.21 Feet to a Stone, Thence North 89 Degrees 30 Minutes 28 Seconds East a Distance of 1324.12 Feet to a Mag Nail on the Quarter Section Line, Thence South 00 Degrees 58 Minutes 01 Seconds East Along the Quarter Section Line a Distance of 831.87 Feet to a Mag Nail, Thence South 89 Degrees 01 Minutes 59 Seconds West a Distance of 150.00 Feet to an Iron Pipe, Thence South 00 Degrees 58 Minutes 01 Seconds East a Distance of 290.40 Feet to an Iron Pipe, Thence North 89 Degrees 01 Minutes 59 Seconds East a Distance of 150.00 Feet to a Mag Nail on the Quarter Section Line, Thence South 00 Degrees 58 Minutes 01 Seconds East Along the Quarter Section Line a Distance of 60.96 Feet to the True Point of Beginning. Said Tract Contains 34.990 Acres, More or Less, of Which 0.729 Are is Within the Existing Dedicated Right-Of-Way of Sangamon County Highway 18, All in County of Sangamon, State of Illinois, as Shown as Parcel 2 on Plat of Survey recorded July 11, 2006 As Document No. 2006R25898.**

**Basis of Bearing is North 00 Degrees 58 Minutes 01 Seconds West Along the Quarter Section Line.**

**Situated in Sangamon County, Illinois**

RECAP  
(For County Board Use)

COUNTY BOARD MEMBER: #1 NAME: Harry "Tom" Fraase

DOCKET NUMBER: 2011-060

ADDRESS: 6333 Curran Road, New Berlin, Il. 62670

PETITIONER: Gerald W. Butler

PRESENT ZONING CLASSIFICATION: "A" Agricultural District and "R-1" Single Family Residence District.

REQUESTED ZONING CLASSIFICATION: "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 for one (1) parcel.

**AMENDED:** Petitioner amended on record to remove the request for R-1 zoning as it was his testimony that the subject property would be used only for agricultural uses.

AREA: 43 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: Recommend denial of the requested R-1 zoning for the eastern portion of the subject property that is currently zoned Agricultural. This portion of the property is currently in cropland production and the LESA score of 178 indicates the property is deemed acceptable for agricultural development only. In 2010, the County Board denied the request to rezone the majority of this portion of the subject property to R-1. Since it is the opinion of staff that the R-1 zoning is not appropriate, the requested variance is not needed.

SANGAMON COUNTY BOARD OF APPEALS  
RECOMMENDATION:

Approval of the variance.

  
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS  
SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF: ) DOCKET NO: **2011-060**  
**Gerald W. Butler** )  
)  
) PROPERTY LOCATED AT:  
) **6333 Curran 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 a **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 **December 15, 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: **6333 Curran Road, New Berlin, IL.** and more particularly described as:

**See Exhibit A**

- 3. That the present zoning of said property is "A" Agricultural District and "R-1" Single Family Residence District.
- 4. That the present land use of said property is a single family residence and farmland.
- 5. That the proposed land use of said property is a single family residence and farmland.
- 6. That the requested variance of said property is to allow the lot depth to be greater than two and one-half (2 ½) 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 variance 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 variance be approved.

Charles Chimento/ck  
CHAIRMAN

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Judith Johnson**, 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 **John Luchessi**.

The vote of the Board was as follows:

YES: **Charles Chimento, Byron Deaner, Peggy Egizii, Judith Johnson, John Luchessi**

NO:

ABSENT: **Marvin Traylor**

Cyndi Knowles  
RECORDING SECRETARY

**ZONING BOARD OF APPEALS  
RECOMMENDED – STANDARDS FOR VARIATIONS  
December 15<sup>th</sup>, 2011**

Case #: 2011-060

Address: 6333 Curran Road, New Berlin, IL. 62670

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 request for rezoning has been withdrawn, the property will remain agricultural and the variance will not effect the property economically.**

- (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 sell off some of the land where there is a natural division of the cropland from the remainder of the parcel. The petitioner stated that the potential buyer will use the land for agricultural purposes.**

- (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 negative impact is anticipated.**