

**FILED**

CASE#2020-039  
RESOLUTION NUMBER 12-1

DEC 21 2020



**GRANTING VARIANCES  
FOR CERTAIN PROPERTY LOCATED AT  
10000 BLOCK OF WAVERLY ROAD, WAVERLY  
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:

**The north three quarters (N3/4) of the north half (N1/2) of the southeast one quarter (SE1/4) of Section 24 all in Township 14 North, Range 8 West of the Third Principal Meridian, Maxwell Township, Sangamon County, Illinois. Parcel Number: 26-24.0-400-003.**

WHEREAS, the Petitioner, **Vera O'Donnell**, has petitioned the Sangamon County Board requesting for **Proposed Parcel 2: pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 19 acres); and, a variance of Chapter 17.04 (Lot depth) 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 via Zoom on **December 17, 2020** 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,

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

12-2

**NOW, THEREFORE, BE IT RESOLVED** by the County Board of Sangamon County, Illinois, in session assembled this **12<sup>th</sup> Day of January, 2021** that the following request(s) on the above described property are hereby approved:

**For Proposed Parcel 2:**

- Pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 19 acres); and,
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width.

Signed and passed by the Sangamon County Board in session on this **12<sup>th</sup> day of January, 2021.**

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

**ATTEST:**

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

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**RECAP**  
(For County Board Use)

COUNTY BOARD MEMBER: #7                      NAME: **Craig Hall**

DOCKET NUMBER: **2020-039**

ADDRESS: **10000 Block of Waverly Road, Waverly, IL 62692**

PETITIONER: **Vera O'Donnell**

PRESENT ZONING CLASSIFICATION: **"A" Agricultural District.**

REQUESTED ZONING CLASSIFICATION: **For Proposed Parcel 2: pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 19 acres); and, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width.**

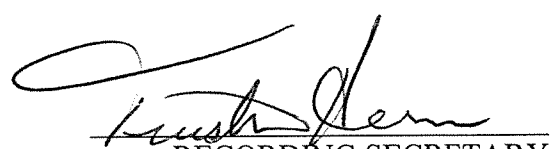
AREA:     **60 acres.**

COMMENTS:     **None**

OBJECTORS:     **None**

PLANNING COMMISSION STAFF RECOMMENDATION: **Recommend approval. Granting the requested variances would allow the petitioner to divide the subject property to sell the south approximately 19 acres of cropland and keep the remaining 40 acres. No change in land use is contemplated and negative impacts are not anticipated. The Standards for Variation are met.**

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

  
RECORDING SECRETARY

12-4

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF: )	DOCKET NO: <b>2020-039</b>
<b>Vera O'Donnell</b> )	
)	PROPERTY LOCATED AT:
)	<b>10000 Block of Waverly Road</b>
)	<b>Waverly, IL 62692</b>

RECOMMENDATION OF THE ZONING 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 **December 17, 2020** 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: **10000 Block of Waverly Road, Waverly, IL 62692** and more particularly described as:

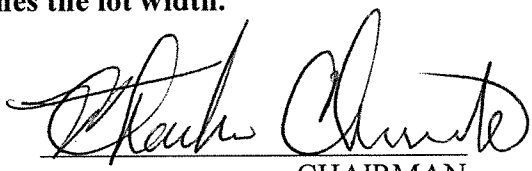
**The north three quarters (N3/4) of the north half (N1/2) of the southeast one quarter (SE1/4) of Section 24 all in Township 14 North, Range 8 West of the Third Principal Meridian, Maxwell Township, Sangamon County, Illinois.  
Parcel Number: 26-24.0-400-003.**

- 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 request(s) for the subject property **are for Proposed Parcel 2: pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 19 acres); and, a variance of Chapter 17.04 (Lot depth) 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** 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 following request(s) **are hereby approved:**

**For Proposed Parcel 2:**

- Pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 19 acres); and,
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width.

  
 CHAIRMAN

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MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Don Wulf**, which was duly seconded by **JD Sudeth**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the following request(s) **are hereby approved:**

**For Proposed Parcel 2:**

- Pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 19 acres); and,
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width.

The vote of the Board was as follows:

YES:           **Charlie Chimento, Tony Mares, Don Wulf, JD Sudeth**

NO:

PRESENT:

ABSENT:   **Andrew Spiro**



RECORDING SECRETARY

12-7

**SANGAMON COUNTY  
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2020-039**

Address: **10000 Block of Waverly Road, Waverly**

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 requested variances would allow the petitioner to divide the subject property to sell the south approximately 19 acres of cropland and keep the remaining 40 acres.**

- (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.

**In order for the petitioner to sell a portion of the cropland, the requested variances are necessary to bring Proposed Parcel 2 into compliance with the Zoning Ordinance.**

- (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 negative impacts are not anticipated.**