

**FILED**

DEC 26 2013

*Jae Aiello*  
Sangamon County Clerk

CASE# 2013-042  
RESOLUTION NUMBER 1-1

**GRANTING VARIANCES**  
FOR CERTAIN PROPERTY LOCATED AT  
**12001 & 12005 ACKERMAN RD., VIRDEN**  
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 **granting variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See **EXHIBIT A**

WHEREAS, the Petitioner, **Kaye Barrett**, has petitioned the Sangamon County Board for a **variance to allow four (4) parcels less than forty (40) Acres and a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width for proposed Parcels 3 and 4; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **December 19, 2013** 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**

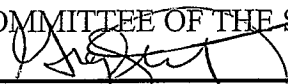
WHEREAS, the Sangamon County Board does hereby adopt the recommendation of the Sangamon County Zoning Board of Appeals.

**NOW, THEREFORE, BE IT RESOLVED** by the County Board of Sangamon County, Illinois, in session assembled this **14<sup>th</sup> day of January, 2014 that the request for a variance to**

allow four (4) parcels less than forty (40) Acres and a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width for proposed Parcels 3 and 4 on the above referenced property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 14<sup>th</sup> day of January, 2014.

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

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

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

\_\_\_\_\_  
JOHN FULGENZI

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

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

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

\_\_\_\_\_  
JASON RATTIS

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

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

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

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

**ATTEST:**

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

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

EXHIBIT A

The southeast Quarter of the Northeast Quarter of Section 21, Township 13 North, Range 7 west of the third principal meridian except that part included in the right of way of the BNSF Railroad, and also except the following 3 parcels;

Legal Description

Part of the southeast quarter of the northeast quarter of section 21, township 13 north, Range 7 West of the Third Principal Meridian, more particularly described as follows;

Beginning at an iron pin which is on the East Line of said Quarter Quarter and 40.0 feet North of the Southeast Corner of said Quarter Quarter, thence Westerly, parallel to the South Line of said Quarter Quarter 425.00 feet, thence Northerly, parallel to said East Line 250.00 feet, thence Westerly, parallel to said South Line 304.53 feet, thence Northerly, parallel to said East Line 750.00 feet, thence Easterly parallel to said South Line 729.53 feet, thence Southerly 1000.00 feet along said East Line to the Point of Beginning, containing 15.0 acres more or less, all in Talkington Township, Sangamon County, Illinois.

Legal Description Right of Way

Part of the southeast Quarter of the Northeast Quarter of Section 21, township 13 North, Range 7 West of the Third Principal Meridian, more particularly described as follows;

Beginning at the Southeast Corner of said Quarter Quarter, thence Westerly along the South Line of said Quarter Quarter 425.00 feet, thence Northerly, parallel to said East Line 40.00 feet, thence Easterly, parallel to said South Line 425.00 feet, thence Southerly along said East Line 40.00 feet to the point of Beginning, containing 0.39 acres more or less, all in Talkington Township, Sangamon County, Illinois.

RIGHT-OF-WAY

Part of the Southeast Quarter of the Northeast Quarter of Section 21, Township 13 North, Range 7 West of the third principal Meridian in the Sangamon County, Illinois, being described as follows;

Beginning at an iron pin at the southwest corner of the southeast quarter of the northeast quarter of section 21, thence north 0 degrees 35 minutes 09 seconds west 40.00 feet, thence north 89 degrees 19 minutes 20 seconds east 689.09 feet, thence south 0 degrees 35 minutes 09 seconds east 40.00 feet, thence south 89 degrees 19 minutes 20 seconds west 689.09 feet to the point of beginning, containing 0.63 acres, more or less.

Part of the Southeast Quarter of the Northeast Quarter of Section 21, Township 13 North, Range 7 West of the Third Principal Meridian, more particularly described as follows:

Beginning at an iron pin which is on the East Line of said Quarter Quarter and 40.0 feet North of the Southeast Corner of said Quarter Quarter, thence Westerly, parallel to the South Line of said Quarter Quarter 425.00 feet, thence Northerly, parallel to said East Line 250.00 feet, thence Westerly, parallel to said South Line 304.53 feet, thence Northerly, parallel to said East Line 750.00 feet, thence Easterly parallel to said South Line 729.53 feet, thence Southerly 1000.00 feet along said East Line to the Point of Beginning, containing 15.0 acres more or less, all in Talkington Township, Sangamon County, Illinois.

Except

Part of the Southeast Quarter of the Northeast Quarter of Section 21, Township 13 North, Range 7 West of the Third Principal Meridian, more particularly described as follows:

Beginning at the Southeast Corner of said Quarter Quarter, thence Westerly along the South Line of said Quarter Quarter 425.00 feet, thence Northerly, parallel to said East Line 40.00 feet, thence Easterly, parallel to said South Line 425.00 feet, thence Southerly along said East Line 40.00 feet to the Point of Beginning, containing 0.39 acres more or less, all in Talkington Township, Sangamon County, Illinois.

**RECAP**

(For County Board Use)

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

DOCKET NUMBER: **2013-042**

ADDRESS: **12001 & 12005 Ackerman Rd., Virden, IL. 62690**

PETITIONER: **Kaye Barrett**

PRESENT ZONING CLASSIFICATION: **"A" Agricultural District with a Conditional Permitted Use to allow a dog kennel.**

REQUESTED ZONING CLASSIFICATION: **A variance to allow four (4) parcels less than forty (40) acres and a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width for proposed Parcels three (3) and four (4).**

AREA: **38.78 acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION RECOMMENDATION: **Staff recommends approval of the petition as amended a the October Zoning Board of Appeals meeting to allow four (4) parcels less than forty (40) acres and the variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width for proposed Parcels three (3) and four (4). It is staff's opinion that there will be no negative impact on the immediate area and the preservation of the farmland for proposed Parcels three (3) and four (4) is the intent of the Agricultural district.**

SANGAMON COUNTY BOARD OF APPEALS  
RECOMMENDATION:

**Approval.**

  
RECORDING SECRETARY

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SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITON OF: )	DOCKET NO: <b>2013-042</b>
<b>Kaye Barrett</b> )	
)	PROPERTY LOCATED AT:
)	<b>12001 &amp; 12005 Ackerman Rd.</b>
)	<b>Virден, IL 62690</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 **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 19, 2013** 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: **12001 & 12005 Ackerman Rd., Virден, IL 62690** and more particularly described as:

See **EXHIBIT A**

- 3. That the present zoning of said property is **“A” Agricultural District with a Conditional Permitted Use to allow a dog kennel.**
- 4. That the present land use of said property is **a single-family residence, dog kennel and farmland.**
- 5. That the proposed land use of said property is **a single-family residence, dog kennel and farmland.**
- 6. That the requested **variances** of said property are **to allow four (4) parcels less than forty (40) Acres and a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width for proposed Parcels 3 and 4.**
- 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 requested **variances** be **approved.**

Charles Chimento/cx  
CHAIRMAN

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Don Wulf**, 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 **Judith Johnson.**

The vote of the Board was as follows:

YES: **Charles Chimento, Byron Deaner, Judith Johnson, Don Wulf, John Lucchesi**

NO:

PRESENT:

ABSENT: **Peggy Egizii, Janet Dobrinsky**

Cyndi Knowles  
RECORDING SECRETARY

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ANALYSIS REFLECT AMENDED PETITION FROM THE OCTOBER ZBA HEARING

SANGAMON COUNTY  
RECOMMENDED - STANDARDS FOR VARIATIONS

Case #: 2013-042

Address: 12001 & 12005 Ackerman Road, Virden

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.

**The request is made to facilitate division of the property for two single-family residences. That is no longer applicable. Instead, the request is being made to facilitate division of the single-family residence and the dog kennel from 2 parcels that shall remain 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 owner wishes to separate the cropland for the continued economic viability of the property. No negative impact is anticipated therefore staff does recommend approval of a variance to allow 4 parcels less than 40 acres and the variance to allow the lot depth to be greater than 2 ½ times the lot width for proposed Parcels 3 & 4.**

- (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.

**It is staff's opinion that there will be no negative impact on the immediate area and the preservation of the farmland for proposed Parcels 3 and 4 are the intent of the Agricultural district.**