

CASE# 2018-011
RESOLUTION NUMBER 4-1

GRANTING VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
17000 BLOCK OF MANSION 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 the variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioners, **Glenn Braker & John Braker**, have petitioned the Sangamon County Board for **a variance to allow one (1) parcel less than forty (40) acres (approximately 3 acres) and a variance to allow a parcel without public road frontage**; and,

WHEREAS, a public hearing was held at the Sangamon County Building on **April 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,

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

FILED

APR 25 2018

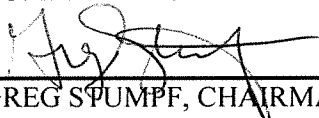
Don H. King
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **8th Day of May, 2018** that the request for a variance to allow one (1) parcel less than forty (40) acres (approximately 3 acres) and a variance to allow a parcel without public road frontage on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this **8th day of May, 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

Petitioners own as tenants in common in equal undivided shares the following described PARCEL 3, as platted on the Plat of Survey recorded as Document #2000R47178 on December 5, 2000. 47.24 acres of PARCEL 3 are in Sangamon County (Index#19-34.0-400-008), and the balance of PARCEL 3 is in Morgan County.

PARCEL 3

PART OF SECTION 34, TOWNSHIP 15 NORTH, RANGE 8 WEST OF THE THIRD PRINCIPAL MERIDIAN, SANGAMON COUNTY AND MORGAN COUNTY, ILLINOIS DESCRIBED AS FOLLOWS:

FROM THE SOUTHEAST CORNER OF SAID SECTION 34; THENCE WEST ALONG THE SOUTH SECTION LINE OF SAID SECTION 34, 2327.75 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTH SECTION LINE, 1969.44 FEET; THENCE DEFLECTING TO THE RIGHT 89°45'08", 1299.32 FEET; THENCE DEFLECTING TO THE RIGHT 90°14'52", 3003.80 FEET; THENCE DEFLECTING TO THE RIGHT 99°41'11", 590.82 FEET; THENCE DEFLECTING TO THE RIGHT 79°44'48", 518.96 FEET; THENCE DEFLECTING TO THE LEFT 87°06'32", 498.34 FEET; THENCE DEFLECTING TO THE RIGHT 58°57'01", 444.94 FEET TO THE POINT OF BEGINNING, CONTAINING 77.530 ACRES, MORE OR LESS.

RECAP
(For County Board Use)

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

DOCKET NUMBER: **2018-011**

ADDRESS: **17000 Block of Mansion Road, New Berlin, IL 62670**

PETITIONER: **Glenn Braker & John Braker**

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

REQUESTED ZONING CLASSIFICATION: **A variance to allow one (1) parcel less than forty (40) acres (approximately 3 acres) and a variance to allow a parcel without public road frontage.**

AREA: **47.24 acres**

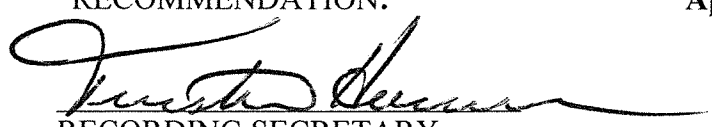
COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION RECOMMENDATION: **Recommend approval. Granting the variance would facilitate a division of the property to help settle an estate. The property is and will remain in cropland. Given that the approximately three (3) acre parcel to be created will be landlocked, cropland is the only allowable use for the subject property. No change in land use is contemplated. 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: 2018-011
Glenn Braker & John Braker)	
)	PROPERTY LOCATED AT:
)	17000 Block of Mansion Road
)	New Berlin, IL 62670

RECOMMENDATION OF THE BOARD OF APPEALS

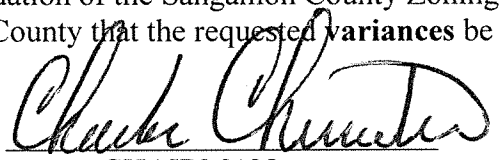
THIS MATTER, Coming on for a hearing before the Sangamon County Zoning Board of Appeals of Sangamon County, Illinois, and it appearing to said Board that a petition for **variances** of the Zoning Regulations of said County has been filed herein by the above captioned petitioner (s); that legal publication has been made pursuant to law; and that a public hearing was held on **April 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: **17000 Block of Mansion Road, New Berlin, IL 62670** 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 for **cropland.**
- 5. That the proposed land use of said property is for **cropland.**
- 6. That the requested **variances** of said property are for **a variance to allow one (1) parcel less than forty (40) acres (approximately 3 acres) and a variance to allow a parcel without public road frontage.**
- 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 70

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

4-8

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2018-011**

Address: **17000 Block of Mansion Rd., 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 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 variance would facilitate a division of the property to help settle an estate. The property is and will remain in cropland. Given that the approximately three (3) acre parcel to be created will be landlocked, cropland is the only allowable use for the subject property.

- (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. Additionally, the subject property sits in two counties. The variance applies only to the portion in Sangamon County.

- (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.