

**DENYING A REZONING**  
**GRANTING A VARIANCE AND USE VARIANCE**

FOR CERTAIN PROPERTY LOCATED AT  
**5695 DICKERSON ROAD, SHERMAN**  
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 **deny an amendment, grant a variance and a use variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

**See Exhibit A**

WHEREAS, the Petitioner, **John Barnard, Contract Purchaser**, has petitioned the Sangamon County Board for **rezoning from "A" Agricultural District to "B-3" General Business District to allow for a single family residence with a trucking firm and a variance to allow two (2) principal uses on a zoning lot; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **March 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 **deny the rezoning, grant the variance and a use variance; and**

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

**FILED**

MAR 24 2011


*Joe Aiello*  
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 5<sup>th</sup> day of April, 2011 that the request for rezoning from "A" Agricultural District to "B-3" General Business District be denied. The variance to allow two (2) principal uses on a zoning lot and a use variance to allow a trucking firm with up to three (3) trucks and a Bobcat, as long as they are stored in a pole barn which is to be constructed within six (6) months, on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 5<sup>th</sup> day of April, 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

\_\_\_\_\_  
GREG STUMPF

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

**ATTEST:**

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

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

## Exhibit A

**PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 17 NORTH, RANGE 4 WEST OF THE THIRD PRINCIPAL MERIDIAN, SANGAMON COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:**

**BEGINNING AT A POINT ON THE QUARTER QUARTER SECTION LINE 277.64 FEET SOUTH OF THE NORTHEAST CORNER OF SAID QUARTER QUARTER SECTION, THENCE WEST PARALLEL TO THE NORTH LINE OF SAID QUARTER QUARTER SECTION 784.41 FEET; THENCE SOUTH PARALLEL TO THE WEST LINE OF SAID QUARTER SECTION 230.99 FEET; THENCE EASTERLY 784.41 FEET TO A POINT ON THE QUARTER QUARTER SECTION LINE, 240.30 FEET SOUTH OF THE POINT OF BEGINNING; THENCE NORTH 240.30 FEET TO THE POINT OF BEGINNING, CONTAINING 4.22 ACRES, MORE OR LESS.**

RECAP  
(For County Board Use)

COUNTY BOARD MEMBER: #3                      NAME: Dave Mendenhall

DOCKET NUMBER: 2011-009

ADDRESS: 5695 Dickerson Road, Sherman, IL. 62684

PETITIONER: John Barnard

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: **Rezoning from "A" Agricultural District to "B-3" General Business District to allow for a single family residence with a trucking firm and a variance to allow two (2) principal uses on a zoning lot.**

AREA: 4.22 acres

COMMENTS: None

OBJECTORS: Yes

PLANNING COMMISSION RECOMMENDATION: **Recommend denial of the B-3 zoning. The proposed zoning would be spot zoning and is considered to be inappropriate to the immediate area. The petitioner proposes to construct a pole barn within six (6) months to provide for the inside storage of the two (2) existing trucks and for one (1) additional truck or a Bobcat to be added in the future. Information should be obtained regarding the hours and method of operation particularly related to the time and number of trips the trucks make from the site to determine the impact on traffic in the area. If the evidence indicates that there would be no negative impact, the staff recommends that a use variance would be appropriate to allow the operation of a trucking firm of up to three (3) trucks or two (2) trucks and a Bobcat providing that the**

storage of the equipment is inside in the proposed pole barn to be constructed within six (6) months. If the use variance is recommended, the staff recommends that the variance to allow two (2) principal uses on the property be granted.

SANGAMON COUNTY BOARD OF APPEALS  
RECOMMENDATION:

Denial of the rezoning, however, grant the variance to allow two (2) principal uses on a zoning lot and a use variance to allow a trucking firm with up to three (3) trucks and a Bobcat, as long as they are stored in a pole barn which is to be constructed within six (6) months.

  
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF: ) DOCKET NO: 2011-009  
**John Barnard**

)  
) PROPERTY LOCATED AT:  
) **5695 Dickerson Road**  
) **Sherman, IL. 62684**

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 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 **March 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: **5695 Dickerson Road, Sherman, IL.** 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 a single family residence with a trucking firm.
- 5. That the proposed land use of said property is a single family residence with a trucking firm.
- 6. That the requested rezoning from "A" Agricultural District to "B-3" General Business District be denied. It is recommended that a variance to allow two (2) principal uses on a zoning lot and a use variance to allow a trucking firm with up to three (3) trucks and a Bobcat, as long as they are stored in a pole barn which is to be constructed within six (6) months of said property is approved.
- 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 not support the proposition that the adoption of the proposed rezoning 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 be denied. It is recommended that a variance to allow two (2) principal uses on a zoning lot and a use variance to allow a trucking firm with up to three (3) trucks and a Bobcat, as long as they are stored in a pole barn which is to be constructed within six (6) months be approved.

*Charles Chimento/ck*  
CHAIRMAN

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, Marvin Traylor, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition be denied. However, it is recommended that a variance to allow two (2) principal uses on a zoning lot and a use variance to allow a trucking firm with up to three (3) trucks and a Bobcat, as long as they are stored in a pole barn which is to be constructed with in six (6) months be approved which was duly seconded by Don Wulf.

The vote of the Board was as follows:

YES: Charles Chimento, Byron Deaner, Don Wulf, Marvin Traylor

NO: Judith Johnson

ABSENT: Peggy Egizii

*Cyndi Knowles*  
RECORDING SECRETARY