

CASE# 2017-020 5-1
RESOLUTION NUMBER

GRANTING VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
18000 BLOCK OF KENNEDY ROAD, 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 **grant the variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

The West Half of the North Half of the Southeast Quarter of Section 34, Township 13 North, Range 6 West of the Third Principal Meridian, Sangamon County, Illinois.

WHEREAS, the Petitioner, **Robert Brackebusch**, has petitioned the Sangamon County Board for **Proposed Parcel 1: a variance to allow one (1) parcel less than forty (40) acres (approximately 20 acres); and, for Proposed Parcel 2: a variance to allow one (1) parcel less than forty (40) acres (approximately 20 acres); and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **May 18, 2017** 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

MAY 25 2017


Sangamon County Clerk

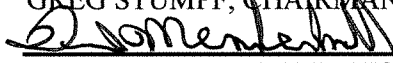
NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **13th Day of June, 2017** that the request for **Proposed Parcel 1: a variance to allow one (1) parcel less than forty (40) acres (approximately 20 acres); and, for Proposed Parcel 2: a variance to allow one (1) parcel less than forty (40) acres (approximately 20 acres) on the above described property is hereby approved.**

Signed and passed by the Sangamon County Board in session on this **13th day of June, 2017.**

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 RATTIS

LINDA DOUGLAS WILLIAMS

ANNETTE FULGENZI

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ROSE RUZIC

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #6 NAME: Sam Snell

DOCKET NUMBER: 2017-020

ADDRESS: 18000 Block of Kennedy Road, Virden, IL 62690

PETITIONER: Robert Brackebusch

PRESENT ZONING CLASSIFICATION: "A" Agricultural District.

REQUESTED ZONING CLASSIFICATION: "A" Agricultural District and, for Proposed Parcel 1: A variance to allow one (1) parcel less than forty (40) acres (approximately 20 acres); and, Proposed Parcel 2: A variance to allow one (1) parcel less than forty (40) acres (approximately 20 acres).

AREA: 40 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: **Recommend approval. Granting the requested variance will help facilitate a division consistent with the petitioner's estate planning to allow the southern 20 acres to be transferred to a family farm corporation and the northern 20 acres would still be owned by the petitioner. 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: 2017-020
Robert Brackebusch)	
)	PROPERTY LOCATED AT:
)	18000 Block of Kennedy Road
)	Virден, IL 62690

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 **May 18, 2017** 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: **18000 Block of Kennedy Road, Virден, IL 62690** and more particularly described as:

The West Half of the North Half of the Southeast Quarter of Section 34, Township 13 North, Range 6 West of the Third Principal Meridian, Sangamon County, Illinois.

Page 2

- 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 Proposed Parcel 1: a variance to allow one (1) parcel less than forty (40) acres (approximately 20 acres); and, for Proposed Parcel 2: a variance to allow one (1) parcel less than forty (40) acres (approximately 20 acres).**
- 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 adoptions of the proposed variances are in the public interest and are 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 R

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: **Charles Chimento, Tony Mares, Don Wulf, Andrew Spiro, JD Sudeth**

NO:

PRESENT:

ABSENT:



RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2017-020**

Address: **1800 Block of Kennedy 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 property could continue to be used economically without the requested variances. However, granting the requested variances will help facilitate a division consistent with the petitioner's estate planning to allow the southern 20 acres to be transferred to a family farm corporation and the northern 20 acres would still be owned by the petitioner.

- (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 to transfer 20 acres into a family farm corporation, the variances are needed to allow the two proposed parcels to be less than 40 acres. The petition states the property is currently farmland and there is no contemplated change in use.

- (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 impacts are anticipated in granting the requested variances.