

CASE# 2013-050  
RESOLUTION NUMBER 6-1

**GRANTING VARIANCES**  
FOR CERTAIN PROPERTY LOCATED AT  
**9990 BELL FOUNTAIN ROAD, DAWSON**  
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 variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See **EXHIBIT A**

WHEREAS, the Petitioner, **Mary Homer**, has petitioned the Sangamon County Board for a **variance for proposed Lot 2 to allow the lot depth to be greater than two and one-half (2 ½) times the lot width; and, Proposed Lot 1 and Lot 2, a variance to allow two (2) parcels less than forty (40) acres to allow approximately one and one-half (1 ½) acres to be divided off the existing twenty eight point zero two (28.02) acres ; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **November 21, 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.

**FILED**

NOV 25 2013

*Joe Diello*  
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 10<sup>th</sup> day of December, 2013 that the request for a variance for proposed Lot 2 to allow the lot depth to be greater than two and one-half (2 1/2) times the lot width; and, Proposed Lot 1 and Lot 2, a variance to allow two (2) parcels less than forty (40) acres to allow approximately one and one-half (1 1/2) acres to be divided off the existing twenty eight point zero two (28.02) acres on the above referenced property is hereby approved approved.

Signed and passed by the Sangamon County Board in session on this 10<sup>th</sup> day of December, 2013.

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

\_\_\_\_\_  
GREG STUMPF, CHAIRMAN  
*[Handwritten Signature]*  
\_\_\_\_\_  
DAVID MENDENHALL, VICE CHAIRMAN

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

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

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

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

\_\_\_\_\_  
JASON RATTTS

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

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

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

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

ATTEST:

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

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

EXHIBIT A

The Northeast corner of the Northeast Quarter of the Northeast Quarter of Section Six (6), Township Fifteen (15) North, Range Three (3) West of the Third Principal Meridian, Sangamon County, Illinois; except two acres located in the Northwest corner of the above-described tract, conveyed by Warranty Deed, recorded September 21, 2001, as Document No. 2001R46597.

Part of the Northwest Quarter of the Northwest Quarter of Section Five (5), Township Fifteen (15) North, Range Three (3) West of the Third Principal Meridian, Sangamon County, Illinois.

Except that part conveyed by Warranty Deed, recorded September 28, 2004, as Document No. 2004R47561, and described as follows:

Part of the Northwest Quarter of the Northwest Fractional Quarter of Section 5 and part of the Northeast Quarter of the Northeast Fractional Quarter of Section 6, Township 15 North, Range 3 West of the Third Principal Meridian in Sangamon County, Illinois, being described as follows: Beginning at an iron pin at the Northwest corner of Section 5; thence South 89 degrees 48 minutes 01 seconds West 10.00 feet to an iron pin, thence South 0 degrees 54 minutes 46 seconds West 203.57 feet to an iron pin; thence South 88 degrees 06 minutes 20 seconds East 164.14 feet to an iron pin; thence South 179.61 feet to an iron pin; thence East 622.30 feet to an iron pin; thence North 0 degrees 20 minutes 06 seconds East 392.00 to an iron pin; thence from said iron pin to the point of beginning.

Subject to easements, covenants and restrictions of record.

**RECAP**  
(For County Board Use)

COUNTY BOARD MEMBER: # 3                      NAME: David Mendenhall

DOCKET NUMBER: 2013-050

ADDRESS: 9990 Bell Fountain Road, Dawson, IL 62520

PETITIONER: Mary Homer

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: "A" Agricultural District with a variance for proposed Lot 2 to allow the lot depth to be greater than two and one-half (2 ½) times the lot width; and, Proposed Lot 1 and Lot 2, a variance to allow two (2) parcels less than forty (40) acres to allow approximately one and one-half (1 ½) acres to be divided off the existing twenty eight point zero two (28.02) acres.

AREA: 29.52 acres

COMMENTS: None

OBJECTORS: Yes

PLANNING COMMISSION RECOMMENDATION: **Recommend approval. The standards for variation are met. The petitioner is requesting to divide the home site from the cropland so the cropland can be sold and continue to be farmed. No negative impacts are anticipated in allowing the proposed division.**

SANGAMON COUNTY BOARD OF APPEALS  
RECOMMENDATION:

**Approval as staff recommended**

  
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF: ) DOCKET NO: 2013-050  
 Mary Homer )  
 )  
 ) PROPERTY LOCATED AT:  
 ) **9990 Bell Fountain Road**  
 ) **Dawson, IL 62520**

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 **November 21, 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: **9990 Bell Fountain Road, Dawson, 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 **single-family residence, garage & cropland.**
5. That the proposed land use of said property is **for proposed Lot 1: single-family residence, garage & cropland and for proposed Lot 2: cropland.**
6. That the requested **variances** of said property are **a variance for proposed Lot 2 to allow the lot depth to be greater than two and one-half (2 ½) times the lot width; and, Proposed Lot 1 and Lot 2, a variance to allow two (2) parcels less than forty (40) acres to allow approximately one and one-half (1 ½) acres to be divided off the existing twenty eight point zero two (28.02) 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 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 **granted**.

*Charles Chimento/ck*  
 CHAIRMAN

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Byron Deaner**, 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 **Peggy Egizii**.

The vote of the Board was as follows:

YES: **Charles Chimento, Byron Deaner, Don Wulf, Peggy Egizii, Judith Johnson**

NO:

PRESENT:

ABSENT:

*Cyndi Knowles*  
 RECORDING SECRETARY

**SANGAMON COUNTY  
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: 2013-050

Address: 9990 Bell Fountain Road, Dawson

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 being made to facilitate division of the home site from the cropland to sell to a separate owner.**

- (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 property is unique in that there is a natural division of the home site from the cropland. Most parcels in the immediate vicinity do not contain cropland in excess of five acres. Dividing the subject parcel to separate the single-family residence from the cropland would be in line with the trend in the area.**

- (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 impact is anticipated in allowing the division of the home site from the cropland.**