

**GRANTING VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
9333 BUCKHART ROAD, ROCHESTER, IL 62563
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, **Trent Norville & Dietrich Ostermeier**, have petitioned the Sangamon County Board requesting **for Proposed Parcel 1: pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 12 acres); and, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width; and, for Proposed Parcel 2: pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 20 acres); and,**

WHEREAS, a public hearing was held at the Bank of Springfield Center on **August 20, 2020** 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

AUG 28 2020

Case #2020-020 Page 1 of 8

Don H. Kay
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **8th Day of September, 2020** that the following request(s) on the above described property are hereby approved:

For Proposed Parcel 1:

- Pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 12 acres); and,
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width; and,

For Proposed Parcel 2:

- Pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 20 acres).

Signed and passed by the Sangamon County Board in session on this **8th day of September, 2020**.

COUNTY BOARD CHAIRMAN

ATTEST:

SANGAMON COUNTY CLERK

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EXHIBIT A

All that part of the East Half of the Northwest Fractional Quarter of Section 18, Township 15 North, Range 3 West of the Third Principal Meridian, lying South of the Cincinnati, Hamilton and Dayton Railway.

ALSO

That part of the South Half of Tract 55 and part of the South Half of Tract 57 of the former railroad properties originally acquired by The Springfield and Decatur Railway Company, a predecessor of CSX Transportation, Inc. by documents dated August 5, 1901 in Deed Book 113, Page 553 (for Tract 55) and in Deed Book 114, Page 335 (for Tract 57) being of varying widths and which is located and being part of the East Half of the Northwest Quarter of Section 18, Township 15 North, Range 3 West of the Third Principal Meridian.

Parcel number: 24-18.0-100-017.

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RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #3 NAME: David Mendenhall

DOCKET NUMBER: 2020-020

ADDRESS: 9333 Buckhart Road, Rochester, IL 62563

PETITIONER: Trent Norville & Dietrich Ostermeier

PRESENT ZONING CLASSIFICATION: "A" Agricultural District.

REQUESTED ZONING CLASSIFICATION: For Proposed Parcel 1: pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 12 acres); and, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width; and, for Proposed Parcel 2: pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 20 acres).

AREA: 32.01 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION STAFF RECOMMENDATION: **Recommend approval. The subject property is in a partnership and the petitioners wish to dissolve their partnership by dividing the single-family residence from the cropland, which will improve the reasonable rate of return on the subject property. Negative impacts are not anticipated from the variances and no change in land use is contemplated. The Standards for Variation are met.**

SANGAMON COUNTY ZONING BOARD OF APPEALS RECOMMENDATION:
Approval of Staff Recommendation.


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

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SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: **2020-020**
Trent Norville & Dietrich Ostermeier)
)
) PROPERTY LOCATED AT:
) **9333 Buckhart Road**
) **Rochester, IL 62563**

RECOMMENDATION OF THE ZONING 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 **August 20, 2020** 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: **9333 Buckhart Road, Rochester, IL 62563** 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 and agricultural**.
- 5. That the proposed land use of said property is **Single-family residence and agricultural**.
- 6. That the request(s) for the subject property **are for Proposed Parcel 1: pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 12 acres); and, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width; and, for Proposed Parcel 2: pursuant to Chapter 17.66, a variance of Section 17.38.030 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 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 following request(s) **are hereby approved:**

For Proposed Parcel 1:

- Pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 12 acres); and,
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width; and,

For Proposed Parcel 2:

- Pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 20 acres).



 CHAIRMAN

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MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Andrew Spiro**, which was duly seconded by **JD Sudeth**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the following request(s) **are hereby approved:**

For Proposed Parcel 1:

- Pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 12 acres); and,
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width; and,

For Proposed Parcel 2:

- Pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 20 acres).

The vote of the Board was as follows:

YES: **Charlie Chimento, Tony Mares, Andrew Spiro, JD Sudeth**

NO:

PRESENT:

ABSENT: **Don Wulf**



RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2020-020**

Address: **9333 Buckhart Road, Rochester**

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 subject property is in a partnership and the petitioners wish to dissolve their partnership by dividing the single-family residence from the cropland, which will improve the reasonable rate of return on 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 of land will dissolve a partnership separating the cropland from the single-family residence.

- (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.

Negative impacts are not anticipated from the variances and no change in land use is contemplated.