

CASE# 2013-039
RESOLUTION NUMBER 3-1

DENYING A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
3660 STATE ROUTE 104, AUBURN
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 a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See **EXHIBIT A**

WHEREAS, the Petitioner, **S. Dennis King**, has petitioned the Sangamon County Board for a **variance of Section 17.62.030 H to allow an off-premise sign**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **October 17, 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 **deny the variance**; and

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

FILED

OCT 30 2013

Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 12th day of November, 2013 that the request for a variance of Section 17.62.030 H to allow an off-premise sign on the above referenced property is hereby denied.

Signed and passed by the Sangamon County Board in session on this 12th day of November, 2013.

Respectfully submitted,

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



GREG STUMPF, CHAIRMAN

DAVID MENDENHALL, VICE CHAIRMAN

JOHN FULGENZI

CRAIG HALL

SAM SNELL

ABE FORSYTH

JASON RATTS

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

All that part lying East of the Creek described as follows: Part of the South 370 feet of the northwest Quarter of Section 12, Township 13 North, Range 6 West of the Third Principal Meridian, described more particularly as follows: Beginning at a stone marking the southwest corner of the Northwest Quarter of the aforementioned Section 12; thence North 00 degrees 00 minutes 00 seconds East along the Section line a distance of 97.50 feet to an iron pipe; thence North 65 degrees 21 minutes 15 seconds East along a line agreed to by the adjacent property owners a distance of 442.06 feet to an iron pipe; thence North 84 degrees 27 minutes 21 seconds East along a line agreed to by the adjacent property owner a distance of 296.64 feet to an iron pipe; thence North 89 degrees 11 minutes 43 seconds East along a line agreed to by the adjacent property owners a distance of 603.93 feet to an iron pipe on the Quarter Quarter Section line; thence North 00 degrees 05 minutes 03 seconds East along the Quarter Quarter Section line a distance of 69.04 feet to an iron pipe; thence North 89 degrees 14 minutes 47 seconds East a distance of 724.68 feet to an iron pipe; thence South 00 degrees 05 minutes 03 seconds West a distance 69.04 feet to an iron pipe; thence North 89 degrees 14 minutes 47 seconds East a distance of 583.41 feet to an iron pipe on the Quarter Section line; thence South 00 degrees 00 minutes 26 seconds West along the Quarter Section line a distance of 183.95 feet to an iron pipe; thence North 82 degrees 56 minutes 56 seconds West a distance of 778.28 feet to an iron pipe; thence South 82 degrees 18 minutes 58 seconds West a distance of 1853.12 feet to the beginning.

Except the East 583.41 feet as measured along the Northerly line thereof.

Except the coal and other minerals underlying the surface of said land and all rights and easements in favor of the estate of said coal and minerals.

RECAP

(For County Board Use)

COUNTY BOARD MEMBER: # 6 NAME: Sam Snell

DOCKET NUMBER: 2013-039

ADDRESS: 3660 State Rte. 104, Auburn, IL. 62615

PETITIONER: S. Dennis King

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: "A" Agricultural District with a variance of Section 17.62.030 H to allow an off-premise sign.

AREA: 3.81 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: **Denial of the requested variance to allow an off-premise sign. The standards for variation are not met. There do not appear to be any unique circumstances related to the property in allowing an off-premise sign at this location.**

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION: **Denial of the variance as staff recommended.**


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2013-039
S. Dennis King))
)	PROPERTY LOCATED AT:
)	3660 State Rte. 104
)	Auburn, IL. 62615

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 a **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 **October 17, 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: **3660 State Rte. 104, Auburn, 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.
- 5. That the proposed land use of said property is a single-family residence and a 4 X 8 X 10 off-premise sign for a business located in Springfield.
- 6. That the requested variance of said property is of Section 17.62.030 H to allow an off-premise sign.
- 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 variance 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 variance be denied.

Charles Chimento/cx
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Charles Chimento**, 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**, which was duly seconded by **John Lucchesi**.

The vote of the Board was as follows:

YES: **Charles Chimento, Peggy Egizii, Judith Johnson, Don Wulf, John Lucchesi**

NO:

PRESENT:

ABSENT: **Byron Deaner, Janet Dobrinsky**

Cyndi Knowles
RECORDING SECRETARY

SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS

Case #: 2013-039

Address: 3660 State Route 104, Auburn

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.

It appears the property is being economically used as it is and allowing a sign for advertising purposes for a business located off-site will not increase the 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.

There do not appear to be circumstances unique to this property that is unlike other properties in the area to justify the requested variance.

- (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 on the area is anticipated in allowing a sign at this location.