

CASE# 2015-032  
RESOLUTION NUMBER 3-1

**GRANTING A VARIANCE**  
FOR CERTAIN PROPERTY LOCATED AT  
**12005 ACKERMAN 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 a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

**See Exhibit A**

WHEREAS, the Petitioner, **Cathy Bettis**, has petitioned the Sangamon County Board for **a variance to allow two (2) parcels less than five (5) acres; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **September 17, 2015** 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 variance; and**

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

**FILED**

SEP 25 2015

  
Sangamon County Clerk

**NOW, THEREFORE, BE IT RESOLVED** by the County Board of Sangamon County, Illinois, in session assembled this **6<sup>th</sup> Day of October, 2015** that the request for a variance to allow two (2) parcels less than five (5) acres on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this **6<sup>th</sup> day of October, 2015.**

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 RATTS

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

\_\_\_\_\_  
ANNETTE FULGENZI

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

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

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

**ATTEST:**

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

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

**RECAP**  
(For County Board Use)

COUNTY BOARD MEMBER: 7                      NAME: **Craig Hall**

DOCKET NUMBER: **2015-032**

ADDRESS: **12005 Ackerman Road, Virden, IL 62690**

PETITIONER: **Cathy Bettis**

PRESENT ZONING CLASSIFICATION: **“A” Agricultural District with a variance for one parcel less than 40 acres.**

REQUESTED ZONING CLASSIFICATION: **“A” Agricultural District with a variance to allow two (2) parcels less than five (5) acres.**

AREA: **5.01 acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION  
RECOMMENDATION:

**Recommend approval. The petitioner wants to subdivide to allow a relative to place a manufactured home on the new parcel. The County Board established a mixed trend of development in the area with previous votes, e.g. Zoning Cases # 2008-01 (establishing a dog kennel), 2009-61 (variances) and 2013-042 (variance). Staff believes the mixed trend of development warrants the variance request. Given the trend toward smaller lots in the area, the variance request would result in one (1) new residence and one (1) existing residence. The Standards of Variation are met.**

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: <b>2015-032</b>
<b>Cathy Bettis</b> )	)
)	PROPERTY LOCATED AT:
)	<b>12005 Ackerman Road</b>
)	<b>Virден, IL 62690</b>

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 **September 17, 2015** 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: **12005 Ackerman Road, Virден, IL 62690** and more particularly described as:

**See Exhibit A**

Page 2

- 3. That the present zoning of said property is "A" **Agricultural District with a variance for one parcel less than 40 acres.**
- 4. That the present land use of said property is **1 single-family residence and 2 barns.**
- 5. That the proposed land use of said property is **1 single-family residence, 1 manufactured home and 2 barns.**
- 6. That the requested **variance** of said property is **a variance to allow two (2) parcels less than five (5) 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 **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 **approved**.

Charles Chimento/ck  
CHAIRMAN

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Merilyn Herbert**, 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 **Anthony Mares**.

The vote of the Board was as follows:

YES: **Charles Chimento, Anthony Mares, Don Wulf, Andrew Spiro, & Merilyn Herbert.**

NO:

PRESENT:

ABSENT:

Cyndi Knowles  
RECORDING SECRETARY

**SANGAMON COUNTY  
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: 2015-032

Address: 12005 Ackerman 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 requested variance will allow a subdivision of the subject property for a relative place a manufactured home on the new parcel. The subject property cannot have two residences legally without a subdivision. There is also a slight trend toward smaller parcels in the area; the County Board granted zoning requests to allow the adjacent dog kennel and previous divisions in several recent requests, e.g. Zoning Cases # 2008-01, 2009-61, and 2013-042.**

- (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 petitioner wants to subdivide to allow a relative to place a manufactured home on the new parcel. Given the trend toward smaller lots in the area, the variance request would result in one (1) new residence and one (1) existing 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.

**No negative impacts are anticipated.**