

FILED

JAN 03 2020


Sangamon County Clerk

CASE#2019-044
RESOLUTION NUMBER 7-1

GRANTING A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
9072 TIP TOP ROAD, CHATHAM
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 Petitioners, **Frederick and Peggy Ostermeier**, have petitioned the Sangamon County Board requesting **pursuant to Chapter 17.66, for Proposed Parcel 1: a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 1 acre)**; and,

WHEREAS, a public hearing was held at the Sangamon County Building on **December 19, 2019** 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.

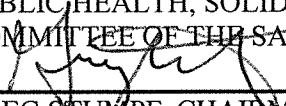
NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **14th Day of January, 2020** that the following request(s) on **the above described property is hereby approved:**

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

Signed and passed by the Sangamon County Board in session on this 14th day of January, 2020.

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

ROSE RUZIC

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

Parcel 3: Part of the East Half of the Northeast Quarter of Section 15, Township 14 North, Range 6 West of the Third Principle Meridian, Sangamon County, Illinois, described as follows:

Beginning at the East Quarter corner of said Section 15; thence West on the Quarter Section line 1318.56 feet to the Southwest corner of aforesaid East Half; thence deflecting to the right $89^{\circ}26'30''$, 1005.79 feet on the Quarter Quarter Section line; thence deflecting to the right $90^{\circ}35'44''$, 320.00 feet; thence deflecting to the left $90^{\circ}35'44''$, 320.00 feet; thence deflecting to the left $89^{\circ}24'16''$, 320.00 to the Southwest corner of the Northeast Quarter of the Northeast Quarter of aforesaid Section 15; thence deflecting to the right $89^{\circ}24'16''$, 995.39 feet on the Quarter Quarter Section line; thence deflecting to the right $90^{\circ}37'58''$, 190.00 feet; thence deflecting to the right $89^{\circ}22'02''$, 291.18 feet; deflecting to the left $89^{\circ}22'02''$, 1124.64 feet to a point on the East line of aforesaid Section 15, thence deflecting to the right $89^{\circ}15'22''$, 2028.34 feet on the Section line to the Point of Beginning, containing 60.247 acres, more or less.

Except that part dedicated for the right of way purposes. Containing a net acreage of 59.33 acres, more or less.

Parcel Number: 28-15.0-200-020

RECAP

(For County Board Use)

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

DOCKET NUMBER: 2019-044

ADDRESS: 9072 Tip Top Road, Chatham, IL 62629

PETITIONER: **Frederick & Peggy Ostermeier**

PRESENT ZONING CLASSIFICATION: **“A” Agricultural District.**

REQUESTED ZONING CLASSIFICATION: **Pursuant to Chapter 17.66, for Proposed Parcel 1: a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 1 acre).**

AREA: **61.16 acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION STAFF RECOMMENDATION: **Recommend approval. Granting the variance would facilitate a division of the subject property to split the existing single-family residence from the cropland for estate planning purposes. 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

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2019-044
Frederick & Peggy Ostermeier)	
)	PROPERTY LOCATED AT:
)	9072 Tip Top Road
)	Chatham, IL 62629

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 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 **December 19, 2019** 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:

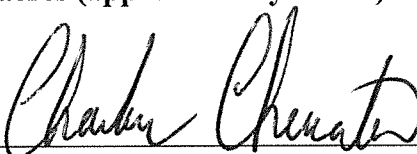
1. That said Board has jurisdiction to consider the petition filed herein.
2. That the above-captioned petitioner(s) is the owner(s) and/or has a beneficial interest in, contract to purchase, or is the County Board Member representing the property commonly known as: **9072 Tip Top Road, Chatham, IL 62629** 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 cropland.**
- 5. That the proposed land use of said property is **single-family residence and cropland.**
- 6. That the request(s) for the subject property is **pursuant to Chapter 17.66, for Proposed Parcel 1: a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 1 acre).**
- 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 following request(s) **is hereby approved:**

- **Pursuant to Chapter 17.66, for Proposed Parcel 1: a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 1 acre).**


 CHAIRMAN TCO

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Don Wulf**, 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) **is hereby approved:**

- **Pursuant to Chapter 17.66, for Proposed Parcel 1: a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 1 acre)** which was duly seconded by **Anthony Mares**.

The vote of the Board was as follows:

YES: **Charlie Chimento, Anthony Mares, Don Wulf, Andrew Spiro, JD Sudeth**

NO:

PRESENT:

ABSENT:



 RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2019-044**

Address: **9072 Tip Top Road, Chatham**

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.

Granting the variance would facilitate a division of the subject property to split the existing single-family residence from the cropland for estate planning purposes.

- (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 is for estate planning purposes.

- (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 as no change in land use is contemplated.