

CASE # 2005-01  
RESOLUTION NUMBER 5-1

**GRANTING A VARIANCE**  
FOR CERTAIN PROPERTY LOCATED AT  
**16126 MECHANICSBURG-ILLIOPOLIS ROAD**  
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:

**The West Half of the Northwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 29, Township 16 North, Range 2 West of the Third Principal Meridian excepting therefrom the East 250' of the North 905', Sangamon County, Illinois.**

WHEREAS, the Petitioner, **Donn S. Klor**, has petitioned the Sangamon County Board for a **variance to allow the lot area to exceed the 5 acre maximum allowed for one parcel;** and

WHEREAS, a public hearing was held at the Sangamon County Building on **January 20, 2005**, 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**

JAN 28 2005

*Joe Aiello*  
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 8<sup>th</sup> day of February, 2005 that the request for a variance to allow the lot area to exceed the 5 acre maximum allowed for one parcel on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 8<sup>th</sup> day of February, 2005.

Respectfully submitted,

PUBLIC HEALTH, SAFETY & ZONING  
COMMITTEE OF THE SANGAMON COUNTY BOARD

\_\_\_\_\_  
DAN VAUGHN, CHAIRMAN

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

\_\_\_\_\_  
BILL MOSS

\_\_\_\_\_  
TYRONE PACE

*for*

*Tim Moore*

\_\_\_\_\_  
TIM MOORE

\_\_\_\_\_  
DON STEPHENS

**ATTEST:**

*Joe Riel*  
\_\_\_\_\_  
SANGAMON COUNTY CLERK

*A. Vaughn*  
\_\_\_\_\_  
COUNTY BOARD CHAIRMAN

RECAP  
(For County Board Use)

COUNTY BOARD MEMBER: # 3 NAME: **David Mendenhall**

DOCKET NUMBER: **2005-01**

ADDRESS: **16126 Mechanicsburg-Illiopolis Road, Buffalo, IL. 62515**

PETITIONER: **Donn S. Klor**

PRESENT ZONING CLASSIFICATION: **"A" Agricultural District**

REQUESTED ZONING CLASSIFICATION: **"A" Agricultural District with a variance to allow the lot area to exceed the 5 acre maximum allowed for one parcel.**

AREA: **74.98 acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION RECOMMENDATION: **Recommend approval. The standards for variation are met.**

SANGAMON COUNTY BOARD OF APPEALS RECOMMENDATION: **Approval**

  
\_\_\_\_\_  
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF: )	DOCKET NO: <b>2005-01</b>
<b>Donn S. Klor</b> )	)
)	PROPERTY LOCATED AT:
)	<b>16126 Mechanicsburg-Illiopolis Road</b>
)	<b>Buffalo, IL. 62515</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 **January 20, 2005** 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 or contract to purchase the property commonly known as **16126 Mechanicsburg-Illiopolis Road, Buffalo, IL. 62515** and more particularly described as:

**The West Half of the Northwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 29, Township 16 North, Range 2 West of the Third Principal Meridian excepting therefrom the East 250' of the North 905', Sangamon County, Illinois.**

- 3. That the present zoning of said property is "A" Agricultural District.
- 4. That the present land use of said property is **Farmstead and cropland.**
- 5. That the proposed land use of said property is **divide farmstead from cropland.**
- 6. That the requested **variance** of said property is: **to allow the lot area to exceed the 5 acre maximum allowed for one parcel.**
- 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 granted.

  
CHAIRMAN

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Marvin Traylor** 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 **John Goleman**.

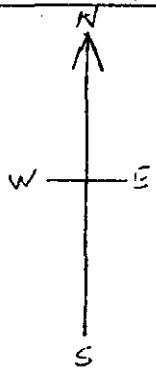
The vote of the Board was as follows:

**YES: Charles Chimento, Donn Malwick, John Goleman, Patrick Somers, Marvin Traylor**

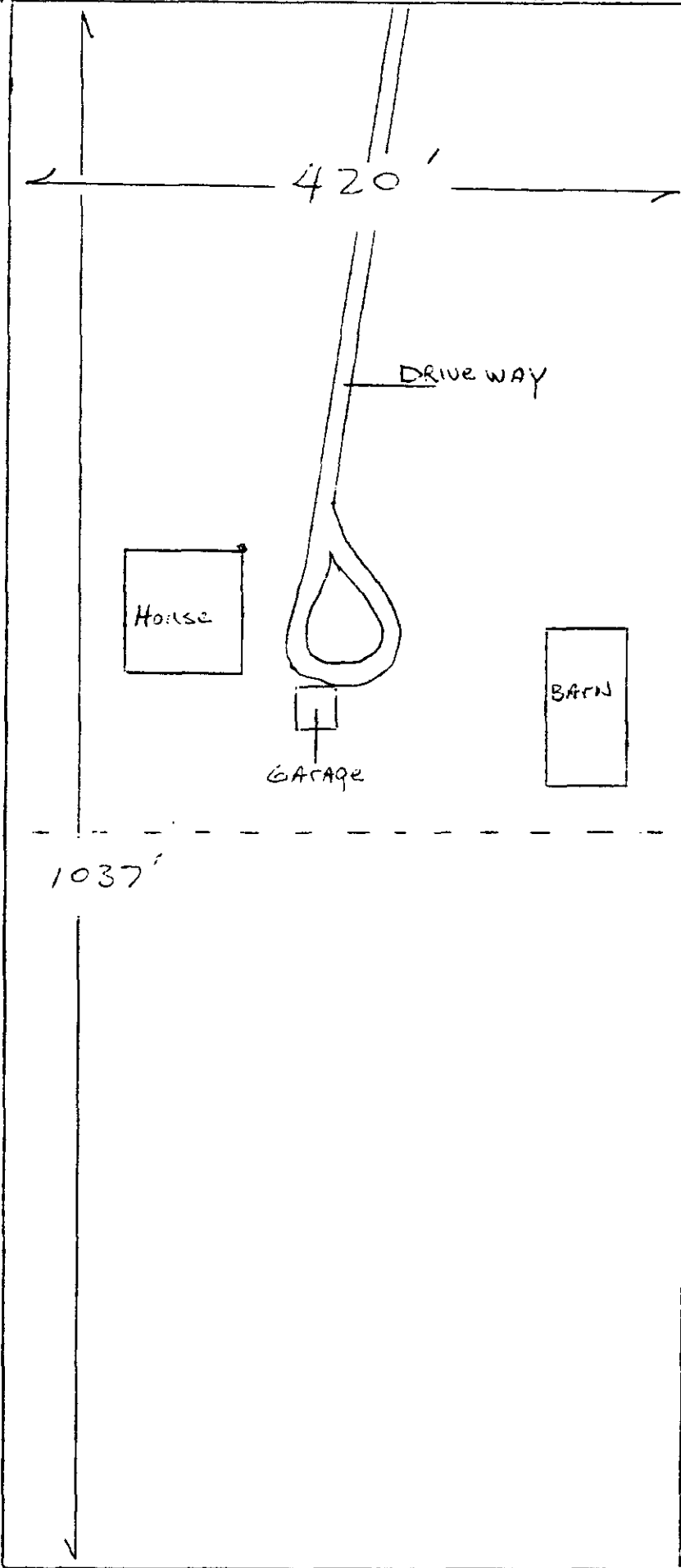
**NO:**

**ABSENT:**

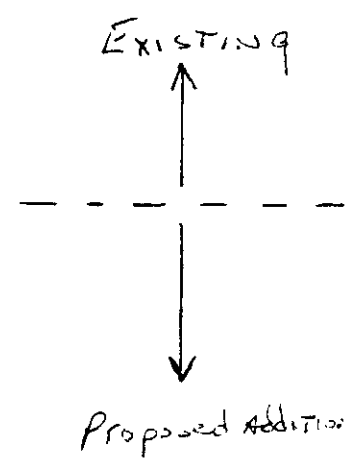
  
RECORDING SECRETARY



Proposed 10 ACRE  
TRACT showing existing  
house, garage, & barn  
1. Approx 5 acres  
grass (north of  
2 broken line).  
The 10 acres  
shown as a  
part of the  
companioning AERIAL  
AP



TO  
Regional Planning  
ZONING TO REQUEST VARIANCE  
12/10-04 TO P/W APP.  
Drop off 12-13-04 AT  
ZONING office



Approximately 438'  
to the west property  
line (Bill  
ETHERTON)

Approximately 216'  
to the east property  
line  
(Kelly Hunt)

## ZONING VARIANCE CHECK LIST

DATE: 1-10-05

INSPECTED BY: DK LW

PETITIONER: Klor, Donn S.

ADDRESS: 16126 Mechanicsburg-Illiopolis Road

EXISTING ZONING: A

REQUEST DESCRIPTION: Variance is requested to allow the lot area to exceed the 5 acre maximum allowed for one parcel.

Staff Estimate of the Effect of the Variance on the Area		None	Slight	Mod.	Great
CONTRASTS:	land use	X			
	appearance	X			
CURRENT VS. PROPOSED	height	X			
	parking	X			
PROBLEMS FORESEEN	drainage	X			
	sewer	X			
	traffic flow	X			



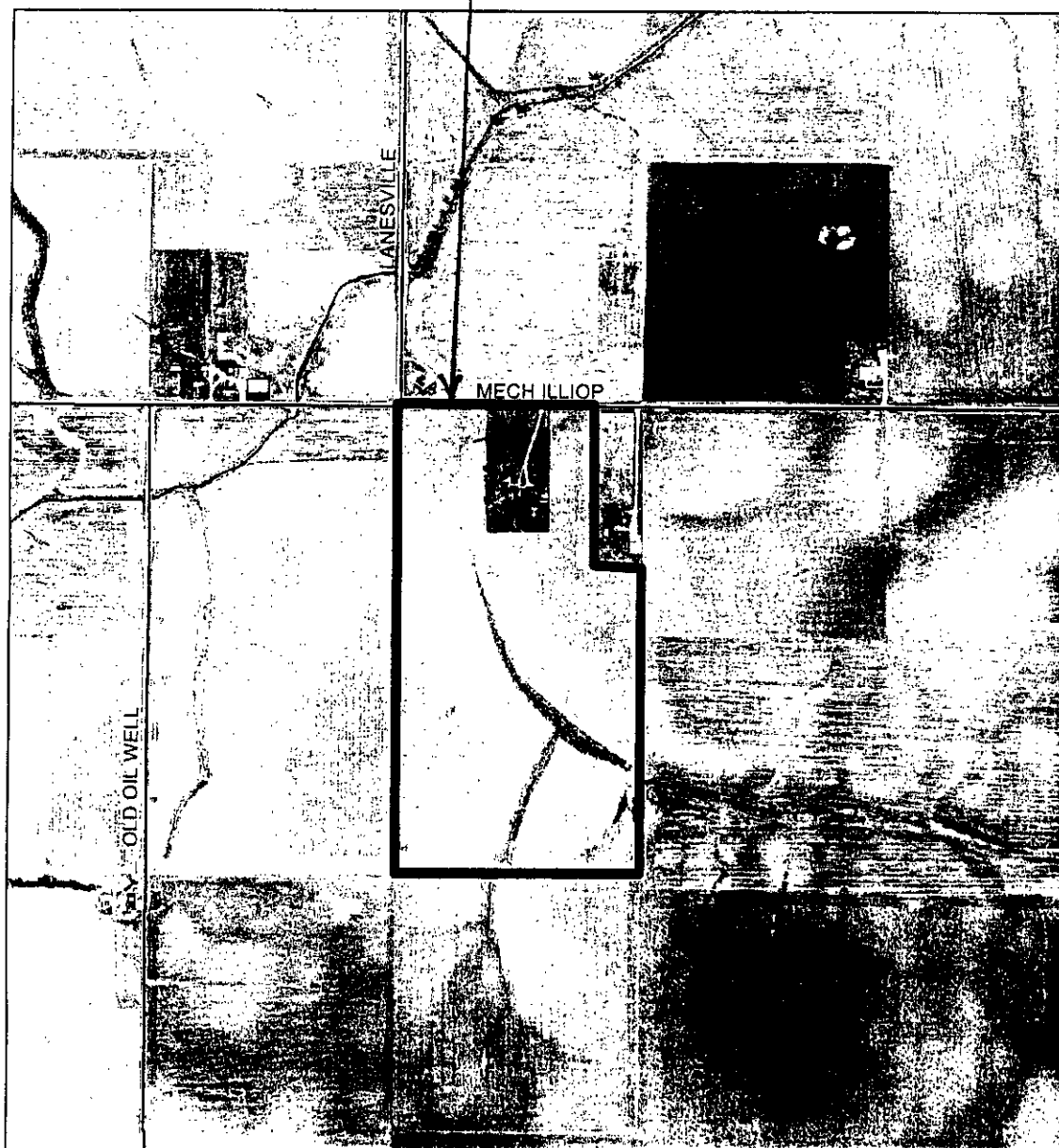
Frontage	Lineal Feet	Existing Yards (ft.)			Area
<u>Mechanicsburg-</u>		<u>300</u>	<u>450/550</u>	<u>2,200</u>	<u>74.98 acres</u>
<u>Illiopolis Rd. - 1,070</u>		front	side	rear	

OTHER COMMENTS:

STAFF RECOMMENDATIONS: **Recommend approval. The standards for variation are met.**

# County Zoning

## Case# 2005-01

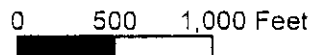


### County Zoning

	RM-4		I1
	R3		I2
	R2		B3
	R1a		B2
	R1		B1
	OFF		

### City Zoning

	R5		H1		OFF
	R1		H2		PUD
	R2		H3		B1
	R3a		S1		B2
	R3b		S2		I1
	R4		S3		I2







**RECOMMENDED STANDARDS FOR VARIATIONS**

Case #: 2005-01

Address: 16126 Mechanicsburg-Illiopolis Road

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 made to facilitate division of the property as allowed under the one time exception to the bulk regulations provision of the zoning ordinance.**

- (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 variance is requested to allow the existing farmstead to be divided from the cropland with approximately ten acres. The house and outbuildings are located several hundred feet off the road and to include the area that has been used as yard would be more than 5 acres.**

- (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**