

CASE # 2005-58
RESOLUTION NUMBER 11-1

GRANTING VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
13540 OLD ROUTE 36, BUFFALO
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 variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See **EXHIBIT A**

WHEREAS, the Petitioner, **Richard Lucas**, has petitioned the Sangamon County Board for a **variance to allow the lot width to be met more than 60' from Old Route 36 and a variance to allow the lot depth to be more than 2 ½ times the lot width, for one lot; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **August 18, 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 variances; 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 13th day of September, 2005 that the request for a variance to allow the lot width to be met more than 60' from Old Route 36 and a variance to allow the lot depth to be more than 2 ½ times the lot width, for one lot on the above referenced property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 13th day of September, 2005.


Respectfully submitted,

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

DAN VAUGHN, CHAIRMAN

ABE FORSYTH

BILL MOSS

TYRONE PACE


TIM MOORE

DON STEPHENS

ATTEST:



SANGAMON COUNTY CLERK



COUNTY BOARD CHAIRMAN

A 1-5 acre tract being located in:

Part of the South Half of Section Eleven (11), Township Sixteen (16) North, Range Three (3) West of the Third Principal Meridian, bounded as follows: Beginning at the Southwest corner of the East Half of the East Half of the Southeast Quarter of said Section Eleven (11); running thence West with the South line of said Section 125 rods; thence North 149.56 rods to the center line of the Wabash Railroad; thence East with the center of said Railroad 125 rods to the West line of the East Half of the East Half of the Southeast Quarter of said Section Eleven (11); thence South on said West line 151.62 rods to the place of beginning, containing 117.61 acres, more or less; and

Part of the East Half of the East Half of the Southeast Quarter of Section Eleven (11), Township Sixteen (16) North, Range Three (3) West of the Third Principal Meridian, bounded as follows: Beginning at a stone in the Southeast corner of said Section; running thence West 10 chains 20-3/4 links to a post in the Southwest corner of said East Half of the East Half of the Southeast Quarter; thence North 36 chains 53 links to a post 1 chain 37-1/2 links South from the middle of the Wabash Railway; thence East parallel with said Railway 10 chains 20-3/4 links; and thence South 36 chains 73-1/4 links to the place of beginning, 37.39 acres, more or less;

Excepting and reserving that part of the Southeast Quarter of Section Eleven (11), Township Sixteen (16) North, Range Three (3) West of the Third Principal Meridian, described as follows: Beginning at a point on the South right of way line of the Illinois Central Traction Company 557.2 feet West of the East line of said Section Eleven (11); thence on a curve of 578.3 feet radius to the right to a point 565 feet South of the South right of way line of said Illinois Central Traction Company and 67.6 feet West of the East line of said Section Eleven (11); thence South a distance of 1807 feet to the South line of said Section Eleven (11); thence on the South line of said Section Eleven (11) a distance of 50 feet to a point 18.8 feet West of the East line of said Section Eleven (11); thence North a distance of 2372 feet to a point on the South right of way line of said Illinois Central Traction Company 17.2 feet West of the East line of said Section Eleven (11); thence West a distance of 540 feet to the place of beginning; and

Excepting and reserving the North 4 rods of all that part of the Southeast Quarter and the East 5 rods of the Southwest Quarter of Section Eleven (11), Township Sixteen (16) North, Range Three (3) West of the Third Principal Meridian that lies South of the public highway running along the North end thereof; and



Excepting and reserving that part of the Southeast Quarter of Section 11, Township 16 North, Range 3 West of the Third Principal Meridian, described as follows: From the Quarter corner of aforesaid Section 11, South 306.56 feet; thence West 518.05 feet parallel to the North line of said Quarter Section; thence South at right angles 8.80 feet to the point of beginning, said point being on the South right of way line of the Norfolk and Western Railroad, formerly Illinois Central Traction Company, being on a curve to the right of radius of 578.3 feet, the point of beginning; thence continuing South 413.60 feet; thence East at right angles 419.96 feet to a point on aforesaid curve and right of way; thence Northwesterly on said right of way a chord distance of 589.44 feet to the point of beginning, containing 2.733 Acres, more or less.

Situated in Sangamon County, Illinois.

Tax Identification No. 16-11.0-400-008

RECAP
(For County Board Use)

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

DOCKET NUMBER: **2005-58**

ADDRESS: **13540 Old Route 36, Buffalo, IL. 62515**

PETITIONER: **Richard Lucas**

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

REQUESTED ZONING CLASSIFICATION: **"A" Agricultural District with a variance to allow the lot width to be met more than 60' from Old Route 36 and a variance to allow the lot depth to be more than 2 1/2 times the lot width, for one lot.**

AREA: **138.32 acres**

COMMENTS: **none**

OBJECTORS: **none**

PLANNING COMMISSION RECOMMENDATION: **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: 2005-58
Richard Lucas)
)
) PROPERTY LOCATED AT:
) 13540 Old Route 36
) Buffalo, IL. 62515
)

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 **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 18, 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 **13540 Old Route 36, Buffalo, IL. 62515** 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, outbuildings and farmland.**
- 5. That the proposed land use of said property is a **Single Family Residence, outbuildings and farmland.**
- 6. That the requested **variances** of said property are: **to allow the lot width to be met more than 60' from Old Route 36 and a variance to allow the lot depth to be more than 2 1/2 times the lot width, for one lot.**
- 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** 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 **variances** be **approved.**

CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **John Goleman** 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 **Patrick Somers**

The vote of the Board was as follows:

YES: **Charles Chimento, Donn Malwick, John Goleman, Patrick Somers, Barbara Braner**

NO:

ABSENT: **Marvin Traylor**

RECORDING SECRETARY

SSCRPC **Springfield Sangamon County Regional Planning Commission**

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ZONING VARIANCE CHECK LIST

DATE: 8-3-05
 INSPECTED BY: DK LW

PETITIONER: Lucas, Richard D.
 ADDRESS: 13540 Old Route 36
 EXISTING ZONING: A

REQUEST DESCRIPTION: **Variance to allow the lot width to be met more than 60' from Old Route 36 and a variance to allow the lot depth to be more than 2 1/2 times the lot width, for one lot.**

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>Old Rt. 36 - 2,280</u>		<u>1,350</u>	<u>100/2400</u>	<u>800</u>	<u>138.32 acres</u>
		front	Side	rear	

OTHER COMMENTS:

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

County Zoning

Case# 2005-058

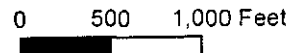


County Zoning

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

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 #: 2005-58

Address: 13540 Old Route 36

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.

Petitioner desires to divide the existing home from the tillable ground.

- (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