

CASE # 2006-57
RESOLUTION NUMBER 9-1

GRANTING A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
11635 MAURER ROAD, BUFFALO, 62515
SANGAMON COUNTY, ILLINOIS

FILED

DEC 01 2006

Joe Aiello
Sangamon County Clerk

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 **approve a variance to the Sangamon County Zoning Ordinance** with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioners **Steven C. & Mary L. Thomas**, have petitioned the Sangamon County Board for a **variance of the lot area requirement to allow the 3.81 acre parcel to be divided into 2 tracts less than 40 acres**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **November 16, 2006**, 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 **approve 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 12th day of December, 2006 that the request for a variance of the lot area requirement to allow the 3.81 acre parcel to be divided into 2 tracts less than 40 acres on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 12th day of December, 2006.

Respectfully submitted,

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

DAN VAUGHN, CHAIRMAN

ABE FORSYTH

BILL MOSS

TYRONE PACE

Tim Moore

TIM MOORE *For Tim Moore by Randy Armstrong*

DON STEPHENS

DAVID MENDENHALL

ATTEST:

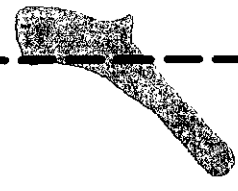
Joe Diello

SANGAMON COUNTY CLERK

Dan Alts

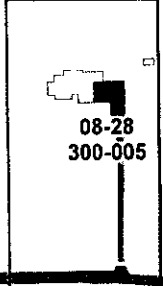
COUNTY BOARD CHAIRMAN

4-9

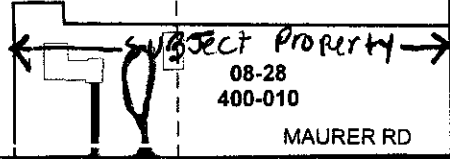


08-28
400-005

08-28
400-011



08-28
300-005



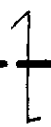
← SUBJECT PROPERTY →

08-28
400-010

MAURER RD.

MAURER RD.

08-33 - 0-200 - 003



08-33
200-003

RECAP
(For County Board Use)

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

DOCKET NUMBER: **2006-57**

ADDRESS: **11635 Maurer Road, Buffalo, 62515**

PETITIONER: **Steven C. & Mary L. Thomas**

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

REQUESTED ZONING CLASSIFICATION: **"A" Agricultural District with a variance of the lot area requirement to allow the 3.81 acre parcel to be divided into 2 tracts less than 40 acres**

AREA: **3.81 Acres**

COMMENTS: **None**

OBJECTORS: **Yes**

PLANNING COMMISSION RECOMMENDATION: **Staff recommends approval. The standards of variation are met.**

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



RECORDING SECRETARY

EXHIBIT A

Part of the Southeast Quarter of Section 28, Township 17 North, Range 3 West of the Third Principal Meridian; described more particularly as follows: Commencing at an iron pipe marking the Southwest corner of the Southeast quarter of the aforementioned Section 28, thence North 90 degrees 00 minutes 00 seconds East along the Section Line a distance of 542.51 feet to an iron pipe marking the true point of beginning, thence North 01 degrees 04 minutes 11 seconds West a distance of 263.00 feet to an iron pipe, thence South 87 degrees, 55 minutes 39 seconds East a distance of 82.94 feet to an iron pipe, thence South 01 degrees 04 minutes 11 seconds East a distance of 35.00 feet to an iron pipe, thence North 90 degrees 00 minutes 00 seconds East a distance of 144.00 feet to an iron pipe, thence South 01 degrees 04 minutes 11 seconds East a distance of 225.00 feet to an iron pipe on the Section Line, thence South 90 degrees 00 minutes 00 seconds West along the Section Line a distance of 226.83 feet to the true point of beginning. Said parcel contains 1.241 acres, more or less.

A-6

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO:
Steven C. & Mary L. Thomas)	
)	PROPERTY LOCATED AT:
)	11635 Maurer Road
)	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 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 **November 16, 2006** 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 **11635 Maurer Road, Buffalo, IL 62515** and more particularly described as:

See Exhibit A

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- 3. That the present zoning of said property is **"A" Agricultural District.**
- 4. That the present land use of said property is **Group home for the elderly, farm land.**
- 5. That the proposed land use of said property is **Divide property for a site for a new residence.**
- 6. That the requested **variance** of said property is: **of the lot area requirement to allow the 3.81 acre parcel to be divided into 2 tracts less than 40 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**.

Charlie Chimento RJA
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Donn Malwick** 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, Peggy Egizii, Patrick Somers, Marvin Traylor**

NO:

ABSENT:

RJ Armstrong
RECORDING SECRETARY

EXHIBIT A

Part of the Southeast Quarter of Section 28, Township 17 North, Range 3 West of the Third Principal Meridian; described more particularly as follows: Commencing at an iron pipe marking the Southwest corner of the Southeast quarter of the aforementioned Section 28, thence North 90 degrees 00 minutes 00 seconds East along the Section Line a distance of 542.51 feet to an iron pipe marking the true point of beginning, thence North 01 degrees 04 minutes 11 seconds West a distance of 263.00 feet to an iron pipe, thence South 87 degrees, 55 minutes 39 seconds East a distance of 82.94 feet to an iron pipe, thence South 01 degrees 04 minutes 11 seconds East a distance of 35.00 feet to an iron pipe, thence North 90 degrees 00 minutes 00 seconds East a distance of 144.00 feet to an iron pipe, thence South 01 degrees 04 minutes 11 seconds East a distance of 225.00 feet to an iron pipe on the Section Line, thence South 90 degrees 00 minutes 00 seconds West along the Section Line a distance of 226.83 feet to the true point of beginning. Said parcel contains 1.241 acres, more or less.

SANGAMON COUNTY ZONING BOARD OF APPEALS

RE: Docket No. 2006-57 Date: November 16, 2006

Name: Steven & Mary Thomas

Address: 11635 Maurer Road, Buffalo IL 62515

Motion Made By: Donn Malwick

Seconded By: Patrick Somers

MOTION: Approval

VOTE	YEAS	NAYS
Charles Chimento, Chairman	X	
Donn Malwick	X	
Peggy Egizii	X	
Patrick Somers	X	
Marvin Traylor	X	

ALTERNATES

VOTE	YEAS	NAYS
Barbara Braner		
Don Wulf		

ZONING VARIANCE CHECK LIST

DATE: 10/31/06

INSPECTED BY: JH LW

PETITIONER: Thomas, Steven C. & Mary L.

ADDRESS: 11635 Maurer Road

EXISTING ZONING: A

REQUEST DESCRIPTION: **A Variance of the lot area requirement to allow the 3.81 acre parcel to be divided into 2 tracts less than 40 acres.**

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

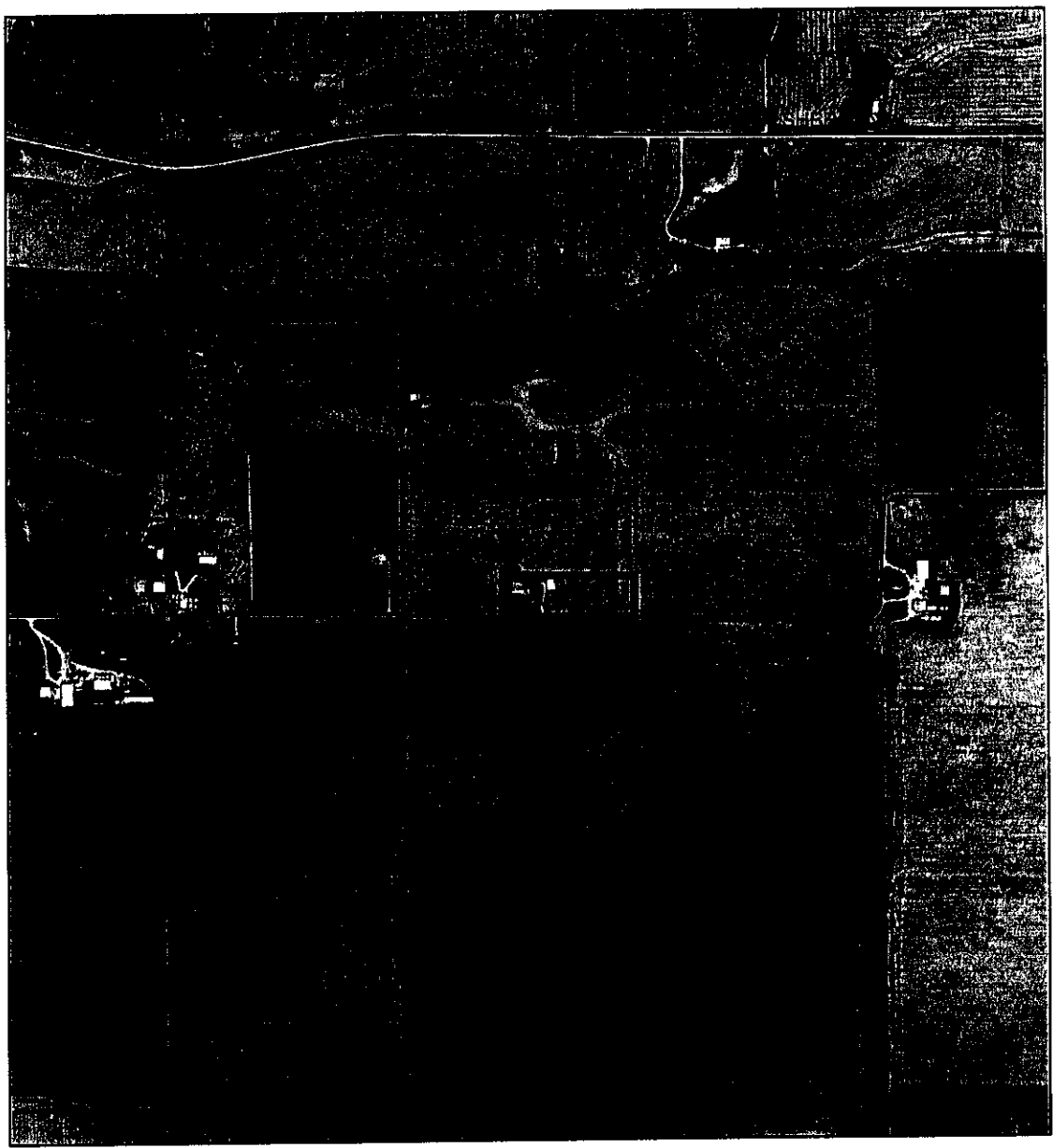


Frontage	Lineal Feet	Existing Yards (ft.)			Area
<u>722' Maurer Road</u>	<u>130'</u>	<u>45'/575'</u>	<u>52'</u>	<u>3.81 acres</u>	
	front	side	rear		

OTHER COMMENTS:































STAFF RECOMMENDATIONS: **Staff recommends approval. The standards of variation are met.**

County Zoning Case# 2006-57



County Zoning

City Zoning

 R1	 B1	 R1	 H1	 OFF
 R1a	 B2	 R2	 H2	 PUD
 R2	 B3	 R3a	 H3	 B1
 R3	 I1	 R3b	 S1	 B2
 RM-4	 I2	 R4	 S2	 I1
 OFF	 A	 R5	 S3	 I2

0 500 1,000 Feet



RECOMMENDED STANDARDS FOR VARIATIONS

Case #: **2006-57**

Address: **11635 Maurer 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.

- (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 group home for the elderly is unique in an A district and situated at the west end of a parcel with a large amount of road frontage.

- (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