

**FILED**

FEB 28 2006

CASE # 2006-07 5-1  
RESOLUTION NUMBER \_\_\_\_\_

*Joe Aiello*  
Sangamon County Clerk

**GRANTING VARIANCES**  
FOR CERTAIN PROPERTY LOCATED IN  
THE 17,000 BLOCK OF S. PAWNEE ROAD, PAWNEE  
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:

**The North one half of section 25, Township 13 North, Range 5 West of the Third Principle Meridian.**

WHEREAS, the Petitioners, **Matthew Herpstreith & Tom McTaggart**, have petitioned the Sangamon County Board for a **variance of the lot area requirement from 40 acres to approximately 30 acres and a variance to allow the lot depth to exceed 2 ½ times the lot width for one parcel; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **February 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 **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 14<sup>th</sup> day of March, 2006 that the request for a variance of the lot area requirement from 40 acres to approximately 30 acres and a variance to allow the lot depth to exceed 2 ½ times the lot width for one parcel on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 14<sup>th</sup> day of March, 2006.

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

\_\_\_\_\_  
DAVID MENDENHALL

**ATTEST:**

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

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

RECAP  
(For County Board Use)

COUNTY BOARD MEMBER: # 4 NAME: **Andy Goleman**

DOCKET NUMBER: **2006-07**

ADDRESS: **The 17,000 block of S. Pawnee Road, Pawnee, 62558**

PETITIONER: **Matthew Herpstreith & Tom McTaggart**

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

REQUESTED ZONING CLASSIFICATION: **"A" Agriculture District with a variance of the lot area requirement from 40 acres to approximately 30 acres and a variance to allow the lot depth to exceed 2 ½ times the lot width for one parcel**

AREA: **79.62 acres**

COMMENTS: **None**

OBJECTORS: **None**

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

SANGAMON COUNTY BOARD OF APPEALS  
RECOMMENDATION:

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

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF: )	DOCKET NO: <b>2006-07</b>
<b>Matthew Herpstreith &amp; Tom McTaggart</b> )	
)	PROPERTY LOCATED IN:
)	<b>The 17,000 block of S. Pawnee Road</b>
)	<b>Pawnee, 62558</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 **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 **February 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 **The 17,000 block of S. Pawnee Road, Pawnee, 62558** and more particularly described as:

**The North one half of section 25, Township 13 North, Range 5 West of the Third Principle Meridian.**

- 3. That the present zoning of said property is "A" Agricultural District.
- 4. That the present land use of said property is **Farmland, former home site.**
- 5. That the proposed land use of said property is **to continue existing use and build a home in the future.**
- 6. That the requested **variances** of said property are: **to allow for the lot area to be reduced from 40 acres to approximately 30 acres and a variance to allow the lot depth to exceed 2 1/2 times the lot width 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 **variances** be **approved.**

Charles Chimento  
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 **Don Wulf**.

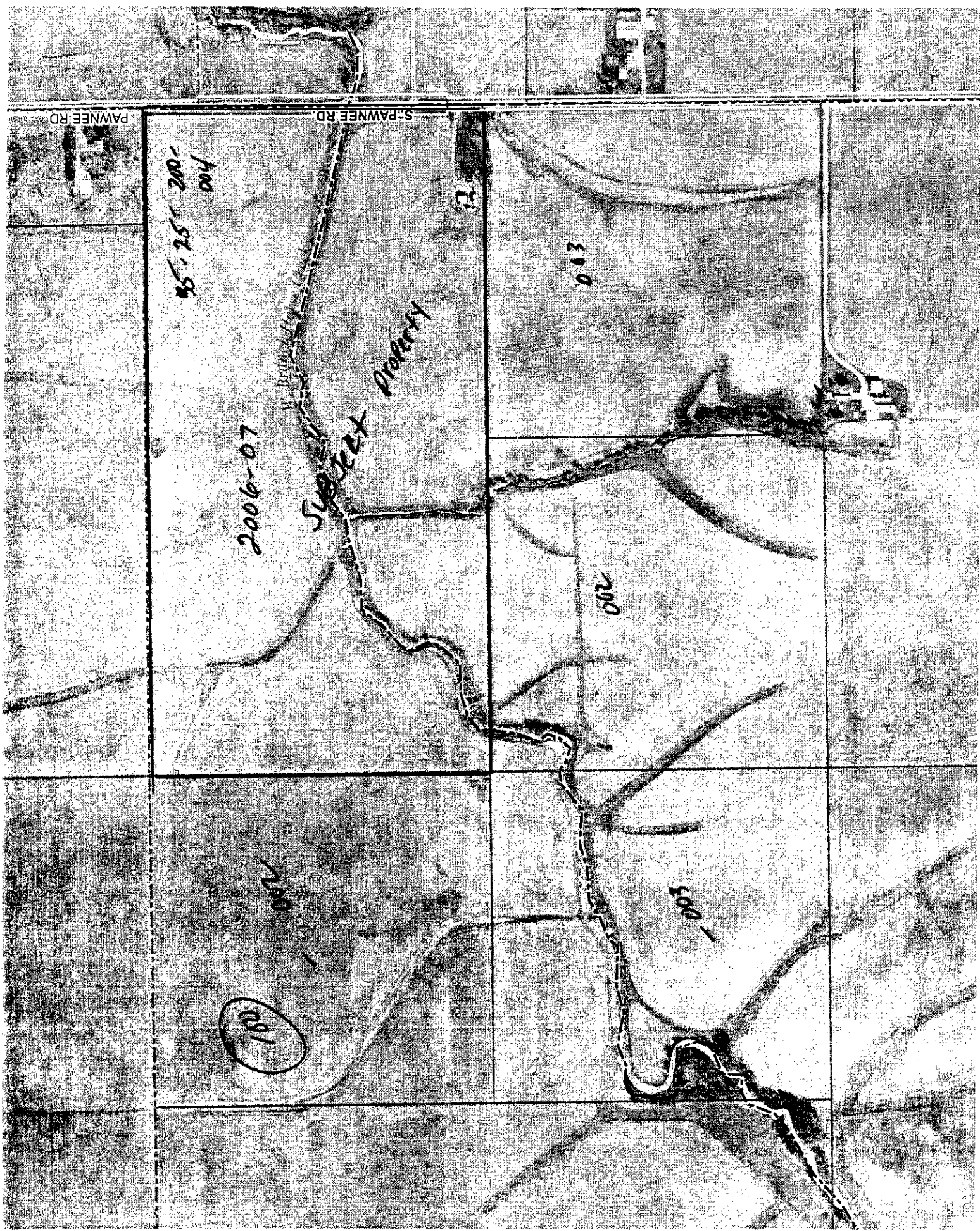
The vote of the Board was as follows:

YES: **Donn Malwick, Patrick Somers, Marvin Traylor, Don Wulf**

NO:

ABSENT: **Charles Chimento, Peggy Egizii**

Don Wulf  
RECORDING SECRETARY



PAWNEE RD

S-PAWNEE RD

95.75 200  
400

2006-07

Subject Property

003

200

200

100

300

7

**ZONING VARIANCE CHECK LIST**

DATE: 1-31-06

INSPECTED BY: DK LW

PETITIONER: Herpstreith, Matthew & McTaggart, Tom

ADDRESS: 17000 Block of South Pawnee Road

EXISTING ZONING: A

REQUEST DESCRIPTION: Variance of the lot area requirement from 40 acres to approximately 20 acres and a variance to allow the lot depth to exceed 2 1/2 times the lot width for one parcel.

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			

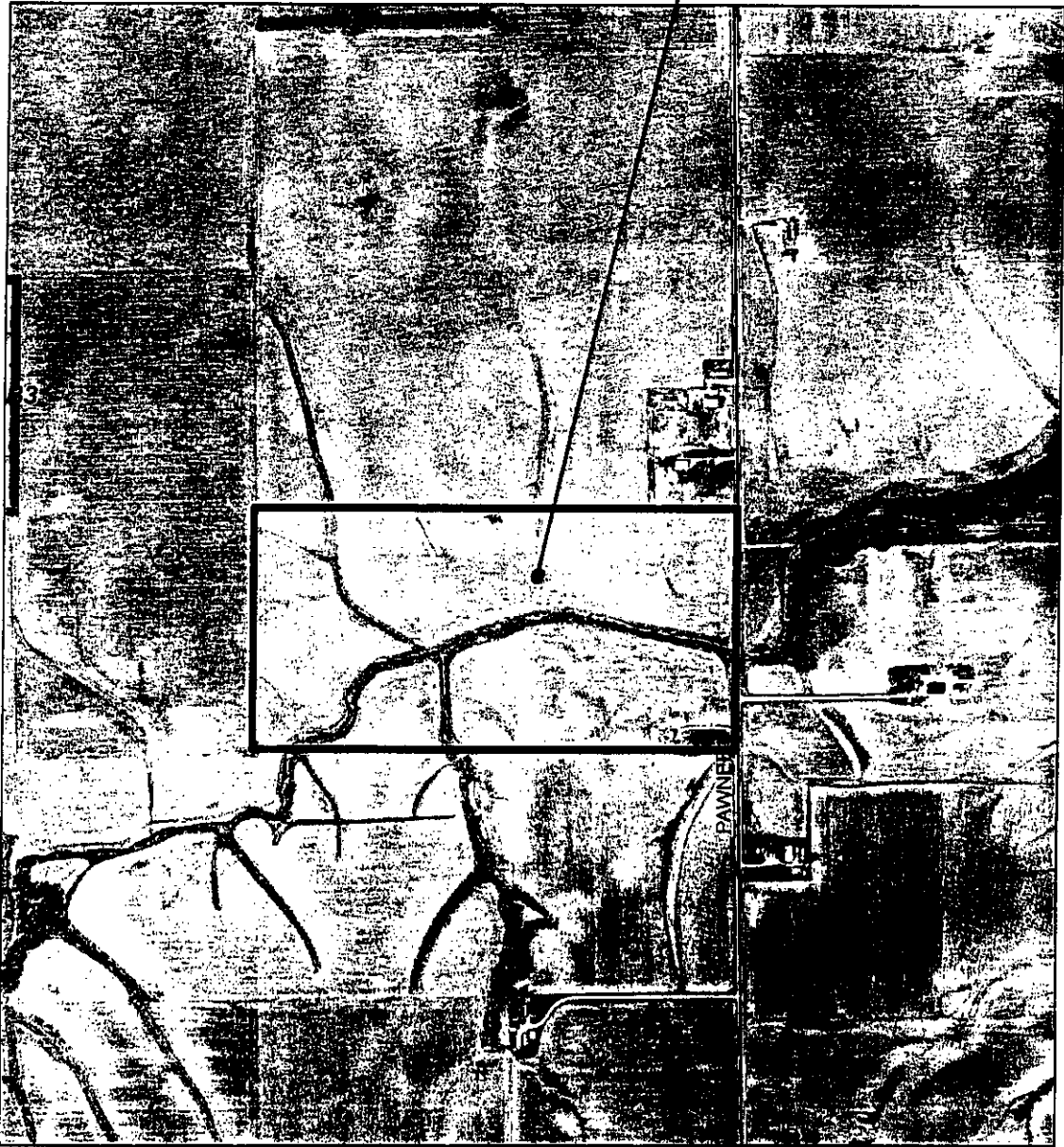


Frontage	Lineal Feet	Existing Yards (ft.)			Area
S. Pawnee Rd. - 1,196		--	--	--	79.62 acres
		front	side	rear	

OTHER COMMENTS:

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

# County Zoning Case# 2006-07

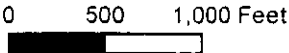


## County Zoning

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

## City Zoning

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





**RECOMMENDED STANDARDS FOR VARIATIONS**

Case #: 2006-7

Address: 17000 Block of South Pawnee 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.

**A creek running through the property is a logical boundary line.**

- (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**