

CASE # 2009-37  
RESOLUTION NUMBER 4-1

**GRANTING A VARIANCE**  
FOR CERTAIN PROPERTY LOCATED AT  
**3475 N. OAK HILL ROAD, ROCHESTER**  
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 Petitioner, **Carl O Moore**, has petitioned the Sangamon County Board for a **variance of the right side yard setback requirement from 10' to 4'**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **July 16, 2009**, 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 a variance**; and

WHEREAS, the Sangamon County Board does hereby adopt the recommendation of the Sangamon County Zoning Board of Appeals.

**FILED**

JUL 30 2009

*Joe Aiello*  
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 11<sup>th</sup> day of August, 2009 that the request for a variance of the right side yard setback requirement from 10' to 4' is hereby approved.

Signed and passed by the Sangamon County Board in session on this 11<sup>th</sup> day of August 2009.

Respectfully submitted,

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

  
\_\_\_\_\_  
TIM MOORE, CHAIRMAN

\_\_\_\_\_  
ABE FORSYTH, VICE CHAIRMAN

\_\_\_\_\_  
JOHN FULGENZI

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

\_\_\_\_\_  
SAM SNELL

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

\_\_\_\_\_  
GREG STUMPF

\_\_\_\_\_  
LINDA DOUGLAS WILLIAMS

**ATTEST:**

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

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

**EXHIBIT A**

Part of the Southwest Quarter of the Northeast Quarter, and part of the Northwest Quarter of the Southeast Quarter of Section 17, Township 15 North, Range 4 West of the Third Principal Meridian, bounded and described as follows:

From a point 225 feet North of a stone in the Southeast corner of the Southwest Quarter of the Northeast Quarter of said Section 17, thence West at a right angle to the East line of said Southwest Quarter of the Northeast Quarter 311.14 feet to the point of beginning; thence South 680 feet to an iron pin; thence West at a right angle to the East line of the Northwest Quarter of the Southeast Quarter of said Section 17 174.26 feet; thence North parallel to said East line of said Quarter Quarter Section 680 feet to an iron pin; and thence East at a right angle to said East line of the Southwest Quarter of the Northeast Quarter 174.26 feet to the point of beginning;

Together with an easement for ingress and egress to the above described premises over the following described tract:

From a stone at the Southeast corner of the Southwest Quarter, measure South 455 feet to the point of beginning; thence West 485.40 feet; thence South 50 feet; thence East 485.40 feet; thence North 50 feet to the point of beginning;

Situated in the County of Sangamon and State of Illinois.

RECAP  
(For County Board Use)

COUNTY BOARD MEMBER: # 9 NAME: Sarah Musgrave

DOCKET NUMBER: 2009-37

ADDRESS: 3475 N. Oak Hill Road, Rochester, IL 62563

PETITIONER: Carl O. Moore

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: "A" Agricultural District with a variance of the right side yard setback requirement from 10' to 4'.

AREA: 3.55 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: **Recommend approval of requested variance to allow for a 4' side yard setback instead of the required 10'. A drainage culvert in the driveway limits placement of the garage and no negative impact is anticipated on surrounding properties. 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>2009-37</b>
<b>Carl O. Moore</b> )	)
)	PROPERTY LOCATED AT:
)	<b>3475 N. Oak Hill Rd.</b>
)	<b>Rochester, IL 62563</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 **July 16, 2009** 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 **3475 N. Oak Hill Rd., Rochester, IL 62563** and more particularly described as:

**See Exhibit A**

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Together with an easement for ingress and egress to the above described premises over the following described tract:

From a stone at the Southeast corner of the Southwest Quarter, measure South 455 feet to the point of beginning; thence West 485.40 feet; thence South 50 feet; thence East 485.40 feet; thence North 50 feet to the point of beginning;

Situated in the County of Sangamon and State of Illinois.

- 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.
- 5. That the proposed land use of said property is a single family residence with garage addition.
- 6. That the requested variance of said property is to allow the right side yard setback requirement from 10' to 4'.
- 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.

Charles Chimento /cc  
CHAIRMAN

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Peggy Egizii** 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 **Byron Deaner**.

The vote of the Board was as follows:

YES: **Charles Chimento, Peggy Egizii, Judith Johnson, Byron Deaner, Marvin Traylor**

NO:

ABSENT:

Cyndi Knowlton  
RECORDING SECRETARY