

CASE# 2013-009  
RESOLUTION NUMBER 10-1

**GRANTING VARIANCES**  
FOR CERTAIN PROPERTY LOCATED AT  
**10791 BUCKHART RD., 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 variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See **EXHIBIT A**

WHEREAS, the Petitioner, **Caroline Siddens**, has petitioned the Sangamon County Board for a **variance for proposed Parcel 1 to allow the lot depth to be greater than two and one-half (2 ½) times the lot width and to remove the Use Variance from this proposed parcel, and for proposed Parcel 2, expand the existing Use Variance for a gun shop and indoor shooting range to include the additional fifty (50) feet X two hundred and twenty (220) feet that will be added to the existing parcel; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **January 17, 2013** 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.

**FILED**

JAN 24 2013


*Joe Aiello*  
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 13<sup>th</sup> day of February, 2013 that the request for a variance for proposed Parcel 1 to allow the lot depth to be greater than two and one-half (2 ½) times the lot width and to remove the Use Variance from this proposed parcel and a variance for proposed Parcel 2 to expand the existing Use Variance for a gun shop and indoor shooting range to include the additional fifty (50) feet X two hundred twenty (220) feet that will be added to the existing parcel on the above referenced property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 13<sup>th</sup> day of February, 2013.

Respectfully submitted,

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

  
\_\_\_\_\_  
GREG STUMPF, CHAIRMAN

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DAVID MENDENHALL, VICE CHAIRMAN

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

\_\_\_\_\_  
CRAIG HALL

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

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

\_\_\_\_\_  
JASON RATTS

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

\_\_\_\_\_  
LINDA FULGENZI

\_\_\_\_\_  
LISA HILLS

\_\_\_\_\_  
MIKE SULLIVAN

**ATTEST:**

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

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

**Exhibit A**

Parts of the East Half of the Northeast Quarter of Section Seventeen (17), Township Fifteen (15) North, Range Three (3) West of the Third Principal Meridian, bounded and described as follows, to-wit:

Beginning at a point on the West line of the Southeast Quarter of the Northeast Quarter of said Section, 30 feet North of the Quarter Section line of said Section; thence North on said Quarter Quarter Section line 306.70 feet; thence East 80 feet; thence South 306.48 feet; thence West 80 feet to the point of the beginning; also

Beginning at a point 30 feet North of the Quarter Section line and 80 feet East of the West line of the Southeast Quarter of the Northeast Quarter of said Section Seventeen (17); thence North 306.48 feet parallel to said Quarter Quarter Section line; thence East 80 feet; thence South 306.25 feet; thence West 80 feet to the point of beginning; also

Beginning at a point 30 feet North of the Quarter Section line and 160 feet East of the West line of the Southeast Quarter of the Northeast Quarter of said Section Seventeen (17); thence North 306.25 feet parallel to said Quarter Quarter Section line; thence East 80 feet; thence South 306.03 feet; thence West 80 feet to the point of beginning; also

Beginning at a point 30 feet North of the Quarter Section line and 240 feet East of the West line of the Southeast Quarter of the Northeast Quarter of said Section Seventeen (17); thence North 306.03 feet parallel to said Quarter Quarter Section line, thence East 80 feet; thence South 305.81 feet; thence West 80 feet to the point of beginning.

Situated in the County of Sangamon and in the State of Illinois, hereby releasing and waiving all right under and by virtue of the Homestead Exemption Laws of this State. Subject to restrictive covenants and easements of record.

AND

Part of Tract 61

That certain part of the real estate described below under the caption "THE WHOLE" which certain part lies east of the west bank of Buckhart Creek in Sections 16 and 17, Township 15 North, Range 3 West of the Third Principal Meridian, Cooper Township, Sangamon County, Illinois, and which certain part is a part of the same property acquired by The Springfield and Decatur Railway Company, a predecessor of CSX Transportation, Inc., a Virginia corporation, by the following instrument, recorded with the Recorder of Deeds of Sangamon County, Illinois:

Part of Tract 62

The West 322 feet of that certain part of the real estate described below under the caption "THE WHOLE" which certain part lies in Section 17, Township, 15 North, Range 3 West of the Third Principal Meridian, Cooper Township, Sangamon County, Illinois, and which certain part is all

of the same property acquired by The Springfield and Decatur Railway Company, a predecessor of CSX Transportation, Inc., a Virginia corporation, by the following instrument, recorded with the Recorder of Deeds of Sangamon, County, Illinois:

The Whole

A strip of land varying in width situate in Sections 12 and 13, Township 15 North, Range 4 West, Rochester Township, and in Sections 17 and 18, Township 15 North, Range 3 West, Cooper Township, all in Sangamon County, Illinois, lying on either side of the following described centerline:

Beginning with a width of 66 ft. (33 ft. equidistant on either side) at the point of intersection of the centerline of CSX Transportation, Inc.'s (hereafter "CSX") former Main Line track at Valuation Station 601+76.1 with the west line of Section 12, T. 15 N. R. 4 W, also being the centerline of County Road 8 East; thence extending generally in an easterly direction along the centerline of CSX's former track a distance of 2,646.9 ft., more or less, to a point at or near CSX's valuation Station 628+23, at which point the width increases to 100 ft. (50 ft. equidistant on either side); thence continuing generally in an easterly direction along the centerline of CSX's former track a distance of 3,272.25 ft., more or less, to a point at or near CSX's Valuation Station 660+.95.25, at which point the width decreases to 66 ft. (33 ft. equidistant on either side); thence continuing generally in an easterly direction along the centerline of CSX's former track a distance of 1,134.75 ft., more or less, to a point at or near CSX's Valuation Station 672+30, at which point the width increases to 100 ft. (50 ft. equidistant on either side); thence continuing generally in an easterly direction along the centerline of CSX's former track a distance of 9,256.1 ft., More or less, to the Ending Point at CSX's Valuation Station 764+86.1 at the east line of Section 17, T. 15N. R. 3 W., being the centerline of County Road 11 East; containing 34.93 acres, more or less, as shown in detail on Maps recorded with the Recorder of Deeds of Sangamon, County, Illinois on November 13, 1992, as Document No. 92047266, and incorporated herein by reference.

10-6

**RECAP**

(For County Board Use)

COUNTY BOARD MEMBER: # 3                      NAME: David Mendenhall

DOCKET NUMBER: 2013-009

ADDRESS: 10791 Buckhart Rd., Rochester, IL. 62563

PETITIONER: Caroline Siddens

PRESENT ZONING CLASSIFICATION: "A" Agricultural District with a Use Variance to allow a gun shop and shooting range.

REQUESTED ZONING CLASSIFICATION: "A" Agricultural District with a variance for proposed Parcel 1 to allow the lot depth to be greater than two and one-half (2 ½) times the lot width and to remove the Use Variance from this portion. For proposed Parcel 2: a variance to expand the existing Use Variance for a gun shop and shooting range to include the additional fifty (50) feet X two hundred and twenty (220) feet that will be added to the existing parcel, and for proposed Parcel 3, a variance to allow zero (0) feet of road frontage rather than the required one hundred fifty (150) feet and a Conditional Permitted Use to allow an outdoor shooting range.

**AMENDED:** Remove the request for a variance of the road frontage requirements and Conditional Permitted Use on proposed Parcel 3.

AREA: 7.76 acres

COMMENTS: None

OBJECTORS: Yes – 2 objectors

PLANNING COMMISSION RECOMMENDATION: Recommend approval of the requested variance for proposed Parcel 1 to allow the lot depth to be greater than two and one-half (2 ½) times the lot width and removal of the existing Use Variance for a gun shop and indoor pistol range from this portion. The standards for

variation are met. Allowing the division will allow for a single use for each parcel. Recommend approval of the requested variance to expand the existing Use Variance for a gun shop and shooting range to include the additional fifty (50) X two hundred and twenty (220) feet that will result in the division to be added to the existing parcel with the gun shop and indoor shooting range.

**AMENDED:** The petition was amended to remove the request for an outdoor shooting range and variance for zero (0) road frontage for proposed Parcel 3. As such the following language was removed from the staff recommendation: Remove the recommend denial of the requested CPU for proposed Parcel 3 to allow for an outdoor shooting range. An easement through proposed Parcel 2 would need to be acquired in order to access the proposed outdoor shooting range as this is a landlocked parcel. Additionally, there are safety concerns related to locating an outdoor shooting range on this parcel given the size and shape of the parcel and close proximity to the residences. There is also a concern with the noise that would be generated from an outdoor shooting range at this location as they are no longer needed.

SANGAMON COUNTY BOARD OF APPEALS  
RECOMMENDATION:

  
RECORDING SECRETARY

Approval of amended staff recommendation.

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:	)	DOCKET NO: <b>2013-009</b>
<b>Caroline Siddens</b>	)	
	)	PROPERTY LOCATED AT:
	)	<b>10791 Buckhart 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 **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 **January 17, 2013** 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: **10791 Buckhart Rd., Rochester, IL.** and more particularly described as:

See **EXHIBIT A**



3. That the present zoning of said property is **"A" Agricultural District with a Use Variance to allow gun shop and indoor shooting range.**
4. That the present land use of said property is **a single-family residence and a shooting range.**
5. That the proposed land use of said property is **a single-family residence and an indoor shooting range.**
6. That the requested **variances** of said property are **a variance for proposed Parcel 1 to allow the lot depth to be greater than two and one-half (2 ½) times the lot width and to remove the Use Variance from this proposed parcel, and a variance to expand the existing Use Variance for a gun shop and indoor shooting range to include the additional fifty feet (50') X two hundred and twenty feet (220') that will be added to the proposed Parcel 2.**
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 **granted**.

Charles Chimento/ck  
CHAIRMAN

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Don Wulf**, 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 as amended staff recommendation**, which was duly seconded by **Peggy Egizii**.

The vote of the Board was as follows:

YES: **Charles Chimento, Byron Deaner, Peggy Egizii, Don Wulf**

NO:

PRESENT: **Judith Johnson**

ABSENT: **Janet Dobrinsky**

  
RECORDING SECRETARY

SANGAMON COUNTY  
RECOMMENDED - STANDARDS FOR VARIATIONS

Case #: 2013-009

Address: 10791 Buckhart Road, Rochester

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.

**Proposed Parcel 1:** The request is being made to divide the single-family residence from the existing gun shop, which could increase the return on the property by allowing one use per parcel.

**Proposed Parcel 2:** The request is being made to expand the existing Use Variance for a gun shop and shooting range to include the additional fifty (50) X two hundred and twenty (220) feet that will be added to the existing parcel. Adding acreage to the existing use could have a positive economic effect on the existing smaller parcel.

**Proposed Parcel 3:** The request is being made to allow zero (0) feet of road frontage rather than the required one-hundred fifty feet. Allowing this division would create a landlocked parcel, which could have a negative effect on the economic use of the property. Staff suggests that combining Proposed Parcel 3 with Proposed Parcel 2 might be a better alternative.

- (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.

**Proposed Parcel 1:** The property currently contains two uses, a gun shop/indoor shooting range and a single-family residence.

**Proposed Parcel 2:** There is a gun shop and indoor shooting range on the parcel, and the petitioner is requesting to add the remaining acreage from the variance for Proposed Parcel 1.

**Proposed Parcel 3:** There do not appear to be any circumstances unique to this parcel in regards to the request to allow Proposed Parcel 3 to have zero (0) 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.

Proposed Parcel 1: No negative impact is anticipated in allowing the requested division.

Proposed Parcel 2: Allowing the existing Use Variance to expand to the remaining acreage from the requested division will have no negative effects on the immediate area.

Proposed Parcel 3: Allowing zero (0) road frontage on the parcel could have a negative effect on the property value.