

CASE# 2012-047 41  
RESOLUTION NUMBER

**GRANTING A CONDITIONAL PERMITTED USE**  
**FOR CERTAIN PROPERTY LOCATED AT**  
**14301 BAB RD. & 3615 WEST STATE ROUTE 104, AUBURN**  
**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 Conditional Permitted Use** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See **EXHIBIT A**

WHEREAS, the Petitioner, **Boesdorfer & Boesdorfer, Inc.**, has petitioned the Sangamon County Board for a **Conditional Permitted Use** to allow the expansion of the existing grain elevator; 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 Conditional Permitted Use**; and

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

**FILED**

JAN 24 2013

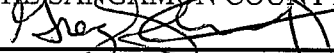
*Joe Aiello*  
Sangamon County Clerk

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 Conditional Permitted Use to allow expansion of the existing grain elevator on the above described 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

\_\_\_\_\_  
DAVID MENDENHALL, VICE CHAIRMAN

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

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

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

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

\_\_\_\_\_  
JASON RATTIS

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

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

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

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

**ATTEST:**

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

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

**EXHIBIT A**

**Lot 1, Gwinn Subdivision.**

**And**

**Lot 22 being part of the East Half of the Northwest Quarter of Section 12, Township 13 North, Range 6 West of the Third Principal Meridian, according to the plat of the partition in the suit of James W. Stout, et al. vs. Elizabeth Mason et al., in the Circuit Court of Sangamon County, Illinois, said plat being recorded in Book 13, Page 14. Including a perpetual right of way of record for purposes of ingress along the East 2 rods of Lots 23 and 24 being part of the East Half of the Northwest Quarter of Section 12, Township 13 North, Range 6 West of the Third Principal Meridian, according to the plat of the partition in the suit of James W. Stout, et al. vs. Elizabeth Mason et al., in the Circuit Court of Sangamon County, Illinois, said plat being recorded in Book 13, Page 14.**

**Except all coal and other minerals underlying the land which were conveyed by Master in Chancery Deed to Peabody Coal Co. recorded November 2, 1934, as Document Number 171793, and all rights and easements in favor of the estate of said coal and other minerals, if any.**

**Situated in Sangamon County, Illinois.**

**RECAP**

(For County Board Use)

COUNTY BOARD MEMBER: # 6                      NAME: Sam Snell

DOCKET NUMBER: 2012-047

ADDRESS: 14301 Bab Rd. & 3615 West State Route 104, Auburn, IL. 62615

PETITIONER: Boesdorfer & Boesdorfer, Inc.

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: "A" Agricultural District with a Conditional Permitted Use

AREA: 6.85 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION:      **Recommend approval of the requested CPU to allow for expansion of the existing grain elevator. In 2010, the County Board granted a CPU on the adjacent parcel to the north to allow a grain elevator. At this time, the grain elevator had been in operation for quite some time and the business had been operating with no negative effects on surrounding properties or negative impacts on public health, safety and welfare. The petitioners are seeking to purchase and combine the subject property directly to the south of the grain elevator and expand the business to include a residential structure to be converted to an office, a 2-car garage and a weigh scale. Staff believes that expansion of the grain elevator will have no negative effects on the area as long as operational methods continue in the manner that it has been in the**

elevator will have no negative effects on the area as long as operational methods continue in the manner that it has been in the past.

SANGAMON COUNTY BOARD OF APPEALS  
RECOMMENDATION:

Cyndi Knowles  
RECORDING SECRETARY

Approval

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF: ) DOCKET NO: 2012-047  
 Boesdorfer & Boesdorfer, Inc. )  
 )  
 ) PROPERTY LOCATED AT:  
 ) 14301 Bab Rd. & 3615 W. St.  
 ) Rt. 104  
 ) Auburn, IL. 62615

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 **Conditional Permitted Use** 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: **14301 Bab Rd. & 3615 W. St. Rt. 104, Auburn, IL.** 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 and 2-car garage.
5. That the proposed land use of said property is a business office, 2-car garage & a weigh scale.
6. That the requested Conditional Permitted Use of said property are to allow expansion of the existing grain elevator.
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 Conditional Permitted Use 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 Conditional Permitted Use be approved.

Charles Chimento /ck  
CHAIRMAN

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Byron Deaner**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **granted**, which was duly seconded by **Don Wulf**.

The vote of the Board was as follows:

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

NO:

ABSENT: **Janet Dobrinsky**

Cyndi Knowles  
RECORDING SECRETARY

**SANGAMON COUNTY - RECOMMENDED FINDINGS OF FACT  
FOR CONDITIONAL PERMITTED USES**

Case #: 2012-047

Address: 14301 Bab Road and 3615 W. State Route 104, Auburn

No conditional permitted uses shall be granted by the County Board unless the conditional permitted use:

- (i) Is so proposed that the proposed location, design and method of operation of such use will minimize the adjacent effects on the character of the surrounding area.  
**This appears to be the case. The grain elevator has been in operation for some time and the petitioners are seeking to acquire the subject parcel to be combined with the grain elevator.**
- (ii) Is so proposed to be operated, designed and located so that the public health, safety, and welfare will be protected.  
**Yes, the grain elevator is well established and it appears that public health, safety and welfare have been protected.**
- (iii) Will not cause substantial injury to the value of other property in the vicinity in which it is located.  
**No negative impact to the value of other property in the vicinity is anticipated with the expansion of the existing grain elevator.**
- (iv) In addition to the above general standards for all conditional permitted uses that may be allowed, no conditional permitted use listed below shall be granted unless the proposed use can meet the standards as noted:
  - (a) Fairgrounds, public or private outdoor recreation centers - that the principal vehicle access for such use is located on a major thoroughfare or a secondary thoroughfare or within one-quarter mile of a major thoroughfare, that such use is so located as to draw a minimum of vehicular traffic to and through minor and collector streets in residential areas.  
**N/A**
  - (b) Mobile home parks - must meet the requirements of Section III(R) Large Scale Development.  
**N/A**
  - (c) Tourist home, motels, hotels - that the proposed use must be located on or within 400 feet of a major thoroughfare.  
**N/A**
  - (d) Taverns and liquor stores - that the following distances be maintained: (1) schools - 100' from the property line of the school to the property line of the tavern or liquor store; (2) churches - 100' from the church building to the tavern or liquor store building; and (3) residences - 100' from the tavern or liquor store property line to the residential structure or institutional care facility.  
**N/A**