

CASE# 2013-026  
RESOLUTION NUMBER 5-1

**GRANTING A VARIANCE**  
FOR CERTAIN PROPERTY LOCATED AT  
**4438 MAXHEIMER 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 a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See **EXHIBIT A**

WHEREAS, the Petitioners, **Darrell & Denise Maxheimer, Steve & Gail Maxheimer, & Linda Maxheimer Leefers & Von Leefers**, have petitioned the Sangamon County Board for **a variance to allow one (1) parcel less than forty (40) acres; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **June 20, 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 variance; and**

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

**FILED**

JUN 27 2013


*Joe Aiello*  
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 9<sup>th</sup> day of July, 2013 that the request for a variance to allow one (1) parcel less than forty (40) acres on the above referenced property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 9<sup>th</sup> day of July, 2013.

Respectfully submitted,

PUBLIC HEALTH, SOLID WASTE & ZONING  
COMMITTEE OF THE SANGAMON COUNTY BOARD

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

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DAVID MENDENHALL, VICE CHAIRMAN

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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**

The South Half of the Northwest Quarter; The South Half of the North Half of the Northwest Quarter; and The West Half of the Southwest Quarter; All in Section Twenty-three (2q3), Township Fifteen (15) North, Range Four (4) West of the Third Principal Meridian;

EXCEPT the right of way of the Baltimore and Ohio Southwestern Railway;

SUBJECT TO highway dedication dated June 7, 1926, by Ira Lewis Dawson, Executor of the Will of Nancy T. Clark, deceased, of a 60 foot strip adjacent to said Railway right of way in the South three-fourths of the Northwest Quarter of Section Twenty-three (23) and dedication of right of way for public road purposed dated November 13, 1956, from Kenneth D. Maxheimer and others to People of the State of Illinois in the South Half of the Northwest Quarter of Section Twenty-three (23). Situated in the County of Sangamon and State of Illinois.

**RECAP**

(For County Board Use)

COUNTY BOARD MEMBER: # 9                      NAME: Sarah Musgrave

DOCKET NUMBER: 2013-026

ADDRESS: 4438 Maxheimer Rd., Rochester, IL. 62563

PETITIONER: Darrell & Denise Maxheimer, Steve & Gail Maxheimer & Linda  
Maxheimer Leefers & Von Leefers

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: "A" Agricultural District with a variance to  
allow one (1) parcel less than forty (40) acres.

AREA: 190.152 acres

COMMENTS: None

OBJECTORS: none

PLANNING COMMISSION RECOMMENDATION:      **Recommend approval of the  
requested variance to allow one (1)  
parcel less than forty (40) acres.  
The standards for variation have  
been met. The petitioners are  
seeking to divide the property into  
three parcels with individual  
ownership to carry out the wishes  
of a trust. No negative impact is  
anticipated.**

SANGAMON COUNTY BOARD OF APPEALS  
RECOMMENDATION:

**Approval**

Cyndi Knowles  
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF: )	DOCKET NO: <b>2013-026</b>
<b>Darrell &amp; Denise Maxheimer,</b> )	
<b>Steve &amp; Gail Maxheimer</b> )	PROPERTY LOCATED AT:
<b>&amp; Linda Maxheimer Leefers &amp; Von</b> )	<b>4438 Maxheimer Rd.</b>
<b>Leefers</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 **June 20<sup>th</sup>, 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: **4438 Maxheimer Rd., Rochester, 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 farm ground.
- 5. That the proposed land use of said property is a single-family residence and farm ground.
- 6. That the requested variance of said property is to allow one (1) parcel less than forty (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.

*Byron Deaner Vice-Chair/ce*  
CHAIRMAN

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Judith Johnson**, 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 **Peggy Egizii**

The vote of the Board was as follows:

YES: **Don Wulf, Byron Deaner, Peggy Egizii, Judith Johnson, John Lucchesi**

NO:

PRESENT:

ABSENT: **Charles Chimento**

*Cyndi Knowles*  
RECORDING SECRETARY

SANGAMON COUNTY  
RECOMMENDED - STANDARDS FOR VARIATIONS

Case #: 2013-026

Address: 4438 Maxheimer 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.

**The request is made to reconfigure the property lines to be divided among family members to create three separate parcels for individual ownership.**

- (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 petitioners wish to divide the property into three parcels to carry out the wishes of a trust.**

- (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 negative impact is anticipated.**