

CASE# 2015-045  
RESOLUTION NUMBER 6-1

**GRANTING CONDITIONAL PERMITTED USES AND VARIANCES**  
FOR CERTAIN PROPERTY LOCATED AT  
**3419 CANNON ROAD, BUFFALO**  
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 Conditional Permitted Uses and variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

**See Exhibit A**

WHEREAS, the Petitioners, **Herrin, Ltd. (fee owner) and Rosen's Inc. (contract purchaser)**, have petitioned the Sangamon County Board for **Proposed Parcel 1: a Conditional Permitted Use to allow a wholesale establishment for agricultural seed sales, storage and distribution warehouse and equipment storage, and a variance to allow one (1) parcel less than forty (40) acres; and, for Proposed Parcel 2: a Conditional Permitted Use to allow a wholesale establishment for sales, storage and distribution of crop protection and fertilizer products; a variance to allow one (1) parcel less than five (5) acres; a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width; and, a variance to allow a rear yard setback of ten (10) feet instead of the required thirty (30) feet; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **December 17, 2015** 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

**FILED**

DEC 29 2015

  
Sangamon County Clerk

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 Uses and variances**; and

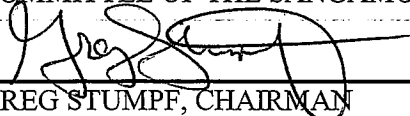
WHEREAS, the Sangamon County Board does hereby adopt the recommendation of the Sangamon County Zoning Board of Appeals.

**NOW, THEREFORE, BE IT RESOLVED** by the County Board of Sangamon County, Illinois, in session assembled this **12<sup>th</sup> Day of January, 2016** that the request for **Proposed Parcel 1: a Conditional Permitted Use to allow a wholesale establishment for agricultural seed sales, storage and distribution warehouse and equipment storage, and a variance to allow one (1) parcel less than forty (40) acres; and, for Proposed Parcel 2: a Conditional Permitted Use to allow a wholesale establishment for sales, storage and distribution of crop protection and fertilizer products; a variance to allow one (1) parcel less than five (5) acres; a variance to allow the lot depth to be greater than two and one-half (2 1/2) times the lot width; and, a variance to allow a rear yard setback of ten (10) feet instead of the required thirty (30) feet on the above described property is hereby approved.**

Signed and passed by the Sangamon County Board in session on this **12<sup>th</sup> day of January, 2016.**

Respectfully submitted,

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

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

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

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

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

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

\_\_\_\_\_  
JASON RATTI

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

\_\_\_\_\_  
ANNETTE FULGENZI

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

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

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

**ATTEST:**

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

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

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**EXHIBIT A**

A PART OF THE SOUTHEAST QUARTER OF SECTION 11 AND THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 16 NORTH, RANGE 3 WEST OF THE THIRD PRINCIPAL MERIDIAN, SANGAMON COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS; THE NORTH 499.33 FEET OF THE FOLLOWING DESCRIBED TRACT: BEGINNING AT THE SOUTHWEST CORNER OF THE AFORESAID SECTION 12, THENCE EAST ON THE SOUTH SECTION LINE 635.25 FEET, THENCE NORTH 2392.40 FEET TO THE SOUTH RIGHT OF WAY LINE OF THE ILLINOIS TRACTION SYSTEM; THENCE WEST ON THE SAID RIGHT OF WAY LINE 635.25 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 12 THAT IS 2352.70 FEET NORTH OF THE SOUTHWEST CORNER OF SAID SECTION; THENCE CONTINUING ON AFORESAID RIGHT OF WAY LINE 17.20 FEET TO THE EAST RIGHT OF WAY LINE OF THE NORFOLK AND WESTERN RAILROAD; THENCE SOUTH ON AFORESAID EAST RIGHT OF WAY LINE TO THE SOUTH LINE OF SECTION 11; THENCE EAST 18.80 FEET TO THE POINT OF BEGINNING.

**RECAP**  
(For County Board Use)

COUNTY BOARD MEMBER: #3                      NAME: **David Mendenhall**

DOCKET NUMBER: **2015-045**

ADDRESS: **3419 Cannon Road, Buffalo, IL 62515**

PETITIONER: **Herrin, Ltd. and Rosen's Inc.**

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

REQUESTED ZONING CLASSIFICATION: **"A" Agricultural District with, for Proposed Parcel 1: a Conditional Permitted Use to allow a wholesale establishment for agricultural seed sales, storage and distribution warehouse and equipment storage, and a variance to allow one (1) parcel less than forty (40) acres; and, for Proposed Parcel 2: a Conditional Permitted Use to allow a wholesale establishment for sales, storage and distribution of crop protection and fertilizer products; a variance to allow one (1) parcel less than five (5) acres; a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width; and, a variance to allow a rear yard setback of ten (10) feet instead of the required thirty (30) feet.**

AREA: **7.48 acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION RECOMMENDATION: **Recommend approval of the requested Conditional Permitted Use [CPU]. The purpose of the CPU and the variance requests are to allow an existing business (Rosen, Inc.) to split a building from the current property owner (Herrin's). No businesses will be added or changed on the current site. Rosen, Inc. provides wholesale crop protection and fertilizer**

product sales and distribution on the subject property. Herrin's provides agricultural seed sales and other agricultural products. Recommend approval of the requested variances. The rear yard setback variance is warranted as the split will require a re-orientation of the yards to face Cannon Road. Staff does not believe there will be added negative effects on the area in granting the variances over existing conditions. Also, the two businesses are situated approximately 1/2 mile from the nearest residence. Potential hazards should not be greater than current conditions. The Standards for Variation are met.

SANGAMON COUNTY BOARD OF APPEALS

RECOMMENDATION:

Approval as staff recommended.

Cyndi Knowles  
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF: )	DOCKET NO: <b>2015-045</b>
<b>Herrin, Ltd. and Rosen's Inc.</b> )	
)	PROPERTY LOCATED AT:
)	<b>3419 Cannon Road</b>
)	<b>Buffalo, IL 62515</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 **Conditional Permitted Uses and 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 **December 17, 2015** 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: **3419 Cannon Road, Buffalo, IL 62515** and more particularly described as:

**A PART OF THE SOUTHEAST QUARTER OF SECTION 11 AND THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 16 NORTH, RANGE 3 WEST OF THE THIRD PRINCIPAL MERIDIAN, SANGAMON COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS; THE NORTH 499.33 FEET OF THE FOLLOWING DESCRIBED TRACT: BEGINNING AT THE SOUTHWEST CORNER OF THE AFORESAID SECTION 12, THENCE EAST ON THE SOUTH SECTION LINE 635.25 FEET, THENCE NORTH 2392.40 FEET TO THE SOUTH RIGHT OF WAY LINE OF THE ILLINOIS TRACTION SYSTEM; THENCE WEST ON THE SAID RIGHT OF WAY LINE 635.25 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 12 THAT IS 2352.70 FEET NORTH OF THE SOUTHWEST CORNER OF SAID SECTION; THENCE CONTINUING ON AFORESAID RIGHT OF WAY LINE 17.20 FEET TO THE EAST RIGHT OF WAY LINE OF THE NORFOLK AND WESTERN RAILROAD; THENCE SOUTH ON AFORESAID EAST RIGHT OF WAY LINE TO THE SOUTH LINE OF SECTION 11; THENCE EAST 18.80 FEET TO THE POINT OF BEGINNING.**

3. That the present zoning of said property is **"A" Agricultural District.**
4. That the present land use of said property is **warehouses for sales, storage and distribution of agricultural seed, crop protection and fertilizer products and for storage of equipment of Herrin Ltd.**
5. That the proposed land use of said property is **on Parcel 1: warehouses for agricultural seed storage, sales and distribution, and equipment storage for Herrin, Ltd; and, on Parcel 2: warehouses for sales storage and distribution and of crop protection and fertilizer products.**
6. That the requested **Conditional Permitted Use and variances** of said property is for **Proposed Parcel 1: a Conditional Permitted Use to allow a wholesale establishment for agricultural seed sales, storage and distribution warehouse and equipment storage, and a variance to allow one (1) parcel less than forty (40) acres; and, for Proposed Parcel 2: a Conditional Permitted Use to allow a wholesale establishment for sales, storage and distribution of crop protection and fertilizer products; a variance to allow one (1) parcel less than five (5) acres; a variance to allow the lot depth to be greater than two and one-half (2 1/2) times the lot width; and, a variance to allow a rear yard setback of ten (10) feet instead of the required thirty (30) feet.**
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 Uses and 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 **Conditional Permitted Uses and variances** be **approved.**

Charles Chimento  
CHAIRMAN

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Anthony Mares**, 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: **Charles Chimento, Anthony Mares, Don Wulf, & Merilyn Herbert**

NO:

PRESENT:

ABSENT: **Andrew Spiro, John Lucchesi & Janet Dobrinsky**

Cyndi Knowles  
RECORDING SECRETARY

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

Case #: **2015-045**

Address: **3419 Cannon Road, Buffalo**

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.  
**Two established businesses will continue to use the property. Rosen, Inc. provides wholesale crop protection and fertilizer product sales and distribution on the subject property. Herrin's provides agricultural seed sales and other agricultural products. The businesses do not appear to operate outside of 6:00 AM to 6:00 PM depending on the season. Parking appears to be adequate on the subject property.**
- (ii) Is so proposed to be operated, designed and located so that the public health, safety, and welfare will be protected.  
**The businesses are located in a heavily agricultural area where the nearest residences are approximately one-half (1/2) mile away. While the site will have farm chemicals, the potential effect to public health should not be greater than exist currently with the storage tanks immediately west of and on the subject property.**
- (iii) Will not cause substantial injury to the value of other property in the vicinity in which it is located.  
**There should not be additional substantial impacts beyond what presently exists.**
- (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**

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- (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**

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**SANGAMON COUNTY  
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2015-045**

Address: **3419 Cannon Road, Buffalo**

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.

**Granting the variance would allow the current owner to split the building to the south for Rosen's Inc from the structures to the north currently owned by Herrin. The split would also reconfigure the setbacks of the existing buildings, triggering the request to reduce the rear yard for the proposed Rosen's Inc building on proposed Parcel 2 to ten (10) feet from the required thirty (30) feet.**

- (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.

**For the types of businesses contemplated, the subject property is located at a good site with convenient access to a good paved road (Old Route 36) and situated a relatively long distance from residences, i.e. approximately one-half (1/2) mile away.**

- (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.

**Potential hazards should not be greater than current conditions.**