

CASE # 2010-020

RESOLUTION NUMBER 8-1

**GRANTING A REZONING**  
FOR CERTAIN PROPERTY LOCATED AT  
**3375 BURNSTINE RD., 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 an amendment** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See **EXHIBIT A**

WHEREAS, the Petitioner, **Brian Earley**, has petitioned the Sangamon County Board for a rezoning from "A" Agricultural District to "R-1" Single Family Residence District; and

WHEREAS, a public hearing was held at the Sangamon County Building on **April 15<sup>th</sup>, 2010**, 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 rezoning**; and

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

**FILED**

APR 28 2010

*Jae Aill*  
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 May, 2010 that the request for a rezoning from "A" Agricultural District to "R-1" Single Family Residence District on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 11<sup>th</sup> day of May, 2010.

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 Southeast Quarter of section One (1), Township Thirteen (13) North, Range six (6) West of the Third Principal Meridian, bounded as follows, to-wit: Beginning at a stone in the Northwest corner of said Quarter Section, running thence East 20 chains to a stone in the Northeast corner of Lot Five (5), said lot being the Southwest part of the Southeast Quarter of said Section One (1), thence South 34 degrees 13 minutes East 10.54 chains to a stake; thence West parallel with the North line 25.93 1/3 chains to a stone in the West line of said Quarter Section, and thence North 8.71 chains to the place of beginning.

EXCEPT the following Tract: Beginning at a stone 20 chains East of a stone in the Northwest Corner of said Quarter Section One (1), thence South 34 degrees 13 minutes East 10.54 chains to a stake, thence West 18 feet, thence North 34 degrees 13 minutes West 10.54 chains, thence east 18 feet to the place of beginning.

ALSO EXCEPTING three tracts described on survey recorded in Sangamon County Recorder of Deeds Office Book 524 Page 79 as

**Tract No 1**

Beginning at a stone in the N.W. Cor of S.E. 1/4 Sec 1-T13N R6W 3.P.M. running thence East 227.35 feet, thence South 191.6 feet, thence West 227.35 feet, thence North 191.6 feet to the Point of Beginning, containing 1Acre.

**Tract No 2**

Beginning at an iron pipe 191.6 feet South of Stone at the NW Cor of S.E. 1/4 Sec 1-T13N-R6W 3.P.M., Thence East 227.35 feet, thence South 191.6 feet, Thence West 227.35 feet, thence North 191.6 feet to the Point of Beginning Containing 1 acre.

**Tract No 3**

Beginning at an iron pipe 383.2 feet South of stone at the N.W. Cor of the SE 1/4 Sec 1-T13N-R6W 3.P.M. running East 227.35 feet, thence South 191.6 feet, thence west 227.35 feet, thence North 191.6 feet, to the Point of Beginning, Containing 1 acre.

**ALSOEXCEPTING**

Part of the Southeast Quarter of Section One (1), Township Thirteen (13) North, Range Six (6) West of the Third Principal Meridian described as follows:

Beginning at a point on the North line of said Quarter Section 785.14 feet East of the Northwest corner of the Southeast Quarter of said Section One (1); thence East on the North line of said Quarter Section 454.70 feet; thence South parallel to the West line of said Quarter Section 574.80 feet; thence West 454.70 feet along the approximate centerline of township road parallel to the North line of said Quarter Section and the Point of Beginning.

**ALSO EXCEPTING**

Part of Lot five (5), being the Southwest part of the Southeast Quarter Section One (1), Township Thirteen (13) North, Range Six (6) West of the Third Principal Meridian Bounded and Described as follows: Beginning at a point on the North line of said Lot Five (5), 1308.6 feet East of the Northwest corner of said Lot, thence South 34 degrees 13 minutes East 331.6 feet to an iron pin, thence South 302.9 feet to a point in the center line of a public road, thence West along the center line of said public road 251.73 feet at a point, thence North 574.8 feet to a point in the North line of said Lot Five (5), thence East along the North line of said Lot Five (5), thence East along the North line of said Lot Five (5), 68.75 feet to the point of beginning.

For a more particular description of said Lot Five (5), referenced is hereby had to the plat in the Partition of James Babcock v. Thomas Black, etal as Recorded in Circuit Court Chancer Records Book "U", Page 244.

**ALSO EXCEPTING**

Part of the Southeast Quarter of Section 1 in Township 13 North, Range 6 West of the Third Principal Meridian, described as follows, to-wit: From the stone at the Northwest corner of the Southeast Quarter Section 1, Township 13 North, Range 6 West of the Third Principal Meridian, measure East 1326.6 feet to an iron pin; thence South 34 degrees 13 minutes East measure 695.64 feet to a point; thence west 18 feet to the point of beginning, said point also being the Southwest corner of a tract deeded in Volume 292, page 44, as Document No. 188307; thence North 34 degrees 13 minutes west 364.04 feet; thence South 302.9 feet to a point on the centerline of a public road; thence East 202 feet to the point of beginning.

Together with all easements and appurtenances in favor of said above described property.

**ALSO EXCEPTING**

The coal and minerals underlying said land. This deed is made in pursuance to an agreement for Warranty Deed unrecorded of dated August 21, 1948 between Grantor herein and the Grantees herein.

Parcel Number for Described Real Estate is  
34-01-400-011

RECAP  
(For County Board Use)

COUNTY BOARD MEMBER: # 6 NAME: **Sam Snell**

DOCKET NUMBER: **2010-020**

ADDRESS: **3375 Burnstine Rd., Auburn, IL. 62615**

PETITIONER: **Brian Earley**

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

REQUESTED ZONING CLASSIFICATION: **"R-1" Single Family Residence District**

AREA: **7.32 acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION RECOMMENDATION:

**Approval of the requested R-1 zoning. The petitioner seeks to divide the property in order to build a single family residence and R-1 zoning is seen as appropriate. Although the LESA score of 174 is marginal for non-agricultural development, this is a small parcel of 7.32 acres and the area consists of other single family residences.**

SANGAMON COUNTY BOARD OF APPEALS  
RECOMMENDATION:

**Approval**

*Cyndi Knowles*  
RECORDING SECRETARY

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SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:	)	DOCKET NO: <b>2010-020</b>
<b>Brian Earley</b>	)	
	)	PROPERTY LOCATED AT:
	)	<b>3375 Burnstine Rd.</b>
	)	<b>Auburn, IL. 62615</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 an **amendment** 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 **April 15<sup>th</sup>, 2010** 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: **3375 Burnstine Rd., 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.
- 5. That the proposed land use of said property is a single family residence.
- 6. That the requested rezoning of said property is from "A" Agricultural District to "R-1" Single Family Residence District.
- 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 **rezoning** 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 **rezoning** be **approved**.

*Charles Chimento/cx*  
 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 **Judith Johnson**.

The vote of the Board was as follows:

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

NO:

ABSENT:

*Cyndi Knowles*  
 RECORDING SECRETARY