

CASE # 2005-73  
RESOLUTION NUMBER 6-1

**GRANTING VARIANCES**  
FOR CERTAIN PROPERTY LOCATED AT  
**211 GABRIEL ROAD**  
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 Petitioners, **Kevin & Linda Cox**, have petitioned the Sangamon County Board for a rezoning from "A" Agricultural District to "R-1" Single Family Residence District with a variance to allow the lot width to be met greater than 60' from a public road for one lot and a variance to allow the lot depth to exceed 2 ½ times the lot width for two lots; and

WHEREAS, a public hearing was held at the Sangamon County Building on November 17, 2005, 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 deny the rezoning to "R-1" Single Family Residence District but, in the alternative, grant a variance of the lot area to allow 2 parcels less than 40 acres and the variance to allow the lot width to be met greater than 60' from a public road for 1 lot and the variance to allow the lot depth to exceed 2 ½ times the lot width for 2 lots; and

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

**FILED**

NOV 30 2005

*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 December, 2005 that the request to rezone the above referenced property from "A" Agricultural District to "R-1" Single Family Residence District is denied but, in the alternative, a variance of the lot area to allow 2 parcels less than 40 acres, a variance to allow the lot depth to exceed 2 1/2 times the lot width for 2 lots and a variance to allow the lot width to be met greater than 60' from a public road for 1 lot is hereby approved.

Signed and passed by the Sangamon County Board in session on this 13<sup>th</sup> day of December, 2005.

Respectfully submitted,

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

*Dan Vaughn*  
\_\_\_\_\_  
DAN VAUGHN, CHAIRMAN

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

\_\_\_\_\_  
BILL MOSS

\_\_\_\_\_  
TYRONE PACE

\_\_\_\_\_  
TIM MOORE

\_\_\_\_\_  
DON STEPHENS

\_\_\_\_\_  
DAVID MENDENHALL

ATTEST:

ATTEST:

*Joe Riehl*  
\_\_\_\_\_  
SANGAMON COUNTY CLERK

*A. Va-Meto*  
\_\_\_\_\_  
COUNTY BOARD CHAIRMAN

EXHIBIT A

Parcel I:

Beginning at the Southwest corner of the Northwest Quarter of Section 34, Township 16 North, Range 4 West of the Third Principal Meridian; thence North 1043 feet to the point of beginning; thence East to the center line of said Northwest Quarter; being the West line of a public road; thence North 454 feet to a point; thence West parallel with the South section line to a point in the West section line; thence South 454 feet to the point of beginning.

Except the coal and other minerals except oil and gas underlying said land with the right to mine and remove same.

Situated in Sangamon County, Illinois.

Parcel II:

Beginning at the Southeast corner of the Northeast Quarter of Section 33, Township 16 North, Range 4 West of the Third Principal Meridian, thence North 1043 feet to the point of beginning; thence West to the center line of the Sangamon River; thence Northerly along said center line to a point 454 feet North of the point of beginning; thence Easterly parallel with the South Quarter section line to the East section line; thence South 454 feet to the point of beginning.

Except all coal and minerals except oil and gas underlying said land with the right to mine and remove the same.

Situated in Sangamon County, Illinois.

RECAP  
(For County Board Use)

COUNTY BOARD MEMBER: # 9 NAME: Sarah Musgrave

DOCKET NUMBER: 2005-73

ADDRESS: 211 Gabriel Rd., Springfield, IL. 62707

PETITIONER: Kevin & Linda Cox

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: "R-1" Single Family Residence District with a variance to allow the lot width to be met greater than 60' from a public road for 1 lot and a variance to allow the lot depth to exceed 2 1/2 times the lot width for 2 lots.

AREA: 21 acres

COMMENTS: none

OBJECTORS: none

PLANNING COMMISSION RECOMMENDATION: denial as submitted. Establishing a spot of residential zoning to facilitate the proposed division could potentially have a negative impact on the wildlife sanctuary the petitioners wish to preserve. Recommend approval of the variances and an additional variance to allow the creation of two lots less than 40 acres.

SANGAMON COUNTY BOARD OF APPEALS RECOMMENDATION: deny the rezoning to "R-1" Single Family Residence District but, in the alternative, grant a variance of the lot area ~~to allow 2 parcels~~ to allow 2 parcels less than 40 acres and approval of the variance to allow the lot width to be met greater than 60' from a public road for 1 lot and a variance to allow the lot depth to exceed 2 1/2 times the lot width for 2 lots

  
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS  
SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF: ) DOCKET NO: 2005-73  
Kevin & Linda Cox )  
)  
) PROPERTY LOCATED AT:  
) 211 Gabriel Rd.  
) Springfield, IL. 62707  
)

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 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 **November 17, 2005** 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 or contract to purchase the property commonly known as **211 Gabriel Rd., Springfield, IL. 62707** 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 Wildlife Sanctuary.**
- 5. That the proposed land use of said property is a **Single Family Residence and Wildlife Sanctuary.**
- 6. That the requested **rezoning** of said property is: **from "A" to "R-1" with a variance to allow the lot width to be met greater than 60' from a public road for one lot and a variance to allow the lot depth to exceed 2 1/2 times the lot width for two lots.**
- 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 not** 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 **denied but, in the alternative, grant a variance of the lot area to allow 2 parcels less than 40 acres and approval of the variance to allow the lot width to be met greater than 60' from a public road for 1 lot and a variance to allow the lot depth to exceed 2 1/2 times the lot width for 2 lots.**

Charles Chimento  
CHAIRMAN

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Patrick Somers** to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **denied as submitted but, in the alternative, grant a variance of the lot area to allow 2 parcels less than 40 acres and a variance to allow the lot width to be met greater than 60' from a public road for 1 lot and a variance to allow the lot depth to exceed 2 1/2 times the lot width for 2 lots,** which was duly seconded by **Donn Malwick.**

The vote of the Board was as follows:

YES: **Charles Chimento, Donn Malwick, Peggy Egizii, Patrick Somers, Marvin Traylor**

NO:

ABSENT:

RD Armstrong  
RECORDING SECRETARY

6-7



CASE #: 2005-73  
 INDEX #: 15-34-100-038  
 DATE: 10-5-05  
 INSPECTED BY: DK LW

**ZONING AMENDMENT CHECK LIST**

PETITIONER: Cox, Kevin & Linda  
 ADDRESS: 211 Gabriel Road TWP. 16N RANGE 4 W SEC. 33 ¼ SEC. NE  
 (OR NEAREST IDENTIFIABLE ROAD) TWP. \_\_\_\_\_ RANGE \_\_\_\_\_ W SEC. 34 ¼ SEC. NW  
 CITY OR VILLAGE OR NEAREST ONE: Springfield

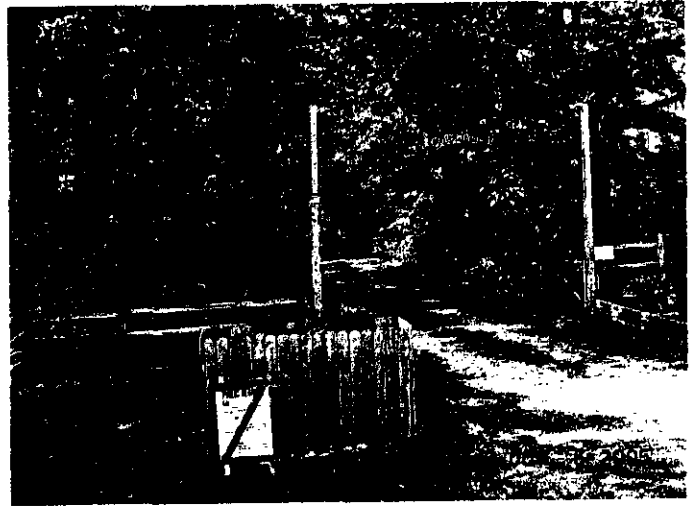
EXISTING ZONING: A PROPOSED ZONING: R-1 with Variances\*  
 LAND AREA: 21 acres ROAD FRONTAGE: 454 Lineal Ft. ROAD COND: Fair

EXISTING LAND USE: Single Family Residence and Wildlife Sanctuary  
 PROPOSED LAND USE: Single Family Residence and Wildlife Sanctuary  
 TYPE OF STRUCTURE: Residential CONDITION OF STRUCTURE: Good  
 EXISTING YARDS: Front 400 ft. Side 50/350 ft. Rear 1,400 ft.  
 SPOT ZONING: X  
 Yes No

- NEARBY LAND USE:
- a. To North Single Family Residences
  - b. To South Single Family Residences
  - c. To East Cropland
  - d. To West Timber

OTHER COMMENTS: \* Variance is requested to allow the lot width to be met greater than 60' from a public road for one lot and a variance to allow the lot depth to exceed 2 ½ times the lot width for two lots.

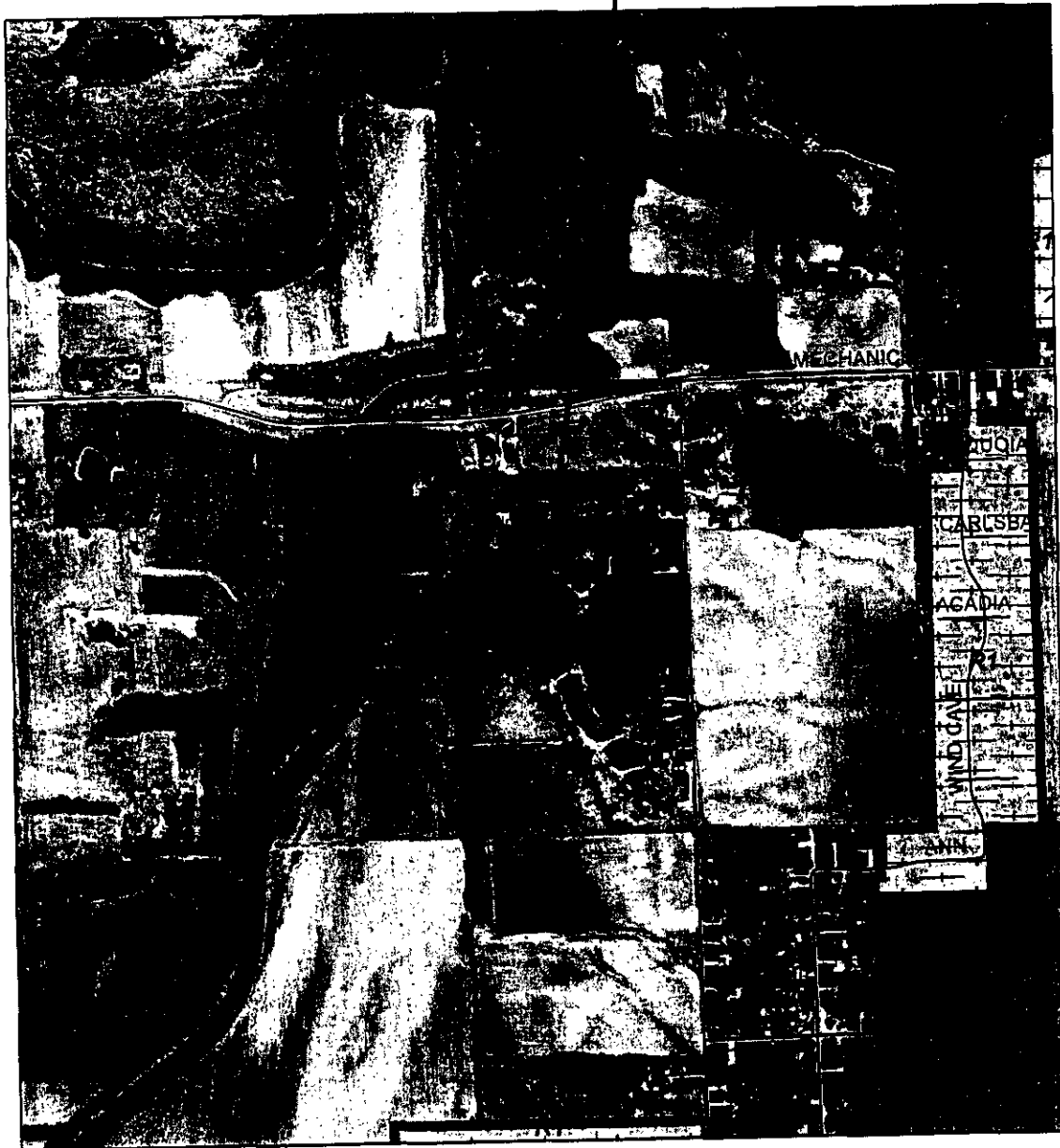
Staff Estimate of the Effect of the Amendment on the Area		None	Slight	Mod.	Great
CONTRASTS: CURRENT VS. PROPOSED	land use	X			
	appearance	X			
	height	X			
	parking spaces	X			
PROBLEMS FORESEEN	drainage	X			
	sewer	X			
	traffic flow	X			
WILL USE INCREASE	pop. density	X			
	dwellings, density	X			
	school pop.	X			
	traffic volume	X			



RECOMMENDATIONS: Recommend denial as submitted. Establishing a spot of residential zoning to facilitate the proposed division could potentially have a negative impact on the wildlife sanctuary the petitioners wish to preserve. Recommend approval of the variances and an additional variance to allow the creation of two lots less than 40 acres.































# County Zoning

## Case# 2005-073



### County Zoning

### City Zoning

 R1	 B1	 R1	 H1	 OFF
 R1a	 B2	 R2	 H2	 PUD
 R2	 B3	 R3a	 H3	 B1
 R3	 I1	 R3b	 S1	 B2
 RM-4	 I2	 R4	 S2	 I1
 OFF	 A	 R5	 S3	 I2

0 500 1,000 Feet





## RECOMMENDED FINDINGS OF FACT

Case #: **2005-73**

Address: **211 Gabriel Road**

- (i) Existing uses of property within the general area of the property in question.

**To the north and south are residences. To the east is cropland. To the west is timber.**

- (ii) The zoning classification of property within the general area of the property in question.

**The area is zoned A.**

- (iii) The suitability of the property in question to the uses permitted under the existing zoning classification.

**There is a home on the property and a wildlife sanctuary. The request is made to divide the property to preserve the wildlife sanctuary. The Land Evaluation and Site Assessment score of 170 indicates the property may be suitable for non-agricultural development if mitigating factors are present.**

- (iv) The trend of development, within the vicinity since the property was originally classified.

**There have been some residences constructed.**



## RECOMMENDED STANDARDS FOR VARIATIONS

Case #: **2005-73**

Address: **211 Gabriel Road**

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 facilitate division of the property. The petitioners have established a wildlife sanctuary on the property and would like to separate it from the residence to create autonomy under a trust to preserve it in perpetuity.**

- (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 division is not intended to create a new buildable site but to allow preservation of the wildlife sanctuary by separating it from the residence.**

- (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**

**LAND EVALUATION AND SITE ASSESSMENT****Part 1: Site Assessment****Available  
Points****Points****AGRICULTURAL/RURAL LAND WITHIN .5 MILE**

90% or more

20

75-89%

10

**50-74%**

5

**5**

Under 50%

0

**CONTIGUOUS AGRICULTURAL/RURAL LAND****90% or more****20**

75-89%

10

50-74%

5

**20**

Under 50%

0

**PERCENTAGE OF SITE AGRICULTURAL/RURAL****75-100%****10**

50-74%

5

**10**

Under 50%

0

**COUNTY SECTOR****Rural****20**

0.5 mile from incorporated area

10

**20**

Incorporated area

0

**SOIL WITH SEVERE RESTRICTIONS FOR ON-SITE WASTE DISPOSAL**

75% or more

20

50-74%

10

**25-49%**

5

**5**

Less than 25% or sewer available

0

**ENVIRONMENTAL IMPACT OF PROPOSED USE**

Negative impact

15

Little or none with protective measures

5

**0****Little or none**

0

**IMPACT ON UNIQUE HISTORICAL/CULTURAL FEATURES**

Negative impact

10

**No impact**

0

**0****CONDITION OF ROAD**

unpaved, &lt;40' ROW, or &lt; 16' pavement

20

**16'-18' pavement, 40' ROW****15****15**

18'-20' pavement, 40' ROW

10

&gt; 20' pavement, 40' ROW or County or State Highway

0

6-12

<u>AVAILABILITY OF PUBLIC SEWER</u>		
Not available	15	<b>15</b>
Sewer over 600'-1200' away	8	
Private central sewage system	5	
Sewer 600' or less away and available	0	

<u>AVAILABILITY OF PUBLIC WATER</u>		
Not available	20	<b>0</b>
1,000-1,500' away	15	
Less than 1,000' away	5	
Public water available at site	0	

<u>DISTANCE FROM RESPONDING FIREHOUSE</u>		
Not in fire protection district	20	<b>5</b>
More than 5 miles or fire protection by assignment	10	
<b>2.6-5 miles</b>	5	
0-2.5 miles	0	

<u>DRIVING TIME TO HIGH SCHOOL</u>		
Over 30 minutes	10	<b>0</b>
15-30 minutes	5	
Less than 15 minutes	0	

<b>SITE ASSESSMENT TOTAL</b>	<b>95</b>
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**Part 2: Agricultural Land Evaluation (Based on Sangamon County Soil Survey)**

<u>Soil</u>	<u>Name</u>	<u>Type</u>	<u>%</u>	<u>Relative Value</u>	<u>Points</u>
8D3	Hickory	Important	5	55	3
8E	Hickory	Important		55	
8E3	Hickory	Non-prime		52	
8F	Hickory	Non-prime		0	
17	Keomah	Prime	10	77	8
19C2	Sylvan	Important		72	
19D	Sylvan	Important		72	
19D3	Sylvan	Important		55	
19E3	Sylvan	Non-prime		52	
36A	Tama	Prime		100	
36B	Tama	Prime		95	
36C2	Tama	Prime		90	
36D2	Tama	Important		72	
43	Ipava	Prime		100	
45	Denny	Prime		77	
50	Viriden	Prime		87	
67	Harpster	Prime		87	
68	Sable	Prime		95	
73	Ross	Prime		95	

74	Radford	Prime*		87	
77	Huntsville	Prime*		95	
107	Sawmill	Prime*		87	
112	Cowden	Prime		77	
<b>119D</b>	<b>Elco</b>	<b>Important</b>	<b>5</b>	<b>72</b>	<b>4</b>
119D3	Elco	Important		55	
119E3	Elco	Non-prime		52	
131C	Alvin	Prime		77	
131D	Alvin	Prime		77	
131E2	Alvin	Important		55	
134A	Camden	Prime		90	
134B	Camden	Prime		77	
134C2	Camden	Important		72	
134D3	Camden	Important		55	
138	Shiloh	Prime		87	
198	Elburn	Prime		100	
199A	Plano	Prime		95	
199B	Plano	Prime		90	
208	Sexton	Prime		77	
212D3	Thebes	Important		55	
<b>242</b>	<b>Kendall</b>	<b>Prime</b>	<b>28</b>	<b>77</b>	<b>22</b>
244	Hartsburg	Prime		87	
249	Edinburg	Prime		77	
259C	Assumption	Prime		77	
259D2	Assumption	Important		72	
<b>280B</b>	<b>Fayette</b>	<b>Prime</b>	<b>5</b>	<b>77</b>	<b>4</b>
<b>280C2</b>	<b>Fayette</b>	<b>Important</b>	<b>10</b>	<b>72</b>	<b>7</b>
<b>280D2</b>	<b>Fayette</b>	<b>Important</b>	<b>37</b>	<b>72</b>	<b>27</b>
280D3	Fayette	Important		55	
284	Tice	Prime*		90	
451	Lawson	Prime*		95	
551F	Gosport	Non-prime		0	
567C	Elkhart	Prime		77	
567D2	Elkhart	Important		72	
684B	Broadwell	Prime		87	
684C2	Broadwell	Prime		77	
685B	Middletown	Prime		77	
685C2	Middletown	Important		72	
801	Orthents	Non-prime		0	

\*subject to flooding

<b>AGRICULTURAL LAND EVALUATION TOTAL</b>	<b>75</b>
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<b>GRAND TOTAL</b>	<b>170</b>
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Fewer than 150 points shall be deemed acceptable for non-agricultural development.

**From 150 - 175 points is considered marginal requiring mitigating factors for non-ag development.**

Greater than 175 points shall be considered suitable for agricultural use only.