

CASE # 2007-71  
RESOLUTION NUMBER 6-1  
**GRANTING A VARIANCE**  
FOR CERTAIN PROPERTY LOCATED AT  
**5749 NORTH WALNUT, SPRINGFIELD**  
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, **Robert Trainor, Janet Rapps and Jill Ann Loeser**, have petitioned the Sangamon County Board for a **variance to allow the lot depth to exceed 2 ½ times the lot width for two parcels**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **November 15, 2007**, 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**

NOV 30 2007


*Joe Aiello*  
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 December, 2007 that the request for a variance to allow the lot depth to exceed 2 ½ times the lot width for two parcels 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 December, 2007.

Respectfully submitted,

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

  
\_\_\_\_\_  
TIM MOORE, CHAIRMAN

\_\_\_\_\_  
ABE FORSYTH, VICE CHAIRMAN

\_\_\_\_\_  
JENNIFER DILLMAN

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

\_\_\_\_\_  
GEORGE PRECKWINKLE

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

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

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

**ATTEST:**

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

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

**EXHIBIT A**

PARCEL 1:

Part of Lot 10 and Lot 11 of the Plat of the Estate of William Council deceased as recorded in the Circuit Court of Sangamon County Illinois, in Book "M", page 455, and being more particularly described as follows:

Commencing at a found metal plat at the Northeast corner of Section 32, Township 17 North, Range 5 West of the Third Principal Meridian; thence South 00 degrees 10 minutes 16 seconds East, 717.75 feet along the east line of the Northeast Quarter of said Section 32 to a point at the northeast corner of the south half of said Lot 10, said point being the Point of Beginning; thence continuing South 00 degrees 10 minutes 16 seconds East, 531.20 feet along the east line of said Lot 10 and said Lot 11; thence South 89 degrees 37 minutes 58 seconds West, 1319.55 feet to the west line of said Lot 11; thence North 00 degrees 09 minutes 12 seconds West, 291.48 feet to the Northwest corner of said Lot 11; thence North 89 degrees 36 minutes 45 seconds East, 546.20 feet along the north line of said Lot 11; thence North 00 degrees 09 minutes 12 seconds West, 239.25 feet to the north line of the south half of said Lot 10; thence North 89 degrees 36 minutes 45 seconds East, 773.18 feet along the north line of the south half of said Lot 10 to the Point of beginning, containing 13.083 acres, more or less.

Also,

The South Half in area of that part of the Northwest Quarter of the Northwest Quarter of Section 33, Township 17 North, Range 5 West of the Third Principal Meridian, which lies South and West of the public highway except one square acre described as follows:

Beginning at a point 100 feet West and 143 feet South of the stone right of way marker which is located in the West line of said public highway and the North line of the South Half of that part of said Quarter Quarter Section lying West of said public highway and running thence South 208.71 feet; thence West 208.71 feet; thence North 208.71 feet and thence East 208.71 feet to the place of beginning.

Also excepting therefrom:

Beginning at the Southeast corner of the one square acre currently located in the South Half of the Northwest Quarter of the Northwest Quarter of said Section 33 and described as "Beginning at a point 100 feet West and 143 feet South of the stone right of way marker which is located in the West line of said public highway and the North line of the South Half of that part of said Quarter Quarter Section lying West of said public highway and running thence South 208.71 feet; thence West 208.71 feet; thence North 208.71 feet and thence East 208.71 feet to the place of beginning"; from said Southeast corner thence South 48.57 feet along the east line of said one square acre extended, to the South line of the Northwest Quarter of the Northwest Quarter of said Section 33; thence West along said South line, 223.71 feet; thence North 103.57 feet; thence East 15.00 feet to the west line of said one square acre; thence South 55.00 feet along said west line to the Southwest corner of said one square acre; thence East 208.71 feet along the south line of said one square acre to the Point of Beginning, containing 0.268 acres, more or less.

PARCEL 2:

Part of Lot 11 of the Plat of the Estate of William Council deceased as recorded in the Circuit Court of Sangamon County Illinois, in Book "M", page 455, and being more particularly described as follows:

Commencing at a found metal plat at the Northeast corner of Section 32, Township 17 North, Range 5 West of the Third Principal Meridian; thence South 00 degrees 10 minutes 16 seconds East, 1248.95 feet along the east line of the Northeast Quarter of said Section 32 to the Point of Beginning; thence South 89 degrees 37 minutes 58 seconds West, 1319.55 feet to the west line of said Lot 11; thence South 00 degrees 09 minutes 12 seconds East, 114.42 feet to the southwest corner of said Lot 11; thence South 76 degrees 26 minutes 24 seconds East, 430.03 feet along the south line of said Lot 11; thence North 89 degrees 31 minutes 36 seconds East, 230.33 feet along the south line of said Lot 11 to the southwest corner of the North 1 acre of the East 19 acres of the south 39.12 acres of the Southeast Quarter of the Northeast Quarter of said Section 32; thence North 00 degrees 10 minutes 17 seconds West, 64.87 feet along the west line of said 1 acre; thence North 89 degrees 31 minutes 36 seconds East, 671.51 feet along the north line of said 1 acres to the east line of said Lot 11; thence North 00 degrees 10 minutes 06 seconds West, 151.38 feet along the east line of said Lot 11 to the Pont of Beginning, containing 5.088 acres, more or less.

Also,

The North Half of the Southwest Quarter of the Northwest Quarter of Section 33, Township 17 North, Range 5 West of the Third Principal Meridian excepting therefrom the following described property:

Part of the Northeast Quarter of the Southwest Quarter of the Northwest Quarter of Section 33, Township 17 North, Range 5 West of the Third Principal Meridian, bounded as follows:

Beginning at a post in the intersection of the Southwesterly right of way line of State Route 29 with the East line of said Quarter Quarter Quarter Section; thence Northwesterly with said right of way line 114 feet to a hedge post set in concrete; thence West 250 feet to a hedge post set in concrete; thence South 117 feet to a 4 inch angle iron set in concrete; thence Southwesterly 368 feet to a hedge post in the West line of said Quarter Quarter Quarter Section 328 feet North of the Southwest corner thereof; thence South 328 feet to a hedge post in the Southwest corner of said Quarter Quarter Quarter Section; thence East with the South line of said Quarter Quarter Quarter Section to the Southeast corner thereof; thence North to the place of beginning.

Also excepting therefrom:

Parcel I: Parts of the Southwest Quarter of the Northwest Quarter of Section 33, and the Southeast Quarter of the Northeast Quarter of Section 32, Township 17 North, Range 5 West of the Third Principal Meridian, described more particularly as follows:

Commencing at a stone marking the Northwest corner of said Section 33; thence North 90 degrees 00 minutes 00 seconds East along the North Section line Section 33, Township 17 North,

Range 5 West, a distance of 57.77 feet to a point on the West right of way line of Illinois Route 29, said point being located on a 1246.3 foot radius curve whose center bears North 70 degrees 34 minutes 21 seconds East; thence Southeasterly along said curve through a central angle of 22 degrees 42 minutes 09.5 seconds, a distance of 493.83 feet to a right of way marker; thence South 42 degrees 05 minutes 29 seconds East a distance of 441.24 feet to a right of way marker; thence South 34 degrees 35 minutes 58 seconds East a distance of 254.71 feet to a right of way marker; thence South 42 degrees 12 minutes 25 seconds East along said right of way line a distance of 503.98 feet to a point marking the centerline of an access road 25 feet in width, 12.5 feet each side of said centerline; thence South 77 degrees 24 minutes 42 seconds West along said centerline a distance of 126.52 feet to a point; thence South 66 degrees 17 minutes 43 seconds West along said centerline a distance of 180.74 feet to a point; thence North 73 degrees 22 minutes 19 seconds West along said centerline a distance of 241.39 feet to a point; thence South 86 degrees 56 minutes 03 seconds West along said centerline a distance of 150.61 feet to an iron pipe; thence South 75 degrees 53 minutes 35 seconds West along said centerline a distance of 298.96 feet to a point; thence South 01 degrees 34 minutes 45 seconds West a distance of 12.5 feet to an iron pipe marking the true point of beginning; thence continuing South 01 degrees 34 minutes 45 seconds West a distance of 208.71 feet to an iron pipe; thence North 88 degrees 25 minutes 15 seconds West a distance of 208.71 feet to an iron pipe; thence North 01 degrees 34 minutes 45 seconds East a distance of 208.71 feet to an iron pipe; thence South 88 degrees 25 minutes 15 seconds East a distance of 208.71 feet to the true point of beginning.

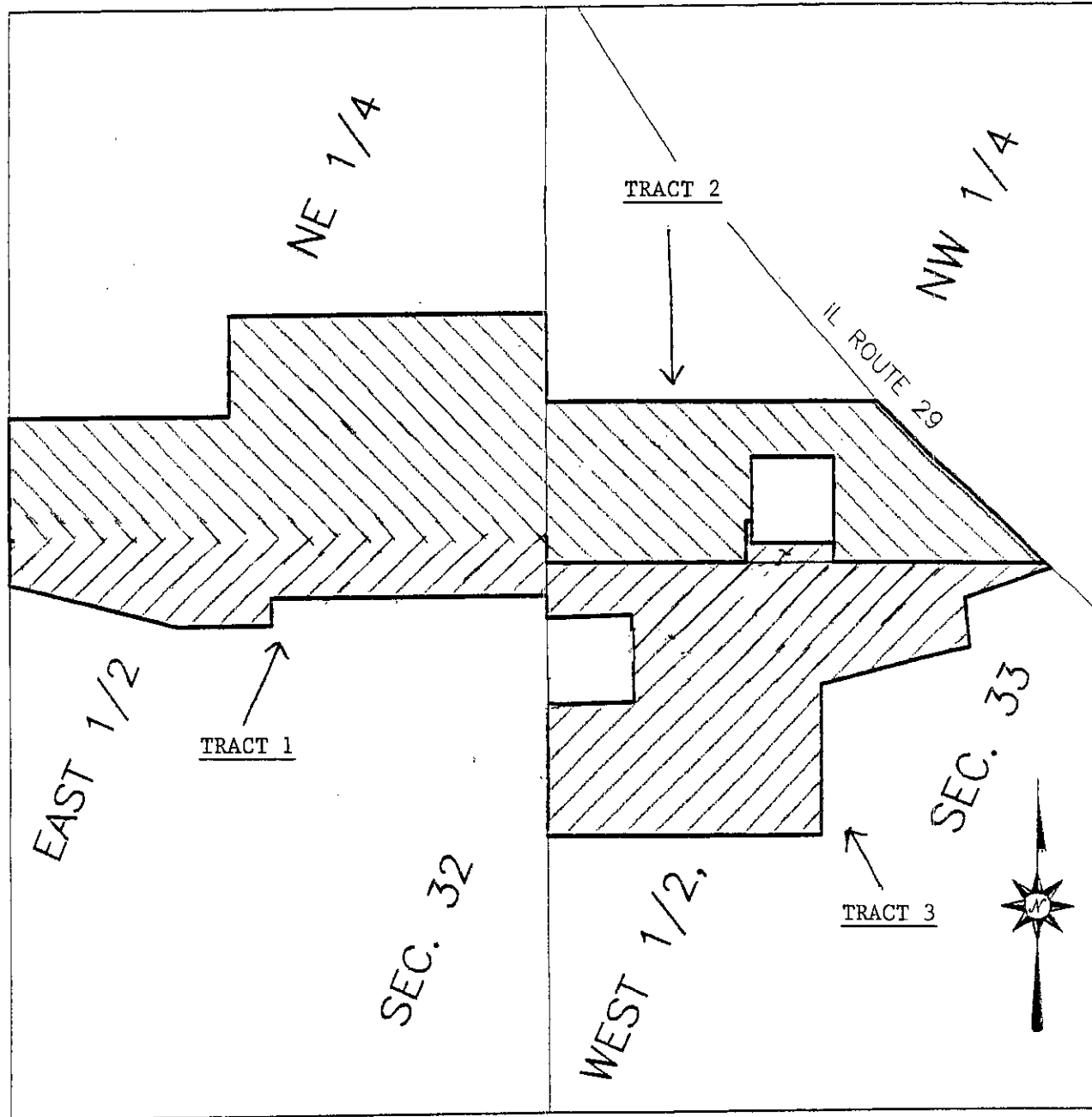
Also,

That part of the South Half in area of that part of the Northwest Quarter of the Northwest Quarter of Section 33, Township 17 North, Range 5 West of the Third Principal Meridian, which lies South and West of the public highway described as follows:

Beginning at the Southeast corner of the one square acre currently located in the South Half of the Northwest Quarter of the Northwest Quarter of said Section 33 and described as "Beginning at a point 100 feet West and 143 feet South of the stone right of way marker which is located in the West line of said public highway and the North line of the South Half of that part of said Quarter Quarter Section lying West of said public highway and running thence South 208.71 feet; thence West 208.71 feet; thence North 208.71 feet and thence East 208.71 feet to the place of beginning"; from said Southeast corner thence South 48.57 feet along the east line of said one square acre extended to the South line of the Northwest Quarter of the Northwest Quarter of said Section 33; thence West along said South line, 223.71 feet; thence North 103.57 feet; thence East 15.00 feet to the west line of said one square acre; thence South 55.00 feet along said west line to the Southwest corner of said one square acre; thence East 208.71 feet along the south line of said one square acre to the Point of Beginning, containing 0.268 acres, more or less.

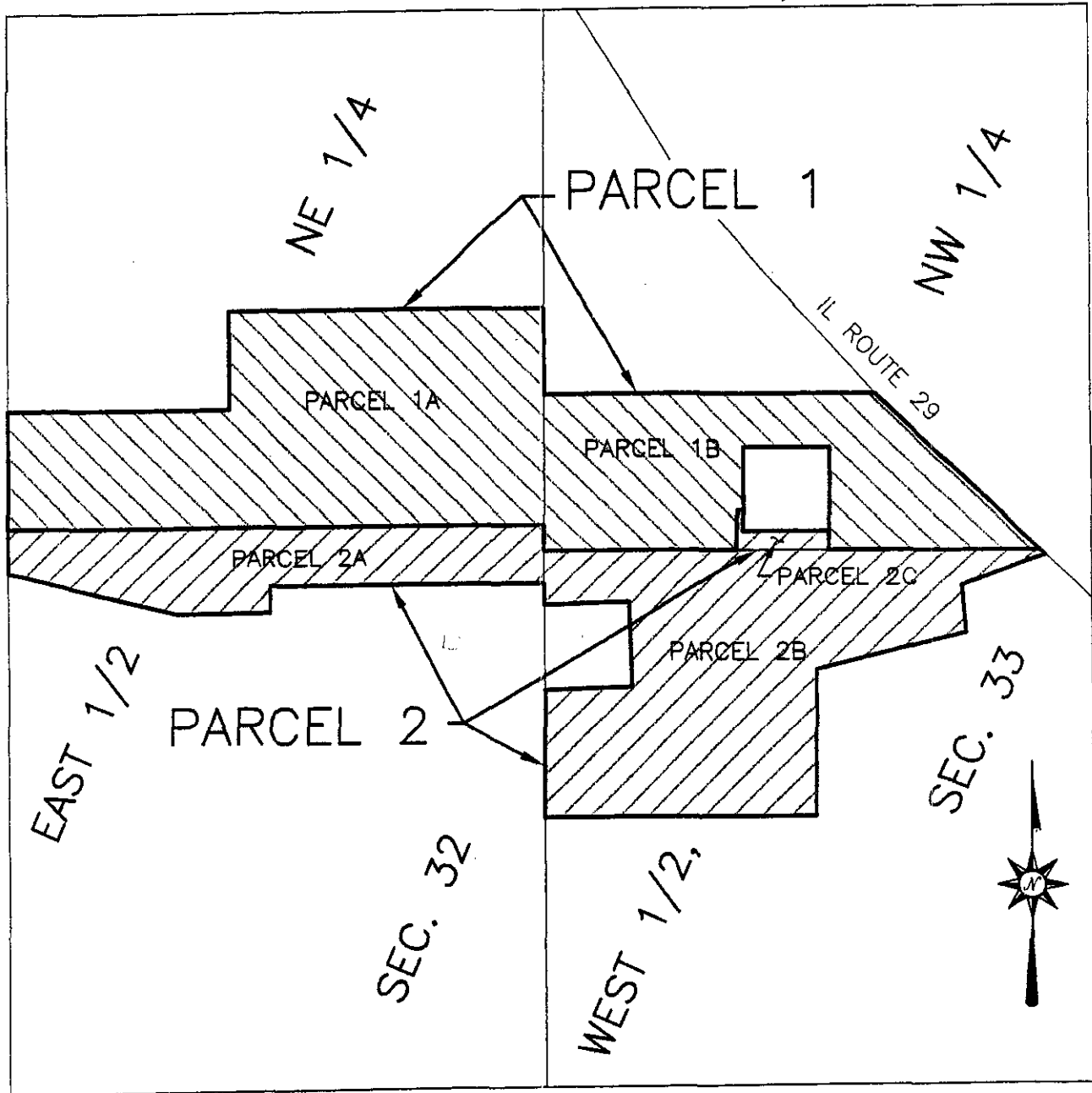
Situated in Sangamon County, Illinois.

PRESENT 3 TRACTS



ATTACHMENT TO PETITION FOR VARIANCE  
(Petitioners: Robert E. Trainor, Janet Rapps, Jill Ann Loeser)  
PARAGRAPH 7B ATTACHMENT

REQUESTED DIVISION OF PARCEL 06-32.0-200-007  
NORTH PORTION 1A (COMBINED WITH 1B TO COMPRISE PARCEL 1)  
SOUTH PORTION 2A (COMBINED WITH 2B AND 2C TO COMPRISE PARCEL 2)



RECAP  
(For County Board Use)

COUNTY BOARD MEMBER: # 11 NAME: Mike Sullivan

DOCKET NUMBER: 2007-71

ADDRESS: 5749 North Walnut, Springfield, IL 62707

PETITIONER: Robert Trainor, Janet Rapps and Jill Ann Loeser

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: "A" Agricultural District with a variance to allow the lot depth to exceed 2 1/2 times the lot width for two parcels

AREA: 37.37 Acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: Recommend Approval. The standards for variation are met.

SANGAMON COUNTY BOARD OF APPEALS RECOMMENDATION: Approval

  
RECORDING SECRETARY



SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:	)	DOCKET NO: <b>2007-71</b>
Robert Trainor, Janet Rapps & Jill Ann Loeser	)	
	)	PROPERTY LOCATED AT:
	)	<b>5749 North Walnut</b>
	)	<b>Springfield, IL 62707</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 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 15, 2007** 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 **5749 North Walnut, Springfield, IL 62707** and more particularly described as:

See Exhibit A

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- 3. That the present zoning of said property is "A" Agricultural District
- 4. That the present land use of said property is Agricultural
- 5. That the proposed land use of said property is Agricultural
- 6. That the requested variance of said property is: to allow the lot depth to exceed 2 1/2 times the lot width for two parcels.
- 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.

Charles Chimento  
CHAIRMAN

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Marvin Traylor** 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 **Byron Deaner**.

The vote of the Board was as follows:

YES: **Charles Chimento, Byron Deaner, Judith Johnson, Marvin Traylor, Don Wulf**

NO:

ABSENT: **Peggy Egizii**

Bob Armstrong  
RECORDING SECRETARY

6-11

SSCRPC

Springfield  
Sangamon County Regional  
Planning Commission

**Staff Findings and Recommendation**

(inspected 11/2/07 by AJ)

SANGAMON COUNTY ZONING CASE # 2007-71

ADDRESS 5749 North Walnut

Property Index # 06-32-200-007, 06-33-100-034 and 06-33-100-030

PETITIONER Robert E. Trainor, Janet Rapps & Jill Ann Loeser

REQUESTED ZONING Variance to allow the lot depth to exceed 2 1/2 times the lot width for two parcels.

PROPOSED LAND USE Cropland and timber

EXISTING:

ZONING A

LAND USE Cropland and timber

ROAD FRONTAGE N. Walnut - 460' CONDITION OF PAVEMENT Good

STRUCTURE DESIGNED FOR NA

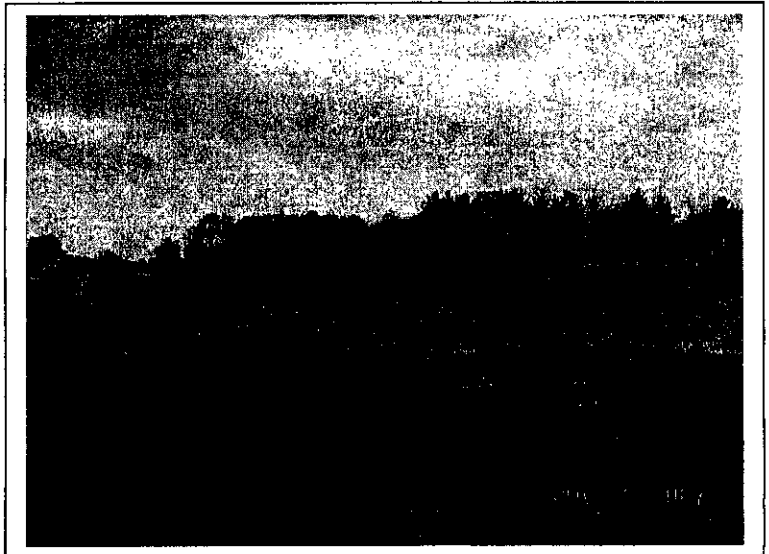
CONDITION OF STRUCTURE NA

LOT AREA 37.37 acres

FRONT YARD NA

SIDE YARDS NA

REAR YARD NA



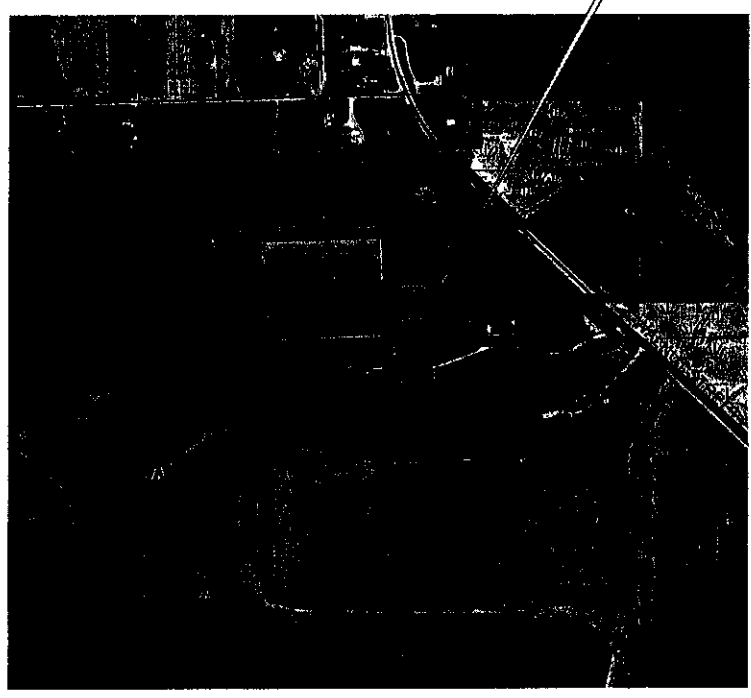
Would the proposed zoning be spot zoning? NA

PLANNING COMMISSION STAFF RECOMMENDATION: **Recommend approval. The standards for variation are met.**

# County Zoning

## Case# 2007-71

Requested:  
Variance



### County Zoning

- RM-4
- R3
- R2
- R1a
- R1
- OFF
- I1
- I2
- B3
- B2
- B1
- A

### City Zoning

- R5
- R1
- R2
- R3a
- R3b
- R4
- H1
- H2
- H3
- S1
- S2
- S3

- OFF
- PUD
- B1
- B2
- I1
- I2



**SANGAMON COUNTY  
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: 2007-71

Address: 5749 North Walnut

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 the configuration of three existing parcels into two parcels.**

- (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.

**Only two of the three parcels that are the subject properties in this case have road access. Dividing the land and joining the three parcels into 2 parcels will eliminate the third landlocked parcel resulting in two adjacent parcels both with access to the public road.**

- (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.**