

FILED

JUN 28 2024

CASE#2024-017
RESOLUTION NUMBER 21

**GRANTING A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
SW CORNER OF TORONTO ROAD AND SOUTH 2ND STREET, SPRINGFIELD
SANGAMON COUNTY, ILLINOIS**

Don J. Krueger
Sangamon County Clerk

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, **Kristin Maletich, Lisa J. McCulley Krueger and Colin Jacobs**, have petitioned the Sangamon County Board requesting for **Proposed Parcel 1: pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 20 acres); and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **June 20, 2024** 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.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **9th Day of July, 2024 that the following request on the above described property is hereby approved:**

For Proposed Parcel 1:

- Pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 20 acres).

Signed and passed by the Sangamon County Board in session on this 9th day of July, 2024.

COUNTY BOARD CHAIRMAN

ATTEST:

SANGAMON COUNTY CLERK

EXHIBIT A

Part of the West Half of the Northeast Quarter of Section 33, Township 15 North, Range 5 West of the Third Principal Meridian, Springfield, Sangamon County, Illinois, more particularly described as follows:

Beginning at a pipe found at the Southeast corner of Lot 2 of Jordan Minor Subdivision, recorded as Document Number 1996R37989 in the Sangamon County Recorder's Office; thence North 00 degrees 43 minutes 34 seconds West on the East line of said Jordan Minor Subdivision, a distance of 1,094.91 feet to a pipe found; thence South 88 degrees 18 minutes 21 seconds West on the North line of said Jordan Minor Subdivision, a distance of 579.97 feet to a pipe found on the West line of said Northeast Quarter of Section 33; thence North 00 degrees 43 minutes 27 seconds West on said West line, a distance of 1,518.13 feet to an iron pin set on the South right of way line of Toronto Road; thence North 65 degrees 18 minutes 42 seconds East on said South right of way line, a distance of 41.57 feet to an iron pin set; thence North 87 degrees 56 minutes 26 seconds East on said South right of way line, a distance of 224.74 feet to an iron pin set at the beginning of a curve concave to the Northeast having a radius of 1,095.00 feet; thence Southeasterly on said curve left and said South right of way line, a chord bearing of South 79 degrees 33 minutes 36 seconds East, a chord distance of 181.08 feet to an iron pin set at the end of said curve; thence North 87 degrees 55 minutes 42 seconds East on said South right of way line, a distance of 766.60 feet to an iron pin set; thence South 50 degrees 10 minutes 48 seconds East on said South right of way line, a distance of 51.05 feet to an iron pin set on the West right of way line of South Second Street; thence South 00 degrees 51 minutes 27 seconds East on said West right of way line, a distance of 2,423.74 feet to an iron pin found; thence South 44 degrees 12 minutes 47 seconds West on said West right of way line, a distance of 194.27 feet to an iron pin set; thence North 87 degrees 52 minutes 24 seconds East on said West right of way line, a distance of 54.16 feet to an iron pin set; thence South 00 degrees 47 minutes 22 seconds East on said West right of way line, a distance of 35.25 feet to a point on the South line of said Northeast Quarter of Section 33; thence South 88 degrees 18 minutes 26 seconds West on said South line, a distance of 588.26 feet to a point on the West line of aforesaid West Half of the Northeast Quarter; thence North 00 degrees 43 minutes 34 seconds West on said West line, a distance of 30.00 feet to the point of beginning. Containing 2,623,699.5120 square feet (60.232 acres), more or less.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 13 NAME: Brad Miller

DOCKET NUMBER: 2024-017

ADDRESS: SW Corner of Toronto Road and South 2nd Street, Springfield, IL 62711

PETITIONER: Kristin Maletich, Lisa J. McCulley Krueger and Colin Jacobs represented by Attorney Tim Rigby

PRESENT ZONING CLASSIFICATION: "A" Agricultural District.

REQUESTED ZONING CLASSIFICATION: Proposed Parcel 1: pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 20 acres).

AREA: 63.7 acres

COMMENTS: Yes

OBJECTORS: None

PLANNING COMMISSION STAFF RECOMMENDATION: **Recommend approval. Granting the requested variance would facilitate a division to separate 20 acres from the subject property to settle an estate. No change in land use is contemplated and negative impacts are not anticipated. The Standards for Variation are met.**

SANGAMON COUNTY ZONING BOARD OF APPEALS RECOMMENDATION:
Approval of Staff Recommendation.

RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: **2024-017**
Kristin Maletich, Lisa McCulley Krueger)
And Colin Jacobs) PROPERTY LOCATED AT:
) **SW CORNER OF TORONTO ROAD**
) **AND SOUTH 2ND STREET**
) **SPRINGFIELD, IL 62711**

RECOMMENDATION OF THE ZONING 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 petitioners; that legal publication has been made pursuant to law; and that a public hearing was held on **June 20, 2024** 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: **SW corner of Toronto Road and South 2nd Street Springfield, IL 62711** 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 **Cropland**.
5. That the proposed land use of said property is **Cropland**.
6. That the request(s) for the subject property is for **Proposed Parcel 1: pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 20 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 following request is **hereby approved**:

For Proposed Parcel 1:

- **Pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 20 acres).**

CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Phil Sidles**, which was duly seconded by **Anthony Mares**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the following request **is hereby approved**:

For Proposed Parcel 1:

- **Pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 20 acres).**

The vote of the Board was as follows:

YES: **Anthony Mares, Don Wulf, Charlie Chimento, Phil Sidles**

NO:

PRESENT:

ABSENT: **George Petrilli, JD Sudeth, Richard Thompson**

RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2024-017**

Address: **SW Corner of Toronto Road and South 2nd Street, Springfield**

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 requested variance would facilitate a division to separate 20 acres from the subject property to settle an estate.

- (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 will help settle an estate.

- (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 change in land use is contemplated and negative impacts are not anticipated.