

**GRANTING VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
2940 CANTRALL CREEK ROAD, CANTRALL
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 the variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Dean Colwell**, has 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 5 acres); and, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width;** and,

WHEREAS, a public hearing was held at the Sangamon County Building on **May 19, 2022** 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 variances;** and,

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

FILED

MAY 26 2022


Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 14th Day of June, 2022 that the following request(s) on the above described property are 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 5 acres); and,
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width.

Signed and passed by the Sangamon County Board in session on this 14th day of June, 2022.

COUNTY BOARD CHAIRMAN

ATTEST:

SANGAMON COUNTY CLERK

Exhibit A

All that part of the South 30 acres of the Southeast Quarter of the Southeast Quarter of Section 25, Township 17 North, Range 6 West of the Third Principal Meridian in Sangamon County, Illinois, lying North and East of the public highway, containing 4 acres, more or less, except the coal and minerals underlying said premises, together with the right to mine and remove the same.

Also, the West Half of the Southwest Quarter of Section 30, Township 17 North, Range 5 West of the Third Principal Meridian in Sangamon County, Illinois, except 5 acres off the North side thereof and further except a parcel of land heretofore deeded to Harvey Daniels and Janet Eileen Daniels and described as follows:

Beginning at the Northwest corner of a parcel of land described as the West Half of the Southwest fractional Quarter of Section 30, Township 17 North, Range 5 West of the Third Principal Meridian in Sangamon County, Illinois, except the North 5 acres thereof, and from said place of beginning thence running South along the West Line of the Northwest Quarter of the Southwest Quarter of said Section 30 to the Southwest corner of the Northwest Quarter of the Southwest Quarter of said Section 30, thence East 495 feet, thence North to the South line of a parcel of ground described as 5 acres off the North end of the West Half of the Southwest Quarter of said Section 30, thence West 495 feet, more or less, to the place of beginning, all in the Northwest Quarter of the Southwest Quarter of Section 30, Township 17 North, Range 5 West of the Third Principal Meridian in Sangamon County, Illinois, and containing 15 acres, more or less.

And also subject to the right-of-way of the St. Louis, Peoria and Northwestern (now Chicago and Northwestern Railroad Company).

Also excepting a part of the South 30 acres of the Southeast Quarter of the Southeast Quarter of Section 25, Township 17, North Range 6 West of the Third Principal Meridian in Sangamon County, Illinois, lying North and East of a Township Road and described as follows:

Beginning at a point on the North line of aforesaid South 30 Acres, 527.58 feet East of the Stone at the Northeast corner of said South 30 Acres, thence Easterly on aforesaid North line 527.58 feet; thence South on the East line of said Section 25, 994.62 feet to the Southeast Corner of said Section; thence deflecting from last described line $175^{\circ} -27'$ to the right, being a direction of Northwesterly along the approximate Center of aforesaid Road, 522.72 feet; thence deflecting to the left $57^{\circ} -08'$ for a distance of 171.60 feet; thence deflecting to the right $34^{\circ} -30'$ for a distance of 297.00 feet; thence deflecting to the left $29^{\circ} -30'$ for a distance of 237.60 feet to the point of beginning, containing 3.31 acres, more or less:

Also, part of the West Half of the Southwest Quarter of Section of Section 30, Township 17 North, Range 5 West of the Third Principal Meridian in Sangamon County, Illinois, described as follows:

Beginning at the Southeast Corner of Section 25, Township 17 North, Range 6 West of the Third Principal Meridian; thence Northerly on the Section line 994.62 feet; thence deflecting to the right $90^{\circ} -13'$ for a distance of 30.00 feet; thence deflecting to the right $84^{\circ} -38' -30''$ for a distance of 260.00 feet; thence deflecting to the left $39^{\circ} -11' 30''$ for a distance of 195.00 feet; thence deflecting to the right $44^{\circ} -00'$ for a distance of 325.65 feet; thence deflecting to the right

26° -10' for a distance of 300.00 feet; thence deflecting to the right 64° -10' for a distance of 60.00 feet to the point of beginning, containing 2.84 acres, more or less.

Part of the west half of the southwest quarter of section 30, Township 17 north, range 5 west of the third principal meridian in Sangamon County, Illinois, being described as follows:

Commencing at an iron pin at the northwest corner of the west half of the southwest fractional corner of Section 30; thence south 0 degrees 24 minutes east 46.42 feet; thence south 89 degrees 55 minutes 20 seconds east 645.30 feet to an iron pin at the point of beginning; thence south 14 degrees west 276.10 feet; thence south 155.0 feet; thence south 54 degrees east 129.67 feet; thence south 4 degrees 40 minutes west 302.85 feet; thence south 8 degrees east 121.56 feet; thence south 36 degrees east 531.98 feet to an iron pin; thence south 68 degrees 53 minutes 07 seconds west 206.08 feet to an iron pin; thence south 21 degrees 06 minutes 53 seconds east 148.84 feet to an iron pin; thence north 89 degrees 55 minutes east 169.83 feet to an iron pin; thence north 23 degrees 31 minutes 29 seconds east 150.68 feet to an iron pin; thence north 36 degrees west 638.61 feet; thence north 4 degrees 40 minutes east 316.38 feet; thence north 54 degrees west 131.24 feet; thence north 136.02 feet; thence north 14 degrees east 279.85 feet to an iron pin; thence north 89 degrees 55 minutes 20 seconds west 30.91 feet to the point of beginning, containing 2.04 acres, more or less.

Parcel ID Number: 06-30.0-300-027.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #11 NAME: James Schackmann

DOCKET NUMBER: 2022-008

ADDRESS: 2940 Cantrall Creek Road, Cantrall, IL 62625

PETITIONER: Dean Colwell

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 5 acres); and, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width.

AREA: 63.12

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION STAFF RECOMMENDATION: Recommend approval. Granting the requested variances will facilitate a division in order for the petitioner to purchase the single-family residence with five acres while allowing the current owners to keep the cropland. 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: **2022-008**
Dean Colwell)
)
) PROPERTY LOCATED AT:
) **2940 Cantrall Creek Road**
) **Cantrall, IL 62625**

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 **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 **May 19, 2022** 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: **2940 Cantrall Creek Road, Cantrall, IL 62625** and more particularly described as:

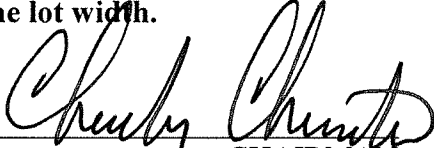
See Exhibit A

3. That the present zoning of said property is **“A” Agricultural District.**
4. That the present land use of said property is **Single-family residence with accessory structures and agriculture.**
5. That the proposed land use of said property is **Proposed Parcel 1: Single-family residence with accessory structures and cropland. Proposed Parcel 2: Cropland.**
6. That the request(s) for the subject property **are 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 5 acres); and, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width.**
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 **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 following request(s) **are 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 5 acres); and,
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width.


CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Don Wulf**, 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(s) **are 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 5 acres); and,
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width.

The vote of the Board was as follows:

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

NO:

PRESENT:

ABSENT: **Richard Thompson**


RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2022-008**

Address: **2940 Cantrall Creek Road, Cantrall**

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 variances will facilitate a division in order for the petitioner to purchase the single-family residence with five acres while allowing the current owners to keep the cropland.

- (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.

In order to separate the existing single-family residence from the cropland, the requested variances are necessary.

- (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.