

**FILED**

**JUN 23 2023**

*Don J. Hayes*  
Sangamon County Clerk

CASE#2023-014  
RESOLUTION NUMBER 4-1

**GRANTING A CONDITIONAL PERMITTED USE AND VARIANCES  
FOR CERTAIN PROPERTY LOCATED AT  
595 COUNTRY LAKE ROAD, 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 Conditional Permitted Use and variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

**See Exhibit A**

WHEREAS, the Petitioner, **Bomke's Patch/Bomke's Patch Pumpkins LLC**, has petitioned the Sangamon County Board requesting for **Proposed Parcel 1: pursuant to Chapter 17.58 and Section 17.10.020, a Conditional Permitted Use for a private outdoor recreation center; pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock/grass) instead of the required bituminous seal coat; and, a variance of Section 17.58.080(D)(1) to allow a private outdoor recreation center to be greater than one-quarter mile from a major thoroughfare; and, for Proposed Parcel 2: pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 1 acre); and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **June 15, 2023** 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 a Conditional Permitted Use and variances;** 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 **11<sup>th</sup> Day of July, 2023** that the following request(s) on the above described property are hereby approved:

**For Proposed Parcel 1:**

- Pursuant to Chapter 17.58 and Section 17.10.020, a Conditional Permitted Use for a private outdoor recreation center;
- Pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock/grass) instead of the required bituminous seal coat; and,
- Pursuant to Chapter 17.66, variance of Section 17.58.080(D)(1) to allow a private outdoor recreation center to be greater than one-quarter mile from a major thoroughfare; and,

**For Proposed Parcel 2:**

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

Signed and passed by the Sangamon County Board in session on this **11<sup>th</sup> day of July, 2023**.

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

**ATTEST:**

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

**Exhibit A**

The West Half of the Northeast Quarter of Section 29, Township 16, North Range 6 West of the Third Principal Meridian, Sangamon County, Illinois.

Except that portion thereof which is included in the following described tract:

Part of the Southwest Quarter of the Northeast Quarter of Section 29, Township 16 North, Range 6 West of the Third Principal Meridian; described more particularly as follows:

Commencing at a stone marking the center of the aforementioned Section 29, thence North 89 degrees 58 minutes 10 seconds East along the Quarter Section line a distance of 275.43 feet to an iron pipe marking the true point of beginning, thence North 00 degrees 40 minutes 12 seconds East a distance of 215.00 feet to an iron pipe, thence North 89 degrees 58 minutes 10 seconds East a distance of 537.50 feet to an iron pipe, thence South 00 degrees 40 minutes 12 seconds West a distance of 215.00 feet to an iron pipe on the Quarter Section line, thence South 89 degrees 58 minutes 10 seconds West along the Quarter Section line a distance of 537.50 feet to the true point of beginning. Said parcel contains 2.653 acres, more or less, all in the County of Sangamon, State of Illinois,

Basis of bearing is North 89 degrees 58 minutes 10 seconds East along the quarter section line;

AND,

Part of the Northeast Quarter of Section 29, Township 16 North, Range 6 West of the Third Principal Meridian described more particularly as follows:

Commencing at a stone marking the Southeast corner of the Southwest Quarter of the Northeast Quarter of the aforementioned Section 29, thence North 00 degrees 02 minutes 01 seconds West along the Quarter Quarter Section line a distance of 495.01 feet to the true point of beginning, thence South 75 degrees 15 minutes 35 seconds West a distance of 148.60 feet to an iron pipe, thence North 00 degrees 00 minutes 17 seconds East a distance of 442.29 feet to an iron pipe, thence North 89 degrees 59 minutes 48 seconds East a distance of 500.00 feet to an iron pipe, thence South 00 degrees 00 minutes 17 seconds West a distance of 369.94 feet to an iron pipe, thence South 84 degrees 28 minutes 09 seconds West a distance of 357.53 feet to an iron pipe, thence South 75 degrees 15 minutes 35 seconds West a distance of 0.45 feet to the true point of beginning. Said tract contains 4.564 acres, more or less, all in the County of Sangamon, State of Illinois;

AND,

Part of the East Half of the Northeast Quarter of Section 29, Township 16 North, Range 6 West of the Third Principal Meridian; described more particularly as follows:

Commencing at a stone marking the East One Quarter corner of the aforementioned section 29, thence North 00 degrees 00 minutes 00 seconds East along the Section line a distance of 1192.41 feet to an iron pipe marking the true point of beginning, thence South 89 degrees 59 minutes 27 seconds West 777.90 feet to an iron pipe, thence South 00 degrees 00 minutes 00 seconds West 295.16 feet to an iron pipe, thence South 89 degrees 59 minutes 48 seconds West 554.88 feet to the West line of the East Half of the Northeast Quarter of Section 29, thence North 00 degrees 02 minutes 01 seconds West along said West line a distance of 1405.29 feet to the Southwest corner of the North Half of the North Half of the Northeast Quarter of the Northeast Quarter of Section 29, thence North 89 degrees 54 minutes 57 seconds East 1333.61 feet to the Southeast corner of the North Half of the North Half of the Northeast Quarter of the Northeast Quarter of Section 29, thence South 00 degrees 00 minutes 00 seconds West along the Section line a distance of 1112.02 feet to the true point of beginning. Basis of bearing is North 00 degrees 00 minutes 00 seconds East along the Section line.

PIN: 13-29.0-200-010, 13-29.0-200-011, 13-29.0-200-015, and 13-29.0-200-017

**RECAP**

(For County Board Use)

COUNTY BOARD MEMBER: # 1                      NAME: Tom Fraase

DOCKET NUMBER: 2023-014

ADDRESS: 595 Country Lake Road, Springfield, IL 62711

PETITIONER: Bomke's Patch LLC/Bomke's Patch Pumpkins LLC

PRESENT ZONING CLASSIFICATION: "A" Agricultural District.

REQUESTED ZONING CLASSIFICATION: For Proposed Parcel 1: pursuant to Chapter 17.58 and Section 17.10.020, a Conditional Permitted Use for a private outdoor recreation center; pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock/grass) instead of the required bituminous seal coat; and, a variance of Section 17.58.080(D)(1) to allow a private outdoor recreation center to be greater than one-quarter mile from a major thoroughfare; and, For Proposed Parcel 2: pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 1 acre).

AREA: 117.78 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION STAFF RECOMMENDATION: Recommend approval of the requested Conditional Permitted Use and variances. The private outdoor recreation center is a seasonal use that will operate mainly during the fall until mid-December and has been a temporary use for approximately 13 years with no known negative effects on the surrounding area. The requested paving variance will allow the petitioners to continue to use the area for agricultural operations during the off-season. The private outdoor recreation center focuses on agricultural education and agritourism, which could be expected to be located away from a major thoroughfare in a more rural setting. The variance to allow one parcel less than 40 acres is necessary to separate the existing single-family residence from the private outdoor recreation center business. 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: **2023-014**  
**Bomke's Patch LLC/** )  
**Bomke's Patch Pumpkins LLC** ) PROPERTY LOCATED AT:  
) **595 Country Lake Road**  
) **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 **Conditional Permitted Use 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 **June 15, 2023** 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: **595 Country Lake Road, 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 **Private outdoor recreation center (pumpkin/tree farm, retail space, food sales, and farm activities), cropland, and single-family residence**.
5. That the proposed land use of said property is **for Proposed Parcel 1: Private outdoor recreation center (pumpkin/tree farm, retail space, food sales, and farm activities) and cropland; and, for Proposed Parcel 2: Single-family residence and outbuildings**.
6. That the request(s) for the subject property **are for Proposed Parcel 1: pursuant to Chapter 17.58 and Section 17.10.020, a Conditional Permitted Use for a private outdoor recreation center; pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock/grass) instead of the required bituminous seal coat; and, a variance of Section 17.58.080(D)(1) to allow a private outdoor recreation center to be greater than one-quarter mile from a major thoroughfare; and, Proposed Parcel 2: pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 1 acre)**.
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 **Conditional Permitted Use and 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 17.58 and Section 17.10.020, a Conditional Permitted Use for a private outdoor recreation center;
- Pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock/grass) instead of the required bituminous seal coat; and,
- Pursuant to Chapter 17.66, a variance of Section 17.58.080(D)(1) to allow a private outdoor recreation center to be greater than one-quarter mile from a major thoroughfare; and,

**For Proposed Parcel 2:**

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

  
 CHAIRMAN

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **JD Sudeth**, 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 17.58 and Section 17.10.020, a Conditional Permitted Use for a private outdoor recreation center;
- Pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock/grass) instead of the required bituminous seal coat; and,
- Pursuant to Chapter 17.66, a variance of Section 17.58.080(D)(1) to allow a private outdoor recreation center to be greater than one-quarter mile from a major thoroughfare; and,

**For Proposed Parcel 2:**

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

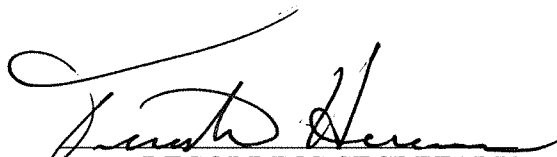
The vote of the Board was as follows:

YES:           **Charlie Chimento, Anthony Mares, Don Wulf, Richard Thompson,  
                  JD Sudeth**

NO:

PRESENT:

ABSENT:      **George Petrilli**

  
RECORDING SECRETARY



**SANGAMON COUNTY - RECOMMENDED FINDINGS OF FACT  
FOR CONDITIONAL PERMITTED USES**

Case #: **2023-014**

Address: **595 Country Lake Road, Springfield**

No conditional permitted uses shall be granted by the County Board unless the conditional permitted use:

- (i) Is so proposed that the proposed location, design and method of operation of such use will minimize the adjacent effects on the character of the surrounding area.

**The private outdoor recreation center is a seasonal use that will operate mainly during the fall until mid-December and has been a temporary use for approximately 13 years with no known negative effects on the surrounding area.**

- (ii) Is so proposed to be operated, designed and located so that the public health, safety, and welfare will be protected.

**The private outdoor recreation center has been a temporary use for approximately 13 years with no known negative effects and will operate within the guidelines of the Zoning Ordinance and the Sangamon County Department of Public Health.**

- (iii) Will not cause substantial injury to the value of other property in the vicinity in which it is located.

**There is no foreseen impact.**

- (iv) In addition to the above general standards for all conditional permitted uses that may be allowed, no conditional permitted use listed below shall be granted unless the proposed use can meet the standards as noted:

- (a) Fairgrounds, public or private outdoor recreation centers - that the principal vehicle access for such use is located on a major thoroughfare or a secondary thoroughfare or within one-quarter mile of a major thoroughfare, that such use is so located as to draw a minimum of vehicular traffic to and through minor and collector streets in residential areas.

**No, a variance is requested.**

- (b) Manufactured home parks - must meet the requirements of Chapter 17.48 Large Scale Development.

**N/A**

- (c) Tourist home, motels, hotels - that the proposed use must be located on or within 400 feet of a major thoroughfare.

**N/A**

- (d) Taverns and liquor stores - that the following distances be maintained: (1) schools - 100' from the property line of the school to the property line of the tavern or liquor store; (2) churches - 100' from the church building to the tavern or liquor store building; and (3) residences - 100' from the tavern or liquor store property line to the residential structure or institutional care facility.

**N/A**

- (e) Adult-use cannabis business establishments as defined in Chapter 17.04:
- 1) that the following distances be maintained from the principal structure of an adult-use cannabis business establishment to the property line of a use defined in Chapter 17.04 as a "sensitive area":
    - (A) Adult-use cannabis craft grower – 1,500 feet
    - (B) Adult-use cannabis cultivation center – 1,500 feet
    - (C) Adult-use cannabis dispensing organization (dispensary) – 250 feet
    - (D) Adult-use cannabis infuser organization (infuser) – 1,500 feet
    - (E) Adult-use cannabis processing organization (processor) – 1,500 feet
    - (F) Adult-use cannabis transporting organization (transporter) – 1,500 feet
  - 2) On-premise consumption of cannabis at cannabis dispensing organizations and smoking lounges in unincorporated Sangamon County is prohibited.

**N/A**

**SANGAMON COUNTY  
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: 2023-014

Address: 595 Country Lake Road, 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.

**Paving Variance: It is not economical to pave a parking lot that is going to be used seasonally for approximately four months a year.**

**Private Outdoor Recreation Center Variance: The private outdoor recreation center focuses on agricultural education and agritourism, which could be expected to be located away from a major thoroughfare in a more rural setting, as is the subject property.**

**Parcel < 40 acres Variance: The variance to allow one parcel less than 40 acres is necessary to separate the existing single-family residence from the private outdoor recreation center business.**

- (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.

**Paving Variance: The private outdoor recreation center will mainly operate during the fall until mid-December, so allowing a grass parking lot will allow the petitioners to continue to use the area for agricultural operations during the off-season.**

**Private Outdoor Recreation Center Variance: The private outdoor recreation center is an agritourist destination where being located away from a major thoroughfare might be expected and the main roads to the private outdoor recreation center will not take traffic through minor or collector streets in residential areas.**

**Parcel < 40 acres Variance: Parcel -010 is currently under 40 acres and in order to reconfigure the subject parcels so the single-family residence is separated from the private outdoor recreation center the requested variance is 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.

**Negative impacts are not anticipated.**