

CASE# 2013-023
RESOLUTION NUMBER 4-1

GRANTING A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
955 GABBERT RD., 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 a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See **EXHIBIT A**

WHEREAS, the Petitioner, **Beverly Landreth**, has petitioned the Sangamon County Board for a **variance for proposed Lot 2 to allow one (1) parcel less than forty (40) acres;** and

WHEREAS, a public hearing was held at the Sangamon County Building on **June 20, 2013** 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

JUN 27 2013

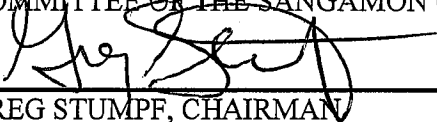
Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 9th day of July, 2013 that the request for a variance on proposed Lot 2 to allow one (1) parcel less than forty (40) acres on the above referenced property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 9th day of July, 2013.

Respectfully submitted,

PUBLIC HEALTH, SOLID WASTE & ZONING
COMMITTEE OF THE SANGAMON COUNTY BOARD



GREG STUMPF, CHAIRMAN

DAVID MENDENHALL, VICE CHAIRMAN

JOHN FULGENZI

CRAIG HALL

SAM SNELL

ABE FORSYTH

JASON RATTS

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

The Southwest Quarter of the Southwest Quarter of the Southwest Quarter of Section 16, Township 17 North, Range 5 West of the Third Principal Meridian, excepting and reserving the North 240 feet of the West 363 feet thereof; and also excepting and reserving the North 246 feet of the South 424 feet of the West 363 feet thereof.

Together with all easements and appurtenances in favor of said above described property.

Except all coal, minerals and mining rights heretofore conveyed of record.

Subject to taxes for the year 1991 and subsequent years.

Subject to easements, restrictions and reservations of record, if any.

Situated in the City of Cantrall, in the County of Sangamon, the State of Illinois, hereby releasing and waiving all right under and by virtue of the Homestead Exemption Laws of this State.

RECAP

(For County Board Use)

COUNTY BOARD MEMBER: # 2 NAME: Todd Smith

DOCKET NUMBER: 2013-023

ADDRESS: 955 Gabbert Rd., Cantrall, IL. 62625

PETITIONER: Beverly Landreth

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: For proposed Lot 1, "A" Agricultural District to "R-1" Single-Family Residence District with a variance to allow road frontage requirements from eighty (80) feet to forty (40) feet and a variance to allow the lot depth to be greater than two and one-half (2 1/2) times the lot width. For proposed Lot 2, a variance to allow one (1) parcel less than forty (40) acres.

AMENDED: "A" Agricultural District with a variance for proposed Lot 2 to allow one (1) parcel less than forty (40) acres and remove all requests for proposed Lot 1 as they will no longer be needed.

AREA: 4.2 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: Denial. The petitioner is requesting that Proposed Lot # 2 have 40' of road frontage. There were no unique circumstances or plight of the owner identified that warrants the reduction of the road frontage requirement from 80' to 40'. Staff also has concerns with the proposed configuration of the two new parcels. The property line dividing the properties cuts through a pond in the northeast quadrant of the subject property. The area between the east bank of

the pond and the east property line is approximately 40'. The topography is such that constructing a safe driveway along the bank of the pond would be difficult. Such a configuration may result in the new proposed lot # 1 being unsuitable for a single-family residence therefor negating the need to rezone the property. There also is a concern regarding potential drainage issues created by the development that would affect adjacent property owners. The location map attached to the petition indicates the presence of a flow line ditch. To the extent that there is disturbance in this area, other properties may be negatively impacted. The Standards for Variations are met for the request to allow one parcel less than 40 acres and for the lot depth to exceed 2 1/2 times the lot width for one parcel; however, these variances are not needed in the absence of approval of the remaining requests.

AMENDED: Recommend approval based on the amended position. The 1 parcel less than 40 acres will not have a negative impact on the area, nor will it increase traffic. There are unique circumstances associated with the property in that the owner is reconfiguring to sell to adjacent land owners.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Cyndi Knowles
RECORDING SECRETARY

Approval as amended.

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2013-023
Beverly Landreth)	
)	PROPERTY LOCATED AT:
)	955 Gabbert Rd.
)	Cantrall, IL. 62625

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 **variance** 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 20, 2013** 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: **955 Gabbert Rd., Cantrall, IL.** 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.
- 5. That the proposed land use of said property is a single-family residence.
- 6. That the requested variance of said property is to allow one (1) parcel less than forty (40) acres on proposed Lot 2.
- 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.

Byron Deaner Vice Chairman
 CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Don Wulf**, 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 as staff amended**, which was duly seconded by **Peggy Egizii**.

The vote of the Board was as follows:

YES: **Byron Deaner, Don Wulf, Peggy Egizii, Judith Johnson, John Lucchesi**

NO:

PRESENT:

ABSENT: **Charles Chimento**

Cyndi Knowles
 RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: **2013-023**

Address: **955 Gabbert Road, Cantrall**

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

North and east: Cropland and timber. West: Single-family residences. South: Single-family residences.

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

North, east, and west: Agricultural. South: R-1.

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

The property currently contains a single-family residence, pond, pasture and some timber. It is unlikely that the property would be converted back to cropland. A LESA score of 125 indicates that the property is suitable for non-agricultural development.

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

A subdivision was developed immediately to the south and single-family residences have developed to the west.

SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS

Case #: 2013-023

Address: 955 Gabbert 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.

The property can continue to be used economically. The petitioner desires to create a buildable parcel to sell for a new single-family residence.

AMENDED: The petitioner amended the petition to only request a variance to create one parcel less than 40 acres. The balance of the existing parcel will be conveyed to neighboring landowners.

- (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.

Variance to allow the road frontage to be 40' instead of the required 80': Staff is unsure why this variance is needed. There are no unique circumstances associated with the property that justify the reduction to 40'.

AMENDED: Request withdrawn.

Allow the lot depth to be greater than 2 1/2 times the lot width: The petition cites that the existing parcel currently has a deep lot depth. While this is the case, the existing parcel is in compliance with the zoning regulations.

AMENDED: Request withdrawn.

One parcel less than 40 acres: The subject parcel is already less than 40 acres and is considered to be legal, non-conforming. While the variance, if granted, would further reduce the area of the non-conforming parcel, small parcels are not unique to the immediate area that is rural/residential in nature.

AMENDED: The subject property is currently less than 40 acres. Reconfiguring the property will increase the non-compliance with the regulations. These are unique circumstances warranting the variance request.

- (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.

Staff has concerns with the proposed configuration of the two new parcels. The property line dividing the properties cuts through a pond in the northeast quadrant of the subject property. The area between the east bank of the pond and the east property line is approximately 40'. The topography is such that constructing a safe driveway along the bank of the pond would be difficult. There also is a concern regarding any drainage issues created by the development that would affect adjacent property owners. The location map attached to the petition indicates the presence of a flow line ditch. To the extent that there is disturbance in this area, other properties may be negatively impacted.

AMENDED: There will be no negative impact.