

FILED
MAY 23 2023

CASE#2023-012
RESOLUTION NUMBER 7-1

Don / Stacy
Sangamon County Clerk

**GRANTING VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
1093 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, **Bobby Chastain Testamentary Family Trust, Stacy Chastain, Trustee**, 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, 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 35 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 18, 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 the 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 **13th Day of June, 2023** 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,

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 35 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 **13th day of June, 2023.**

COUNTY BOARD CHAIRMAN

ATTEST:

SANGAMON COUNTY CLERK

Exhibit A

Part of the West Half of the East Half of the Northeast Quarter and a Part of the East Half of the East Half of the Northeast Quarter, all in Section 29, Township 17 North, Range 5 West of the Third Principal Meridian, Sangamon County, Illinois, further described as commencing at a plug in the pavement marking the southeast corner of the Northeast Quarter of said Section 29, thence South 88 degrees 19 minutes 32 seconds West on the south line of said Quarter Section, a distance of 659.67 feet to a mag nail at the southeast corner of said West Half of East Half of the Northeast Quarter of Section 29, the Point of Beginning; thence continue South 88 degrees 19 minutes 32 seconds West on said south line, a distance of 343.30 feet to a set mag nail; thence North 01 degrees 40 minutes 28 seconds West, a distance of 196.53 feet to a found 1/2 inch iron pin; thence South 88 degrees 20 minutes 34 seconds West, a distance of 221.12 feet to a found 1/2 inch iron pin; thence South 01 degrees 40 minutes 28 seconds East, a distance of 196.60 feet to a set mag nail in the south line of the Northeast Quarter of said Section 29; thence South 88 degrees 19 minutes 32 seconds West on said south line, a distance of 95.29 feet to a set mag nail at the southwest corner of said West Half; thence North 01 degrees 01 minutes 19 seconds West on the west line of said West Half, a distance of 2,638.27 feet to a found 5/8 inch iron pin at the northwest corner of said West Half; thence North 87 degrees 51 minutes 49 seconds East on the north line of said West Half, a distance of 448.66 feet to a set 5/8 inch iron pin; thence South 01 degrees 04 minutes 24 seconds East, a distance of 225.00 feet; thence North 87 degrees 51 minutes 49 seconds East parallel with the north line of said West Half, a distance of 208.72 feet to the east line of said West Half; thence South 01 degrees 04 minutes 24 seconds East on said east line, a distance of 1,483.49 feet; thence North 88 degrees 10 minutes 57 seconds East, a distance of 380.81 feet; thence South 01 degrees 07 minutes 28 seconds East, a distance of 208.67 feet; thence South 88 degrees 10 minutes 58 seconds West, a distance of 380.99 feet to a found 1/2 inch pipe; thence South 01 degrees 04 minutes 24 seconds East on said east line of the West Half of the Northeast Quarter, a distance of 726.38 feet to the Point of Beginning, containing 39.7032 acres and subject to any easements either recorded or now in place.

Permanent Index No.: 06-29.0-200-037
1093 Cantrall Creek Road, Cantrall, IL 62625

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 17 NAME: **Annette Fulgenzi**

DOCKET NUMBER: **2023-012**

ADDRESS: **1093 Cantrall Creek Road, Cantrall, IL 62625**

PETITIONER: **Bobby Chastain Testamentary Family Trust, Stacy Chastain, Trustee**

PRESENT ZONING CLASSIFICATION: **“A” Agricultural District.**

REQUESTED ZONING CLASSIFICATION: **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, 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 35 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: **39.81 acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION STAFF RECOMMENDATION: **Recommend approval. Granting the requested variances would facilitate a division to separate the existing single-family residence from the cropland for estate planning purposes. 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: **2023-012**
Bobby Chastain Testamentary Family)
Trust, Stacy Chastain, Trustee) PROPERTY LOCATED AT:
) **1093 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 18, 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: **1093 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 and cropland.
5. That the proposed land use of said property is for Proposed Parcel 1: Single-family residence; and, for 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, 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 35 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,

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 35 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, **George Petrilli**, which was duly seconded by **Don Wulf**, 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,

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 35 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, Richard Thompson,
George Petrilli**

NO:

PRESENT:

ABSENT:

RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2023-012**

Address: **1093 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 would facilitate a division to separate the existing single-family residence from the cropland for estate planning purposes.

- (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 of land is for estate planning purposes.

- (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.