

CASE# 2016-044  
RESOLUTION NUMBER 8-1

**GRANTING A REZONING AND VARIANCES AND DENYING A VARIANCE**  
FOR CERTAIN PROPERTY LOCATED AT  
**1471 & 1525 CANTERBURY ROAD, CANTRALL, IL 62625**  
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 amendment and variances and deny a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

**See Exhibit A**

WHEREAS, the Petitioners, **Ricky & Karen Dunk**, have petitioned the Sangamon County Board for a **rezoning from "A" Agricultural District to "R-1" Single Family Residence District for both parcels; for Proposed Parcel 1: a variance to allow an accessory structure to be greater than the maximum height allowed in the "R-1" Single Family Residence District of eighteen (18) feet (approximately 24 feet); for Proposed Parcel 2: a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width, and a variance to allow the road frontage to be sixty (60) feet instead of the required eighty (80) feet; and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **November 17, 2016** 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 rezoning and variances and deny a variance** and

**FILED**

DEC 01 2016

*Don Hays*

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 **13<sup>th</sup> Day of December, 2016** that the request for a rezoning from **“A” Agricultural District to “R-1” Single Family Residence District** for both parcels is approved; and, for Proposed Parcel 1: a variance to allow an accessory structure to be greater than the maximum height allowed in the **“R-1” Single Family Residence District** of **eighteen (18) feet (approximately 24 feet)** is approved; and, for Proposed Parcel 2: a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width is approved; and, a variance to allow the road frontage to be sixty (60) feet instead of the required eighty (80) feet is denied.

Signed and passed by the Sangamon County Board in session on this **13<sup>th</sup> day of December, 2016.**

Respectfully submitted,

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

\_\_\_\_\_  
GREG STUMPF, CHAIRMAN



\_\_\_\_\_  
DAVID MENDENHALL, VICE CHAIRMAN

\_\_\_\_\_  
CRAIG HALL

\_\_\_\_\_  
SAM SNELL

\_\_\_\_\_  
ABE FORSYTH

\_\_\_\_\_  
JASON RATTS

\_\_\_\_\_  
LINDA DOUGLAS WILLIAMS

\_\_\_\_\_  
ANNETTE FULGENZI

\_\_\_\_\_  
LINDA FULGENZI

\_\_\_\_\_  
LISA HILLS

\_\_\_\_\_  
MIKE SULLIVAN

**ATTEST:**

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

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

8-4

**EXHIBIT A**

The West 240 feet of the North 310 feet of the Southwest Quarter of the Southeast Quarter and the East 35 feet of the North 310 feet of the Southeast Quarter of the Southwest Quarter of Section 8, Township 17 North, Range 5 West of the Third Principal Meridian.

Except the coal and other minerals underlying the surface of said land and all rights and easements in favor of the estate of said coal and minerals.

And

The East 10.00 acres of the Southeast Quarter of the Southwest Quarter of Section 8, Township 17 North, Range 5 West of the Third Principal Meridian, except the East 35.00 feet of the North 310.00 feet thereof, containing 9.77 acres more or less.

**RECAP**  
(For County Board Use)

COUNTY BOARD MEMBER: #2                      NAME: **Todd Smith**

DOCKET NUMBER: **2016-044**

ADDRESS: **1471 & 1525 Canterbury Road, Cantrall, IL 62625**

PETITIONER: **Ricky & Karen Dunk**

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

REQUESTED ZONING CLASSIFICATION: **Proposed Parcel 1: “R-1” Single-Family Residence District; and, a variance to allow an accessory structure to be greater than the maximum height allowed in the “R-1” Single-Family Residence District of eighteen (18) feet (approximately twenty-four [24] feet).**  
**Proposed Parcel 2: “R-1” Single-Family Residence District; a variance to allow the lot depth to exceed two and one-half (2.5) times the lot width; and, a variance to allow the road frontage to be sixty (60) feet instead of the required eighty (80) feet.**

AREA: **11.71 acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION RECOMMENDATION: **Recommend approval of the requested R-1 zoning. The purpose of the requested zoning is to allow the petitioner to sell off the existing landlocked house and approximately 9.71 acres with 60 feet of road frontage while retaining approximately two acres to construct a new residence. Additionally, the petitioner wants to construct a new garage that is 25 feet tall for the storage of a recreational vehicle. The LESA score of 129 indicates the subject property is suitable for non-**

agricultural development. There is a trend toward residences in the area, as public water is available from Athens and the subject property is adjacent to the Village of Cantrall.

Recommend approval of the requested variance to allow the lot depth to exceed 2.5 times the lot width which would give a landlocked parcel road frontage. The Standards for Variation are met.

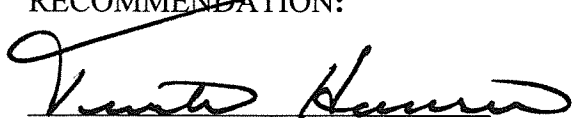
Recommend approval of the requested accessory structure height variance, since the subject property is proposed to be re-zoned from A, with no height restrictions, to R-1, the garage height variance is needed. Further, there are few uses for which a proposed garage in the R-1 district could be used other than personal vehicular storage without necessitating further zoning relief. The Standards for Variation are met.

Recommend denial of the requested road frontage variance. The two (2) parcels can be reconfigured to allow both parcels to have the required eighty (80) feet of road frontage. The Standards for Variation are not met.

SANGAMON COUNTY 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: <b>2016-044</b>
<b>Ricky &amp; Karen Dunk</b> )	)
)	PROPERTY LOCATED AT:
)	<b>1471 &amp; 1525 Canterbury Road</b>
)	<b>Cantrall, IL 62625</b>

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 an **amendment 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 **November 17, 2016** 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: **1471 & 1525 Canterbury Road, Cantrall, IL 62625** and more particularly described as:

**See Exhibit A**

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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, outbuildings, and tilled farm ground.**
5. That the proposed land use of said property is **two single-family residences and outbuildings.**
6. That the requested **rezoning and variances** of said property is a **rezoning from “A” Agricultural District to “R-1” Single Family Residence District for both parcels; for Proposed Parcel 1: a variance to allow an accessory structure to be greater than the maximum height allowed in the “R-1” Single Family Residence District of eighteen (18) feet (approximately 24 feet); for Proposed Parcel 2: a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width; and a variance to allow the road frontage to be sixty (60) feet instead of the required eighty (80) feet.**
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 **rezoning and variances** are in the public interest and is not solely in the interest of the petitioner(s), but **does not** support the proposition that the adoption of **the variance to allow the road frontage to be sixty (60) feet instead of the required eighty (80) feet** 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 **rezoning** be **approved** and the requested **variances** be **approved** except for **the variance to allow the road frontage to be sixty (60) feet instead of the required eighty (80) feet.**

  
\_\_\_\_\_  
CHAIRMAN      TC



MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Merilyn Herbert**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that a rezoning and variances be **approved** and **deny** the variance to allow the road frontage to be sixty (60) feet instead of the required eighty (80) feet which was duly seconded by **Anthony Mares**.

The vote of the Board was as follows:

YES: **Charles Chimento, Anthony Mares, Don Wulf, Andrew Spiro, Merilyn Herbert**

NO:

PRESENT: **John Lucchesi, Janet Dobrinsky**

ABSENT:

  
RECORDING SECRETARY

**SANGAMON COUNTY  
RECOMMENDED - FINDINGS OF FACT**

Case #: **2016-044**

Address: **1471 & 1525 Canterbury Road, Cantrall**

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

**North & West: Cropland. South & East: Single-family residential.**

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

**North, South, East, & West: A – Agricultural District.**

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

**The LESA score of 129 indicates the subject property is suitable for non-agricultural development. The subject property is currently improved with a residence and outbuildings and is adjacent to the Village of Cantrall. There appears to be a residential trend in the area east of the subject property in Cantrall. The petition indicates the subject property has water from Athens.**

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

**In 1981, a variance was granted slightly east of the subject property to construct a single-family residence. In 1993, a use variance was granted to allow inside storage south of the subject property. In 1998, a variance was granted for the lot width requirement east of the subject property.**

**SANGAMON COUNTY  
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2016-044**

Address: **1471 & 1525 Canterbury 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.

**To allow the lot depth to exceed 2.5 times the lot width: Granting the variance will enhance the economic return on the existing house as there will be a way to access the house without having to cross adjoining property.**

**Garage height variance: Other parcels in the area adjacent to the subject property are zoned Agricultural, which has no height restrictions. Since the subject property is proposed to be re-zoned to R-1, the garage height variance is needed. Therefore, the surrounding zoning creates some hardship in triggering the need for zoning relief.**

**Road frontage variance: The two (2) parcels can be used economically if the petitioner complies with the regulations and provides the required eighty (80) feet of road frontage for Proposed Parcel 2.**

- (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.

**To allow the lot depth to exceed 2.5 times the lot width: One of the parcels is currently landlocked. Granting the variance would give the landlocked parcel road frontage.**

**Garage height variance: Other parcels in the area adjacent to the subject property are zoned Agricultural, which has no height restrictions. Further, there are few uses for which a proposed garage in the R-1 district could be used other than personal vehicular storage without necessitating further zoning relief.**

**Road frontage variance: The two (2) parcels can be reconfigured to allow both parcels to have the required eighty (80) feet of road frontage. No unique circumstances exist to justify granting this variance.**

- (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 negative impacts are anticipated.**

Parcel # 06-08-451-014 & 06-08-300-011

Zoning Case # 2016-044

**LAND EVALUATION AND SITE ASSESSMENT**

**Part 1: Site Assessment**

	Available Points	Points
<b><u>AGRICULTURAL/RURAL LAND WITHIN .5 MILE</u></b>		
90% or more	20	
75-89%	10	<b>20</b>
50-74%	5	
Under 50%	0	
<b><u>CONTIGUOUS AGRICULTURAL/RURAL LAND</u></b>		
90% or more	20	
75-89%	10	<b>5</b>
50-74%	5	
Under 50%	0	
<b><u>PERCENTAGE OF SITE AGRICULTURAL/RURAL</u></b>		
75-100%	10	
50-74%	5	<b>10</b>
Under 50%	0	
<b><u>COUNTY SECTOR</u></b>		
Rural	20	
0.5 mile from incorporated area	10	<b>10</b>
Incorporated area	0	
<b><u>SOIL WITH SEVERE RESTRICTIONS FOR ON-SITE WASTE DISPOSAL</u></b>		
75% or more	20	
50-74%	10	<b>0</b>
25-49%	5	
Less than 25% or sewer available	0	
<b><u>ENVIRONMENTAL IMPACT OF PROPOSED USE</u></b>		
Negative impact	15	
Little or none with protective measures	5	<b>0</b>
Little or none	0	

IMPACT ON UNIQUE HISTORICAL/CULTURAL FEATURES

Negative impact	10	<b>0</b>
No impact	0	

CONDITION OF ROAD

unpaved, <40' ROW, or < 16' pavement	20	<b>15</b>
16'-18' pavement, 40' ROW	15	
18'-20' pavement, 40' ROW	10	
> 20' pavement, 40' ROW or County or State Highway	0	

AVAILABILITY OF PUBLIC SEWER

Not available	15	<b>15</b>
Sewer over 600'-1200' away	8	
Private central sewage system	5	
Sewer 600' or less away and available	0	

AVAILABILITY OF PUBLIC WATER

Not available	20	<b>0</b>
1,000-1,500' away	15	
Less than 1,000' away	5	
Public water available at site	0	

DISTANCE FROM RESPONDING FIREHOUSE

Not in fire protection district	20	<b>5</b>
More than 5 miles or fire protection by assignment	10	
2.6-5 miles	5	
0-2.5 miles	0	

DRIVING TIME TO HIGH SCHOOL

Over 30 minutes	10	<b>0</b>
15-30 minutes	5	
Less than 15 minutes	0	

**SITE ASSESSMENT TOTAL****80**

**Part 2: Agricultural Land Evaluation** (Based on Sangamon County Soil Survey)

<u>Soil</u>	<u>Name</u>	<u>Type</u>	<u>%</u>	<u>Relative Value</u>	<u>Points</u>
198A	Elburn	P		100	
199A	Plano	P		100	
43A	Ipava	P		100	
7148A	Proctor	P		100	
46A	Herrick	P		100	
7037A	Worthen	P		100	
705A	Buckhart	P		98	
199B	Plano	P		98	
36B	Tama	P		98	
244A	Hartsburg	P2		98	
257A	Clarksdale	P2		98	
68A	Sable	P2		87	
679B	Blackberry	P		87	
705B	Buckhart	P		87	
86B	Oscos	P	26	87	23
684B	Broadwell	P		87	
50A	Virden	P2		87	
712A	Spaulding	P2		87	
127B	Harrison	P		87	
3077A	Huntsville	P3		87	
138A	Shiloh	P2		87	
249A	Edinburg	P2		87	
242A	Kendall	P2		87	
7242A	Kendall	P2		87	
134A	Camden	P		87	
17A	Keomah	P2		87	
3451A	Lawson	P3		75	
3107A	Sawmill	P5		75	
7075B	Drury	P		75	
8396A	Vesser	P2		75	
3074A	Radford	P3	7	75	5
3073A	Ross	P3		75	
3284A	Tice	P3		75	
279B	Rozetta	P		75	
45A	Denny	P2		75	
134B	Camden	P		75	
112A	Cowden	P2		75	
685B	Middletown	P		75	
3405A	Zook	P5		75	
131C2	Alvin	P		75	
86C2	Oscos	I		74	
36C2	Tama	I		74	
684C2	Broadwell	I		74	
119C2	Elco	I		74	
119D	Elco	I		74	
127C2	Harrison	I		74	
119D2	Elco	I		74	
567C2	Elkhart	I	28	74	21
134C2	Camden	I		74	

259C2	Assumption	I	74
685C2	Middletown	I	74
280D2	Fayette	I	74
119D3	Elco	N	74
259D2	Assumption	I	74
212C2	Thebes	I	74
630C2	Navlys	I	74
630D2	Navlys	I	74
630D3	Navlys	I	57
131D2	Alvin	I	57
8D	Hickory	I	50
8D2	Hickory	I	50
280D3	Fayette	I	44
8D3	Hickory	I	44
8F	Hickory	N	44
549G	Marseilles	N	0
533	Urban Land	N	
536	Dumps	N	
830	Orthents, Land	N	
862	Pits, Sand	N	
864	Pits, Quarries	N	
801C	Orthents, Silty	N	
W	Water		4

Prime/Important Farmlands Designations:

P: Prime farmland

P2: Prime where drained

P3: Prime where protected from flooding or flooding is less often than once in two years during the growing season.

P5: Prime where drained and either protected from flooding or flooding is less often than once in two years during the growing season.

I: Important farmland

N: Not Prime/Important Farmland

<b>AGRICULTURAL LAND EVALUATION TOTAL</b>	<b>49</b>
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<b>GRAND TOTAL</b>	<b>129</b>
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Fewer than 150 points shall be deemed acceptable for non-agricultural development.

From 150 - 175 points is considered marginal requiring mitigating factors for non-ag development.

Greater than 175 points shall be considered suitable for agricultural use only.