

**GRANTING VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
1570 & 1572 NEW SALEM CHURCH ROAD, NEW BERLIN
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, **Mary Garvert & 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 14.5 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; 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 4 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; for Proposed Parcel 3: pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 8.5 acres); and, for Proposed Parcel 4: pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 21 acres); and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **May 21, 2020** 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,

FILED

MAY 28 2020

Case #2020-008 Page 1 of 12

Don J. May

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 **9th Day of June, 2020 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 14.5 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;

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 4 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;

For Proposed Parcel 3:

- Pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 8.5 acres); and,

For Proposed Parcel 4:

- Pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 21 acres).

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Signed and passed by the Sangamon County Board in session on this 9th day of June, 2020.

COUNTY BOARD CHAIRMAN

ATTEST:

SANGAMON COUNTY CLERK

EXHIBIT A

Part of the Southwest Quarter of Section 4, Township 15 North, Range 6 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows:

Beginning at a point on the Quarter Quarter Section line, said point being 60.00 feet South of the Northeast corner of the West Half of the Southwest Quarter of said Section 4; thence West parallel to the Quarter Section line, 688.14 feet; thence deflecting to the right 104 degrees 50' 54", 20.66 feet; thence East parallel to the aforesaid Quarter Section line 702.72 feet; thence South parallel to the aforesaid Quarter Quarter Section line, 255.30 feet; thence deflecting to the left 89 degrees 42' 21", 100.00 feet; deflecting to the right 86 degrees 27' 42", 337.64 feet; thence West 139.11 feet to the Quarter Quarter Section line; thence North on said Quarter Quarter Section line 572.30 feet; to the point of beginning, containing 1.43 acres, more or less.

Parcel Number 21-04.0-300-028.

AND

Part of the Southwest Quarter of Section 4, Township 15 North, Range 6 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows:

Beginning at the Northwest corner of the East Half of the West Half of said Quarter Section thence East on the Quarter Section line 1341.78 feet; thence South 1445.07 feet; thence West 672.00 feet; thence North on the Quarter Quarter Section line 41.92 feet to the approximate centerline of Spring Creek; thence deflecting to the left 88 degrees 24 minutes 40 seconds, 160.47 feet; thence deflecting to the right 20 degrees 19 minutes 35 seconds, 119.40 feet; thence deflecting to the left 55 degrees 30 minutes 05 seconds, 130.75 feet; thence deflecting to the right 40 degrees 14 minutes 15 seconds, 80.68 feet; thence deflecting the left 40 degrees 17 minutes 24 seconds, 111.13 feet; thence deflecting to the left 40 degrees 46 minutes 13 seconds, 276.75 feet; thence deflecting to the right 89 degrees 04 minutes 30 seconds, 115.70 feet; thence deflecting to the left 58 degrees 04 minutes 04 seconds, 98.50 feet; thence deflecting to the right 08 degrees 22 minutes 29 seconds, 378.60 feet; to the approximate centerline of the Township road; thence following the approximate centerline of said Township road North 375.40 feet; thence in a Northeasterly direction 1687.29 feet; to the point of beginning.

EXCEPTING THE FOLLOWING TRACT: Beginning at a point on the Quarter Quarter Section line, said point being 60.00 feet South of the Northeast corner of the West Half of the Southwest Quarter of said Section 4, thence West parallel to the Quarter Section line, 688.14 feet; thence deflecting to the right 104 degrees 50 minutes 54 seconds, 20.66 feet; thence East parallel to the aforesaid Quarter Section line 702.72 feet; thence South parallel to the aforesaid Quarter Quarter Section line, 255.30; thence deflecting to the left 89 degrees 42 minutes 21 seconds, 100 feet; thence deflecting to the right 86 degrees 27 minutes 42 seconds, 337.64 feet; thence West 139.11 feet to the Quarter Quarter Section line; thence North on said Quarter Quarter Section line 572.30 feet; to the point of beginning (being that part conveyed to Michael McCarthy & Mary Rita McCarthy by Document No. 89H002156).

EXCEPTING THE FOLLOWING TRACT: From the Northwest corner of the East Half of the West Half of the Southwest Quarter of said Section 4, thence in a Southwesterly direction of

a 104 degrees 50 minutes 54 seconds deflection angle from the Quarter Section line, 1135.12 feet to the point of beginning; thence deflecting to the left 107 degrees 37 minutes 36 seconds, 307.62 feet; thence deflecting to the right 90 degrees 00 minutes 00 seconds, 261.70 feet; thence deflecting to the right 21 degrees 46 minutes 28 seconds, 413.03 feet; thence deflecting to the right 42 degrees 36 minutes 37 seconds, 55.31 feet; thence deflecting to the right 24 degrees 13 minutes 40 seconds, 284.20 feet; thence deflecting to the right 96 degrees 06 minutes 45 seconds, 150.32 feet; thence deflecting to the right 12 degrees 54 minutes 06 seconds, 552.17 feet to the point of beginning, (being that part conveyed to Roberto Luis Restrepo & Sarah Jane Restrep by Document No. 93-22227).

EXCEPTING THE FOLLOWING TRACT: Commencing at an iron pipe at the Northwest corner of the East Half of the West Half of the Southwest Quarter of Section 4; thence South 14 degrees 23 minutes 08 seconds West 1135.12 feet to an iron pipe; thence North 86 degrees 32 minutes 08 seconds East 307.26 feet to an iron pipe; thence South 3 degrees 29 minutes 58 seconds East 261.55 feet to an iron pipe at the point of beginning; thence South 19 degrees 56 minutes 36 seconds West 416.19 feet to an iron pin; thence North 59 degrees 11 minutes 23 seconds East 142.13 feet to an iron pin; thence North 29 degrees 19 minutes 53 seconds East 121.31 feet to an iron pipe; thence North 10 degrees 31 minutes 56 seconds West 216.31 feet to the point of beginning (being that part conveyed to Sarah J. & Roberto L. Restrepo by Document No. 2004R06297).

Parcel Number: 21-04.0-300-035.

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RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #1 NAME: Tom Fraase, Jr.

DOCKET NUMBER: 2020-008

ADDRESS: 1570 & 1572 New Salem Church Road, New Berlin, IL 62670

PETITIONER: Mary Garvert & 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 14.5 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; 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 4 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; for Proposed Parcel 3: pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 8.5 acres); and, for Proposed Parcel 4: pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 21 acres).

AREA: 47.74 acres (approximately)

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION STAFF RECOMMENDATION: Recommend approval. The purpose of the requested variances is to allow division of the subject property into four tracts for estate planning purposes. Proposed Parcel 1 will be reconfigured with parts of parcels -028 and -035 to allow much of the pasture to be provided with one residence and approximately 150 feet of road frontage. Proposed Parcel 2 will reconfigure parts of parcels -028 and -035 to provide a second residence on the subject property with approximately 155 feet of road frontage, which is more than the current approximately 20 feet of road frontage that the residence has. Proposed Parcel 3 will include the remaining cropland, which the petitioner desires to remain in Agricultural use. Proposed Parcel 4, which is approximately 21 acres, will be combined with PIN 21-04-300-036, located immediately south of the subject property. Furthermore, due to placement of the structures approximately 770 - 810 feet off the road, the requested variances are necessary to reconfigure portions of parcels -028 and -035 to give each residence its own parcel and adequate road frontage to meet the code requirements. The Standards for Variation are met.

SANGAMON COUNTY ZONING BOARD OF APPEALS RECOMMENDATION: Approval of Staff Recommendation.


RECORDING SECRETARY

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SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2020-008
Mary Garvert & Trustee)	
)	PROPERTY LOCATED AT:
)	1570 & 1572 New Salem Church Road
)	New Berlin, IL 62670

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 **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 21, 2020** 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: **1570 & 1572 New Salem Church Road, New Berlin, IL 62670** 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 **Two residences, farm buildings, and cropland.**
5. That the proposed land use of said property is **Two residences on separate lots, farm buildings, and 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 14.5 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; 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 4 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; for Proposed Parcel 3: pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 8.5 acres); and, for Proposed Parcel 4: pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 21 acres).**
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** are 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 14.5 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;

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 4 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;

For Proposed Parcel 3:

- Pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 8.5 acres); and,

For Proposed Parcel 4:

- Pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 21 acres).

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Chad Hunter
CHAIRMAN
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MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Tony 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 14.5 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;

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 4 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;

For Proposed Parcel 3:

- Pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 8.5 acres); and,

For Proposed Parcel 4:

- Pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 21 acres).

which was duly seconded by **Don Wulf**.

The vote of the Board was as follows:

YES: **Charlie Chimento, Tony Mares, Don Wulf, Andrew Spiro, Larry Beaty**

NO:

PRESENT:

ABSENT:



 RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2020-008**

Address: **1570 & 1572 New Salem Church 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.

The owners of the subject property are seeking to divide the property for estate planning purposes, which will help the subject property yield a reasonable return.

- (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.

Due to placement of the structures approximately 770 - 810 feet off the road, the requested variances are necessary to reconfigure portions of parcels -028 and -035 to give each residence its own parcel and adequate road frontage to meet the code requirements.

- (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 over existing conditions are unanticipated.