

CASE # 2005-47
RESOLUTION NUMBER 7-1

GRANTING A REZONING AND VARIANCE
FOR CERTAIN PROPERTY LOCATED IN THE
8200 BLOCK OF WILDWOOD ACRES 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 an amendment and variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See EXHIBIT A

WHEREAS, the Petitioner, **Higginbotham Development, Inc.**, has petitioned the Sangamon County Board for a **rezoning from "A" Agricultural District to "R-1" Single Family Residence District with a variance to allow 8 lots with the lot depth greater than 2 ½ times the lot width**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **July 21, 2005**, 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 variance**; and

WHEREAS, the Sangamon County Board does hereby adopt the recommendation of the Sangamon County Zoning Board of Appeals.

FILED

JUL 29 2005

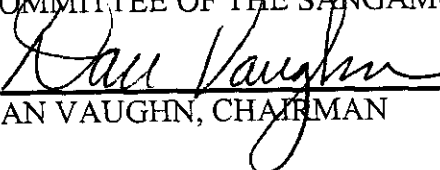
Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 9th day of August, 2005 that the request to rezone the above referenced property from "A" Agricultural District to "R-1" Single Family Residence District with a variance to allow 8 lots with the lot depth greater than 2 1/2 times the lot width is hereby approved.

Signed and passed by the Sangamon County Board in session on this 9th day of August, 2005.

Respectfully submitted,

PUBLIC HEALTH, SAFETY & ZONING
COMMITTEE OF THE SANGAMON COUNTY BOARD



DAN VAUGHN, CHAIRMAN

ABE FORSYTH

BILL MOSS

TYRONE PACE

TIM MOORE

DON STEPHENS

ATTEST:



SANGAMON COUNTY CLERK



COUNTY BOARD CHAIRMAN

EXHIBIT A

TRACT 1

Lot 7, being the Southwest Quarter of the Northeast Quarter of Section 16 and excepting the North 20 feet of that part of said Lot 7 lying West of the right-of-way of the Chicago, Peoria & St. Louis Railroad; and the West half of Lot 8, being the West half of the Southeast Quarter of the Northeast Quarter of Section 16; all in Township 17 North, Range 5 West of the Third Principal Meridian except the North 46 2/3 acres of even width of both of the foregoing described tracts.

TRACT 2

The North half of the Southeast Quarter of Section 16, Township 17 North, Range 5 West of the Third Principal Meridian the South 46 2/3 rods thereof lying West of the right-of-way of the Chicago, Peoria & St. Louis Railroad, EXCEPTING therefrom the right-of-way of the Chicago, Peoria & St. Louis Railroad as the same is located over and across Tract 1 and Tract 2;

All situated in the County of Sangamon and State of Illinois;

TRACT 3

That portion of the property of the Chicago & Illinois Midland Railway Company situated in the Northeast Quarter of the Southeast Quarter, and in the Southeast Quarter of the Northeast Quarter of Section 16, Township 17 North, Range 5 West of the Third Principal Meridian, Sangamon County, Illinois, that is more particularly described as follows:

From the point where the center of Grantor's main track, intersects the East line of said Northeast Quarter of the Southeast Quarter of Section 16, run southerly along said East line, a distance of 75 feet more or less to a point 33 feet perpendicularly distant Southwesterly from said main track center, being the POINT OF BEGINNING; Thence run Northwesterly along a line forming an angle to the right of 138 degrees 31 minutes with the straight line extension of the last described course, a distance of 441.78 feet to a point and property corner; Thence Northwesterly along a line forming an angle to the right of 12 degrees 43 minutes with the straight line extension of the last described course, a distance of 1,618 square feet more or less to a point and property corner n a line that lies parallel and/or concentric with and 33 feet normally distant Southwesterly from said main track center; Thence Southeasterly along said parallel and/or concentric line, a distance of 2,040 feet more or less to return to the point of beginning.

7-4

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 2 NAME: Dale "Dan" Vaughn

DOCKET NUMBER: 2005-47

ADDRESS: In the 8200 Block of Wildwood Acres Rd., Cantrall, IL. 62525

PETITIONER: Higginbothom Development, Inc.

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: "R-1" Single Family Residence District with a variance to allow 8 lots with the lot depth greater than 2 1/2 times the lot width.

AREA: 85 acres

COMMENTS: none

OBJECTORS: yes

PLANNING COMMISSION RECOMMENDATION: denial. The Land Evaluation and Site Assessment score of 173 is marginal for non-agricultural development and the fact that Wildwood Acres Road does not meet minimum road standards is of great concern in the rezoning of 85 acres.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval

Randolph J. Armstrong/cr
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)
Higginbotham Development, Inc.)

DOCKET NO: 2005-47

PROPERTY LOCATED AT:

**In the 8200 block of Wildwood Acres Rd.
Cantrall, IL. 62525**

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 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 **July 21, 2005** 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 or contract to purchase the property commonly known as **in the 8200 block of Wildwood Acres Rd., Cantrall, IL. 62525** and more particularly described as:

See **EXHIBIT A**

Page 2

3. That the present zoning of said property is "A" Agricultural District.
4. That the present land use of said property is cropland.
5. That the proposed land use of said property is a Residential Subdivision.
6. That the requested rezoning of said property is: from "A" Agricultural District to "R-1" Single Family Residence District with a variance to allow 8 lots with the lot depth greater than 2 1/2 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 rezoning and 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 rezoning and variance be approved.

CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **John Goleman** based on the revised findings of fact to recommend to the County Board that the petition be **approved**, which was duly seconded by **Marvin Traylor**.

The vote of the Board was as follows:

YES: **Charles Chimento, Donn Malwick, John Goleman, Patrick Somers, Marvin Traylor**

NO:

ABSENT:

Randolph J. Armstrong / 14
RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT
▶ As Amended by the Board of Appeals ◀**

Case #: **2005-47**
Address: **8200 Block of Wildwood Acres Road**

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

To the north is cropland and a single family residence. To the east and south is cropland. Further southeast is a single family residence. To the west is timber and cropland. A quarter mile to the south along Gabbert Road, there are residential developments.

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

The property is surrounded by A zoning. There is a spot of R-1 zoning further north.

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

The Land Evaluation and Site Assessment score of 173 indicates non-agricultural development may be appropriate if mitigating factors are present. The developer has talked with the Township Road Commissioner regarding the upgrade of Wildwood Acres Road.

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

The immediate area has remained stable.