

CASE # 2006-40
RESOLUTION NUMBER 8-1

GRANTING A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
719 PROSPECT STREET, SPRINGFIELD
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:

Lot 50, Westmoreland Place

WHEREAS, the Petitioner, **John Sunley**, has petitioned the Sangamon County Board for **a variance to allow for a reduction of the front yard requirement from 15' to 9' to build a garage**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **July 20, 2006**, 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

JUL 28 2006

Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 8th day of August, 2006 that the request for a variance to allow for a reduction of the front yard requirement from 15' to 9' to build a garage on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 8th day of August, 2006.

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

DAVID MENDENHALL

ATTEST:



SANGAMON COUNTY CLERK



COUNTY BOARD CHAIRMAN

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS
As Recommended by the Board of Appeals**

Case #: 2006-40

Address: 719 Prospect, 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.

A garage would add to the utility of the property and moving the garage forward will allow more green space for the apartments to the rear.

- (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.

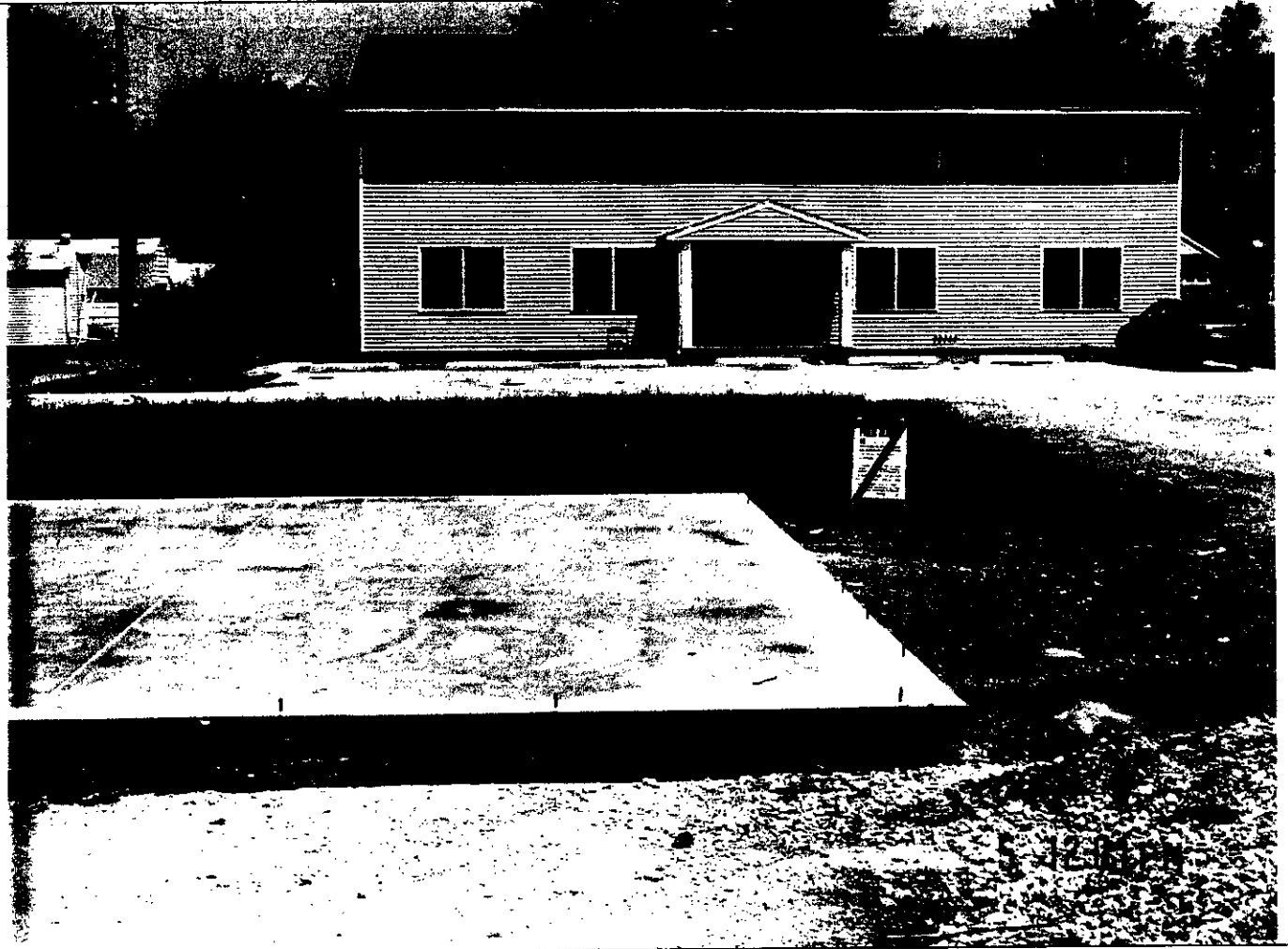
Circumstances are unique since there are other nearby structures even closer to the front property line

- (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.

Since the garage will be setback as much or more than the average for the block, and the doors to the garage will open to the east and not toward the street the variance will have minimal impact.

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PHOTO DATE 7-05-2006	PHOTO TIME:
SITE NAME John Sunley	CASE #: 2006-40
ADDRESS 719 Prospect, Springfield	INDEX #: 22-09-0-153-017



COMMENTS: From Prospect looking north.

LAND AREA:	EXISTING ZONING:	PROPOSED ZONING:
OTHER COMMENTS:		
PHOTO TAKEN BY:	DISC #:	PHOTO #:

22-09
153-002

22-09
153-003

22-09
153-004

22-09
153-005

22-09
153-006

22-09
153-007

22-09
153-008

22-09
153-009

22-09
153-010

22-09
153-011

22-09
153-012

22-09
153-013

22-09
153-014

22-09
153-015

22-09
153-016

8-5

SUBJECT PROPERTY

22-09
153-017

22-09
153-018

22-09
153-019

22-09
153-020

PROSPECT AVE.

22-09
154-020

22-09
154-017

22-09
154-016

22-09
154-013

22-09
154-014

22-09
154-015

NORTH ST.

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RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 23 NAME: **Debbie Cimarossa**

DOCKET NUMBER: **2006-40**

ADDRESS: **719 Prospect Street, Springfield, Il 62704**

PETITIONER: **John Sunley**

PRESENT ZONING CLASSIFICATION: **"R3" General Residence District and "B-3" General Business District (S. 100')**

REQUESTED ZONING CLASSIFICATION: **"R3" General Residence District and "B-3" General Business District (S. 100') with a variance to allow for a reduction of the front yard requirement from 15' to 9' to build a garage.**

AREA: **10,000 sq ft**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION RECOMMENDATION: **Recommend denial. The variance of the front yard requirement from 15 feet to 9 feet could set a precedent of variation in an area that is already congested with grand fathered uses. Also backing from the garage could be a hazard if the narrow street is widened.**

SANGAMON COUNTY BOARD OF APPEALS **Approval**
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: 2006-40
John Sunley)	
)	PROPERTY LOCATED AT:
)	719 Prospect Street
)	Springfield, IL 62704
)	

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 **July 20, 2006** 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 **719 Prospect Street, Springfield, IL** and more particularly described as:

Lot 50, Westmoreland Place

- 3. That the present zoning of said property is **“R3” General Residence District and “B-3” General Business District (S. 100’)**.
- 4. That the present land use of said property is **Four-plex at the rear of the lot.**
- 5. That the proposed land use of said property is **Construct a garage at the front of the lot.**
- 6. That the requested **variance** of said property is: **to allow for a reduction of the front yard requirement from 15’ to 9’ to build a garage.**
- 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**.



 CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Marvin Traylor**, in accord with the amended standard for variation to recommend to the County Board that the petition be **approved**, which was duly seconded by **Patrick Somers**.

The vote of the Board was as follows:

YES: **Charles Chimento, Donn Malwick, Peggy Egizii, Patrick Somers, Marvin Traylor**

NO:

ABSENT:



 RECORDING SECRETARY

ZONING VARIANCE CHECK LIST

PETITIONER: Sunley, John

ADDRESS: 719 Prospect

EXISTING ZONING: R-3 and B-3 (S.100')

REQUEST DESCRIPTION: **A variance of the front yard requirement from 15' to 9'.**

Staff Estimate of the Effect of the Variance on the Area		None	Slight	Mod.	Great
CONTRASTS:	land use	X			
	appearance		X		
CURRENT VS. PROPOSED	height	X			
	parking	X			
PROBLEMS FORESEEN	drainage		X		
	sewer	X			
	traffic flow			X	

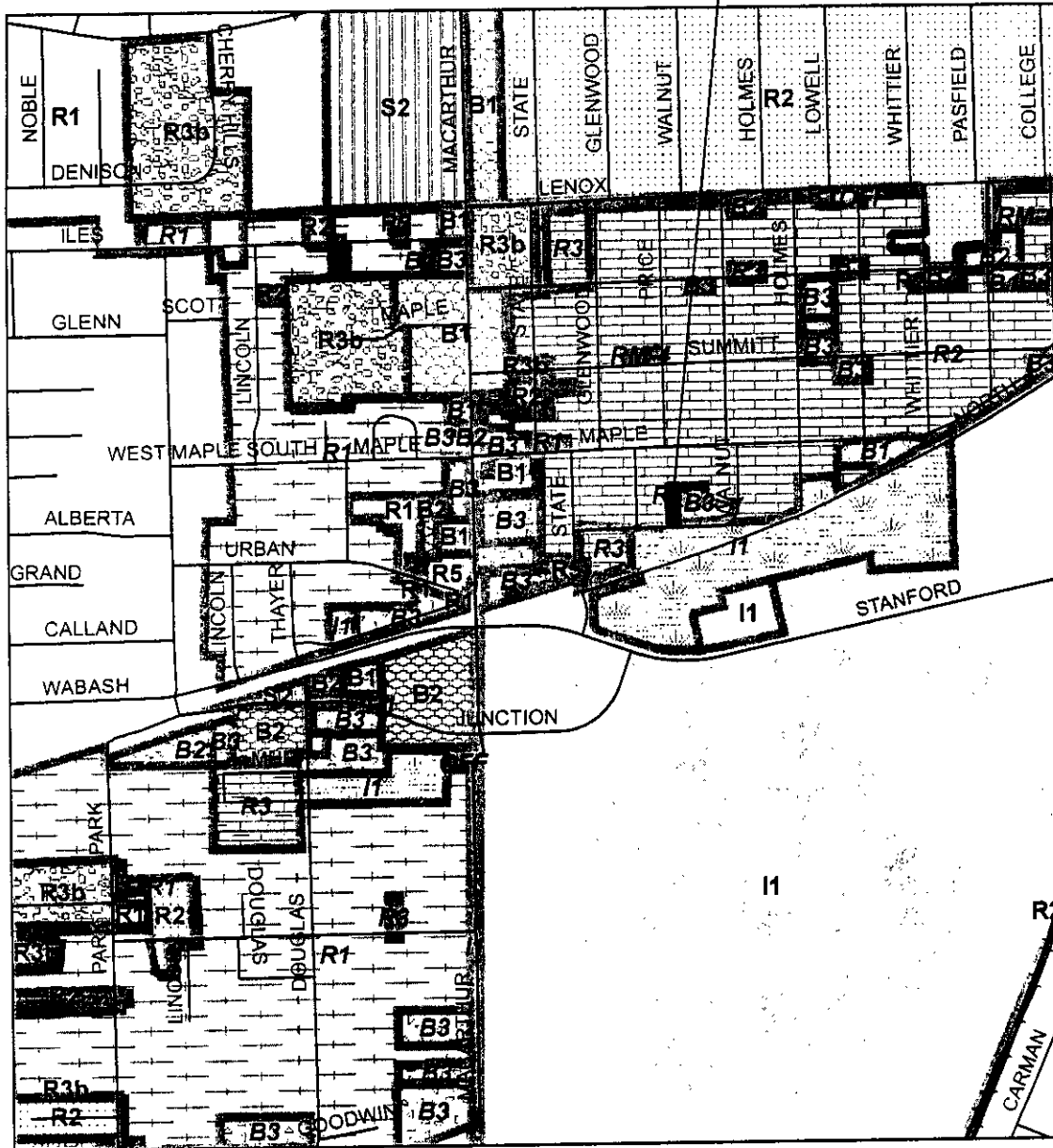


Frontage	Lineal Feet	Existing Yards (ft.)			Area
<u>Prospect</u>	<u>- 50'</u>	<u>135'</u>	<u>18'/15'</u>	<u>14'</u>	<u>10,000 sq. ft.</u>
		front	side	rear	

OTHER COMMENTS:

STAFF RECOMMENDATIONS: **Recommend denial. The variance of the front yard requirement from 15 feet to 9 feet could set a precedent of variation in an area that is already congested with grand fathered uses. Also backing from the garage could be a hazard if the narrow street is widened.**

County Zoning Case# 2006-40

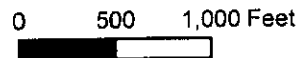


County Zoning

	R1		B1
	R1a		B2
	R2		B3
	R3		I1
	RM-4		I2
	OFF		A

City Zoning

	R1		H1		OFF
	R2		H2		PUD
	R3a		H3		B1
	R3b		S1		B2
	R4		S2		I1
	R5		S3		I2



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RECOMMENDED STANDARDS FOR VARIATIONS

Case #: 2006-40

Address: 719 Prospect

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 be used for a 24'x32' garage without varying the front yard requirement.

- (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.

No. There is space available for constructing the garage in compliance with zoning regulations.

- (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.

The variance of the front yard requirement from 15 feet to 9 feet could set a precedent of variation in an area that is already congested with grand fathered uses. Also backing from the garage to the street could be a hazard if the street is widened.