

CASE # 2005-66  
RESOLUTION NUMBER 9-1

**GRANTING A USE VARIANCE**  
**FOR CERTAIN PROPERTY LOCATED AT**  
**10128 GILREATH ROAD, CHATHAM**  
**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 use variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See **EXHIBIT A**

WHEREAS, the Petitioners, **Lewis & Alison Fehring**, have petitioned the Sangamon County Board for a **Use Variance to allow an Ornamental Iron Works Fabrication Business in the machine shed**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **September 15, 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 use variance with restrictions**; and

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

**FILED**

SEP 20 2005

*Joe [Signature]*  
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 11<sup>th</sup> day of October, 2005 that the request for a use variance for an ornamental iron works fabrication business on the above referenced property is hereby approved with the following restrictions: 1) The new pole building is for storage and personal use not for business expansion, 2) This use variance is only for the existing shop and for no other land on the property including the new pole building, 3) Restricting the hours of regular operation from 8 am to 4:30 pm Monday through Friday, 4) Eliminating all painting in the shop, 5) limiting number of employees outside of family to 2.

Signed and passed by the Sangamon County Board in session on this 11<sup>th</sup> day of October, 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

\_\_\_\_\_  
DAVID MENDENHALL

**ATTEST:**

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

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

**EXHIBIT A**

Part of the South half of the Northwest quarter of the Northwest quarter of Section 21, Township 14 North, Range 5 West of the Third Principal Meridian; described more particularly as follows:

Commencing at an iron pipe marking the Northwest corner of the South half of the Northwest quarter of the Northwest quarter of the aforementioned Section 21, thence North 89 degrees 14 minutes 16 seconds East along the North line of the South half of the Northwest quarter of the Northwest quarter a distance of 270.00 feet to the true point of beginning, thence continuing North 89 degrees 14 minutes 16 seconds East along said North line a distance of 180.00 feet to an iron pipe, thence South 00 degrees 45 minutes 44 seconds East a distance of 50.00 feet, thence South 89 degrees 14 minutes 16 seconds West a distance of 180.00 feet thence North 00 degrees 45 minutes 44 seconds West a distance of 50.00 feet to the true point of beginning. Said parcel contains 0.207 acres, more or less, all in the county of Sangamon, State of Illinois.

Basis of bearing is North 89 degrees 14 minutes 16 seconds East along the North line of the South half of the Northwest quarter of the Northwest quarter of Section 21.

**SANGAMON COUNTY  
RECOMMENDED - STANDARDS FOR USE VARIATIONS**

**► As Recommended by the Board of Appeals ◀**

Case #: 2005-66

Address: 10128 Gilreath Road

The Zoning Board of Appeals shall not recommend to the Sangamon County Board that the regulations of the zoning ordinance be varied as authorized in Section 17.66.010 thereof, unless it shall make findings of fact based upon the evidence presented to it in each specified case:

- (i) that the variance is justified by a showing of special circumstances demonstrating practical difficulties or particular hardship in the way of carrying out the strict letter of the Zoning Regulations.

**The building has been used as a shop for many years.**

- (ii) that the variance is compatible with the trend of development in the area.

**The area has been relatively stable.**

- (iii) that the variance will benefit the community and be in harmony with the general purpose and intent of the Zoning Regulations.

**There is a need and demand for the business.**

- (iv) that the variance will not create a negative impact on the area, 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 work will be done inside the building and the owner has agreed to not paint on the property.**

RECAP  
(For County Board Use)

COUNTY BOARD MEMBER: # 5 NAME: **Don Stephens**

DOCKET NUMBER: **2005-66**

ADDRESS: **10128 Gilreath Rd., Chatham, IL. 62629**

PETITIONER: **Lewis & Alison Fehring**

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

REQUESTED ZONING CLASSIFICATION: **“A” Agricultural District with a Use Variance to allow AN Ornamental Iron Works Fabrication Business in the Machine Shed**

AREA: **3.8 acres**

COMMENTS: **none**

OBJECTORS: **yes**

PLANNING COMMISSION RECOMMENDATION: **Denial. The standards for use variations are not met. Allowing a fabrication business in this rural residential area would be detrimental to the area and particularly the residence in close proximity to the north.**

SANGAMON COUNTY BOARD OF APPEALS RECOMMENDATION: **Approval with the following restrictions: 1) The new pole building is for storage and personal use not for business expansion, 2) This variance is only for the existing shop and for no other land on the property including the new pole building, 3) Restricting the hours of regular operation from 8 am to 4:30 pm Monday through Friday, 4) Eliminating all painting in the shop, 5) limiting number of employees outside of family to 2.**

  
\_\_\_\_\_  
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:	)	DOCKET NO: 2005-66
<b>Lewis &amp; Alison Fehring</b>	)	
	)	PROPERTY LOCATED AT:
	)	<b>10128 Gilreath Rd.</b>
	)	<b>Chatham, IL. 62629</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 a **Use 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 **September 15, 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 **10128 Gilreath Rd., Chatham, IL. 62629** 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 a Single Family Residence and Machine Shed with Ornamental Iron Works Fabrication Business.
- 5. That the proposed land use of said property is a Single Family Residence and Machine Shed with Ornamental Iron Works Fabrication Business.
- 6. That the requested Use Variance of said property is: to allow Ornamental Iron Works Fabrication Business in the Machine Shed.
- 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 Use 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 Use Variance be approved with the following restrictions: 1) The new pole building is for storage and personal use not for business expansion, 2) This variance is only for the existing shop and for no other land on the property including the new pole building, 3) Restricting the hours of regular operation from 8 am to 4:30 pm Monday through Friday, 4) Eliminating all painting in the shop, 5) limiting number of employees outside of family to 2.

*Charles Chimento*  
 CHAIRMAN

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Donn Malwick** based on the new findings to recommend to the County Board that the petition be approved with the following restrictions: 1) The new pole building is built for storage and personal use not for business expansion, 2) This variance is only for the existing shop and for no other land on the property including the new pole building, 3) Restricting the hours of regular operation from 8 am to 4:30 pm Monday through Friday, 4) Eliminating all painting in the shop, 5) limiting number of employees outside of family to 2, 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:

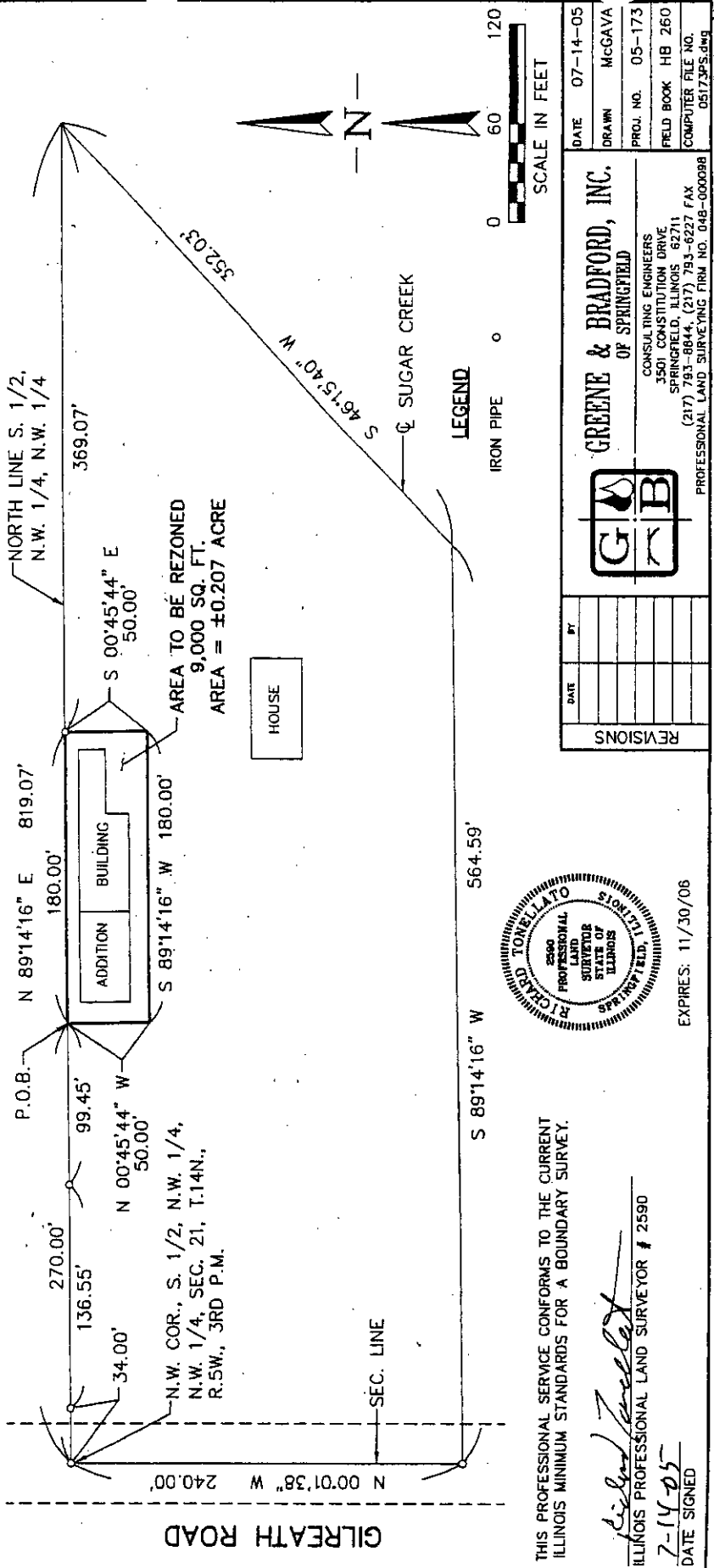
ABSENT:

*RJ Armstrong*  
 RECORDING SECRETARY

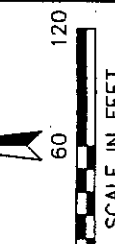
# PLAT OF SURVEY

## LEGAL DESCRIPTION

PART OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 14 NORTH, RANGE 5 WEST OF THE THIRD PRINCIPAL MERIDIAN; DESCRIBED MORE PARTICULARLY AS FOLLOWS:  
 COMMENCING AT AN IRON PIPE MARKING THE NORTHWEST CORNER OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE AFOREMENTIONED SECTION 21, THENCE NORTH 89 DEGREES 14 MINUTES 16 SECONDS EAST ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 21, THENCE NORTH 89 DEGREES 14 MINUTES 16 SECONDS EAST TO THE TRUE POINT OF BEGINNING, THENCE CONTINUING NORTH 89 DEGREES 14 MINUTES 16 SECONDS EAST ALONG SAID NORTH LINE A DISTANCE OF 270.00 FEET TO THE TRUE POINT OF BEGINNING, THENCE CONTINUING NORTH 89 DEGREES 14 MINUTES 16 SECONDS EAST ALONG SAID NORTH LINE A DISTANCE OF 180.00 FEET TO AN IRON PIPE, THENCE SOUTH 00 DEGREES 45 MINUTES 44 SECONDS EAST A DISTANCE OF 50.00 FEET, THENCE SOUTH 89 DEGREES 14 MINUTES 16 SECONDS WEST A DISTANCE OF 180.00 FEET THENCE NORTH 00 DEGREES 45 MINUTES 44 SECONDS WEST A DISTANCE OF 50.00 FEET TO THE TRUE POINT OF BEGINNING. SAID PARCEL CONTAINS 0.207 ACRE, MORE OR LESS, ALL IN THE COUNTY OF SANGAMON, STATE OF ILLINOIS.  
 BASIS OF BEARING IS NORTH 89 DEGREES 14 MINUTES 16 SECONDS EAST ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 21.



OWNER: LEWIS & ALISON FEHRING  
 TAX ID. NO.: 29-21-100-031  
 TOWNSHIP: BALL  
 FIELDWORK COMPLETED: 07-13-2004  
 BASIS OF BEARING: ASSUMED MERIDIAN



### LEGEND

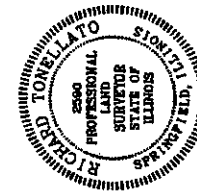
IRON PIPE 0 60 120

DATE	07-14-05
DRAWN	McGAVA
PROJ. NO.	05-173
FIELD BOOK	HB 260
COMPUTER FILE NO.	05173PS.dwg
PLOT SCALE	1" = 60'

**GREENE & BRADFORD, INC.**  
 OF SPRINGFIELD

CONSULTING ENGINEERS  
 1501 CONSTITUTION DRIVE  
 SPRINGFIELD, ILLINOIS 62711  
 (217) 793-9844, (217) 793-6227 FAX  
 PROFESSIONAL LAND SURVEYING FIRM NO. 048-000088

DATE	BY	REVISIONS



EXPIRES: 11/30/06

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

*Richard Tonbellato*  
 ILLINOIS PROFESSIONAL LAND SURVEYOR # 2590  
 7-14-05  
 DATE SIGNED



99



CASE #: 2005-66

INDEX #: 29-21-100-031

DATE: 8-30-05

INSPECTED BY: DK LW

**USE VARIANCE CHECK LIST**

PETITIONER: Fehring, Lewis & Alison

ADDRESS: 10128 Gilreath Road CITY OR VILLAGE OR NEAREST ONE: Springfield

REQUEST DESCRIPTION: Ornamental Iron Works Fabrication Business in existing machine shed

EXISTING ZONING: A

EXISTING LAND USE: Single Family Residence and Machine Shed with Ornamental Iron Works Business

PROPOSED LAND USE: Single Family Residence and Machine Shed with Ornamental Iron Works Business

LAND AREA: 3.8 acres ROAD FRONTAGE: 240 Lineal Ft. ROAD COND: Fair

STRUCTURE DESIGNED FOR: Residence/Shed CONDITION OF STRUCTURE: Good

EXISTING YARDS: Front Varied ft. Side \_\_\_\_\_ ft. Rear \_\_\_\_\_ ft.

- NEARBY LAND USE:
- a. To North Single Family Residences, Vacant
  - b. To South Vacant, Single Family Residence
  - c. To East Timber, Single Family Residence
  - d. To West Vacant, Cropland

**OTHER COMMENTS:**

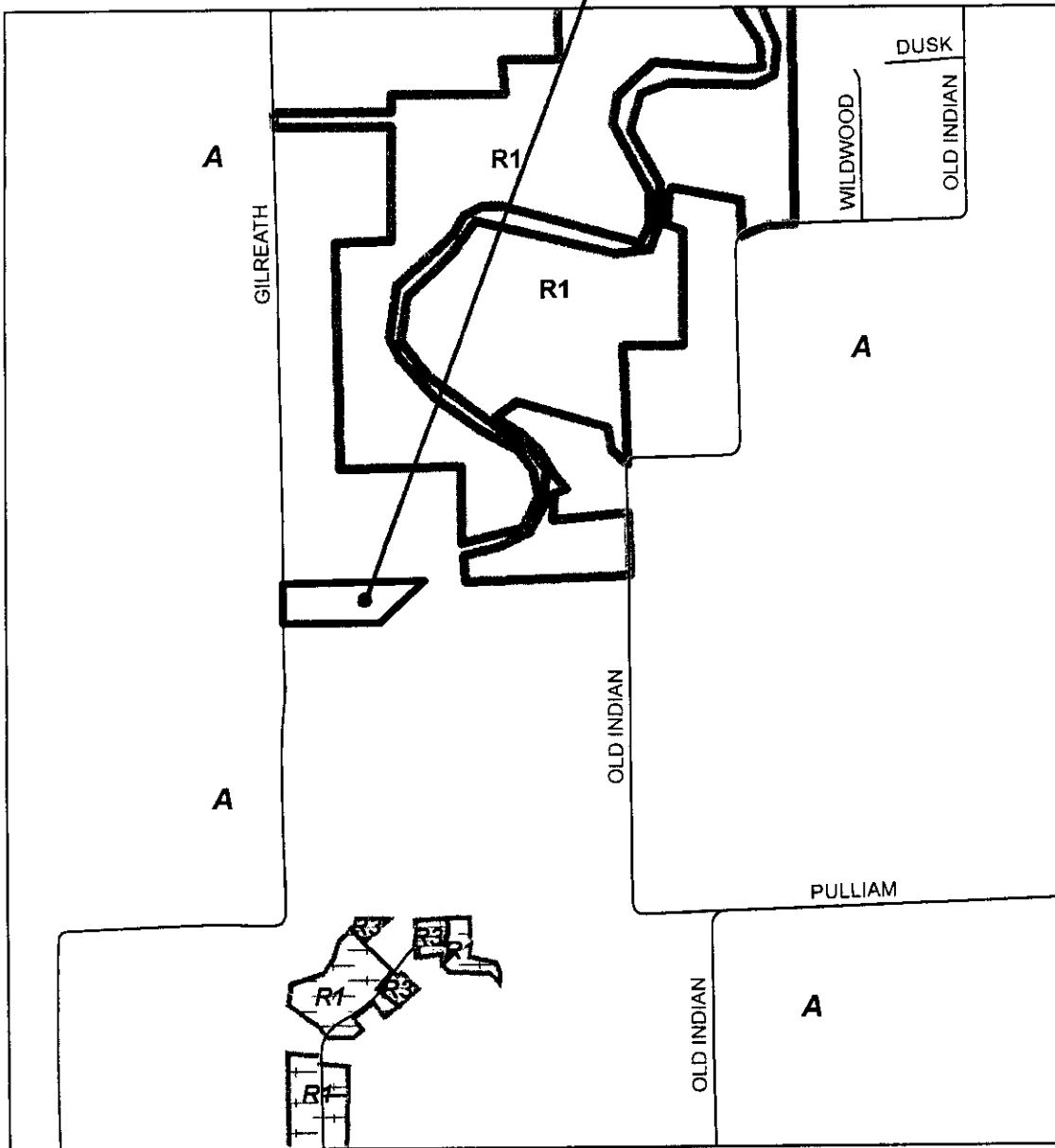
Staff Estimate of the Effect of the Use Variance on the Area		None	Slight	Mod.	Great
CONTRASTS: CURRENT VS. PROPOSED	land use			X	
	appearance	X			
	height	X			
	parking spaces	X			
PROBLEMS FORESEEN	drainage	X			
	sewer		X		
	traffic flow	X			
WILL USE INCREASE	pop. density	X			
	dwellings, density	X			
	school pop.	X			
	traffic volume		X		



**RECOMMENDATIONS:** **Recommend denial. The standards for use variations are not met. Allowing a fabrication business in this rural residential area would be detrimental to the area and particularly the residence in close proximity to the north.**

# County Zoning

Case# 2005-066

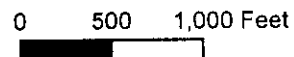


## County Zoning

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

## City Zoning

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





## RECOMMENDED STANDARDS FOR USE VARIATIONS

Case #: 2005-66

Address: 10128 Gilreath Road

The Zoning Board of Appeals shall not recommend to the Sangamon County Board that the regulations of the zoning ordinance be varied as authorized in Section 17.66.010 thereof, unless it shall make findings of fact based upon the evidence presented to it in each specified case:

- (i) that the variance is justified by a showing of special circumstances demonstrating practical difficulties or particular hardship in the way of carrying out the strict letter of the Zoning Regulations.

**The property has been utilized for many years with a single family residence and is similar to other property in the area.**

- (ii) that the variance is compatible with the trend of development in the area.

**The area has remained rural residential in character. There are no businesses in the area.**

- (iii) that the variance will benefit the community and be in harmony with the general purpose and intent of the Zoning Regulations.

**There would be no particular benefit to the community in establishing a business on this property. The residential use is in harmony with the other uses in the area.**

- (iv) that the variance will not create a negative impact on the area, 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.

**There is a concern with allowing a business involving fabrication in this rural residential area and particular concern for the residence to the north which is located in close proximity to the shed and is subjected to noise and odors from the fabrication process.**