

CASE # 2006-495-1  
RESOLUTION NUMBER

**GRANTING A USE VARIANCE**  
**FOR CERTAIN PROPERTY LOCATED AT**  
**12515 COTTON HILL ROAD, PAWNEE**  
**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:

**Lot 1 of Lederbrand Minor Subdivision, a subdivision of part of the Northeast Quarter of the Northwest quarter of the Southwest Quarter of Section 32, Township 14 North, Range 4 West of the Third Principal Meridian.**

WHEREAS, the Petitioner, **Michael Sharp**, has petitioned the Sangamon County Board for a **use variance for a one man welding shop restricted to a 48' x50 building**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **August 17, 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 use variance for a one man welding shop restricted to a 48'x 50' building**; and

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

**FILED**

SEP 01 2006

*Joe Cull*  
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 12<sup>th</sup> day of September, 2006 that the requested use variance to allow a one man welding shop restricted to the 30' x 50' building being constructed and a planned 18' x 50' addition on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 12<sup>th</sup> day of September, 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 USE VARIATIONS  
▶ As Recommended by the Board of Appeals ◀**

Case #: **2006-49**

Address: **12515 Cotton Hill 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 proposed use variance will enhance the economic use of the property and is similar in character to the activity in the adjacent machine shed.**

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

**The use variance is compatible with the adjacent agricultural buildings.**

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

**The business will benefit the community and provide a needed service.**

- (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 business will not generate a lot of traffic and is restricted to a one man welding shop in the proposed structure with no outside storage.**

RECAP  
(For County Board Use)

COUNTY BOARD MEMBER: # 4 NAME: **Andy Goleman**

DOCKET NUMBER: **2006-49**

ADDRESS: **12515 Cotton Hill Road, Pawnee 62558**

PETITIONER: **Michael Sharp**

PRESENT ZONING CLASSIFICATION: **"A" Agricultural**

REQUESTED ZONING CLASSIFICATION: **"A" Agricultural with a use variance to allow a one man welding shop restricted to the 30' x 50' building being constructed and a planned 18' x 50' addition**

AREA: **1 acre**

COMMENTS: **None**

OBJECTORS: **Yes**

PLANNING COMMISSION RECOMMENDATION: **Recommend denial. A commercial application of welding is only appropriate in an industrially zoned area.**

SANGAMON COUNTY BOARD OF APPEALS RECOMMENDATION: **Approval.**

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

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITON OF: )	DOCKET NO: <b>2006-49</b>
<b>Michael Sharp</b> )	)
)	PROPERTY LOCATED AT:
)	<b>12515 Cotton Hill Road</b>
)	<b>Pawnee 62558</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 **August 17, 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 **12515 Cotton Hill Road, Pawnee 62558** and more particularly described as:

**Lot 1 of Lederbrand Minor Subdivision, a subdivision of part of the Northeast Quarter of the Northwest quarter of the Southwest Quarter of Section 32, Township 14 North, Range 4 West of the Third Principal Meridian.**

- 3. That the present zoning of said property is **"A" Agricultural.**
- 4. That the present land use of said property is a **single family residence.**
- 5. That the proposed land use of said property is a **single family residence with a welding shop in an outbuilding.**
- 6. That the requested **use variance** of said property is: **to allow a one man welding shop restricted to the 30' x 50' building being constructed and a planned 18' x 50' addition.**
- 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.**

  
 \_\_\_\_\_  
 CHAIRMAN

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member Donn Malwick, in accord with the amended standards of variation to recommend to the County Board that the petition be **approved**, which was duly seconded by **Patrick Somers.**

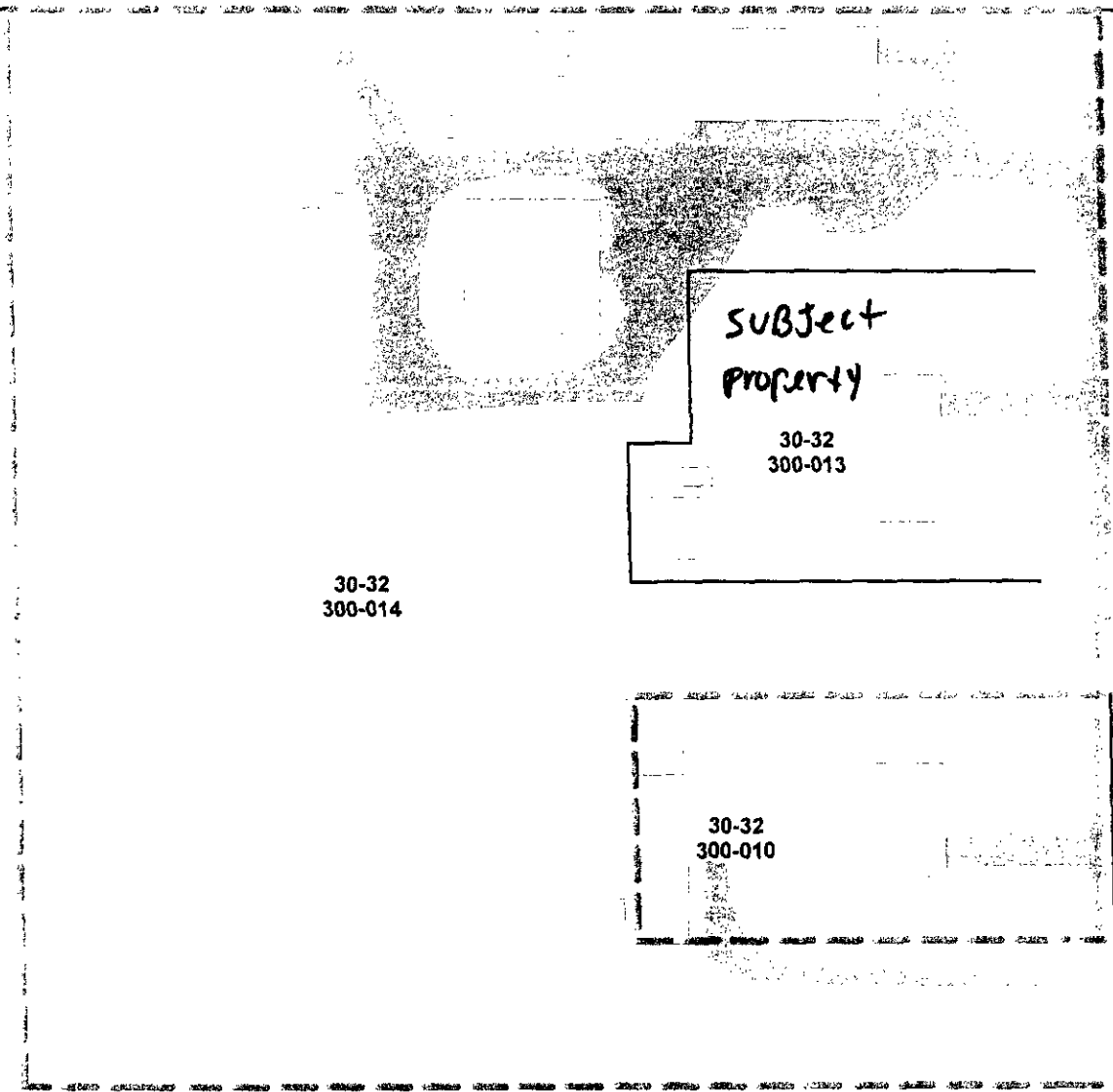
The vote of the Board was as follows:

**YES: Charles Chimento, Donn Malwick, Peggy Egizii, Patrick Somers, Don Wulf**

**NO:**

**ABSENT: Marvin Traylor, Barbara Braner**

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

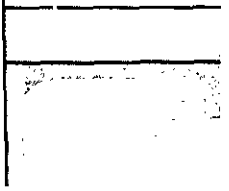


SUBJECT  
PROPERTY

30-32  
300-013

30-32  
300-014

30-32  
300-010



5-8

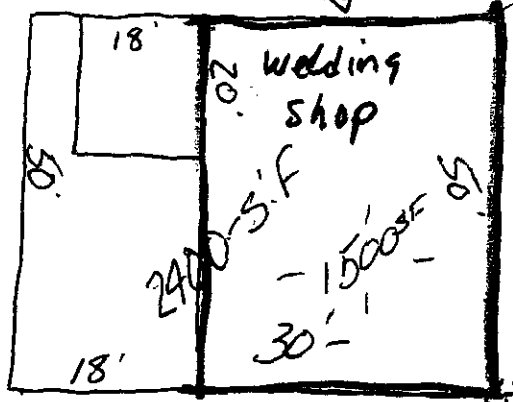
K 67'

this for now

K 228'

K

178'



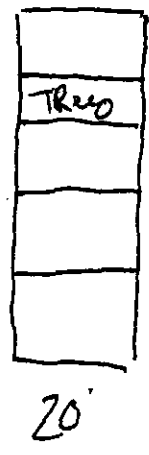
Lot size 43700 S.F.

54'0"

House

15'

50'  
1000 S.F.



61'-9" CottonHill Rd

EDGE OF ROAD



59



CASE #: 2006-49  
 INDEX #: 30-32-300-013  
 DATE: 7/31/06  
 INSPECTED BY: JH LW

**USE VARIANCE CHECK LIST**

PETITIONER: Sharp, Michael  
 ADDRESS: 12515 Cotton Hill Road CITY OR VILLAGE OR NEAREST ONE: Pawnee

REQUEST DESCRIPTION: A one man welding shop restricted to 48'x50' building

EXISTING ZONING: A

EXISTING LAND USE: Single family residence

PROPOSED LAND USE: Single family residence with a welding shop in an outbuilding

LAND AREA: 1.0 acre ROAD FRONTAGE: 190 Lineal Ft. ROAD COND: good

STRUCTURE DESIGNED FOR: Residential CONDITION OF STRUCTURE: Good

EXISTING YARDS: Front 55 ft. Side 62/36 ft. Rear 112 ft.

- NEARBY LAND USE:
- a. To North Farm storage, cropland
  - b. To South Single family residence, cropland
  - c. To East Cropland, single family residence
  - d. To West 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. A commercial application of welding is only appropriate in an industrially zoned area.**

# County Zoning Case# 2006-49

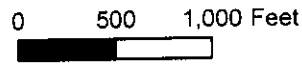


## County Zoning

	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





## RECOMMENDED STANDARDS FOR USE VARIATIONS

Case #: 2006-49

Address: 12515 Cotton Hill Road

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- (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 current land use of single family residence is an economic use of the property.**

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

**The trend of development is agriculture and rural residential.**

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

**While welding for personal use in an agricultural operation is sometimes necessary, a commercial application is only appropriate in an industrial zoned 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.

**As submitted the request is not foreseen as impacting the above mentioned standards.**