

23
FILED

OCT 30 2013

Joe Aiello
Sangamon County Clerk

CASE# 2013-046
RESOLUTION NUMBER 10-1

GRANTING VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
4014 & 4016 THORNBROOK DR., 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 variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

Lot 13 in Westbrook First Addition to Sangamon County, Illinois, and also, a vacated right-of-way described as follows: Beginning at the Southeast corner of said Lot 13, thence North on the East line of said Lot 125.11 feet; thence East 20.00 feet; thence South parallel with said East line, 125.11 feet; thence West 20.00 feet to the point of beginning.

WHEREAS, the Petitioners, Tracy Walker & Kathy Edens, have petitioned the Sangamon County Board for **Proposed Lot 1: A variance of road frontage requirements from eighty (80) feet to approximately twenty seven point twenty seven (27.27) feet, a variance of the minimum lot area from twelve thousand (12,000) square feet to seven thousand seven hundred and twenty four (7,724) square feet, a variance to allow a common wall of zero (0) feet instead of required five (5) feet side yard and a variance of the lot depth to exceed two and one-half (2 ½) times the lot width. Proposed Lot 2: A variance of the road frontage requirements from eighty (80) feet to approximately forty five point twenty eight (45.28) feet, a variance of the minimum lot area from twelve thousand (12,000) square feet to six thousand eight hundred and five (6,805) square feet, a variance of the lot depth to exceed two and one-half (2 ½) times the lot width, a variance to allow a common**

wall of zero (0) feet instead of the required five (5) feet total side yard, and a variance of the west side property line to allow zero (0) feet instead of the required fifteen (15) feet total side yard to allow the property and condo/duplex to be divided down the common wall for individual ownership; and

WHEREAS, a public hearing was held at the Sangamon County Building on **October 17, 2013** 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 variances**; and

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

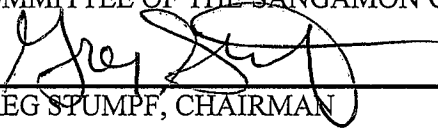
NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **12th** day of November, 2013 that the request for Proposed Lot 1: A variance of road frontage requirements from eighty (80) feet to approximately twenty seven point twenty seven (27.27) feet, a variance of the minimum lot area from twelve thousand (12,000) square feet to seven thousand seven hundred and twenty four (7,724) square feet, a variance to allow a common wall of zero (0) feet instead of required five (5) feet side yard and a variance of the lot depth to exceed two and one-half (2 ½) times the lot width. Proposed Lot 2: A variance of the road frontage requirements from eighty (80) feet to approximately forty five point twenty eight (45.28) feet, a variance of the minimum lot area from twelve thousand (12,000) square feet to six thousand eight hundred

and five (6,805) square feet, a variance of the lot depth to exceed two and one-half (2 ½) times the lot width, a variance to allow a common wall of zero (0) feet instead of the required five (5) feet total side yard, and a variance of the west side property line to allow zero (0) feet instead of the required fifteen (15) feet total side yard to allow the property and condo/duplex to be divided down the common wall for individual ownership on the above referenced property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 12th day of November, 2013.

Respectfully submitted,

PUBLIC HEALTH, SOLID WASTE & ZONING
COMMITTEE OF THE SANGAMON COUNTY BOARD



GREG STUMPF, CHAIRMAN

DAVID MENDENHALL, VICE CHAIRMAN

JOHN FULGENZI

CRAIG HALL

SAM SNELL

ABE FORSYTH

JASON RATTIS

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

10-4

RECAP

(For County Board Use)

COUNTY BOARD MEMBER: # 27 NAME: Abe Forsyth

DOCKET NUMBER: 2013-046

ADDRESS: 4014 & 4016 Thornbrook Dr., Springfield, IL. 62711

PETITIONER: Tracy Walker & Kathy Edens

PRESENT ZONING CLASSIFICATION: "R-2" Single & Two-Family Residence District

REQUESTED ZONING CLASSIFICATION: **For Proposed Lot 1: A variance of road frontage requirements from eighty (80) feet to twenty seven point thirty three (27.33) feet, a variance of the minimum lot area from twelve thousand (12,000) square feet to seven thousand seven hundred and twenty four (7,724) square feet, a variance to allow a common wall of zero (0) feet instead of required five (5) feet side yard and a variance of the lot depth to exceed two and one-half (2 ½) times the lot width. Proposed Lot 2: A variance of the road frontage requirements from eighty (80) feet to forty five point twenty two (45.22) feet, a variance of the minimum lot area from twelve thousand (12,000) square feet to six thousand eight hundred and five (6,805) square feet, a variance of the lot depth to exceed two and one-half (2 ½) times the lot width, a variance to allow a common wall of zero (0) feet instead of the required five (5) feet total side yard, and a variance of the west side property line to allow zero (0) feet instead of the required fifteen (15) feet total side yard to allow the property and condo/duplex to be divided down the common wall for individual ownership.**

AMENDED: Change front yard requirements for Proposed Lot 1: a variance to allow the road frontage requirements from eighty (80) feet to approximately twenty seven point twenty seven (27.27) feet instead on the initially requested twenty seven point thirty three (27.33) feet and for Proposed Lot

2: a variance to allow the road frontage requirements from eighty (80) feet to approximately forty five point twenty eight (45.28) feet instead of the originally requested twenty eight point twenty two (28.22) feet. Also, still keep all other requested variances.

AREA: 14,529 sq. ft.

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: Recommend approval. The owners are seeking to establish separate legal descriptions and parcel identification numbers to allow each housing unit to be sold separately with individual ownership. The property contains a duplex and the variances are required in order to allow separate fee-simple ownership as required by lending institutions.

**SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:**

**Approval as amended by
petitioner.**

Cyndi Knowles
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: **2013-046**
 Tracy Walker & Kathy Edens)
)
) PROPERTY LOCATED AT:
) **4014 & 4016 Thornbrook Dr.**
) **Springfield, IL. 62711**

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 **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 **October 17, 2013** 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: **4014 & 4016 Thornbrook Dr., Springfield, IL.** and more particularly described as:

Lot 13 in Westbrook First Addition to Sangamon County, Illinois, and also, a vacated right-of-way described as follows: Beginning at the Southeast corner of said Lot 13, thence North on the East line of said Lot 125.11 feet; thence East 20.00 feet; thence South parallel with said East line, 125.11 feet; thence West 20.00 feet to the point of beginning.

- 3. That the present zoning of said property is "R-2" Single & Two-Family Residence District.
- 4. That the present land use of said property is a duplex.
- 5. That the proposed land use of said property is a duplex.
- 6. That the requested variances of said property are for Proposed Lot 1: A variance of road frontage requirements from eighty (80) feet to twenty seven point thirty three (27.33) feet, a variance of the minimum lot area from twelve thousand (12,000) square feet to seven thousand seven hundred and twenty four (7,724) square feet, a variance to allow a common wall of zero (0) feet instead of required five (5) feet side yard and a variance of the lot depth to exceed two and one-half (2 1/2) times the lot width. Proposed Lot 2: A variance of the road frontage requirements from eighty (80) feet to forty five point twenty two (45.22) feet, a variance of the minimum lot area from twelve thousand (12,000) square feet to six thousand eight hundred and five (6,805) square feet, a variance of the lot depth to exceed two and one-half (2 1/2) times the lot width, a variance to allow a common wall of zero (0) feet instead of the required five (5) feet total side yard, and a variance of the west side property line to allow zero (0) feet instead of the required fifteen (15) feet total side yard to allow the property and condo/duplex to be divided down the common wall for individual ownership.

AMENDED: Change front yard requirements for Proposed Lot 1: a variance to allow the road frontage requirements from eighty (80) feet to approximately twenty seven point twenty seven (27.27) feet instead on the initially requested twenty seven point thirty three (27.33) feet and for Proposed Lot 2: a variance to allow the road frontage requirements from eighty (80) feet to approximately forty five point twenty eight (45.28) feet instead of the originally requested twenty eight point twenty two (28.22) feet. Also, still keep all other requested variances.

- 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 requested **variances** be approved.

Charles Chimento/cx
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Judith Johnson**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **approved**, which was duly seconded by **Don Wulf**.

The vote of the Board was as follows:

YES: **Charles Chimento, Peggy Egizii, Judith Johnson, Don Wulf, John Lucchesi**

NO:

PRESENT:

ABSENT: **Byron Deaner, Janet Dobrinsky**



RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: 2013-046

Address: 4014 & 4016 Thornbrook, 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 property contains a duplex separated by a common partition wall. The owners are seeking to establish separate legal descriptions and parcel identification numbers to allow each housing unit to be sold with individual ownership for each housing unit. The existence of the duplex makes it impossible to comply with the regulations and 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.

The owners are seeking to establish separate legal descriptions and parcel identification numbers to allow each housing unit to be sold separately with individual ownership. The property contains a duplex and the variances are required in order to allow separate fee-simple ownership as required by lending institutions.

- (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.

There will be no impact on the immediate area as the overall layout of the property will not change.