

GRANTING VARIANCES AND DENYING A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
5363 MANSION 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 the variances and deny a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Christina Yoc**, has petitioned the Sangamon County Board for **Proposed Parcel 1: a variance to allow the lot depth to be greater than two and one-half (2.5) times the lot width, and a variance to allow one (1) parcel less than forty (40) acres (approximately 9 acres); and, for Proposed Parcel 2: amend the variance granted under zoning case #2016-037 to allow three (3) uses on one (1) parcel to eliminate the use of the parcel for a single-family residence; a variance to allow one (1) parcel less than forty (40) acres (approximately 1 acre); a variance to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat; and, a variance to allow the front yard setback to be approximately twenty (20) feet instead of the required thirty (30) feet for the existing accessory structure; and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **June 20, 2019** 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,

FILED

JUN 26 2019

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Sangamon County Clerk

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 deny a variance**; 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 **9th Day of July, 2019 that the requests**

for Proposed Parcel 1:

- **a variance to allow the lot depth to be greater than two and one-half (2.5) times the lot width, and**
- **a variance to allow one (1) parcel less than forty (40) acres (approximately 9 acres); and,**

for Proposed Parcel 2:

- **amend the variance granted under zoning case #2016-037 to allow three (3) uses on one (1) parcel to eliminate the use of the parcel for a single-family residence;**
- **a variance to allow one (1) parcel less than forty (40) acres (approximately 1 acre); and,**
- **a variance to allow the front yard setback to be approximately twenty (20) feet instead of the required thirty (30) feet for the existing accessory structure**

are hereby approved; but, the request for Proposed Parcel 2:

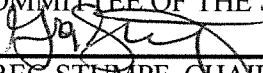
- **a variance to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat**

on the above described property is hereby denied.

Signed and passed by the Sangamon County Board in session on this **9th day of July, 2019.**

Respectfully submitted,

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



GREG STUMPF, CHAIRMAN

DAVID MENDENHALL, VICE CHAIRMAN

CRAIG HALL

SAM SNELL

ABE FORSYTH

JASON RATTS

LINDA DOUGLAS WILLIAMS

ANNETTE FULGENZI

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ROSE RUZIC

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

That part of the West Half of the Southeast Quarter of Section 34, Township 15 North, Range 6 West of the Third Principal Meridian, described as follows:

Beginning at a post 9.37 chains East of the Southwest corner of said Southeast Quarter; thence East 5.78 chains to a post; thence North through a bend in Lick Creek to the center of said Lick Creek; thence up the middle of said Creek and thence following the meanderings thereof to a point due North of the beginning point; thence South to the place of beginning.

Situated in Sangamon County, Illinois

Parcel Number: 21-34.0-400-004

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #7 NAME: Craig Hall

DOCKET NUMBER: 2019-022

ADDRESS: 5363 Mansion Road, Chatham, IL 62629

PETITIONER: Christina Yoc

PRESENT ZONING CLASSIFICATION: "A" Agricultural District with a Conditional Permitted Use (CPU) for a dog kennel and a variance to allow three (3) uses on one (1) parcel.

REQUESTED ZONING CLASSIFICATION: **Proposed Parcel 1:** A variance to allow the lot depth to exceed two and one-half (2.5) times the lot width, and a variance to allow one (1) parcel less than forty (40) acres (approximately 9 acres).

Proposed Parcel 2: Amend the variance granted under Zoning Case #2016-037 to allow three (3) uses on one (1) parcel to eliminate the use of the parcel for a single-family residence; a variance to allow one (1) parcel less than forty (40) acres (approximately 1 acre); a variance to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat; and, a variance to allow the front yard setback to be approximately twenty (20) feet instead of the required thirty (30) feet for the existing accessory structure.

AREA: 10 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: **Recommend approval of the variances for Proposed Parcel 1 to allow the lot depth to exceed two and one-half (2.5) times the lot width, and to allow one (1) parcel less than forty (40) acres (approximately 9 acres); and, for**

Proposed Parcel 2 to amend the variance granted under Zoning Case #2016-037 to allow three (3) uses on one (1) parcel to eliminate the use of the parcel for a single-family residence, to allow one (1) parcel less than forty (40) acres (approximately 1 acre), and to allow the front yard setback to be approximately twenty (20) feet instead of the required thirty (30) feet for the existing accessory structure. The petitioner previously was granted a variance to allow three uses on the subject property (single-family residence, horse boarding, and dog/pet kennel) in Zoning Case #2016-037; however, the bank will not finance the business unless it is on a separate parcel from the single-family residence. The Standards for Variation are met for these requests.

Recommend denial of the variance to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat. Paving and striping the parking lot will help with internal vehicular circulation on the subject property. The Standards for Variation are not met for this request.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval of Staff Recommendation.


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

| | |
|-------------------------------------|----------------------------|
| IN THE MATTER OF THE PETITION OF:) | DOCKET NO: 2019-020 |
| Christina Yoc) | |
|) | PROPERTY LOCATED AT: |
|) | 5363 Mansion Road |
|) | Chatham, IL 62629 |

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 **June 20, 2019** 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: **5363 Mansion Road, Chatham, IL 62629** and more particularly described as:

See Exhibit A

3. That the present zoning of said property is **“A” Agricultural District with a Conditional Permitted Use (CPU) for a dog kennel and a variance to allow three (3) uses on one (1) parcel.**
4. That the present land use of said property is a **single-family residence, horse boarding, and dog/pet kennel.**
5. That the proposed land use of said property is a **single-family residence, horse boarding, and dog/pet kennel.**
6. That the requested **variances** of said property are **Proposed Parcel 1: a variance to allow the lot depth to be greater than two and one-half (2.5) times the lot width, and a variance to allow one (1) parcel less than forty (40) acres (approximately 9 acres); and, for Proposed Parcel 2: amend the variance granted under zoning case #2016-037 to allow three (3) uses on one (1) parcel to eliminate the use of the parcel for a single-family residence; a variance to allow one (1) parcel less than forty (40) acres (approximately 1 acre); a variance to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat; and, a variance to allow the front yard setback to be approximately twenty (20) feet instead of the required thirty (30) feet for the existing accessory structure.**
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 for Proposed Parcel 1: a variance to allow the lot depth to be greater than two and one-half (2.5) times the lot width, and a variance to allow one (1) parcel less than forty (40) acres (approximately 9 acres); and, for Proposed Parcel 2: amend the variance granted under zoning case #2016-037 to allow three (3) uses on one (1) parcel to eliminate the use of the parcel for a single-family residence; a variance to allow one (1) parcel less than forty (40) acres (approximately 1 acre); and, a variance to allow the front yard setback to be approximately twenty (20) feet instead of the required thirty (30) feet for the existing accessory structure** variances is in the public interest and is not solely in the interest of the petitioner(s). The evidence adduced at the hearing **does not** support the proposition that the adoption of the proposed **variance to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat** is in the public interest and is not solely in the interest of the petitioners(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**

for Proposed Parcel 1:

- a variance to allow the lot depth to be greater than two and one-half (2.5) times the lot width, and
- a variance to allow one (1) parcel less than forty (40) acres (approximately 9 acres);

and, for Proposed Parcel 2:

- amend the variance granted under zoning case #2016-037 to allow three (3) uses on one (1) parcel to eliminate the use of the parcel for a single-family residence;
 - a variance to allow one (1) parcel less than forty (40) acres (approximately 1 acre); and,
 - a variance to allow the front yard setback to be approximately twenty (20) feet instead of the required thirty (30) feet for the existing accessory structure
- are hereby approved; but, the request for Proposed Parcel 2:
- a variance to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat
- is hereby denied.


CHAIRMAN *4to*

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Don Wulf**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition

for Proposed Parcel 1:

- a variance to allow the lot depth to be greater than two and one-half (2.5) times the lot width, and
- a variance to allow one (1) parcel less than forty (40) acres (approximately 9 acres);

and for Proposed Parcel 2:

- amend the variance granted under zoning case #2016-037 to allow three (3) uses on one (1) parcel to eliminate the use of the parcel for a single-family residence;
- a variance to allow one (1) parcel less than forty (40) acres (approximately 1 acre); and,
- a variance to allow the front yard setback to be approximately twenty (20) feet instead of the required thirty (30) feet for the existing accessory structure

are hereby approved; but, the request for Proposed Parcel 2:

- a variance to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat

is hereby denied which was duly seconded by **Tony Mares**.

The vote of the Board was as follows:

YES: **Charlie Chimento, Tony Mares, Don Wulf, Andrew Spiro, Larry Beaty**

NO:

PRESENT:

ABSENT:



 RECORDING SECRETARY

RECOMMENDED STANDARDS FOR USE VARIATIONS

Case #: **2019-020**

Address: **5363 Mansion Road, Chatham**

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 petitioner previously was granted a variance to allow three uses on the subject property (single-family residence, horse boarding, and dog/pet kennel) in Zoning Case #2016-037; however, the bank will not finance the business unless it is on a separate parcel from the single-family residence.

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

The trend of development in the area appears to be a mixture of residences and agricultural usage. The petitioner previously was granted a variance to allow three uses on the subject property (single-family residence, horse boarding, and dog/pet kennel) in Zoning Case #2016-037, and now the bank is requiring the property to be divided in order to finance the business. The requested variance would allow uses that are compatible with the mixed use trend 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.

The requested variance modifies the previous variance granted in Zoning Case #2016-037 by removing the residence use on Proposed Parcel 2, so the requested variance will still provide a unique business to the area that could be a benefit to the community.

- (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.

Negative impacts are not anticipated.

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2019-020**

Address: **5363 Mansion Road, Chatham**

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 petitioner previously was granted a variance to allow three uses on the subject property (single-family residence, horse boarding, and dog/pet kennel) in Zoning Case #2016-037; however, the bank will not finance the business unless it is on a separate parcel from the single-family residence.

Paving Variance: Paving and striping the parking lot will help with internal vehicular circulation on the subject property.

- (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 bank is requiring the property to be divided for business financing purposes.

Paving Variance: No particularly unique circumstances were mentioned in the petition.

- (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.

Negative impacts are not anticipated.

Paving Variance: Paving the lot could ease internal traffic circulation on the subject property.