

CASE# 2017-021
RESOLUTION NUMBER 6-1

DENYING A VARIANCE AND GRANTING VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
2826 S. 16TH 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 **deny a variance and grant variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Kevin M. Korte**, has petitioned the Sangamon County Board for a **variance to allow two (2) residences on one (1) parcel (a) single-family residence, (b) garage with a dwelling unit on second floor; a variance to allow the side yard setback to be less than one (1) foot instead of the required five (5) feet; and, a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width; and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **May 18, 2017** 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 **deny the variance and grant the variances; and,**

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

FILED

MAY 25 2017


Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 13th Day of June, 2017 that the request for a variance to allow two (2) residences on one (1) parcel (a) single-family residence, (b) garage with a dwelling unit on second floor is hereby denied; and, a variance to allow the side yard setback to be less than one (1) foot instead of the required five (5) feet; and, a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width on the above described property are hereby approved.

Signed and passed by the Sangamon County Board in session on this 13th day of June, 2017.

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

Parcel I:

The West 210 feet of the South 41 feet of Lot Two Hundred Sixty-four (264) of Miller's Bunn Park Addition, being a subdivision of the Northwest Quarter of the Southeast Quarter and the West 21 ½ acres of the North 30 acres of the East Half of the Southeast Quarter of Section 10, Township 15 North, Range 5 West of the Third Principal Meridian.

Parcel II:

The South 41 feet of the West 45 feet of Lot 7 of Albert Wheeler's Subdivision, a subdivision of parts of Lots 263, 264 and 265 of Miller's Bunn Park Addition to the City of Springfield.

RECAP

(For County Board Use)

COUNTY BOARD MEMBER: #14 NAME: Joel Tjelmeland

DOCKET NUMBER: 2017-021

ADDRESS: 2826 S. 16th Street, Springfield, IL 62703

PETITIONER: Kevin M. Korte

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

REQUESTED ZONING CLASSIFICATION: A variance to allow two (2) residences on one (1) parcel; a variance to allow the side yard setback to be less than one (1) foot instead of the required five (5) feet; and, a variance to allow the lot depth to exceed two and one-half (2.5) times the lot width.

AREA: 10,865 sq. ft.

COMMENTS: None

OBJECTORS: Yes

PLANNING COMMISSION RECOMMENDATION: Recommend denial of the requested variance to allow two (2) residences on one (1) parcel. Allowing two single-family residences on one parcel is not compatible with the trend of development in the area, and is not in harmony with the general purpose and intent of the Zoning Regulations. The Standards for Variation are not met for this variance.

Recommend approval of the requested variances to allow the side yard setback to be less than 1 foot and to allow the lot depth to exceed 2.5 times the lot width. The subject property is a narrow lot and contains an older single-family residence, which predates the adoption of the

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Zoning Regulations. Requiring the petitioner to comply with current Zoning Regulations would result in an economic hardship, because the current residence is wide enough that it would not be able to comply with the side yard setback regulations. The Standards for Variation are met for these variances.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval of Staff 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: 2017-021
Kevin M. Korte))
)	PROPERTY LOCATED AT:
)	2826 S. 16th Street
)	Springfield, IL 62703

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 **May 18, 2017** 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: **2826 S. 16th Street, Springfield, IL 62703** and more particularly described as:

See Exhibit A

3. That the present zoning of said property is **“R-2” Single-Family and Two-Family Residence District.**
4. That the present land use of said property is **a single-family residence and garage with an apartment above.**
5. That the proposed land use of said property is **a single-family residence and garage with a dwelling unit on the second floor.**
6. That the requested **variances** of said property are **a variance to allow two (2) residences on one (1) parcel; a variance to allow the side yard setback to be less than one (1) foot instead of the required five (5) feet; and, a variance to allow the lot depth to exceed two and one-half (2.5) times the lot width.**
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 not** support the proposition that the adoption of the proposed **variance to allow two (2) residences on one (1) parcel** is in the public interest and is not solely in the interest of the petitioner(s); but **does** support the proposition that the adoption of the proposed **variance to allow the side yard setback to be less than one (1) foot instead of the required five (5) feet; and, a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width** are in the public interest and are 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 to allow two (2) residences on one (1) parcel be denied; and, a variance to allow the side yard setback to be less than one (1) foot instead of the required five (5) feet; and, a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width on the above described property are hereby approved.**


 CHAIRMAN TD

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Tony Mares**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition for a **variance to allow two (2) residences on one (1) parcel be denied; and, a variance to allow the side yard setback to be less than one (1) foot instead of the required five (5) feet; and, a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width are hereby approved;** which was duly seconded by **Don Wulf**.

The vote of the Board was as follows:

YES: **Charles Chimento, Tony Mares, Don Wulf, JD Sudeth**

NO:

PRESENT: **Andrew Spiro (Abstained)**

ABSENT:



RECORDING SECRETARY

**RECOMMENDED STANDARDS FOR USE VARIATIONS
(TWO RESIDENCES ON ONE PARCEL)**

Case #: **2017-021**

Address: **2826 South 16th Street, Springfield**

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.

No practical difficulties or particular hardships exist in justifying granting the variance for two (2) residences on one (1) parcel.

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

Allowing two single-family residences on one parcel is not compatible with the trend of development in the area. The area is predominantly single-family residences. Three parcels in the area have been granted RM-4 zoning to allow manufactured homes. In 2016, a variance was granted to allow a garage to be within 1 foot of the rear yard southwest of the subject property. In 2015, a fence variance was denied northwest of the subject property.

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

Allowing two single-family residences on one parcel is not in harmony with the general purpose and intent of the Zoning Regulations.

- (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 subject property is a narrow lot that currently meets the minimum lot area requirements for a parcel with one single-family residence but would not meet the minimum lot area requirements if two single-family residences were allowed on the parcel. Two residences would increase the density, which could create a negative impact on the area.

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**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2017-021**

Address: **2826 South 16th Street, 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 subject property is a narrow lot and contains an older single-family residence, which predates the adoption of the Zoning Regulations. Requiring the petitioner to comply with current Zoning Regulations would result in an economic hardship, because the current residence is wide enough that it would not be able to comply with the side yard setback regulations.

- (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 subject property is a narrow lot providing for the unique circumstance for granting these variances.

- (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.

No negative impacts are anticipated in granting the requested variances.