

CASE# 2014-028  
RESOLUTION NUMBER 8-1

**GRANTING A VARIANCE**  
FOR CERTAIN PROPERTY LOCATED AT  
**3675 LUTHIN ROAD, SHERMAN**  
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 variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See **EXHIBIT A**

WHEREAS, the Petitioner, **Dana Gathman**, has petitioned the Sangamon County Board for a **variance to allow a front yard setback of twenty-five (25) feet instead of the required thirty (30) feet**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **July 17, 2014** 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 variance**; and

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

**FILED**

JUL 29 2014

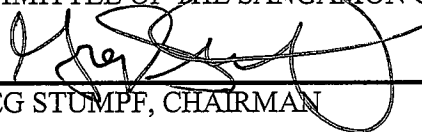
*Joe Aiello*  
Sangamon County Clerk

**NOW, THEREFORE, BE IT RESOLVED** by the County Board of Sangamon County, Illinois, in session assembled this 12<sup>th</sup> day of August, 2014 that the request for a variance to allow a front yard setback of twenty-five (25) feet instead of the required thirty (30) feet 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 August, 2014.

Respectfully submitted,

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



\_\_\_\_\_  
GREG STUMPF, CHAIRMAN

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DAVID MENDENHALL, VICE CHAIRMAN

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JOHN FULGENZI

\_\_\_\_\_  
CRAIG HALL

\_\_\_\_\_  
SAM SNELL

\_\_\_\_\_  
ABE FORSYTH

\_\_\_\_\_  
JASON RATTS

\_\_\_\_\_  
LINDA DOUGLAS WILLIAMS

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LINDA FULGENZI

\_\_\_\_\_  
LISA HILLS

\_\_\_\_\_  
MIKE SULLIVAN

**ATTEST:**

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

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

**EXHIBIT A**

PART OF LOT 1 OF HUGHES' ILLINOIS BOULEVARD SUBDIVISION, A SUBDIVISION OF A PART OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 17 NORTH, RANGE 4 WEST OF THE THIRD PRINCIPAL MERIDIAN, SANGAMON COUNTY, ILLINOIS FURTHER DESCRIBED AS BEGINNING AT THE WEST CORNER OF LOT 1 THENCE NORTH 34 DEGREES, 45 MINUTES, 04 SECONDS EAST ON THE WEST LINE OF LOT 1, A DISTANCE OF 552.41 FEET; THENCE SOUTH 0 DEGREES, 05 MINUTES, 18 SECONDS EAST PARALLEL WITH THE EAST LINE OF LOT 1, A DISTANCE OF 453.33 FEET TO A POINT ON THE SOUTH LINE OF LOT 1, THENCE SOUTH 89 DEGREES, 54 MINUTES, 05 SECONDS WEST ON THE SOUTH LINE OF LOT 1, A DISTANCE OF 315.58 FEET TO THE POINT OF BEGINNING.

EXCEPT ALL COAL, MINERALS AND MINING RIGHTS HERETOFORE CONVEYED OF RECORD, IF ANY.

SITUATED IN SANGAMON COUNTY, ILLINOIS.

**RECAP**  
(For County Board Use)

COUNTY BOARD MEMBER: # 2                      NAME: **Todd Smith**

DOCKET NUMBER: **2014-028**

ADDRESS: **3675 Luthin Road, Sherman, IL 62684**

PETITIONER: **Dana Gathman**

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

REQUESTED ZONING CLASSIFICATION: **"A" Agricultural District with a variance to allow a front yard setback of twenty-five (25) feet instead of the required thirty (30) feet.**

AREA: **1.64 acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION  
RECOMMENDATION:

**Recommend approval of the requested variance to allow the front yard setback to be twenty-five (25) feet instead of the required thirty (30) feet. There are no foreseen negative impacts in allowing the construction of an addition to the front of the property. Furthermore, staff is aware that the existing structure is located within floodplain. The owner obtained a Letter of Map Amendment (LOMA) from the Federal Emergency Management Agency (FEMA), which removes the existing structure from the floodplain. The additions to the house are not included in the current LOMA and the property owner will be amending the LOMA to remedy the situation.**

SANGAMON COUNTY BOARD OF APPEALS  
RECOMMENDATION:

**Approval as Staff recommended.**

  
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF: )	DOCKET NO: <b>2014-028</b>
<b>Dana Gathman</b> )	
)	PROPERTY LOCATED AT:
)	<b>3675 Luthin Road</b>
)	<b>Sherman, IL 62684</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 **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 **July 17, 2014** 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: **3675 Luthin Road, Sherman, IL 62684** 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.**
- 5. That the proposed land use of said property is **a single-family residence with an addition to the front and back.**
- 6. That the requested **variance** of said property is **to allow a front yard setback of twenty-five (25) feet instead of the required thirty (30) feet.**
- 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 **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 **variance** be **approved.**

*Charles Chimento/ck*  
CHAIRMAN

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Merilyn Herbert**, 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 **Andrew Spiro.**

The vote of the Board was as follows:

YES: **Charles Chimento, Byron Deaner, Merilyn Herbert, Andrew Spiro & John Lucchesi**

NO:

PRESENT:

ABSENT: **Don Wulf & Janet Dobrinsky**

*Cyndi Knowles*  
RECORDING SECRETARY

SANGAMON COUNTY  
RECOMMENDED - STANDARDS FOR VARIATIONS

Case #: 2014-028

Address: 3675 Luthin Road, Sherman

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 can be economically used as it currently stands, however, adding on to the house would increase the economic viability of the existing residence as the property owner seeks to make improvements to the 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 majority of the parcel is located in the floodplain and the owner currently has a Letter of Map Amendment (LOMA) through FEMA for the existing footprint of the residence. The owner is aware and will be amending the LOMA to include the addition to the north and south of the residence. This scenario results in unique circumstances for the property owner.**

- (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 impact is anticipated in allowing the proposed variance.**