

CASE# 2014-018
RESOLUTION NUMBER 9-1

GRANTING VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
1180 WILLOWBROOK DR & 4063 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:

See **EXHIBIT A**

WHEREAS, the Petitioners, **Barbara & Bradley DeLuka & Claude Potts**, have petitioned the Sangamon County Board for **proposed Parcel 1: A variance to allow a total side yard of twelve point thirty-seven (12.37) feet instead of the required fifteen (15) feet total, a variance to allow a zero (0) foot common wall side yard instead of the required minimum five (5) feet, a variance of the road frontage of sixty-one point seventeen (61.17) feet instead of the required eighty (80) feet, and a variance to allow total square foot area of six-thousand seven-hundred and fifty-two (6,752) square feet instead of the required eight-thousand (8,000) square feet; and for proposed Parcel 2: A variance to allow a zero (0) foot rear yard setback along a common wall instead of the required twenty (20) feet; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **April 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

FILED

MAY 01 2014

Joe Aiello
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

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 13th day of May, 2014 that the request for proposed Parcel 1: A variance to allow a total side yard of twelve point thirty-seven (12.37) feet instead of the required fifteen (15) feet total, a variance to allow a zero (0) foot common wall side yard instead of the required minimum five (5) feet, a variance of the road frontage of sixty-one point seventeen (61.17) feet instead of the required eighty (80) feet, and a variance to allow total square foot area of six-thousand seven-hundred and fifty-two (6,752) square feet instead of the required eight-thousand (8,000) square feet; and for proposed Parcel 2: A variance to allow a zero (0) foot rear yard setback along a common wall instead of the required twenty (20) feet on the above described property is hereby approved.

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

2014.

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

A. J. Hill

ABE FORSYTH

JASON RATTS

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

Unit 1 of 1180 WILLOWBROOK DRIVE - 4063 THORNBROOK DRIVE CONDOMINIUM, as shown on a Survey of Lot 9 In Westbrook First Addition, which survey is attached as Exhibit A to the Declaration of Condominium Ownership recorded July 5, 1989 as Document Number 89H016480, as and if amended from time to time, along with the percentage of ownership of common elements and limited common elements assigned to said Unit, as determined by the current Declaration or future authorized amendments thereto.

Situated in SANGAMON COUNTY, ILLINOIS.

And

Unit 2 of 1180 Willowbrook Drive - 4063 Thornbrook Drive Condominium as delineated on a survey of Lot 9 in Westbrook First Addition, which plat of survey is attached as Exhibit "A" to the Declaration of Condominium Ownership recorded July 5, 1989 as Document Number H016480, together with an undivided 48 38 percent interest in the common elements. Except the coal and other minerals underlying the surface of said land and all rights and easements in favor of the estate of said coal and minerals. Situated in Sangamon County, Illinois.

RECAP

(For County Board Use)

COUNTY BOARD MEMBER: # 27 NAME: Abe Forsyth

DOCKET NUMBER: 2014-018

ADDRESS: 1180 Willowbrook Dr & 4063 Thornbrook Dr, Springfield, IL 62711

PETITIONERS: Barbara & Bradley DeLuka & Claude Potts

PRESENT ZONING CLASSIFICATION: **“R-2” Single-Family and Two-Family Residence District**

REQUESTED ZONING CLASSIFICATION:

“R-2” Single-Family and Two-Family Residence District with for proposed Parcel 1: A variance to allow a total side yard of twelve point thirty-seven (12.37) feet instead of the required fifteen (15) feet total, a variance to allow a zero (0) foot common wall side yard instead of the required minimum five (5) feet, a variance of the road frontage of sixty-one point seventeen (61.17) feet instead of the required eighty (80) feet, and a variance to allow total square foot area of six-thousand seven-hundred and fifty-two (6,752) square feet instead of the required eight-thousand (8,000) square feet; and for proposed Parcel 2: A variance to allow a zero (0) foot rear yard setback along a common wall instead of the required twenty (20) feet.

AREA: 15,282 square feet

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


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2014-018
Barbara & Bradley DeLuka &)	
Claude Potts)	PROPERTY LOCATED AT:
)	1180 Willowbrook Dr. &
)	4063 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 **April 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: **1180 Willowbrook Dr & 4063 Thornbrook Dr, Springfield, IL 62711** 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 condo.**
- 5. That the proposed land use of said property is **individual ownership of dwelling units.**
- 6. That the requested **variances** of said property are for **proposed Parcel 1: A variance to allow a total side yard of twelve point thirty-seven (12.37) feet instead of the required fifteen (15) feet total, a variance to allow a zero (0) foot common wall side yard instead of the required minimum five (5) feet, a variance of the road frontage of sixty-one point seventeen (61.17) feet instead of the required eighty (80) feet, and a variance to allow total square foot area of six-thousand seven-hundred and fifty-two (6,752) square feet instead of the required eight-thousand (8,000) square feet; and for proposed Parcel 2: A variance to allow a zero (0) foot rear yard setback along a common wall instead of the required twenty (20) 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 **variances** 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 **variances** be **approved.**

Charles Chimento/cx
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Byron Deaner**, 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, Byron Deaner, Don Wulf and John Lucchesi**

NO:

PRESENT:

ABSENT: **Janet Dobrinsky**


RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: 2014-018

Address: 1180 Willowbrook Dr. & 4063 Thornbrook Dr., 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.