

CASE # 2009-02 6-1
RESOLUTION NUMBER _____

**GRANTING VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
12,700 BLOCK OF EDGEWATER WAY, NEW BERLIN
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:

That part of the Southwest Quarter of the Northwest Quarter of Section 4, Township 15 North, Range 7 West of the Third Principal Meridian that lies south of Edgewater Way and West of Wake Road.

WHEREAS, the Petitioner, **Michael L. Hoyle**, has petitioned the Sangamon County Board for **variances of the lot area requirement from 1 acre to .26 acre and of the front yard requirement from 30' to 15'**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **January 15, 2009**, 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.

FILED

JAN 28 2009

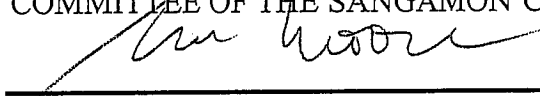
Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 10th day of February, 2009 that the request for variances of the lot area requirement from 1 acre to .26 acre and of the front yard requirement from 30' to 15' on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 10th day of February, 2009.

Respectfully submitted,

PUBLIC HEALTH, SAFETY & ZONING
COMMITTEE OF THE SANGAMON COUNTY BOARD



TIM MOORE, CHAIRMAN

ABE FORSYTH, VICE CHAIRMAN

JOHN FULGENZI

DAVID MENDENHALL

SAM SNELL

DON STEPHENS

GREG STUMPF

LINDA DOUGLAS WILLIAMS

ATTEST:



SANGAMON COUNTY CLERK



COUNTY BOARD CHAIRMAN

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 7 NAME: **Craig Hall**

DOCKET NUMBER: **2009-02**

ADDRESS: **12,700 Block of Edgewater Way, New Berlin, IL 62670**

PETITIONER: **Michael L. Hoyle**

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

REQUESTED ZONING CLASSIFICATION: **"A" Agricultural District**

AREA: **.26 acre**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION RECOMMENDATION: **Recommend denial. The standards for variation are not met. The proposed location of the garage is approximately 10 feet from the residence to the south, impairing adequate supply of light and air to this adjacent property.**

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION: **Approval.**



RECORDING SECRETARY

6-4

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)
Michael L. Hoyle)

DOCKET NO: 2009-2

PROPERTY LOCATED AT:
12,700 Block of Edgewater Way
New Berlin, IL 62670

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 **January 15, 2009** 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 **12,700 Block of Edgewater Way, New Berlin, IL 62670** and more particularly described as:

That part of the Southwest Quarter of the Northwest Quarter of Section 4, Township 15 North, Range 7 West of the Third Principal Meridian that lies south of Edgewater Way and West of Wake Road.

6-5

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3. That the present zoning of said property is "A" Agricultural District.
4. That the present land use of said property is a vacant lot.
5. That the proposed land use of said property is a garage for storage of an RV and other personal equipment.
6. That the requested variances of said property are of the lot area requirement from 1 acre to .26 acre and of the front yard requirement from 30' to 15'.
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
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Peggy Egizii** to concur with the amended findings of fact and recommend to the County Board that the petition be **approved** which was duly seconded by **Judith Johnson**.

The vote of the Board was as follows:

YES: **Charles Chimento, Byron Deaner, Peggy Egizii, Judith Johnson, John Luchessi**

NO:

ABSENT: **Marvin Traylor**

B. J. Armstrong
RECORDING SECRETARY

6-6

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS
As Recommended by the Board of Appeals**

Case #: 2009-02

Address: 12,700 Block of Edgewater Way

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 request is made to allow for construction of a garage for storage purposes.

- (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.

Yes. The parcel was created as a leftover parcel from the subdivision to the north when the road was platted.

- (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. Although the building will be near the home to the south the proposed building meets the required setback and the owner of the home has no objections to the building.

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EDGEWATER WAY

20-04
100-039

Proposed Building

90'

15'

15'

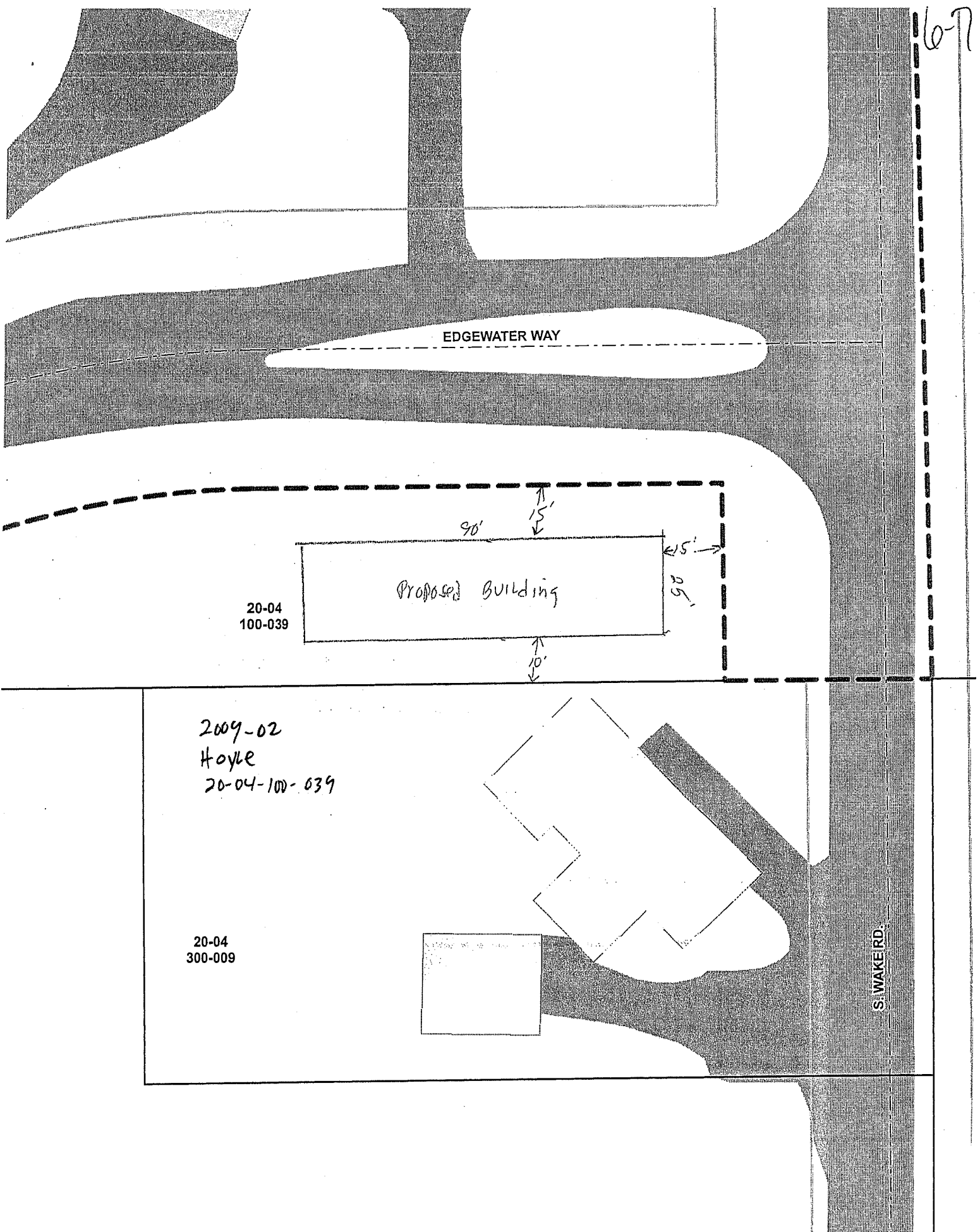
90'

10'

2009-02
Hoyle
20-04-100-039

20-04
300-009

S. WAKE RD.



6-8

SSCRPC Springfield Sangamon County Regional Planning Commission

Staff Findings and Recommendation
 (inspected 1/2/2009 by MB & AJ)

SANGAMON COUNTY ZONING CASE # 2009-02
 ADDRESS 12,700 Block of Edgewater Way
 Property Index # 20-04-100-039

PETITIONER Hoyle, Michael L.

REQUESTED ZONING Variances of the lot area requirement from 1 acre to .26 acre and of the front yard requirement from 30' to 15'.

PROPOSED LAND USE Garage

EXISTING:

ZONING Agricultural

LAND USE Vacant

ROAD FRONTAGE Edgewater Way – 350' CONDITION OF PAVEMENT Good

STRUCTURE DESIGNED FOR N/A

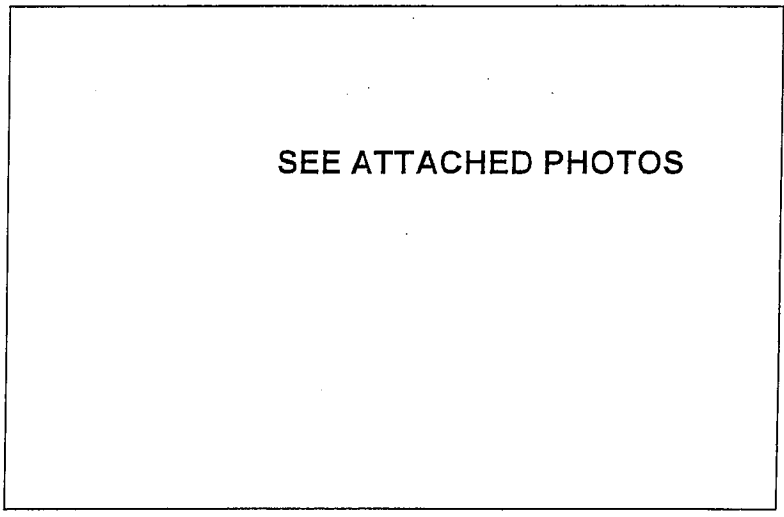
CONDITION OF STRUCTURE N/A

LOT AREA .26 acre

FRONT YARD N/A

SIDE YARDS N/A

REAR YARD N/A



Would the proposed zoning be spot zoning? N/A

PLANNING COMMISSION STAFF RECOMMENDATION: Recommend denial. The standards for variation are not met. The proposed location of the garage is approximately 10 feet from the residence to the south, impairing adequate supply of light and air to this adjacent property.

Case #: 2009-02

Address: 12,700 Block of Edgewater Way



2009-02



2009-02B

6-10

County Zoning

Case# 2009-02

Requested:
Variance



County Zoning

	RM-4		I1
	R3		I2
	R2		B3
	R1a		B2
	R1		B1
	OFF		A

City Zoning

	R5		H1		OFF
	R1		H2		PUD
	R2		H3		B1
	R3a		S1		B2
	R3b		S2		I1
	R4		S3		I2



SSC RPC Springfield Regional Planning Commission

0 100 200 Feet



Q-11

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: 2009-02

Address: 12,700 Block of Edgewater Way

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 request is made to allow for construction of a garage for storage purposes.

- (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 leftover parcel from the subdivision to the north.

- (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.

The proposed garage would be located 10 feet from the nearest residential structure, which is located to the south, further impairing adequate supply of light and air to this adjacent property.