

CASE # 2004-81
RESOLUTION NUMBER 10-1

GRANTING A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
10257 OLD INDIAN TRAIL
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, **Thomas A. Schreyer**, has petitioned the Sangamon County Board for a **variance of the side yard requirement from 10' to 2'**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **December 16, 2004**, 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

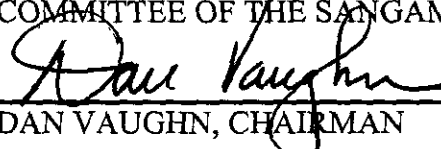
DEC 30 2004

Joe Ciullo
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 10th day of January, 2005 that the request for a variance of the side yard requirement from 10' to 2' on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 10th day of January, 2005.

Respectfully submitted,

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


DAN VAUGHN, CHAIRMAN

ABE FORSYTH

BILL MOSS

TYRONE PACE

TIM MOORE

DON STEPHENS

ATTEST:



SANGAMON COUNTY CLERK



COUNTY BOARD CHAIRMAN

EXHIBIT A

Part of the North Half of the South Half of the Northwest Quarter of Section 21, Township 14 North, Range 5 West of the Third Principal Meridian described in detail as follows:

Beginning at a found stone at the Northeast corner of the Northwest Quarter, of the Southeast Quarter, of the Northwest Quarter, Section 21; thence South 1 degree 04 minutes 30 seconds West, 167.17 feet to a set iron pin; thence South 89 degrees 51 minutes 00 seconds West, 1,268.86 feet to a set iron pin 9 feet East of the East bank of Sugar Creek; thence North 37 degrees 05 minutes 20 seconds West, 204.63 feet to a set iron pin 15 feet East of the East bank of Sugar Creek; thence North 89 degrees 42 minutes 03 seconds East, 1,375.41 feet to the point of beginning.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 5 NAME: **Don Stephens, Jr.**

DOCKET NUMBER: 2004-81

ADDRESS: 10257 Old Indian Trail, Glenarm, IL. 62536

PETITIONER: Thomas A. Schreyer

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: "A" Agricultural District with a variance of the side yard requirement from 10' to 2'.

AREA: 5.1 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: **Recommend approval. The standards for variation are met.**

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: **2004-81**
 Thomas A. Schreyer)
)
) PROPERTY LOCATED AT:
) **10257 Old Indian Trail**
) **Glenarm, IL. 62536**
)

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 **December 16, 2004** 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 or contract to purchase the property commonly known as **10257 Old Indian Trail, Glenarm, IL. 62536** 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 **Single Family Residence.**
- 5. That the proposed land use of said property is **Single Family Residence.**
- 6. That the requested **variance** of said property is: **of the side yard requirement from 10' to 2'.**
- 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 **granted**

Charles Chimento
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Marvin Traylor** 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 **Patrick Somers**.

The vote of the Board was as follows:

YES: **Charles Chimento, Donn Malwick, John Goleman, Patrick Somers, Marvin Traylor**

NO:

ABSENT:

Donna Somers
RECORDING SECRETARY

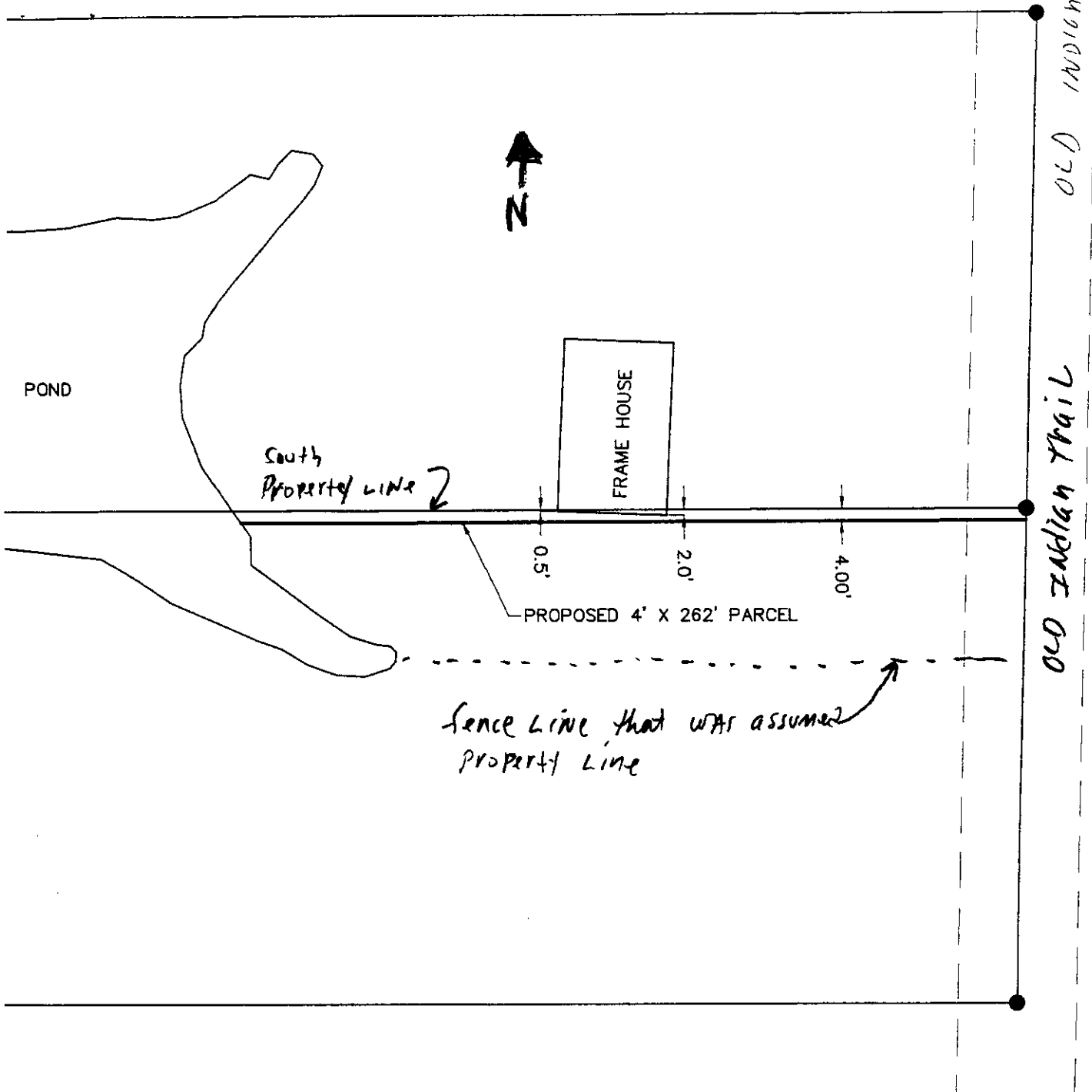
PHOTO DATE: 2004 12 1 12:01:18 PM	PHOTO TIME:
SITE NAME: Thomas A. Schreyer	CASE #: 2004-81
ADDRESS: 10257 Old Indian Trail, Glenarm	INDEX #: 29-21-0-100-026



COMMENTS: From Old Indian Trail looking west.

LAND AREA:	EXISTING ZONING:	PROPOSED ZONING:
OTHER COMMENTS:		

C-8



POND

South
Property Line



FRAME HOUSE

0.5'

2.0'

4.00'

PROPOSED 4' X 262' PARCEL

Fence Line that was assumed
Property Line

OLD INDIAN TRAIL

OLD INDIAN TRAIL

ZONING VARIANCE CHECK LIST

PETITIONER: Schreyer, Thomas A.

ADDRESS: 10257 Old Indian Trail

EXISTING ZONING: A

REQUEST DESCRIPTION: Variance of the side yard requirement from 10' to 2'.

Staff Estimate of the Effect of the Variance on the Area		None	Slight	Mod.	Great
CONTRASTS:	land use	X			
	appearance	X			
CURRENT VS. PROPOSED	height	X			
	parking	X			
PROBLEMS FORESEEN	drainage	X			
	sewer	X			
	traffic flow	X			



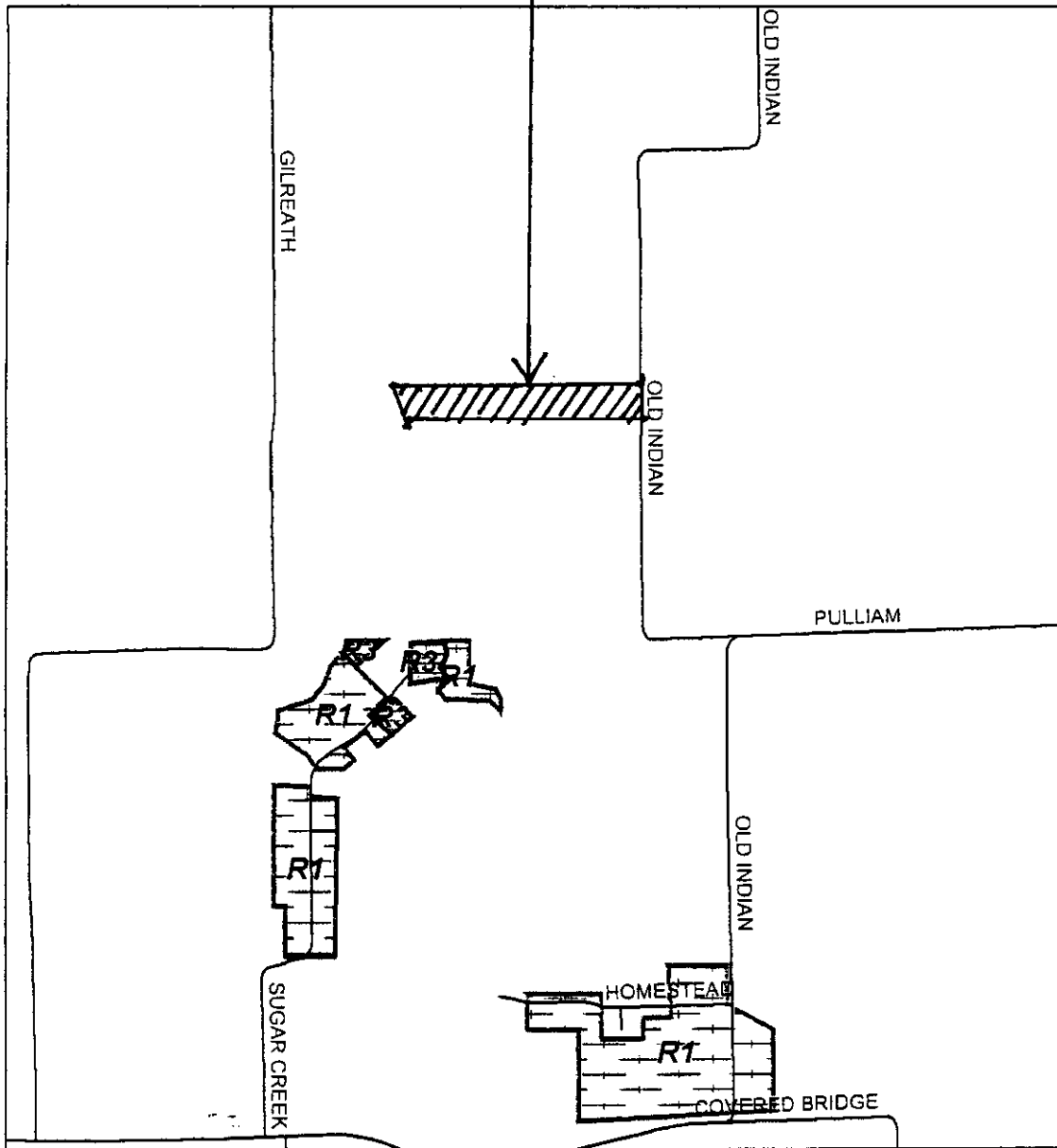
Frontage	Lineal Feet	Existing Yards (ft.)			Area
<u>Old Indian Trail - 167'</u>	<u>80'</u>	<u>0/100'</u>	<u>1,150'</u>	<u>5.1 acres</u>	
	front	side	rear		

OTHER COMMENTS:

STAFF RECOMMENDATIONS: **Recommend approval. The standards for variation are met.**

County Zoning

Case# 2004-081



County Zoning

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

City Zoning

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

0 500 1,000 Feet





RECOMMENDED STANDARDS FOR VARIATIONS

Case #: 2004-81

Address: 10257 Old Indian Trail

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 help alleviate the side yard violation caused by the inadvertent construction of a house addition over the property line. The adjacent landowner has offered to convey a minimal amount of land to the petitioner.

- (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 petitioner thought the fence line was the property line which is an understandable albeit an uninformed assumption.

- (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