

CASE # 2006-21  
RESOLUTION NUMBER 6-1

**GRANTING A VARIANCE**  
FOR CERTAIN PROPERTY LOCATED AT  
**11125 WHITETAIL CREEK LANE, DAWSON**  
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 **approve a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

**Lot 3 of Whitetail Creek Subdivision**

WHEREAS, the Petitioner, **Chris Luka**, has petitioned the Sangamon County Board for a **variance of the East side lot line requirement from 10' to 6'** to allow a **previously built garage to remain**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **May 18, 2006**, 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 **approve the variance**; and

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

**FILED**

JUN 02 2006

*Joe Aiello*  
Sangamon County Clerk

**NOW, THEREFORE, BE IT RESOLVED** by the County Board of Sangamon County, Illinois, in session assembled this 13<sup>th</sup> day of June, 2006 that the request for a variance of the East side lot line requirement from 10' to 6' to allow a previously built garage to remain on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 13<sup>th</sup> day of June 2006.

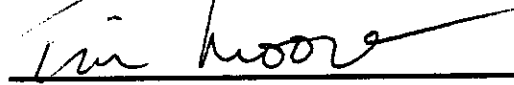
Respectfully submitted,

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

\_\_\_\_\_  
DAN VAUGHN, CHAIRMAN

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

\_\_\_\_\_  
BILL MOSS

\_\_\_\_\_  
TYRONE PACE  
  
\_\_\_\_\_  
TIM MOORE

\_\_\_\_\_  
DON STEPHENS

\_\_\_\_\_  
DAVID MENDENHALL

**ATTEST:**

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

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

6-3

468.9  
469.7

45  
45

H-070AC  
H-070AB  
PCH-005BL1  
PCH-005BL2  
PCH-005BN



45

400.1

16-28  
300-008

364

28

Subject Parcel

16-28  
325-013

139.65

16-28  
300-017

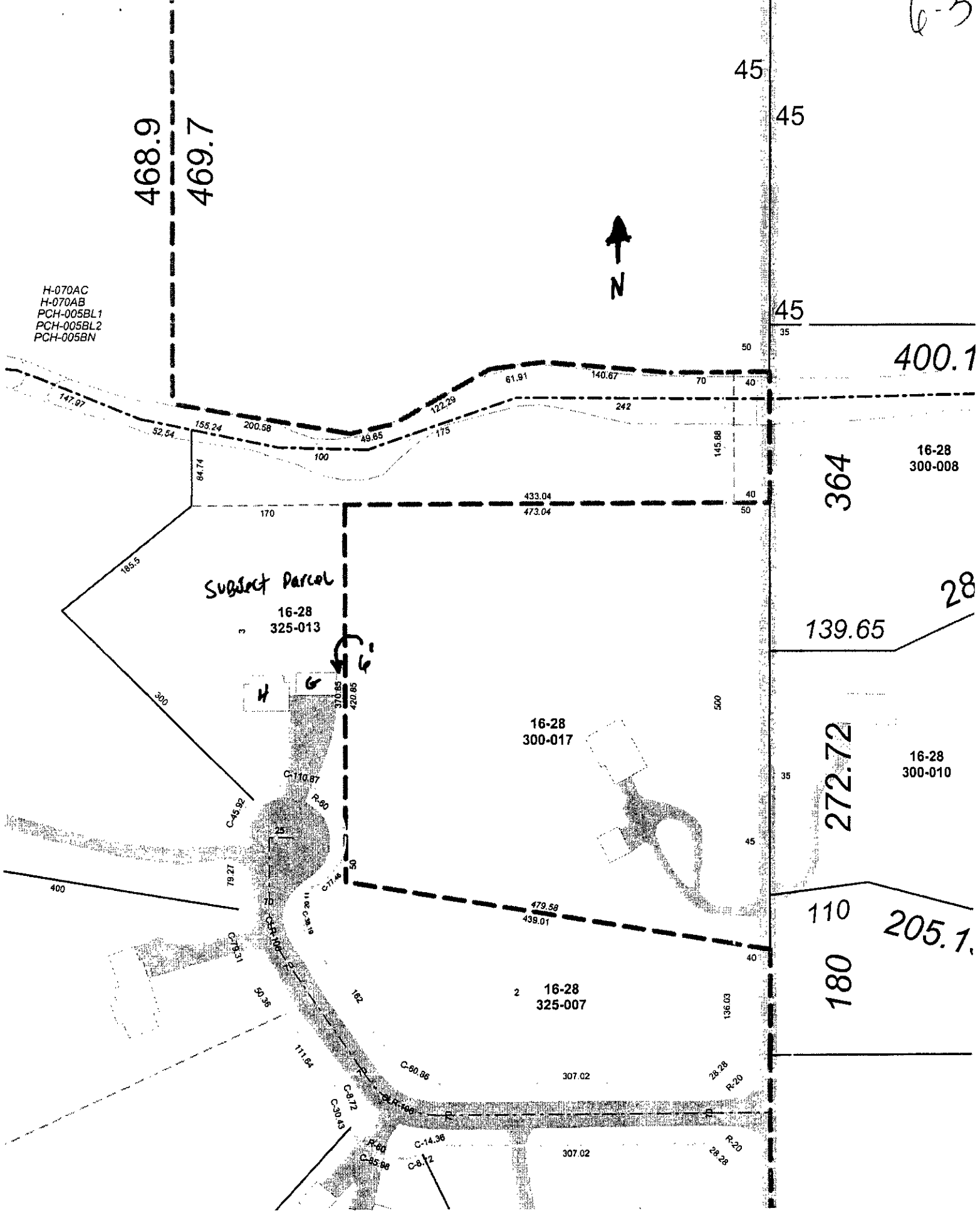
16-28  
300-010

272.72

110  
205.1

16-28  
325-007

180



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RECAP  
(For County Board Use)

COUNTY BOARD MEMBER: # 3 NAME: **Dave Mendenhall**

DOCKET NUMBER: **2006-21**

ADDRESS: **11125 Whitetail Creek Lane, Dawson, IL 62520**

PETITIONER: **Chris Luka**

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

REQUESTED ZONING CLASSIFICATION: **"A" Agricultural District with a variance of the East side lot line requirement from 10' to 6' to allow a previously built garage to remain.**

AREA: **3 Acres**

COMMENTS: **None**

OBJECTORS: **Yes**

PLANNING COMMISSION RECOMMENDATION: **Recommend approval, considering that accessory buildings in a rear yard can be 3 feet from any property line and that the property line in question is in the neighbor's rear property line, with that house over 200 feet away.**

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: )  
Chris Luka )

DOCKET NO: 2006-21

PROPERTY LOCATED AT:  
11125 Whitetail Creek Lane  
Dawson, IL 62520

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 **May 18, 2006** 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 **11125 Whitetail Creek Lane, Dawson, IL 62520** and more particularly described as:

**Lot 3 of Whitetail Creek Subdivision**

6-0

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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 **Residence**
- 5. That the proposed land use of said property is **Residence**
- 6. That the requested **variance** of said property is **of the East side lot line requirement from 10' to 6' to allow a previously built garage to remain.**
- 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  
CHAIRMAN

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Patrick Somers** 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 **Donn Malwick**.

The vote of the Board was as follows:

YES: Charles Chimento, Donn Malwick, Peggy Egizii, Patrick Somers, and Barbara Braner.

NO: None

ABSENT: Marvin Traylor

R. J. Armeting  
RECORDING SECRETARY

**ZONING VARIANCE CHECK LIST**

PETITIONER: Luka, Chris  
 ADDRESS: 11125 Whitetail Creek Lane  
 EXISTING ZONING: A

REQUEST DESCRIPTION: **A variance of the East side lot line requirement from 10' to 6'**

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>100'</u>	<u>Whitetail Cr. Ln.</u>	<u>72'</u>	<u>80'/6'</u>	<u>250'</u>	<u>3 acres</u>
		front	side	rear	

OTHER COMMENTS:

STAFF RECOMMENDATIONS: **Recommend approval, considering that accessory buildings in a rear yard can be 3 feet from any property line and that the property line in question is in the neighbor's rear property line, with that house over 200 feet away.**

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# County Zoning Case# 2006-21

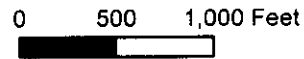


## County Zoning

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

## City Zoning

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



N  
Z



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## RECOMMENDED STANDARDS FOR VARIATIONS

Case #: 2006-21

Address: 11125 Whitetail Creek Lane

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.

**It appears that the property could be developed in compliance with zoning regulations although removal of the existing garage could pose economic difficulties.**

- (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 position of the side yard property line being the same as the neighbor's rear property line brings the standard regulation into question.**

- (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 neighbor's hedge is placed such that any change to the accessory buildings position would have no impact.**