

CASE # 2006-63
RESOLUTION NUMBER 4-1

GRANTING A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
4825 SAGE ROAD, ROCHESTER
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:

Lot 6 John Walkers Farm Subdivision Plat 1

WHEREAS, the Petitioner, **David Barkus**, has petitioned the Sangamon County Board for a **variance of the Northwest side yard requirement from 10' to 1.5 feet**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **December 21, 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 **grant the variance**; and

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

FILED

DEC 29 2006

Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **9th day of January, 2007** that the request for a variance of the Northwest side yard requirement from 10' to 1.5 feet on the above referenced property is hereby approved.

Signed and passed by the Sangamon County Board in session on this **9th day of January, 2007**.


Respectfully submitted,

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

ABE FORSYTH

BILL MOSS

TYRONE PACE



TIM MOORE

DON STEPHENS

DAVID MENDENHALL

ATTEST:



SANGAMON COUNTY CLERK



COUNTY BOARD CHAIRMAN

MIS - ASSUMED PROPERTY LINE 320' 00"

PROPERTY LINE

350'

10' SETBACK

20'

85'

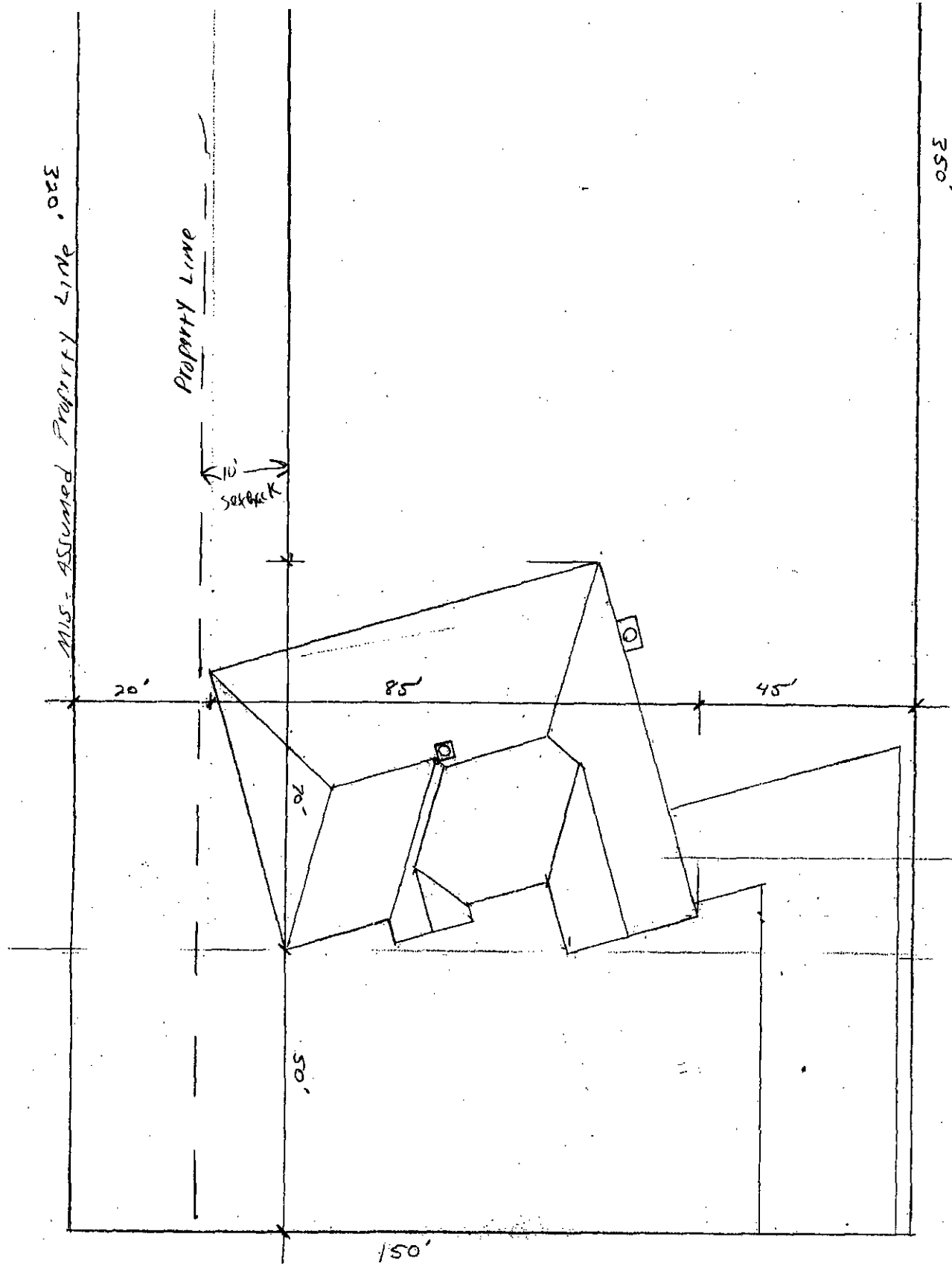
45'

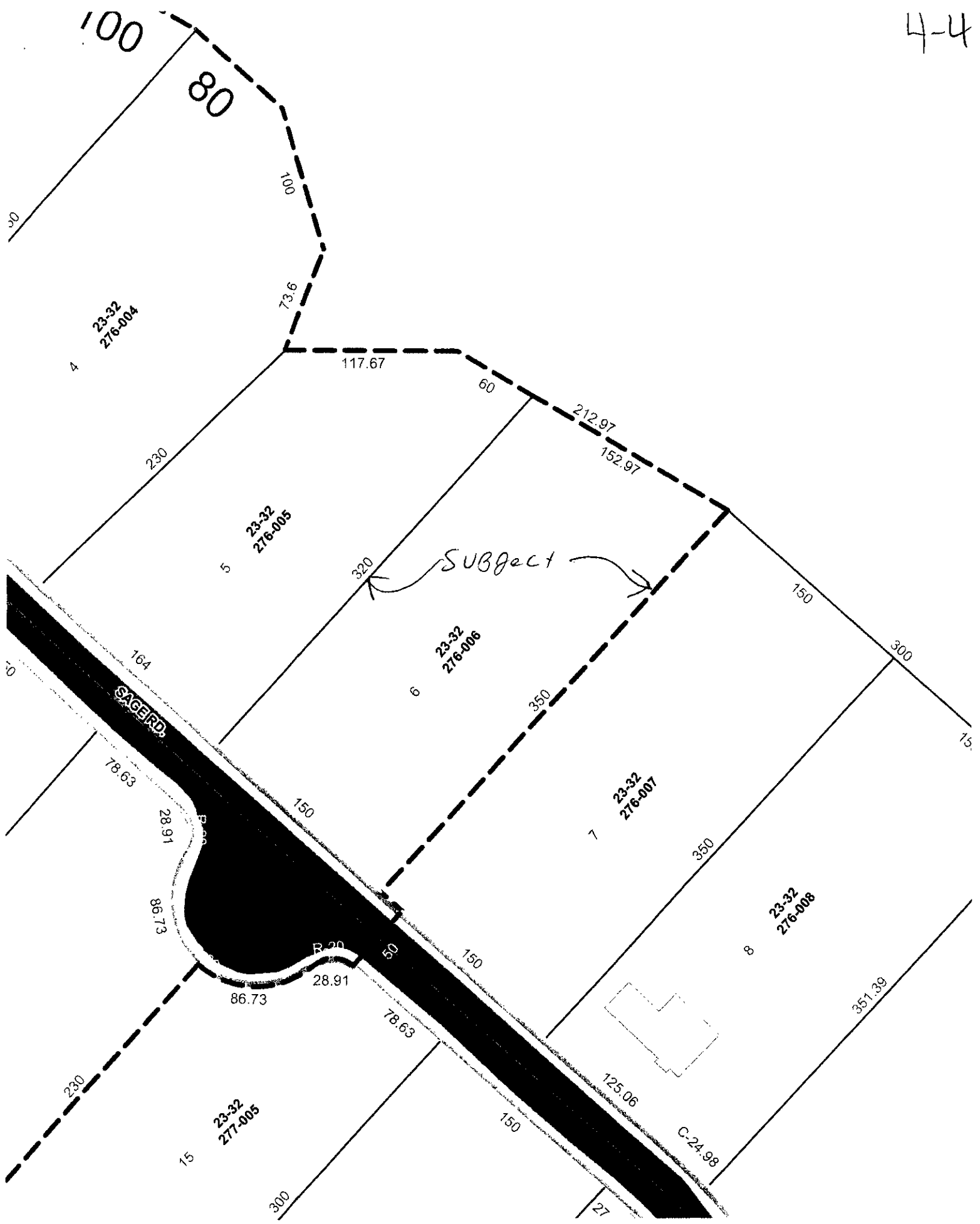
70'

50'

150'

SAGE ROAD





RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 4 NAME: **Andy Goleman**

DOCKET NUMBER: **2006-63**

ADDRESS: **4825 Sage Road, Rochester, IL 62563**

PETITIONER: **David Barkus**

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

REQUESTED ZONING CLASSIFICATION: **"A" Agricultural District with a variance of the Northwest side yard requirement from 10' to 1.5 feet**

AREA: **1.15 acre**

COMMENTS: **None**

OBJECTORS: **Yes**

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: 2006-63
David Barkus)	
)	PROPERTY LOCATED AT:
)	4825 Sage Road
)	Rochester, IL 62563
)	

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 21, 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 **4825 Sage Road, Rochester, IL 62563** and more particularly described as:

Lot 6 John Walkers Farm Subdivision Plat 1

- 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.**
- 6. That the requested **variance** of said property is: **to allow a Northwest side yard of 1.5 feet instead of the 10 feet required.**
- 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, Marvin Traylor**

NO:

ABSENT:

B. J. Cummings
RECORDING SECRETARY

ZONING VARIANCE CHECK LIST

DATE: 1211/06

INSPECTED BY: LW

PETITIONER: Barkus, David

ADDRESS: 4825 Sage Road

EXISTING ZONING: A

REQUEST DESCRIPTION: **A variance of the northwest side yard requirement from 10 feet to 1.5 feet.**

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			

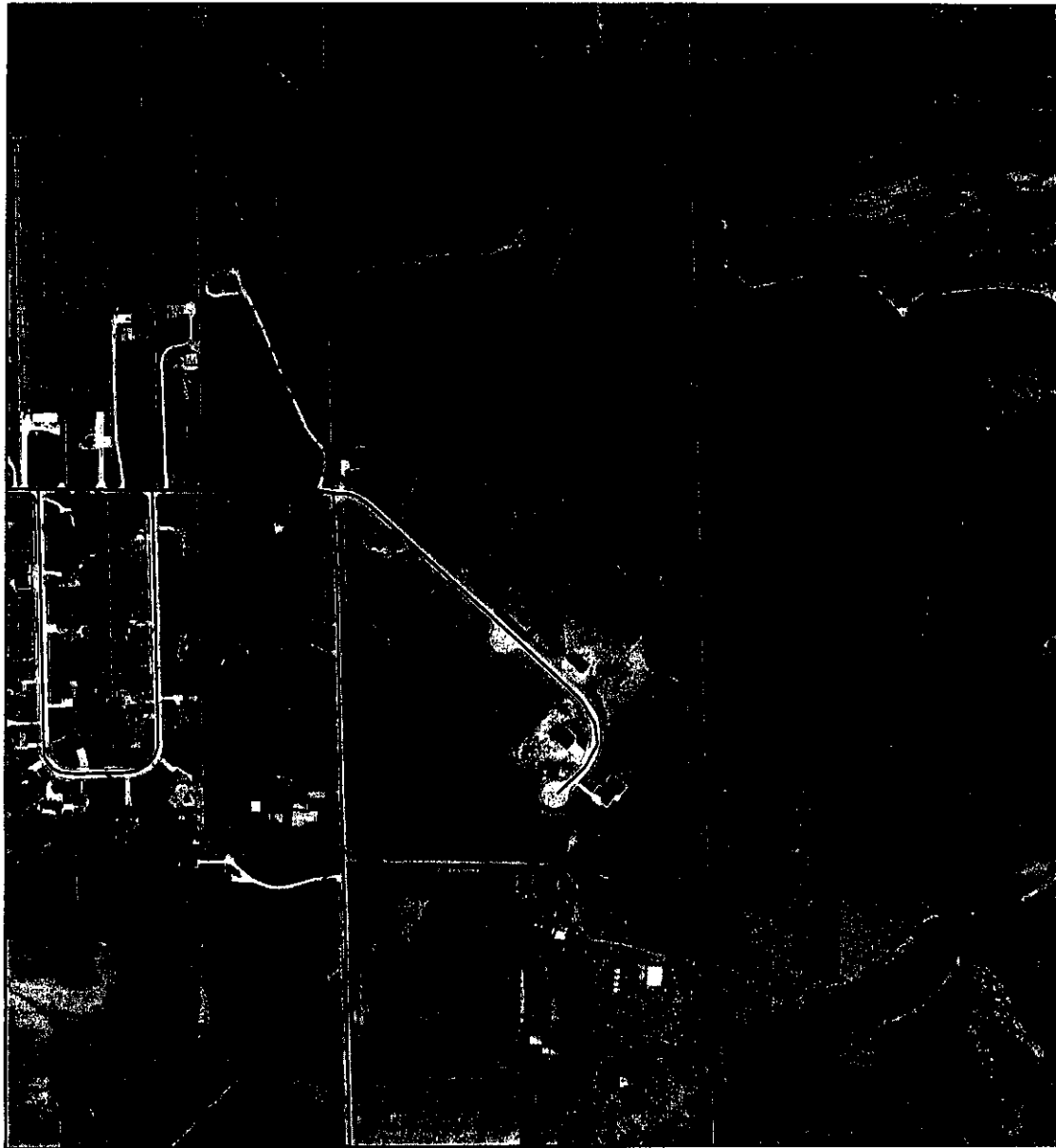


Frontage	Lineal Feet	Existing Yards (ft.)			Area
Sage Road	150'	50'	1.5'/45'	350'	1.15 acre
		front	side	rear	

OTHER COMMENTS:

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

County Zoning Case# 2006-63

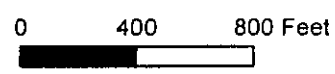


County Zoning

	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



RECOMMENDED STANDARDS FOR VARIATIONS

Case #: 2006-63

Address: 4825 Sage Road

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 subject property is located in John Walkers Farm Subdivision and meets all bulk regulations for a lot in the A district. The request is made to alleviate the side yard violation caused by the inadvertent construction of the home too close to the property line.

- (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 lot to the north drops off so quickly it is unclear where a home could be built on that property.

- (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.