

CASE # 2007-07 5-1
RESOLUTION NUMBER _____

GRANTING A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
8576 BUCKHART 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:

Lots 2, 3, and part of 1, Pine Ridge Acres.

WHEREAS, the Petitioners, **Cara L. & Kevin P. Reiser**, have petitioned the Sangamon County Board for a **variance of the West side yard requirement from 10' to 3'**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **February 22, 2007**, 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

FEB 27 2007

Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 13th day of March, 2007 that the request for a variance of the West side yard requirement from 10' to 3' on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 13th day of March, 2007.

Respectfully submitted,

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



TIM MOORE, CHAIRMAN

ABE FORSYTH, VICE CHAIRMAN

CATHY SCAIFE

TYRONE PACE

SAM SNELL


DON STEPHENS

DAVID MENDENHALL

ATTEST:



SANGAMON COUNTY CLERK



COUNTY BOARD CHAIRMAN

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

Case #: 2007-07

Address: 8576 Buckhart 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.

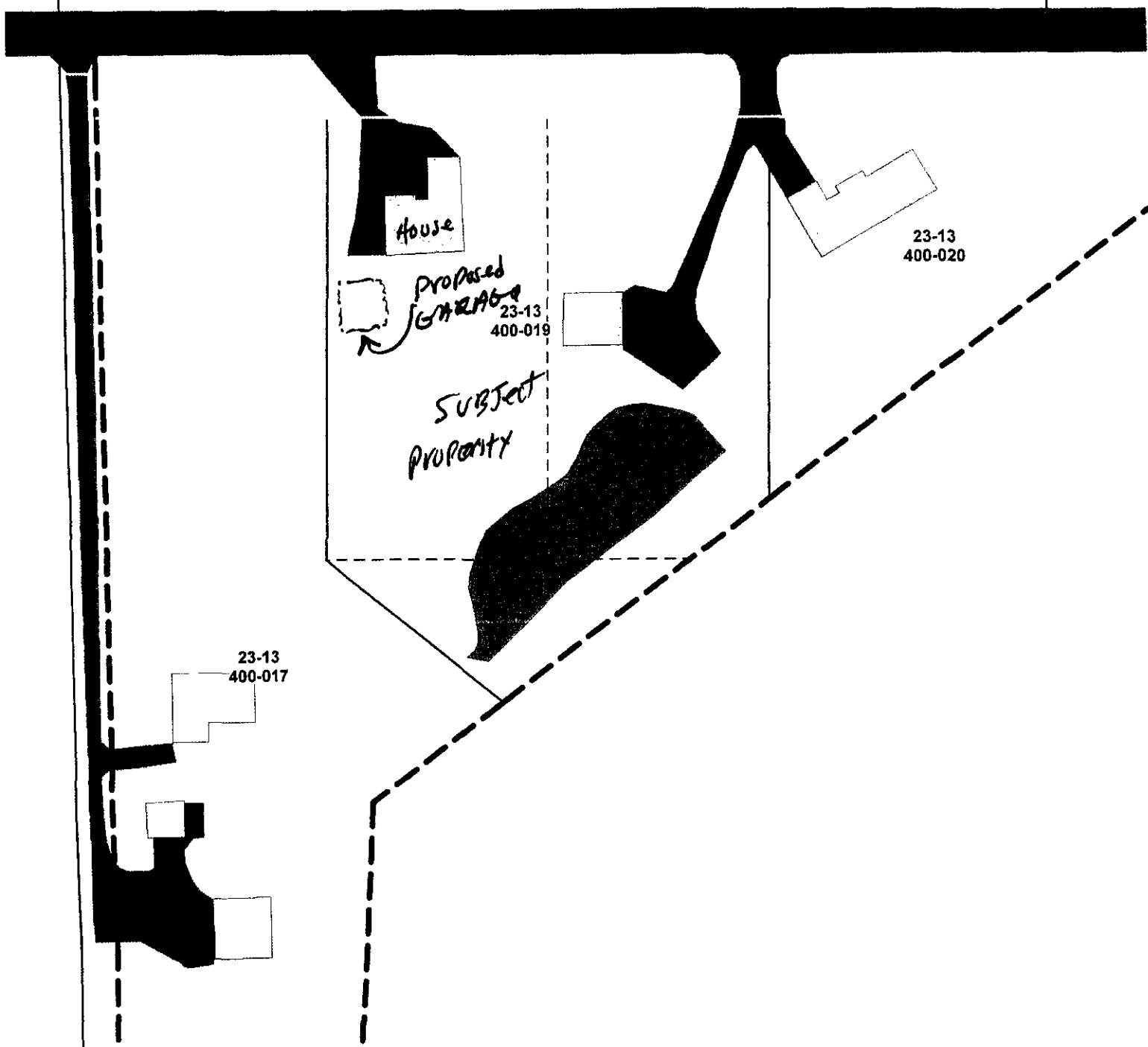
The new garage will enhance the use of the property.

- (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.

Circumstances are unique since the extra room provided by allowing the garage to be within 3' of the side yard will make it easier to access the pond to the rear of the home.

- (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.



House

Proposed Garage
23-13
400-019

SUBJECT PROPERTY

23-13
400-020

23-13
400-017

RECAP
(For County Board Use)

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

DOCKET NUMBER: **2007-07**

ADDRESS: **8576 Buckhart Road, Rochester, IL 62563**

PETITIONER: **Cara L. & Kevin P. Reiser**

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

REQUESTED ZONING CLASSIFICATION: **"A" Agricultural District with a variance of the West side yard requirement from 10' to 3'**

AREA: **2.35 Acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION RECOMMENDATION: **Recommend denial as there appears to be adequate area to build the garage in compliance and there is a concern with the visual impact on the neighbor to the west.**

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: 2007-07 |
| Cara L. & Kevin P. Reiser |) | |
| |) | PROPERTY LOCATED AT: |
| |) | 8576 Buckhart 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 **February 22, 2007** 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 **8576 Buckhart Road, Rochester, IL 62563** and more particularly described as:

Lots 2, 3, and part of 1, Pine Ridge Acres.

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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 Residential with acreage.
- 5. That the proposed land use of said property is Garage on floating pad.
- 6. That the requested variance of said property is: of the West side yard requirement from 10' to 3'.
- 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.

Patrick Somers
via CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Marvin Traylor** to concur with the amended findings of fact 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: **Peggy Egizii, Patrick Somers, Marvin Traylor, Don Wulf**

NO: **None**

ABSENT: **Charles Chimento, Donn Malwick, Barbara Braner**

AD Armstrong
RECORDING SECRETARY

ZONING VARIANCE CHECK LIST

PETITIONER: Reiser, Cara L. & Kevin P.
 ADDRESS: 8576 Buckhart Road
 EXISTING ZONING: A

REQUEST DESCRIPTION: A variance of the west side yard requirement from 10' to 3'.

| 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 | | | |

SEE ATTACHED PHOTOS

| Frontage | Lineal Feet | Existing Yards (ft.) | | | Area |
|----------------------|-------------|----------------------|---------------|------------|-------------------|
| <u>Buckhart Road</u> | <u>300'</u> | <u>30</u> | <u>200/40</u> | <u>250</u> | <u>2.35 acres</u> |
| | | front | side | rear | |

OTHER COMMENTS:

STAFF RECOMMENDATIONS: Recommend denial as there appears to be adequate area to build the garage in compliance and there is a concern with the visual impact on the neighbor to the west.

Case # 2007-07

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Address: 8576 Buckhart Road-



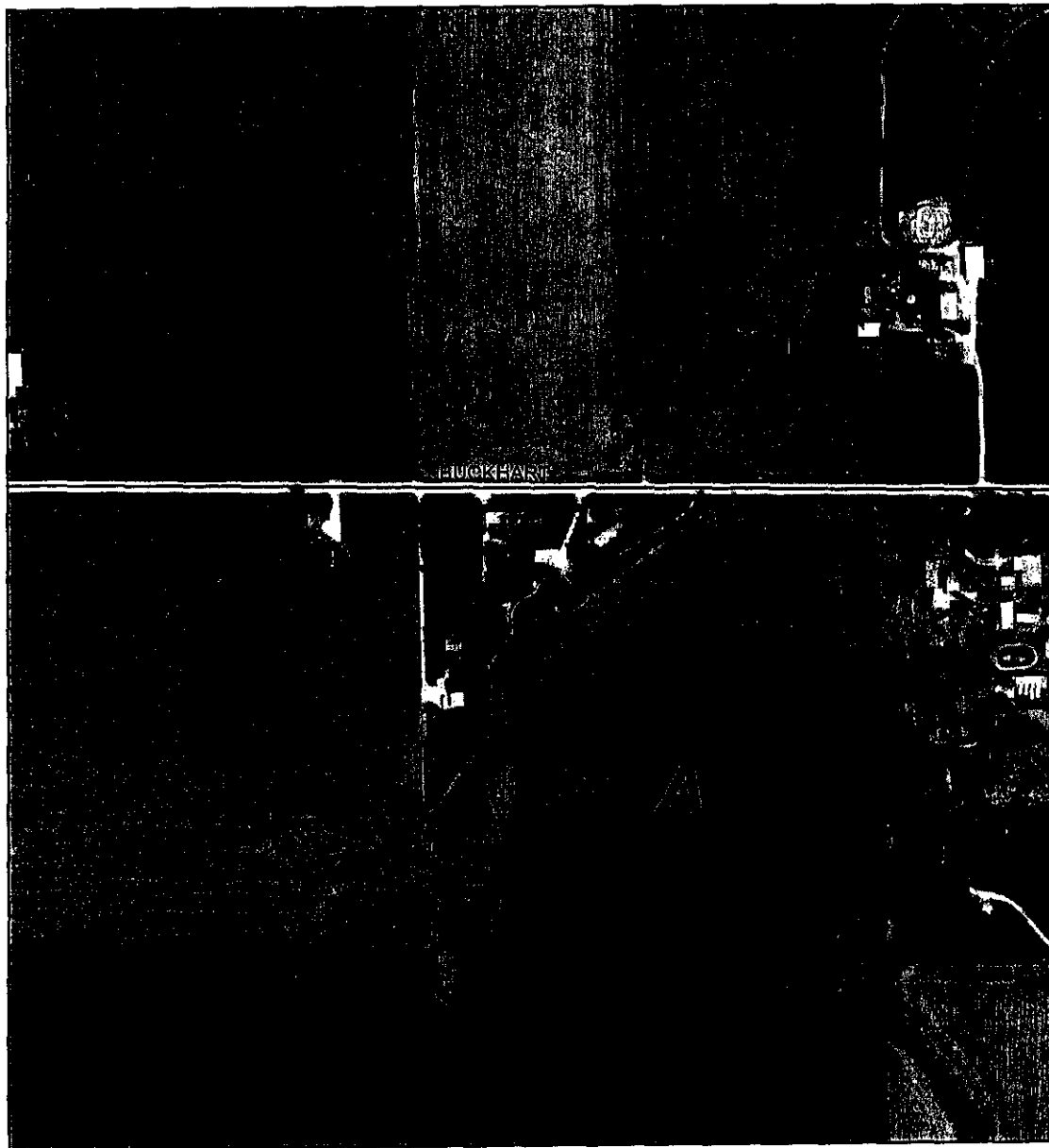
8576 Buckhart Road



Proposed location of garage































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County Zoning Case# 2007-07




County Zoning

City Zoning

| | | | | |
|--|--|---|--|---|
|  R1 |  B1 |  R1 |  H1 |  OFF |
|  R1a |  B2 |  R2 |  H2 |  PUD |
|  R2 |  B3 |  R3a |  H3 |  B1 |
|  R3 |  I1 |  R3b |  S1 |  B2 |
|  RM-4 |  I2 |  R4 |  S2 |  I1 |
|  OFF |  A |  R5 |  S3 |  I2 |

Springfield
Harrison County Regional
Planning Committee

0 200 400 Feet



AZ

SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS

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- (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 proposed garage would add to the utility of the property although with an existing, attached two-car garage the necessity for an additional garage is unclear.

- (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.

There are no apparent unique circumstances. There appears to be adequate room to construct a garage in compliance with side yard requirements.

- (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 is an aesthetic concern with the fact that the proposed location of the garage would be in view from the house to the west.