

CASE # 2007-48
RESOLUTION NUMBER 10-1

GRANTING VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
2864 HILLTOP ROAD, SPRINGFIELD
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:

Lot two (2) in Hessinger Subdivision, Second Addition.

WHEREAS, the Petitioner, **Bernard Coady**, has petitioned the Sangamon County Board for a **variance of 17.49.030 (B) to permit a small wind energy system on a one acre lot instead of the required 3 acres and a variance of 17.49.030 (C) (2) to allow the system to be within 40' of a residence instead of the required 55'; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **August 16, 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 variances**; and

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

FILED
AUG 24 2007


Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 11th day of September 2007 that the request for a variance of 17.49.030 (B) to permit a small wind energy system on a one acre lot instead of the required 3 acres and a variance of 17.49.030 (C) (2) to allow the system to be within 40' of a residence instead of the required 55' on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 11th day of September, 2007

Respectfully submitted,

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


TIM MOORE, CHAIRMAN

ABE FORSYTH, VICE CHAIRMAN

JENNIFER DILLMAN

DAVID MENDENHALL

GEORGE PRECKWINKLE

SAM SNELL

DON STEPHENS

LINDA DOUGLAS WILLIAMS

ATTEST:

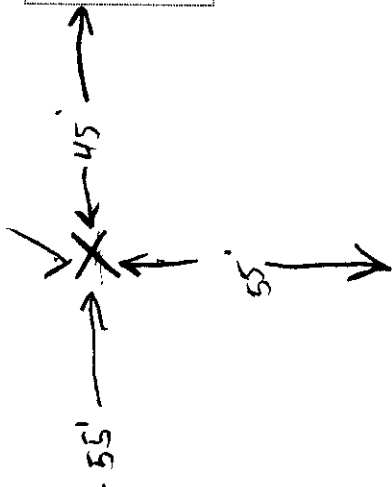
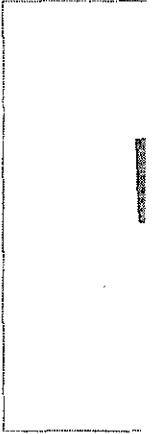
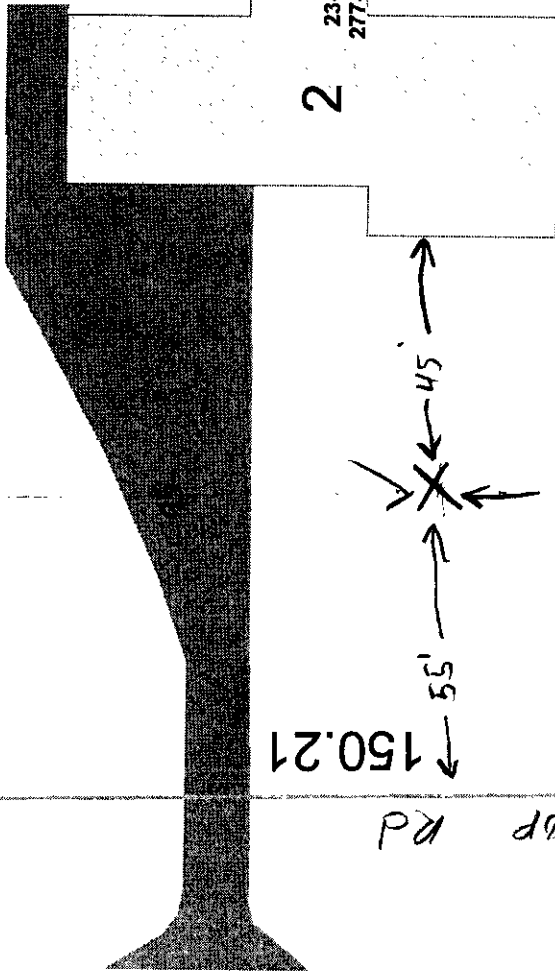
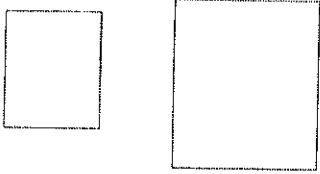
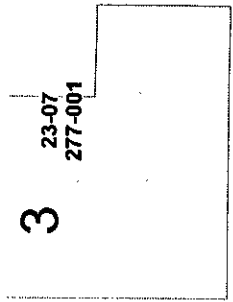

SANGAMON COUNTY CLERK


COUNTY BOARD CHAIRMAN

← N

3
23-07
277-001

2
23-07
277-002



150.21'

HILLTOP RD

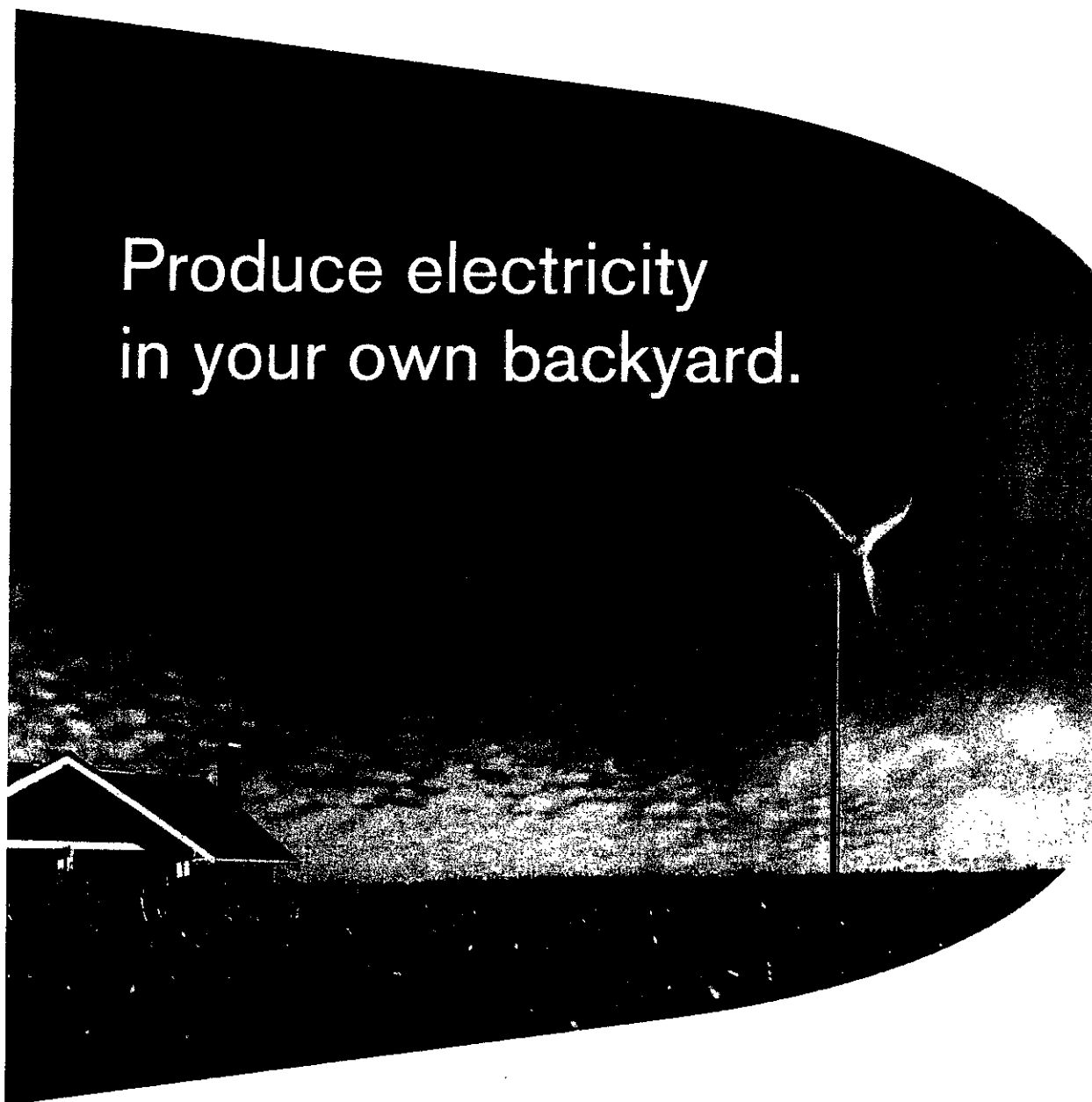
16'

10-4

SKYSTREAM 3.7™

1.8 KW RESIDENTIAL POWER APPLIANCE

Produce electricity
in your own backyard.



MADE IN THE USA

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

Case #: 2007-48

Address: 2864 Hilltop 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 request is made to permit use of a small wind energy system to generate power for the existing residence on the subject property and will enhance the economic use of the property by reducing electric bills.

- (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, to work efficiently the system requires a height of 50' due to trees and the need of the system to catch adequate wind. A septic system in the back yard would make installation in the back yard difficult.

- (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, the wind energy system will be set back to required distance from the property line and there is no evidence that property values were reduced from similar facilities in other areas.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 9 NAME: Sarah Musgrave

DOCKET NUMBER: 2007-48

ADDRESS: 2864 Hilltop Road, Springfield, IL 62707

PETITIONER: Bernard Coady

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: "A" Agricultural District with a variance of 17.49.030 (B) to permit a small wind energy system on a one acre lot instead of the required 3 acres and a variance of 17.49.030 (C) (2) to allow the system to be within 40' of a residence instead of the required 55'.

AREA: 1 acre

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: **Recommend denial. The requested variances would compromise the safety provisions of the Zoning Ordinance established to protect principal structures.**

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: 2007-48
Bernard Coady)	
)	PROPERTY LOCATED AT:
)	2864 Hilltop Road
)	Springfield, IL 62707
)	

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 **August 16, 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 **2864 Hilltop Road, Springfield, IL 62707** and more particularly described as:

Lot two (2) in Hessinger Subdivision, Second Addition.

- 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 a Wind Energy Conversion System.**
- 6. That the requested **variances** of said property are: **of 17.49.030 (B) to permit a small wind energy system on a one acre lot instead of the required 3 acres and of 17.49.030 (C) (2) to allow the system to be within 40' of a residence instead of the required 55'.**
- 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.**

Charlie 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 amended findings of fact and recommend to the County Board that the petition be **approved**, which was duly seconded by **Marvin Traylor.**

The vote of the Board was as follows:

YES: **Charles Chimento, Peggy Egizii, Patrick Somers, Marvin Traylor**

NO: **Barbara Braner**

ABSENT: **Judith Johnson**

B. D. Armstrong
RECORDING SECRETARY

SSCRPC Springfield Sangamon County Regional Planning Commission

Staff Findings and Recommendation
 (inspected 7/31/07 by LW & AJ)

SANGAMON COUNTY ZONING CASE # 2007-48
 ADDRESS 2864 Hilltop Road
 Property Index # 23-07-277-002

PETITIONER Coady, Bernard

REQUESTED ZONING A variance of 17.49.030 (B) to permit a small wind energy system on a one acre lot instead of the required 3 acres and a variance of 17.49.030 (C) (2) to allow the system to be within 40' of a residence instead of the required 55'.

PROPOSED LAND USE Single family residence and small wind energy system

EXISTING:

ZONING A

LAND USE Single Family Residence

ROAD FRONTAGE Hilltop Road 150.21' CONDITION OF PAVEMENT Good

STRUCTURE DESIGNED FOR Residence

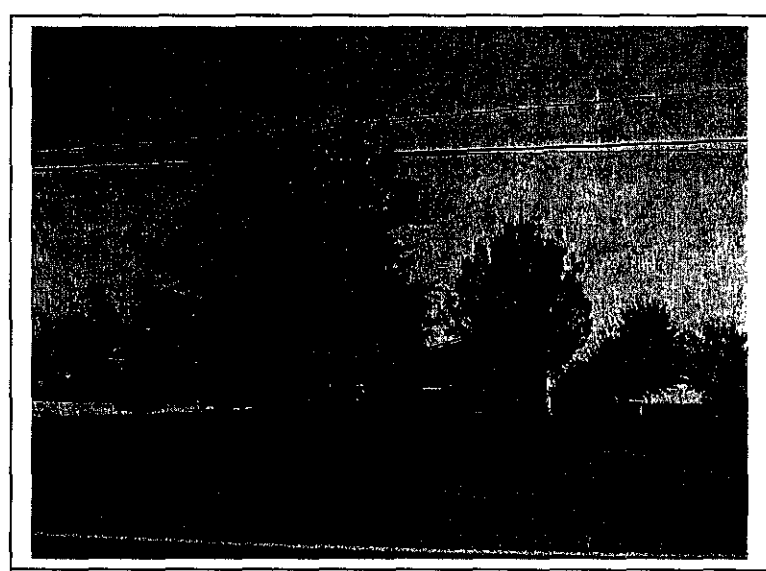
CONDITION OF STRUCTURE Good

LOT AREA 1 acre

FRONT YARD 105'

SIDE YARDS 27'/30'

REAR YARD 145'

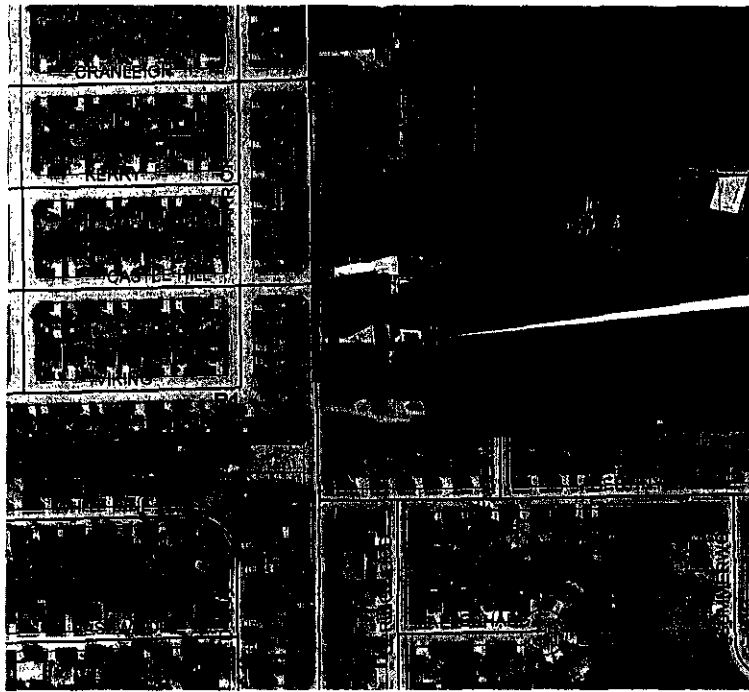


Would the proposed zoning be spot zoning? NA

PLANNING COMMISSION STAFF RECOMMENDATION: Recommend denial. The requested variances would compromise the safety provisions of the zoning ordinance established to protect principal structures.

County Zoning

Case# 2007-48



Requested:
Variances

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



10-11

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: 2007-48

Address: 2864 Hilltop 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 request is made to permit use of a small wind energy conversion system to generate power for the existing residence on the subject 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.

The request to permit a Small Wind Energy Conversion System (which allows a tower height up to 80' but requires 3 acres of land) would allow the proposed tower height of 50' which is not permitted for Mini Wind Energy Conversion Systems. Mini - WECS are allowed on one acre tracts but have a tower height limit of 35'. So one effect of the variance would be to allow a 15' taller tower due to existing trees which is not seen as a concern, however the requested variance to allow the tower to be closer to the residence than the required 55' would compromise the safety conditions established by the zoning ordinance to protect principal structures.

- (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.