

CASE # 2008-12
RESOLUTION NUMBER 6-1

GRANTING A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
4900 TURKEY RUN ROAD, SHERMAN
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 1, Hilltop Acres

WHEREAS, the Petitioners, **Keith & Pam Spaniol**, have petitioned the Sangamon County Board for a **variance of front yard setback from 30' to 8' to allow for a pole barn;** and

WHEREAS, a public hearing was held at the Sangamon County Building on **February 21, 2008**, 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 29 2008

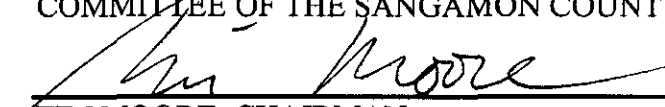
Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this.11th day of March, 2008 request for a variance of front yard setback from 30' to 8' to allow for a pole barn on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 11th day of March, 2008.

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

6-2

07-32
200-008



245.65

TURKEY RUN Rd

Rd

317

240

8'

Pole Barn

House

07-32
428-001

07-32
428-002

381.5

316.95

175

290.5

166.44

115.5

169.06

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

Case #: 2008-12

Address: 4900 Turkey Run 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.

This was the best location for the pole barn. A large tree would have had to be removed if the pole barn was constructed east of the residence and building east of the house and or tree would have taken up valuable open yard space.

- (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, where the pole barn was built the ground slopes away rapidly, requiring that the structure be build closer to the road.

- (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.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 2 NAME: **Todd Smith**

DOCKET NUMBER: **2008-12**

ADDRESS: **4900 Turkey Run Road, Sherman, IL 62684**

PETITIONER: **Keith & Pam Spaniol**

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

REQUESTED ZONING CLASSIFICATION: **"A" Agricultural District with a variance of front yard setback from 30' to 8' to allow for a pole barn.**

AREA: **1.25 acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION RECOMMENDATION: **Recommend denial. The standards for variation are not met.**

SANGAMON COUNTY BOARD OF APPEALS RECOMMENDATION: **Approval**



RECORDING SECRETARY

6-6

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2008-12
Keith & Pam Spaniol)	
)	PROPERTY LOCATED AT:
)	4900 Turkey Run Road
)	Sherman, IL 62684
)	

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 21, 2008** 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 **4900 Turkey Run Road, Sherman, IL 62684** and more particularly described as:

Lot 1, Hilltop Acres

- 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 & Pole Barn.
- 5. That the proposed land use of said property is Single Family Residence & Pole Barn.
- 6. That the requested variance of said property is of the front yard setback from 30' to 8' to allow for a pole barn.
- 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.

Charlie Chimento

 CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Byron Deaner** to concur with the amended findings of fact and recommend to the County Board that the petition be **granted** which was duly seconded by **Judith Johnson**.

The vote of the Board was as follows:

YES: **Byron Deaner, Peggy Egizii, Judith Johnson, Marvin Traylor, Don Wulf**

NO:

ABSENT: **Charles Chimento**

As of Chimento

 RECORDING SECRETARY

SSCRPC

Springfield
Sangamon County Regional
Planning Commission**Staff Findings and Recommendation**(inspected 2/5/08 by LW & AJ)SANGAMON COUNTY ZONING CASE # 2008-12ADDRESS 4900 Turkey Run RoadProperty Index # 07-32-428-001PETITIONER Spaniol, Keith & PamREQUESTED ZONING A variance of front yard setback from 30' to 8'PROPOSED LAND USE Single family residence & pole barnEXISTING:ZONING ALAND USE Single family residence & pole barnROAD FRONTAGE Turkey Run Rd 318' CONDITION OF PAVEMENT GoodSTRUCTURE DESIGNED FOR ResidenceCONDITION OF STRUCTURE GoodLOT AREA 1.25 acresFRONT YARD 52'SIDE YARDS 107' / 142'REAR YARD 74'Would the proposed zoning be spot zoning? NAPLANNING COMMISSION STAFF RECOMMENDATION: **Recommend denial. The standards for variation are not met.**

County Zoning

Case# 2008-12

Requested:
Variance

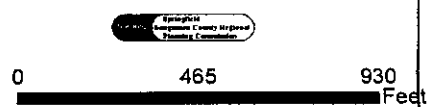


County Zoning

	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



**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2008-12**

Address: **4900 Turkey Run 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 help alleviate the front yard violation caused by the construction of a pole barn 8 feet from the front property line instead of the required 30 feet by the previous property owner.

- (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 topography of the subject property drops off considerably to the south limiting location of an accessory building, although there does appear to be room on the east side of the 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.

Location of a building within 8' of the front property line where 30' is required is out of character with the area.