

RESOLUTION NUMBER 10

APPROVING A VARIANCE OF CHAPTER 16.72
“DEVELOPMENT IN SPECIAL FLOOD HAZARD AREAS”
FOR CERTAIN PROPERTY LOCATED AT
8946 RIVER BIRCH ROAD, DAWSON

WHEREAS, the Zoning and Land Use Committee of the Sangamon County Board has presented to the Sangamon County Board, Sangamon County, Illinois, Findings of Fact and Recommendation that the Sangamon County Board **approve a variance** to the Sangamon County Flood Ordinance with the following property, to wit:

Lot 18 of Clear Creek Park Subdivision. PIN 15-36.0-427-004

WHEREAS, the petitioner, **Eric and Shannon Wise**, has petitioned the Sangamon County Board for **a variance of Section 16.72.130 to allow an accessory storage structure (a shed) not larger than 1,300 square feet constructed no more than 0.02 feet below the Flood Protection Elevation**; and

WHEREAS, the Acting Executive Director of the Springfield-Sangamon County Regional Planning Commission has presented to the Sangamon County Board of Sangamon County Findings of Fact and Recommendation that the Sangamon County Board **deny** the variance based on the findings in Exhibit “A”; and,

WHEREAS, the Zoning and Land Use Committee reviewed the staff recommendation at the meeting of the Zoning and Land Use Committee on **January 15, 2026**, and **disagrees** with the Findings of Fact and Recommendation in Exhibit “A” and hereby recommends **approval** of the petition; and

WHEREAS, the Sangamon County Board **does** hereby adopt the recommendation of the Zoning and Land Use Committee.

FILED

JAN 16 2026

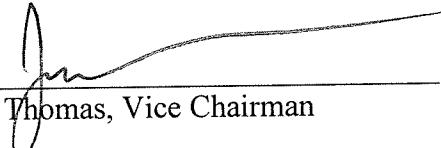
DeWayne

Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session this **10th day of February, 2026**, that the request for a variance of Section **16.72.130** allow an accessory storage structure (a shed) not larger than 1,300 square feet constructed no more than 0.02 feet below the Flood Protection Elevation on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session this **10th day of February, 2026**.

Respectfully submitted,
ZONING & LAND USE COMMITTEE
OF THE SANGAMON COUNTY BOARD


Jeff Thomas, Vice Chairman

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT "A"

FINDINGS OF FACT
STANDARDS FOR VARIATION OF FLOODPLAIN ORDINANCE
SECTION 16.72.150

- (i) The development activity cannot be located outside the floodplain.
The requested accessory structure could be placed in many other locations on the property that are outside the floodplain. There are concerns with granting a variance below the Flood Protection Elevation (FPE) for any building when alternate locations are on the subject property where the accessory structure could be constructed in compliance with the ordinance.
- (ii) An exceptional hardship would result if the variance were not granted.
In general, any hardship related to construction in the floodplain is considered to be self-imposed. In this case, there is no exceptional hardship of the property present to justify the requested variance. The construction of the accessory structure started without permits in violation of the floodplain ordinance at a site that is convenient for the petitioners. The hardship is self-imposed.
- (iii) The relief requested is the minimum necessary.
While the petitioners are requesting a variance to be 0.2 feet below the Flood Protection Elevation (FPE), another option has been presented to staff to utilize a layer of $\frac{1}{2}$ -inch thick concrete board with liquid waterproofing membrane placed ontop of the existing slab, which would raise the grade above the Flood Protection Elevation (547.02 feet) and be 1.02 feet above the Base Flood Elevation (BFE). Additionally, the initial floodplain violation was 1.18 feet below the Flood Protection Elevation, and the petitioners were informed to ensure the additional slab added would raise the floor for the proposed accessory structure above the 547 feet required Flood Protection Elevation, but it was poured at an elevation of 546.98 feet, which is 0.02 feet below the Flood Protection Elevation.
- (iv) There will be no additional threat to public health or safety or creation of a nuisance.
Variances to the floodplain ordinance affect the safety of the community and, therefore, should be the rare exception rather than the rule.
- (v) There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities.
Staff is unsure if granting the variance would jeopardize Sangamon County's reputation for not allowing buildings in the required Flood Protection Elevation (FPE) and our continued participation in FEMA's Community Rating System program, which allows residents to receive a flood insurance discount of up to 15 percent on flood insurance premiums. Unless the floor is raised by an additional $\frac{1}{4}$ inch, the accessory structure will also need to have flood openings that comply with local ordinance and FEMA rules.

- (vi) The provisions of subsection 16.72.050(c) shall be met.
The applicant was informed of other permits required by this section.
- (vii) The provisions of subsection 16.72.120 are met.
The building site is not in the floodway, and therefore, a permit from the Illinois Department of Natural Resources – Office of Water Resources would not be required.
- (viii) The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the National Flood Insurance Program.
There are no unique circumstances of the property. The petitioners were notified of their options to bring the proposed accessory structure into compliance, including: selecting a new location outside the floodplain, constructing a thicker foundation so the finished floor would be above the Flood Protection Elevation (FPE), or constructing a structure with a roof but no walls. Staff has concerns that a precedent would be set if any floodplain variance were to be granted on properties in the floodplain throughout Sangamon County.