

GRANTING VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
4042 & 4044 THORNBROOK, 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:

Tract III: Lot 15 in Westbrook First Addition, except all coal and mineral rights heretofore conveyed of record Situated in Sangamon County, Illinois.

WHEREAS, the Petitioner, **Wilma K. Dullanty, Trustee**, has petitioned the Sangamon County Board for a **variance of the lot width from eighty (80) feet to forty (40) feet, a variance to allow the lot area to be reduced from twelve-thousand and fifty-four (12,054) square feet to six-thousand three-hundred and forty-seven (6,347) square feet, a variance of the side yard to be zero (0) feet for a interior partition wall and a variance of the total side yards from fifteen (15) feet to eight (8) feet; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **November 18, 2010** 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

DEC 02 2010

Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 14th day of December, 2010 that the request for a variance of the lot width from eighty (80) feet to forty (40) feet, a variance to allow the lot area to be reduced from twelve-thousand and fifty-four (12,054) square feet to six-thousand three-hundred and forty-seven (6,347) square feet, a variance of the side yard to be zero (0) feet for a interior partition wall and a variance of the total side yards from fifteen (15) feet to eight (8) feet on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 14th day of December, 2010.

Respectfully submitted,

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

Tim Moore/cx
TIM MOORE, CHAIRMAN

ABE FORSYTH, VICE CHAIRMAN

JOHN FULGENZI

DAVID MENDENHALL

SAM SNELL

DON STEPHENS

GREG STUMPF

LINDA DOUGLAS WILLIAMS

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #27 NAME: Abe Forsyth

DOCKET NUMBER: 2010-49

ADDRESS: 4042 & 4044 Thornbrook, Springfield, Il. 62707

PETITIONER: Wilma K. Dullanty, Trustee

PRESENT ZONING CLASSIFICATION: "R-2" Single Family And Two Family Residence District.

REQUESTED ZONING CLASSIFICATION: "R-2" Single Family And Two Family Residence District with a variance of the lot width from eighty (80) feet to forty (40) feet, a variance to allow the lot area to be reduced from twelve-thousand and fifty-four (12,054) square feet to six-thousand three-hundred and forty-seven (6,347) square feet, a variance of the side yard to be zero (0) feet for a interior partition wall and a variance of the total side yards from fifteen (15) feet to eight (8) feet.

AREA: 12,000 square feet

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: **Recommend approval of the requested variance. The standards for variation have been met. Under the current zoning ordinance, a request of these variances is required to permit the sale of each individual duplex unit.**

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval as staff recommended.


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2010-49
Wilma K. Dullanty, Trustee)	
)	PROPERTY LOCATED AT:
)	4042 & 4044 Thornbrook,
)	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 a **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 **November 18, 2010** 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, contract to purchase, or is the County Board Member representing the property commonly known as: **4042 & 4044 Thornbrook, Springfield, IL.** and more particularly described as:

See Exhibit A

- 3. That the present zoning of said property is "**R-2**" **Single Family And Two Family Residence District**.
- 4. That the present land use of said property is a **two (2) family residence duplex with single ownership**.
- 5. That the proposed land use of said property is **to divide the parcel to allow for individual ownership of duplex**.
- 6. That the requested **variances** of said property are **a variance of the lot width from eighty (80) feet to forty (40) feet, a variance to allow the lot area to be reduced from twelve-thousand and fifty-four (12,054) square feet to six-thousand three-hundred and forty-seven (6,347) square feet, a variance of the side yard to be zero (0) feet for a interior partition wall and a variance of the total side yards from fifteen (15) feet to eight (8) feet.**
- 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 according to staff recommendation**.

Charles Chimento /cx
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Byron Deaner**, 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 **Don Wulf**.

The vote of the Board was as follows:

YES: **Charles Chimento, Byron Deaner, Don Wulf, Judith Johnson, John Luchessi**

NO:

ABSENT: **Peggy Egizii, Marvin Traylor**

Cyndi Knowles
RECORDING SECRETARY

SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS

Case #: 2010-049

Address: 4042 & 4044 Thornbrook

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 variances will allow for each duplex unit to have individual ownership.

- (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 building as a whole meets setback requirements. Under the current zoning ordinance, this variance is required to allow the sale of individual duplex units.

- (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.

Since the building itself meets all requirements, no adverse impact is anticipated.