

CASE# 2019-004
RESOLUTION NUMBER 15-1

DENYING A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
20 PIN OAK LANE, 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 **deny a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

Lot 9 Oakwood Estates First Plat thereof recorded November 8, 1973 as Document Number 359699 in the Office of the Recorder of Sangamon County in Book 21 of Plats, Page 61. Situated in Sangamon County, Illinois. Parcel Number: 13-35.0-104-006

WHEREAS, the Petitioners, **Russell & Dawn Schwartz**, have petitioned the Sangamon County Board for a **variance to allow the side yard setback to be approximately three (3) feet instead of the required ten (10) feet**; and,

WHEREAS, a public hearing was held at the Sangamon County Building on **February 21, 2019** 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 **deny the variance**; and,

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

FILED

FEB 22 2019


Dawn J. Hays
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **5th Day of March, 2019** that the request for a variance to allow the side yard setback to be approximately three (3) feet instead of the required ten (10) feet on the above described property is hereby denied.

Signed and passed by the Sangamon County Board in session on this **5th day of March, 2019**.

Respectfully submitted,

PUBLIC HEALTH, SOLID WASTE & ZONING COMMITTEE OF THE
SANGAMON COUNTY BOARD



GREG STUMPF, CHAIRMAN

DAVID MENDENHALL, VICE CHAIRMAN

CRAIG HALL

SAM SNELL

ABE FORSYTH

JASON RATTS

LINDA DOUGLAS WILLIAMS

ANNETTE FULGENZI

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ROSE RUZIC

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 27 NAME: Abe Forsyth

DOCKET NUMBER: 2019-004

ADDRESS: 20 Pin Oak Lane, Springfield, IL 62711

PETITIONER: Russell & Dawn Schwartz

PRESENT ZONING CLASSIFICATION: "R-1" Single-Family Residence District.

REQUESTED ZONING CLASSIFICATION: A variance to allow the side yard setback to be approximately three (3) feet instead of the required ten (10) feet.

AREA: 27,426 sq. ft.

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: **Recommend denial. The property can continue to be used economically without the requested variance. The petition states that the "Petitioners replaced a dilapidated 12' x 14' shed before obtaining a permit for a new, larger structure." The new shed is 24' x 21' which is three times the size of the previous shed. The petitioner placed the shed on the subject property without receiving a valid building permit. The petition states that complying with the 10 foot setback regulation "would place the shed/carport in the middle of the Petitioner's yard..." Upon the site visit, staff did not find this to be the case. The subject property contains buildable area where the shed could be located in order to meet the 10 foot side yard setback. The Standards for Variation are not met.**

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION: **Approval of Staff Recommendation.**

15-4

Justin Duncan
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2019-004
Russell & Dawn Schwartz)	
)	PROPERTY LOCATED AT:
)	20 Pin Oak Lane
)	Springfield, IL 62711

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, 2019** 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: **20 Pin Oak Lane, Springfield, IL 62711** and more particularly described as:

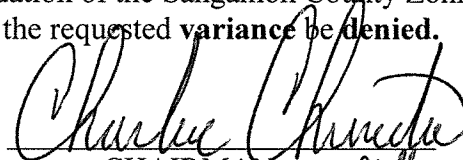
Lot 9 Oakwood Estates First Plat thereof recorded November 8, 1973 as Document Number 359699 in the Office of the Recorder of Sangamon County in Book 21 of Plats, Page 61. Situated in Sangamon County, Illinois.

Parcel Number: 13-35.0-104-006

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3. That the present zoning of said property is **“R-1” Single-Family Residence District**.
4. That the present land use of said property is a **single-family residence**.
5. That the proposed land use of said property is a **single-family residence with a shed**.
6. That the requested **variance** of said property is a **variance to allow the side yard setback to be approximately three (3) feet instead of the required ten (10) 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 not** 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 **denied**.


CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Andrew Spiro**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **denied** which was duly seconded by **Tony Mares**.

The vote of the Board was as follows:

YES: **Charlie Chimento, Don Wulf, Andrew Spiro, Tony Mares, JD Sudeth**

NO:

PRESENT:

ABSENT:



RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2019-004**

Address: **20 Pin Oak Lane, Springfield**

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 property can continue to be used economically without the requested variance. The petitioner placed the shed on the subject property without receiving a valid building permit. The petition states that complying with the 10 foot setback regulation “would place the shed/carport in the middle of the Petitioner’s yard...” Upon the site visit, staff did not find this to be the case. The subject property contains buildable area where the shed could be located in order to meet the 10 foot side yard setback.

- (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.

While the petition cites the wooded area in the rear yard as a unique circumstance, the subject property contains sufficient buildable area to place the shed in compliance with the side yard setback requirement.

- (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.

The petition states that the “Petitioners replaced a dilapidated 12’ x 14’ shed before obtaining a permit for a new, larger structure.” The new shed is 24’ x 21’ which is three times the size of the previous shed. A negative precedent could be set if the side yard setback variance is granted as the hardship is solely created by the property owner.