

CASE# 2018-023  
RESOLUTION NUMBER 1-1

**DENYING A VARIANCE AND GRANTING A VARIANCE**  
FOR CERTAIN PROPERTY LOCATED AT  
**2623 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 **deny a variance and grant a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

**See Exhibit A**

WHEREAS, the Petitioner, **Erik Karhliker**, has petitioned the Sangamon County Board for a **variance to allow the front yard setback to be approximately seven (7) feet instead of the required thirty (30) feet and a variance to allow a parcel without public road frontage;** and,

WHEREAS, a public hearing was held at the Sangamon County Building on **June 21, 2018** 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 grant the variance;** and,

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

**FILED**

JUN 27 2018

*Don J. Hagg*  
Sangamon County Clerk

**NOW, THEREFORE, BE IT RESOLVED** by the County Board of Sangamon County, Illinois, in session assembled this **10<sup>th</sup> Day of July, 2018** that the requests for a variance to allow the front yard setback to be approximately seven (7) feet instead of the required thirty (30) feet is denied, but a variance to allow a parcel without public road frontage on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this **10<sup>th</sup> day of July, 2018**.

Respectfully submitted,

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

  
\_\_\_\_\_  
GREG STUMPF, CHAIRMAN

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DAVID MENDENHALL, VICE CHAIRMAN

\_\_\_\_\_  
CRAIG HALL

\_\_\_\_\_  
SAM SNELL

\_\_\_\_\_  
ABE FORSYTH

\_\_\_\_\_  
JASON RATTIS

\_\_\_\_\_  
LINDA DOUGLAS WILLIAMS

\_\_\_\_\_  
ANNETTE FULGENZI

\_\_\_\_\_  
LINDA FULGENZI

\_\_\_\_\_  
LISA HILLS

\_\_\_\_\_  
MIKE SULLIVAN

\_\_\_\_\_  
ROSE RUZIC

**ATTEST:**

\_\_\_\_\_  
SANGAMON COUNTY CLERK

\_\_\_\_\_  
COUNTY BOARD CHAIRMAN

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**EXHIBIT A**

A PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 15 NORTH, RANGE 4 WEST OF THE THIRD PRINCIPAL MERIDIAN, SANGAMON COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER; THENCE WEST ON THE SECTION LINE 255.99 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING WEST ON THE SECTION LINE 255.99 FEET; THENCE SOUTH 170.16 ; THENCE EAST PARALLEL TO SAID SECTION LINE 255.99 FEET; THENCE NORTH 170.16 FEET TO THE POINT OF BEGINNING.

PARCEL NUMBER: 23-07.0-200-056

**RECAP**

(For County Board Use)

COUNTY BOARD MEMBER: #9 NAME: Tom Madonia, Jr.

DOCKET NUMBER: 2018-023

ADDRESS: 2623 Hilltop Road, Springfield, IL 62707

PETITIONER: Erik Karhliker

PRESENT ZONING CLASSIFICATION: "A" Agricultural District.

REQUESTED ZONING CLASSIFICATION: A variance to allow the front yard setback to be approximately seven (7) feet instead of the required thirty (30) feet and a variance to allow a parcel without public road frontage.

AREA: 1 acre

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: Recommend denial of the requested front yard setback variance. The petitioner never applied for a building permit for the garage addition which appears to have been constructed between 2014 and 2015. The Standards for Variation are not met for this request.

Recommend approval of the requested variance to allow a parcel without public road frontage. The subject property was created in 1989, so granting the zero road frontage variance will bring the parcel into compliance. The Standards for Variation are met for this request.

SANGAMON COUNTY BOARD OF APPEALS  
RECOMMENDATION:

Approval of Staff Recommendation.

  
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF: )	DOCKET NO: <b>2018-023</b>
<b>Erik Karhliker</b> )	
)	PROPERTY LOCATED AT:
)	<b>2623 Hilltop Road</b>
)	<b>Springfield, IL 62707</b>

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 **June 21, 2018** 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: **2623 Hilltop Road, Springfield, IL 62707** and more particularly described as:

**See Exhibit A**

- 3. That the present zoning of said property is **“A” Agricultural District.**
- 4. That the present land use of said property is a **single-family residence with attached garage.**
- 5. That the proposed land use of said property is a **single-family residence with attached garage.**
- 6. That the requested **variances** of said property are **a variance to allow the front yard setback to be approximately seven (7) feet instead of the required thirty (30) feet and a variance to allow a parcel without public road frontage.**
- 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 to allow the front yard setback to be approximately seven (7) feet instead of the required thirty (30) feet** is in the public interest and is not solely in the interest of the petitioner(s). The evidence adduced at the hearing **does** support the proposition that the adoption of the proposed **variance to allow a parcel without public road frontage** 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 to allow the front yard setback to be approximately seven (7) feet instead of the required thirty (30) feet is denied, but a variance to allow a parcel without public road frontage on the above described property is hereby approved.**

*Charlie Clements III*  
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 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 for a **variance to allow the front yard setback to be approximately seven (7) feet instead of the required thirty (30) feet is denied, but a variance to allow a parcel without public road frontage on the above described property is hereby approved** which was duly seconded by **Gina Lathan**.

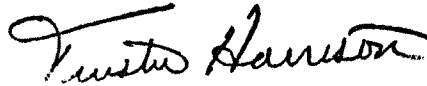
The vote of the Board was as follows:

YES: **Charlie Chimento, Tony Mares, Andrew Spiro, Gina Lathan, JD Sudeth**

NO:

PRESENT:

ABSENT: **Don Wulf**



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RECORDING SECRETARY

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**SANGAMON COUNTY  
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2018-023**

Address: **2623 Hilltop Road, 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.

**Setback variance: The petitioner never applied for a building permit for the garage addition which appears to have been constructed between 2014 and 2015.**

**Road frontage variance: The subject property was created in 1989, so granting the zero road frontage variance will bring the parcel into compliance.**

- (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.

**Setback variance: No particularly unique circumstances were mentioned in the petition to grant the requested front yard setback variance.**

**Road frontage variance: The subject property was created in 1989, so granting the zero road frontage variance will bring the parcel into compliance.**

- (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.

**Setback variance: A negative precedent could be set if the setback variance is granted.**

**Road frontage variance: No negative impacts are anticipated.**