

CASE# 2016-014
RESOLUTION NUMBER 3-1

GRANTING A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
3977 DINIUS ROAD, WILLIAMSVILLE
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:

See Exhibit A

WHEREAS, the Petitioners, **Paul K. & Libby J. Miller**, have petitioned the Sangamon County Board **and amended the petition for a variance to allow the side yard setback to be six (6) feet instead of the required ten (10) feet; and,**

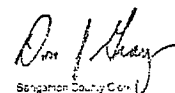
WHEREAS, a public hearing was held at the Sangamon County Building on **July 21, 2016** after proper notice was posted on said property and given by news publication, as is required by said Ordinance, and all procedural and jurisdictional requirements of the Sangamon County Zoning Ordinance have been 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

JUL 29 2016


Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 9th Day of August, 2016 that the amended request for a variance to allow the side yard setback to be six (6) feet instead of the required ten (10) feet on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 9th day of August, 2016.

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

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

Part of the Southeast Quarter of Section 31, Township 18 North, Range 4 West of the Third Principal Meridian described as follows:

From the Southeast corner of said Section 31, North on the Section line 76.96 feet; thence South 89 degrees 00' 37" West, 183.84 feet; thence South 77 degrees 42' 02" West, 101.98 feet: thence South 89 degrees 00' 37" West 251.14 feet to the Point of beginning; thence continuing South 89 degrees 00' 37" West, 148.86 feet: thence South 88 degrees 17' 39" West, 121.14 feet; thence North 00 degrees 59' 23" West, 491.00 feet: thence North 89 degrees 00' 37" East, 270.00 feet: thence South 00 degrees 59' 23" East, 491.00 feet to the point of beginning.

RECAP
(For County Board Use)

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

DOCKET NUMBER: **2016-014**

ADDRESS: **3977 Dinius Road, Williamsville, IL 62693**

PETITIONER: **Paul K. & Libby J. Miller**

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

REQUESTED ZONING CLASSIFICATION: **"A" Agricultural District with a variance to allow the side yard setback to be three (3) feet instead of the required ten (10) feet. The petition was amended, by the petitioners, to request a side yard setback of six (6) feet instead of the required ten (10) feet.**

AREA: **3 acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION
RECOMMENDATION:

Recommend denial. The purpose of a variance is to grant relief in cases where a true hardship exists rather than a mere inconvenience to the owner. The property can continue to be used economically without the requested variance. There are plenty of locations behind the residence where the property owner can place the garage which meet the required ten (10) feet side setback. The hardship in this case is created by the owner. There is also concern that granting the requested variance could set a negative precedent for future requests of this nature for which there are no circumstances unique to the property. The Standards for Variation are not met.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approve a side yard setback of six (6) feet.


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2016-014
Paul K. & Libby J. Miller))
)	PROPERTY LOCATED AT:
)	3977 Dinius Road
)	Williamsville, IL 62693

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 **July 21, 2016** 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: **3977 Dinius Road, Williamsville, IL 62693** 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, machine shed, and chicken coop.**
- 5. That the proposed land use of said property is **a single-family residence, machine shed, chicken coop and new garage.**
- 6. That the requested **amended variance** of said property is **to allow the side yard setback to be six (6) 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** 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.**

Charles Chimento
 CHAIRMAN *yc*

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Andrew Spiro** to **grant the amended petition to allow a side yard setback of six (6) feet instead of the required ten (10) feet, and provided findings of fact** to recommend to the County Board that the **amended petition be approved** which was duly seconded by **Charles Chimento.**

The vote of the Board was as follows:

YES: **Charles Chimento, Don Wulf, Andrew Spiro, Merilyn Herbert and John Lucchesi**

NO:

PRESENT:

ABSENT: **Anthony Mares and Janet Dobrinsky**

Janet Dobrinsky
 RECORDING SECRETARY

**ZONING BOARD OF APPEALS
RECOMMENDED – STANDARDS FOR VARIATIONS
JULY 21, 2016**

Case #: 2016-014

Address: 3977 Dinius Road, Williamsville

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 up on 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.

Moving the garage will cause an economic hardship on the petitioner.

- (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 neighbor is in support of the requested variance.

- (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.

This does not create a public health and safety issue.