

FILED

MAY 23 2023

Don J. King
Sangamon County Clerk

CASE#2023-009
RESOLUTION NUMBER 4-1

**GRANTING A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
800 WEST HAZEL DELL 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 **grant a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A-1

WHEREAS, the Petitioner, **Chicago Title Land Trust Company, Trustee of Trust No 13-04314-00**, has petitioned the Sangamon County Board requesting **pursuant to Chapter 17.66, a variance of Section 17.38.010 to allow the front yard setback to be two (2) feet instead of the required twenty (20) feet**; and,

WHEREAS, a public hearing was held at the Sangamon County Building on **May 18, 2023** 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 a variance**; and,

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

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **13th Day of June, 2023** that the following request(s) on the above described property is hereby approved:

- Pursuant to Chapter 17.66, a variance of Section 17.38.010 to allow the front yard setback to be approximately two (2) feet instead of the required twenty (20) feet.

Signed and passed by the Sangamon County Board in session on this 13th day of June, 2023.

COUNTY BOARD CHAIRMAN

ATTEST:

SANGAMON COUNTY CLERK

EXHIBIT A-1

Parcel 1:

General Description

This land is a part of the N ¹/₄ of the N¹/₄ of the NW ¹/₄ of Section 21, T-15-N, R-5-W, of the 3rd P.M. in Sangamon County, Illinois.

The location of the point of beginning for said tract of land is described as follows: From an iron pin at the NW corner of the NE ¹/₄ of the NE ¹/₄, of Section 21, T-15-N, R-5-W of the 3rd P.M., S 88° 20' W, a distance of 2648.60 feet along the old centerline of Hazel Dell Road extended, to the point of beginning.

Detailed Description

From the above described point of beginning, S-1° 40' E, a distance of 77.90 feet, thence S 74° 40' W, a distance of 200.10 feet, thence S 66° 06' W, a distance of 100.10 feet, thence S 73° 15' W, a distance of 677.70 feet, thence along a curved line curving to the right with a radius of 3426.10 feet, a distance of 277.90 feet to a concrete right of way marker, thence along the East R.O.W. line of the G. M. & O. RR, N 23° 12' E, a distance of 423.20 feet to the centerline of Hazel Dell Road, thence N 88° 20' E, along said centerline a distance of 1082.50 feet more or less to the point of beginning, containing 6.00 acres more or less, including 0.64 acres more or less now being used for Public Road purposes.

Parcel 2:

Part of the Northwest Quarter of the Northwest Quarter of Section 21, Township 15 North, Range 5 West of the Third Principal Meridian, Part of Hazel Dell Road, described more particularly as follows:

Commencing from an iron pin marking the Northwest corner of said Section 21; thence North 88 degrees 10 minutes 31 seconds East along the North section line of said Section 21, a distance of 1148.52 feet; thence South 01 degrees 49 minutes 29 seconds East, a distance of 32.00 feet to the true point of beginning; thence North 88 degrees 10 minutes 31 seconds East, a distance of 140.00 feet; thence South 01 degrees 49 minutes 29 seconds East, a distance of 8.00 feet; thence South 88 • degrees 10 minutes 31 seconds West, a distance of 140.00 feet; thence North 01 degrees 49 minutes 29 seconds West, a distance of 8.00 feet to the true point of beginning. Said parcel contains 0.026 acres, more or less. All in the County of Sangamon, State of Illinois.

800 West Hazel Dell Road, Springfield, IL 62712
PIN: 22-21.0-100-008

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #13 NAME: **Brad Miller**

DOCKET NUMBER: **2023-009**

ADDRESS: **800 West Hazel Dell Road, Springfield, IL 62711**

PETITIONER: **Chicago Title Land Trust Company, Trustee of Trust No 13-04314-00**

PRESENT ZONING CLASSIFICATION: **I-2 General Industrial District.**

REQUESTED ZONING CLASSIFICATION: **Pursuant to Chapter 17.66, a variance of Section 17.38.010 to allow the front yard setback to be two (2) feet instead of the required twenty (20) feet.**

AREA: **5.31 acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION STAFF RECOMMENDATION: **Recommend approval. The City of Springfield issued a building permit in error for the solar energy system and it was later discovered during the inspection phase that the subject property is located in unincorporated Sangamon County and that the solar system was constructed within the required front yard. Additionally, the petitioner states "A septic field is located on the southern portion of the subject property which restricted the placement of the solar system." The Standards for Variation are met.**

SANGAMON COUNTY ZONING 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: **2023-009**
Chicago Title Land Trust Company,)
Trustee of Trust No 13-04314-00) PROPERTY LOCATED AT:
) **800 West Hazel Dell Road**
) **Springfield, IL 62712**

RECOMMENDATION OF THE ZONING 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 **May 18, 2023** 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: **800 West Hazel Dell Road, Springfield, IL 62712** and more particularly described as:

See Exhibit A-1

3. That the present zoning of said property is **I-2 General Industrial District**.
4. That the present land use of said property is **Self-storage facility and personal solar energy system**.
5. That the proposed land use of said property is **Self-storage facility and personal solar energy system**.
6. That the request(s) for the subject property is **pursuant to Chapter 17.66, a variance of Section 17.38.010 to allow the front yard setback to be two (2) feet instead of the required twenty (20) 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 following request(s) is **hereby approved**:

- **Pursuant to Chapter 17.66, a variance of Section 17.38.010 to allow the front yard setback to be two (2) feet instead of the required twenty (20) feet.**

CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Don Wulf**, which was duly seconded by **Richard Thompson**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the following request(s) is **hereby approved**:

- **Pursuant to Chapter 17.66, a variance of Section 17.38.010 to allow the front yard setback to be two (2) feet instead of the required twenty (20) feet.**

The vote of the Board was as follows:

YES: **Charlie Chimento, Anthony Mares, Don Wulf, Richard Thompson,
George Petrilli**

NO:

PRESENT:

ABSENT:

RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2023-009**

Address: **800 West Hazel Dell 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.

The City of Springfield issued a building permit in error for the solar energy system and it was later discovered during the inspection phase that the subject property is located in unincorporated Sangamon County. Requiring the solar energy system to be brought into compliance with the regulations could result in an undue financial burden to the owner.

- (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 City of Springfield issued a building permit in error for the solar energy system and it was later discovered during the inspection phase that the subject property is located in unincorporated Sangamon County and that the solar energy system was constructed within the required front yard. Additionally, the petitioner states "A septic field is located on the southern portion of the subject property which restricted the placement of the solar system."

- (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.

Negative impacts are not anticipated.