

**GRANTING A VARIANCE  
FOR CERTAIN PROPERTY LOCATED AT  
6040 HORSEVIEW DRIVE, 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**

WHEREAS, the Petitioner, **Christopher & Ascha Nickell**, has petitioned the Sangamon County Board requesting **pursuant to Chapter 17.66, a variance of Section 17.36.010(B) to allow an accessory structure to be approximately twenty-two (22) feet instead of the maximum height of eighteen (18) feet allowed in the “R-1” Single-Family Residence District;** and,

WHEREAS, a public hearing was held at the Sangamon County Building on **September 15, 2022** 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.

**FILED**

SEP 23 2022

*Don Meyer*  
Sangamon County Clerk

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**NOW, THEREFORE, BE IT RESOLVED** by the County Board of Sangamon County, Illinois, in session assembled this **11<sup>th</sup> Day of October, 2022** that the following request(s) on the above described property is hereby approved:

- Pursuant to Chapter 17.66, a variance of Section 17.36.010(B) to allow an accessory structure to be approximately twenty-two (22) feet instead of the maximum height of eighteen (18) feet allowed in the “R-1” Single-Family Residence District.

Signed and passed by the Sangamon County Board in session on this **11<sup>th</sup> day of October, 2022**.

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

**ATTEST:**

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

**EXHIBIT A**

A part of the Northwest Quarter of the Northwest Quarter of Section 35, Township 15 North, Range 5 West of the Third Principal Meridian, described as follows:

Commencing at the Northwest corner of said Section 35; thence East 553.57 feet along the North line of said Section 35; thence South 509.5 feet for a point of beginning being the Southwest corner of Lot 11 in Brunk's Horseview Subdivision First Plat as recorded July 6, 1959 in the Recorder's Office of Sangamon County in Book 17 of Plats on Page 47; thence North 198.5 feet along the West line of said Lot 11 to the Northwest corner of said Lot 11; thence West along the prolongation to the West of the North line of said Lot 11, 310.75 feet; thence South parallel with the West line of said Lot 11, 55.55 feet; thence Southeasterly 343.86 feet on the arc of a circle curving left having a radius of 555 feet to the point of beginning.

Situated in Sangamon County, Illinois.

Parcel ID Number: 22-35-102-006

Common Address: 6040 Horseview Drive, Springfield, IL

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**RECAP**  
(For County Board Use)

COUNTY BOARD MEMBER: # 15                      NAME: **Tim Krell**

DOCKET NUMBER: **2022-014**

ADDRESS: **6040 Horseview Drive, Springfield, IL 62712**

PETITIONER: **Christopher & Ascha Nickell**

PRESENT ZONING CLASSIFICATION: **“R-1” Single-Family Residence District.**

REQUESTED ZONING CLASSIFICATION: **Pursuant to Chapter 17.66, a variance of Section 17.36.010(B) to allow an accessory structure to be approximately twenty-two (22) feet instead of the maximum height of eighteen (18) feet allowed in the “R-1” Single-Family Residence District.**

AREA:     **1 acre**

COMMENTS:   **None**

OBJECTORS:   **None**

PLANNING COMMISSION STAFF RECOMMENDATION: **Recommend approval. The petition states, “The lot is a full acre with many trees, this allows such a structure to not appear to crowd the lot or be a detriment to the neighbors.” Upon the site visit, staff found no evidence to contradict that a 22-foot accessory structure would be a detriment to the area. It appears at least two other accessory structures in the area exceed the 18-foot height requirement; therefore, the request is consistent for the area. 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: <b>2022-014</b>   |
| <b>Christopher &amp; Ascha Nickell</b> ) |                              |
| )  | PROPERTY LOCATED AT:         |
| )  | <b>6040 Horseview Drive</b>  |
| )  | <b>Springfield, IL 62712</b> |

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 **September 15, 2022** 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:

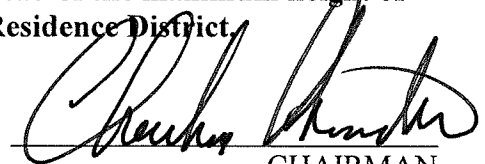
1. That said Board has jurisdiction to consider the petition filed herein.
2. That the above-captioned petitioner(s) is the owner(s) and/or has a beneficial interest in, contract to purchase, or is the County Board Member representing the property commonly known as: **6040 Horseview Drive, Springfield, IL 62712** and more particularly described as:

**See Exhibit A**

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 **Single-family residence.**
5. That the proposed land use of said property is **Single-family residence with an accessory structure.**
6. That the request(s) for the subject property is **pursuant to Chapter 17.66, a variance of Section 17.36.010(B) to allow an accessory structure to be approximately twenty-two (22) feet instead of the maximum height of eighteen (18) feet allowed in the “R-1” Single-Family Residence District.**
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 17.36.010(B) to allow an accessory structure to be approximately twenty-two (22) feet instead of the maximum height of eighteen (18) feet allowed in the “R-1” Single-Family Residence District.**

  
 CHAIRMAN

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Phil Sidles**, which was duly seconded by **Anthony Mares**, 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 17.36.010(B) to allow an accessory structure to be approximately twenty-two (22) feet instead of the maximum height of eighteen (18) feet allowed in the "R-1" Single-Family Residence District.

The vote of the Board was as follows:

YES: **Charlie Chimento, Anthony Mares, Richard Thompson, George Petrilli, Phil Sidles**

NO:

PRESENT:

ABSENT: **Don Wulf**



RECORDING SECRETARY

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**SANGAMON COUNTY  
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2022-014**

Address: **6040 Horseview Drive, 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.

**It appears at least two other accessory structures in the area exceed the 18-foot height requirement; therefore, the request is consistent for the area. Based on this trend, the garage with a 22-foot height will allow the property to have a reasonable return than other similarly situated properties have.**

- (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 petition states, "The lot is a full acre with many trees, this allows such a structure to not appear to crowd the lot or be a detriment to the neighbors." Upon the site visit, staff found no evidence to contradict that a 22-foot accessory structure would be a detriment to the area.**

- (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.**