

CASE# 2018-015
RESOLUTION NUMBER 6-1

GRANTING A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
1559 PARKES KINNER ROAD, NEW BERLIN
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:

LOT 2 OF ARCHER MINI FARMS, AS TO THE PLAT THEREOF, FILED FEBRUARY 1, 1974 IN BOOK 21 OF PLATS, PAGE 69, BEING A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 16 NORTH, RANGE 7 WEST OF THE THIRD PRINCIPAL MERIDIAN. SITUATED IN SANGAMON COUNTY, ILLINOIS.

PARCEL NUMBER: 12-24.0-276-002.

WHEREAS, the Petitioner, **Michael Kinner**, has petitioned the Sangamon County Board for a **variance to allow an accessory structure to be placed approximately three (3) feet from the north property line instead of the required ten (10) feet; and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **April 19, 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 **grant the variance; and,**

FILED

APR 25 2018

Don King
Sangamon County Clerk

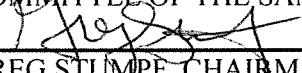
WHEREAS, the Sangamon County Board does hereby adopt the recommendation of the Sangamon County Zoning Board of Appeals.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **8th Day of May, 2018** that the request for a variance to allow an accessory structure to be placed approximately three (3) feet from the north property line 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 **8th day of May, 2018**.

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: #7 NAME: **Craig Hall**

DOCKET NUMBER: **2018-015**

ADDRESS: **1559 Parkes Kinner Road, New Berlin, IL 62670**

PETITIONER: **Michael Kinner**

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

REQUESTED ZONING CLASSIFICATION: **A variance to allow an accessory structure to be placed approximately three (3) feet from the north property line instead of the required ten (10) feet.**

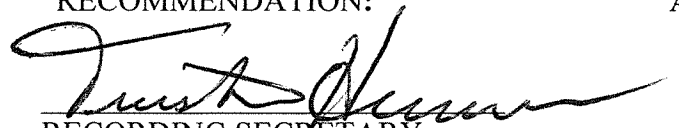
AREA: **1.13 acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION RECOMMENDATION: **Recommend approval. The petitioner submitted photographs that during a heavy rain the middle of the subject property floods and a large established tree in the back yard both limit where a garage may be located on the subject property. The Standards for Variation are met.**

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: 2018-015 |
| Michael Kinner) | |
|) | PROPERTY LOCATED AT: |
|) | 1559 Parkes Kinner Road |
|) | New Berlin, IL 62670 |

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 **April 19, 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: **1559 Parkes Kinner Road, New Berlin, IL 62670** and more particularly described as:

**LOT 2 OF ARCHER MINI FARMS, AS TO THE PLAT THEREOF, FILED FEBRUARY 1, 1974 IN BOOK 21 OF PLATS, PAGE 69, BEING A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 16 NORTH, RANGE 7 WEST OF THE THIRD PRINCIPAL MERIDIAN.
SITUATED IN SANGAMON COUNTY, ILLINOIS.**

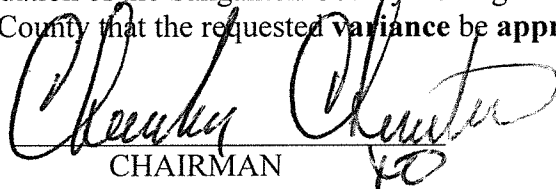
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3. That the present zoning of said property is **“A” Agricultural District.**
4. That the present land use of said property is a **single-family residence and outbuilding.**
5. That the proposed land use of said property is a **single-family residence, outbuilding, and garage.**
6. That the requested **variance** of said property is **a variance to allow an accessory structure to be placed approximately three (3) feet from the north property line 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.**


CHAIRMAN

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MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

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

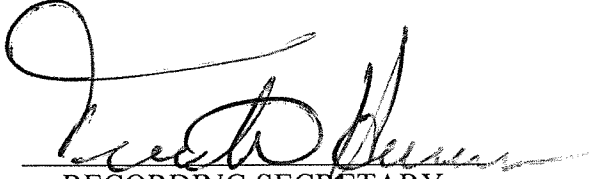
The vote of the Board was as follows:

YES: **Charlie Chimento, Tony Mares, Don Wulf, Andrew Spiro, Gina Lathan**

NO:

PRESENT:

ABSENT:


RECORDING SECRETARY

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**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2018-015**

Address: **1559 Parkes Kinner Road, New Berlin**

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 petition states that “not without having to cut down a large tree or by placing the garage in a low lying valley that carries water in large rains” could the garage be constructed in another location on the subject property. Staff has no evidence to determine this is not the case.

- (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 petitioner submitted photographs that during a heavy rain the middle of the subject property floods and a large established tree in the back yard both limit where a garage may be located on the subject property.

- (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 in granting the requested variance.