

GRANTING VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
1 TIMBERLINE 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 the variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Joshua Badman**, has petitioned the Sangamon County Board for a **variance to allow the front yard setback to be approximately fifteen (15) feet instead of the required thirty (30) feet for the purposes of constructing an accessory structure, and a variance to allow an accessory structure to be approximately twenty-one (21) 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 **June 20, 2019** 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 variances**; and,

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

FILED

JUN 26 2019


Sangamon County Clerk

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NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **9th Day of July, 2019** that the requests for a variance to allow the front yard setback to be approximately fifteen (15) feet instead of the required thirty (30) feet for the purposes of constructing an accessory structure, and a variance to allow an accessory structure to be approximately twenty-one (21) feet instead of the maximum height of eighteen (18) feet allowed in the "R-1" Single-Family Residence District on the above described property are hereby approved.

Signed and passed by the Sangamon County Board in session on this **9th day of July, 2019**.

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

Exhibit A

THE SOUTH 224.00 FEET OF THE NORTH 505.33 FEET OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 15 NORTH, RANGE 5 WEST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPT THE SOUTH 136.50 FEET OF THE EAST 322.00 FEET THEREOF, ALSO, EXCEPT THE SOUTH 50 FEET OF THE EAST 270.48 FEET OF THE NORTH 331.33 FEET.

AND, THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 15 NORTH, RANGE 5 WEST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPT THE EAST 322.00 FEET, THEREOF, ALSO EXCEPT, THE NORTH 505.33 FEET, THEREOF.

AND, THE NORTH 66 FEET OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 15 NORTH, RANGE 5 WEST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPT, THE EAST 322.00 FEET, THEREOF.

AND LOT 1 IN ROLLING ACRES.

ALL EXCEPT ANY INTEREST IN THE COAL, OIL, GAS AND OTHER MINERALS UNDERLYING THE LAND WHICH HAVE BEEN HERETOFORE CONVEYED OR RESERVED IN PRIOR CONVEYANCES, AND ALL RIGHTS AND EASEMENTS IN FAVOR OF THE ESTATE OF SAID COAL, OIL, GAS AND OTHER MINERALS, IF ANY.

ALL SITUATED IN SANGAMON COUNTY, ILLINOIS

PARCEL NUMBERS: 22-29.0-476-014, 22-29.0-476-016 & 22-29.0-477-007

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RECAP

(For County Board Use)

COUNTY BOARD MEMBER: #13 NAME: Brad Miller

DOCKET NUMBER: 2019-021

ADDRESS: 1 Timberline Drive, Springfield, IL 62707

PETITIONER: Joshua Badman

PRESENT ZONING CLASSIFICATION: "R-1" Single-Family Residence District.

REQUESTED ZONING CLASSIFICATION: A variance to allow the front yard setback to be approximately ten (10) instead of the required thirty (30) feet for the purposes of constructing an accessory structure and a variance to allow an accessory structure to be approximately twenty-one (21) feet instead of the maximum height of eighteen (18) feet allowed in the R-1 Single-Family Residence District.

AMENDED BY THE PETITIONER: to request fifteen (15) feet instead of ten (10) feet and the variance regarding the building height.

AREA: 11.14 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: Recommend denial of the requested front yard setback variance. The subject property is 11.14 acres and an accessory structure could be placed in a number of locations in order to comply with the setback regulations and not be so close to the adjacent lot. The Standards for Variation are not met for this request.

Recommend approval of the requested accessory structure height variance. Allowing an accessory structure to be 21 feet instead of 18

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feet in the R-1 District would be consistent with the height of accessory structures located on properties in this area that are zoned Agricultural, which has no height restriction. The Standards for Variation are met for this request.

AMENDED: Recommend approval of the requested front yard setback variance to allow the front yard to be approximately 15 feet instead of the required 30 feet. The Standards for Variation based on the amended petition have been met. Recommend approved of the requested accessory structure height variance as referenced above.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

**Approval of Amended Staff
Recommendation.**


RECORDING SECRETARY

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SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2019-021
Joshua Badman)	
)	PROPERTY LOCATED AT:
)	1 Timberline Drive
)	Springfield, IL 62707

RECOMMENDATION OF THE BOARD OF APPEALS

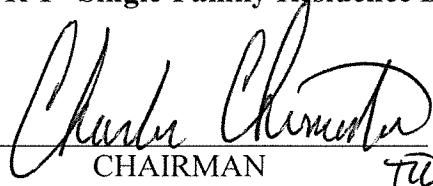
THIS MATTER, Coming on for a hearing before the Sangamon County Zoning Board of Appeals of Sangamon County, Illinois, and it appearing to said Board that a petition for **variances** of the Zoning Regulations of said County has been filed herein by the above captioned petitioner (s); that legal publication has been made pursuant to law; and that a public hearing was held on **June 20, 2019** 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: **1 Timberline Drive, Springfield, IL 62707** 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 a **single-family residence.**
5. That the proposed land use of said property is a **single-family residence and outbuilding.**
6. That the requested **variances** of said property are a **variance to allow the front yard setback to be approximately fifteen (15) feet instead of the required thirty (30) feet for the purposes of constructing an accessory structure, and a variance to allow an accessory structure to be approximately twenty-one (21) 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 to allow the front yard setback to be approximately fifteen (15) feet instead of the required thirty (30) feet for the purposes of constructing an accessory structure, and a variance to allow an accessory structure to be approximately twenty-one (21) feet instead of the maximum height of eighteen (18) feet allowed in the “R-1” Single-Family Residence District** 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 fifteen (15) feet instead of the required thirty (30) feet for the purposes of constructing an accessory structure, and a variance to allow an accessory structure to be approximately twenty-one (21) feet instead of the maximum height of eighteen (18) feet allowed in the “R-1” Single-Family Residence District** are hereby approved.


 CHAIRMAN TC

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MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Tony Mares**, to concur with the amended findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the amended petition **for a variance to allow the front yard setback to be approximately fifteen (15) feet instead of the required thirty (30) feet for the purposes of constructing an accessory structure, and a variance to allow an accessory structure to be approximately twenty-one (21) feet instead of the maximum height of eighteen (18) feet allowed in the "R-1" Single-Family Residence District are hereby approved** which was duly seconded by **Don Wulf**.

The vote of the Board was as follows:

YES: **Charlie Chimento, Tony Mares, Don Wulf, Andrew Spiro, Larry Beaty**

NO:

PRESENT:

ABSENT:


RECORDING SECRETARY

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**AMENDED
SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: 2019-021

Address: 1 Timberline 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.

Setback Variance: The subject property is 11.14 acres and an accessory structure could be placed in a number of locations in order to comply with the setback regulations and not be so close to the adjacent lot.

AMENDED Setback Variance: The petitioner amended the petition to allow a 15 foot front yard setback instead of the required 30 feet. The additional 5 feet in this particular case will, in fact, have a positive effect on the property. The petitioner did provide some evidence that placing the building in an alternative manner would require some significant backfill which may pose an economic yield issue.

Accessory Structure Height Variance: Allowing an accessory structure to be 21 feet instead of 18 feet in the R-1 District would be consistent with the height of accessory structures located on properties in this area that are zoned Agricultural, which has no height restriction.

- (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: The subject property is 11.14 acres and an accessory structure could be placed in a number of locations in order to comply with the setback regulations and not be so close to the adjacent lot.

AMENDED Setback Variance: The petitioner provided additional evidence that was not provided in the petition regarding the topography at the options on which the building could be located. Staff finds that moving the structure to one of those locations does create some plight in this case.

Accessory Structure Height Variance: Other parcels in the area are zoned Agricultural, which has no height restrictions.

- (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: Staff has concerns due to the proximity of the building to the adjoining property, particularly if a precedent is set to allow the building so close to the property line.

AMENDED Setback Variance: The petitioner has lessened the request by 5 feet which will further ensure that there would be no negative impact on the immediate area.

Accessory Structure Height Variance: Negative impacts are not anticipated.