

CASE# 2015-014 7-1  
RESOLUTION NUMBER \_\_\_\_\_

**GRANTING A VARIANCE**  
FOR CERTAIN PROPERTY LOCATED AT  
**1120 WILLOWBROOK DRIVE AND 4065 OAKBROOK COURT, 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 Petitioners, **William R. & Janet E. Muncy and Dorothy J. Smith**, have petitioned the Sangamon County Board for a **variance to allow a rear yard setback of six (6) feet instead of the required twenty (20) feet**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **May 21, 2015** 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**

MAY 28 2015

*Don J. Gray*  
Sangamon County Clerk

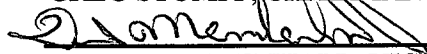
**NOW, THEREFORE, BE IT RESOLVED** by the County Board of Sangamon County, Illinois, in session assembled this 9<sup>th</sup> Day of June, 2015 that the request for a variance to allow a rear yard setback of six (6) feet instead of the required twenty (20) feet on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 9<sup>th</sup> day of June, 2015.

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 RATTIS

\_\_\_\_\_  
LINDA DOUGLAS WILLIAMS

\_\_\_\_\_  
LINDA FULGENZI

\_\_\_\_\_  
LISA HILLS

\_\_\_\_\_  
MIKE SULLIVAN

**ATTEST:**

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

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

**EXHIBIT A**

Unit 1 in 1120 Willowbrook Drive – 4065 Oakbrook Court Condominium, as delineated on the Plat of Survey of Lot One (1) of Westbrook, First Addition, which Plat of Survey is attached as Exhibit A to the Declaration of Condominium Ownership made by James D. Kissel and Tammy J. Kissel, doing business as T. J. Kissel Construction Company, and recorded November 8, 1989 as document No. 89H028199, as and if amended from time to time, along with the percentage of ownership of common elements and limited common elements assigned to said Unit, as determined by the current Declaration or future authorized amendments thereto.

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. Situated in Sangamon County, Illinois.

Together with all easements and appurtenances in favor of said real property.

Subject to all real estate taxes and special assessments; all covenants, easements, reservations, restrictions and roadways of record or in place, if any; all prior reservations, exceptions or conveyances of the coal, oil, gas or other minerals, if any; and building, use and occupancy restrictions imposed by state and local governments, zoning laws and ordinances, if any.

And

UNIT 2 IN 1120 WILLOWBROOK DRIVE – 4065 OAKBROOK COURT CONDOMINIUM AS DELINEATED ON THE PLAT OF SURVEY OF LOT 1 OF WEST BROOK FIRST ADDITION, WHICH PLAT OF SURVEY IS ATTACHED AS EXHIBIT “A” TO DECLARATION OF CONDOMINIUM MADE BY JAMES D. KISSEL AND TAMMY J. KISSEL, DOING BUSINESS AS T. J. KISSEL CONSTRUCTION COMPANY AND RECORDED IN THE RECORDER’S OFFICE OF SANGAMON COUNTY, ILLINOIS AS DOCUMENT NUMBER H028199, TOGETHER WITH A PERCENTAGE OF THE COMMON ELEMENTS APPURTENANT TO SAID UNIT AS SET FORTH IN SAID DECLARATION EXCEPT THE COAL AND OTHER MINERALS UNDERLYING SURFACE OF SAID LAND AND ALL RIGHTS AND EASEMENTS IN FAVOR OF THE ESTATE OF SAID COAL, AND MINERALS. SITUATED IN SANGAMON COUNTY, ILLINOIS.

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**RECAP**  
(For County Board Use)

COUNTY BOARD MEMBER: 27                      NAME: Abe Forsyth

DOCKET NUMBER: 2015-014

ADDRESS: 1120 Willowbrook Drive and 4065 Oakbrook Court, Springfield, IL 62711

PETITIONERS: William R. & Janet E. Muncy and Dorothy J. Smith

PRESENT ZONING CLASSIFICATION: "R-2" Single-Family and Two-Family Residence District

REQUESTED ZONING CLASSIFICATION: "R-2" Single-Family and Two-Family Residence District with a variance to allow a rear yard setback of six (6) feet instead of the required twenty (20) feet.

AREA: 13,980 sq. ft.

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: **Recommend approval of the requested variance. Given the placement of the structure on the corner lot, the existing rear yard is quite small for the condominium unit in question. If the petitioner seeks to convert the condominium into a zero lot line duplex in the future, other zoning variances may be required. The standards of variation are met.**

SANGAMON COUNTY BOARD OF APPEALS  
RECOMMENDATION:

**Approval as staff recommended.**

  
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS  
SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF: ) DOCKET NO: **2015-014**  
**William R. & Janet E. Muncy** )  
**and Dorothy J. Smith** ) PROPERTY LOCATED AT:  
) **1120 Willowbrook Drive and**  
) **4065 Oakbrook Court**  
) **Springfield, IL 62711**

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 **May 21, 2015** 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: **1120 Willowbrook Drive and 4065 Oakbrook Court, Springfield, IL 62711** and more particularly described as:

**See Exhibit A**

- 3. That the present zoning of said property is **“R-2” Single-Family and Two-Family Residence District.**
- 4. That the present land use of said property is a **condominium.**
- 5. That the proposed land use of said property is a **condominium.**
- 6. That the requested **variance** of said property is a **variance to allow a rear yard setback of six (6) 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 requested **variance** be **approved.**

Charles Chimento/CC  
CHAIRMAN

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Merilyn Herbert**, 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 **Anthony Mares.**

The vote of the Board was as follows:

YES: **Charles Chimento, Anthony Mares, Andrew Spiro, Merilyn Herbert & John Lucchesi**

NO:

PRESENT:

ABSENT: **Don Wulf**

Tracy Herman  
RECORDING SECRETARY

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**SANGAMON COUNTY  
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2015-014**

Address: **1120 Willowbrook Dr., 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 economic yield to the petitioner is reduced to not be able to complete an addition to the structure, as the neighbor who shares the building has.**

- (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.

**Given placement of the structure on the corner lot, the existing rear yard is quite small for the condominium unit in question. Therefore, the requested addition cannot meet the required building setbacks in the R-2 district.**

- (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.

**No negative impacts are anticipated.**