

CASE# 2012-033
RESOLUTION NUMBER 8-1

GRANTING A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
18893 STATE RT. 4, VIRDEN
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, **Rick & Beth Kiel**, have petitioned the Sangamon County Board for a **variance of the side yard requirement to three (3) feet instead of the required ten (10) feet**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **July 19, 2012** 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

JUL 30 2012


Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 14th day of August, 2012 that the request for a variance of the side yard requirement to three (3) feet instead of the required ten (10) feet on the above referenced property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 14th day of August, 2012.

Respectfully submitted,

PUBLIC HEALTH, SAFETY & ZONING COMMITTEE OF THE SANGAMON COUNTY BOARD



TIM MOORE, CHAIRMAN

ABE FORSYTH, VICE CHAIRMAN

JOHN FULGENZI

DAVID MENDENHALL

SAM SNELL

GREG STUMPF

JASON RATTTS

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

Part of the Southeast Quarter of the Southwest Quarter of Section 33, Township 13 North, Range 6 West of the Third Principal Meridian, described as follows:

Beginning at the Quarter corner of the South side of Section 33 which Quarter corner is also described as the Southeast corner of the Southeast Quarter of the Southwest Quarter of said Section 33; thence West 60 feet to a Right of Way stone on the West side of State Route #4; thence North 527.1 feet to a point, which point shall be known as the point of beginning; thence West 150 feet; thence North 100 feet; thence East 150 feet to the West side of State Route #4; thence South 100 feet to the point of beginning.

Except all coal, minerals and mining rights heretofore conveyed or reserved of record.

Situated in Sangamon County, Illinois.

8-4

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 6 NAME: Sam Snell

DOCKET NUMBER: 2012-033

ADDRESS: 18893 State Rt. 4, Virden, IL. 62690

PETITIONER: Rick & Beth Kiel

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: "A" Agricultural District with a variance of the side yard requirement to three (3) feet instead of the required ten (10) feet.

AREA: .35 acre

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: Approval of the requested variance to allow the side yard requirement to be three (3) feet instead of the required ten (10) feet. There appears to be no negative impact in the immediate area in reducing the side yard setback. The house to the south of the subject property is placed a great enough distance from the property line so that there will be no health and safety issues if the variance is granted. The standards for variation are met.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS
SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: 2012-033
Rick & Beth Kiel)
)
) PROPERTY LOCATED AT:
) 18893 State Rt. 4
) Virden, IL. 62690

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 **July 19, 2012** 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: **18893 State Rt. 4, Virden, IL.** and more particularly described as:

SEE EXHIBIT A

- 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.
- 5. That the proposed land use of said property is a single-family residence with construct of an addition to the existing garage.
- 6. That the requested variance of said property is of the side yard requirement to three (3) feet 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.

Charles Chimento/ck
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Judith Johnson**, 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 **Byron Deaner**.

The vote of the Board was as follows:

YES: **Byron Deaner, Peggy Egizii, Judith Johnson, Don Wulf, John Lucchesi**

NO:

ABSENT: **Charles Chimento**

Cyndi Knowles
RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: 2012-033

Address: 18893 State Route 4, Virden

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 request is made to construct an addition to the single car garage that is currently attached to the house. This addition will most likely yield a higher return on the property.

- (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 property contains a residence with a single bay attached garage. Due to the configuration of the property and location of the structure, there is plight to the owner in that the owner is unable to place an additional garage anywhere else on the 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.

No negative impact is anticipated.