

CASE# 2017-055 8-1  
RESOLUTION NUMBER 8-1

**DENYING A VARIANCE**  
FOR CERTAIN PROPERTY LOCATED AT  
**12750 EDGEWATER WAY, 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 **deny a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

**See Exhibit A**

WHEREAS, the Petitioner, **Mike Hoyle**, has petitioned the Sangamon County Board for **a variance to allow the side yard setback to be approximately seven (7) feet instead of the required ten (10) feet**; and,

WHEREAS, a public hearing was held at the Sangamon County Building on **November 16, 2017** 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 **deny the variance**; and,

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

**FILED**

NOV 29 2017

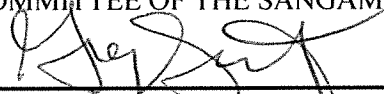
*Don J. Hoyle*  
SANGAMON COUNTY CLERK

**NOW, THEREFORE, BE IT RESOLVED** by the County Board of Sangamon County, Illinois, in session assembled this **12<sup>th</sup> Day of December, 2017** that the request for a variance to allow the side yard setback to be approximately seven (7) feet instead of the required ten (10) feet on the above described property is hereby denied.

Signed and passed by the Sangamon County Board in session on this **12<sup>th</sup> day of December, 2017**.

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**

PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 15 NORTH, RANGE 7 WEST OF THE THIRD PRINCIPAL MERIDIAN IN SANGAMON COUNTY, ILLINOIS; DESCRIBED MORE PARTICULARLY AS FOLLOWS: COMMENCING AT AN IRON PIN MARKING THE WEST ONE QUARTER CORNER OF THE AFOREMENTIONED SECTION 4, THENCE SOUTH 89 DEGREES 32 MINUTES 27 SECONDS EAST ALONG THE QUARTER SECTION LINE A DISTANCE OF 946.39 FEET TO AN IRON PIPE MARKING THE TRUE POINT OF BEGINNING, THENCE NORTH 00 DEGREES 12 MINUTES 12 SECONDS WEST 1.00 FEET TO AN IRON PIPE ON THE SOUTH RIGHT OF WAY LINE OF EDGEWATER WAY, SAID PIPE MARKS THE BEGINNING OF A 300.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, THENCE NORTHEASTERLY 130.01 FEET ALONG SAID SOUTH RIGHT OF WAY WITH SAID CURVE HAVING A LONG CHORD THAT BEARS NORTH 78 DEGREES 02 MINUTES 38 SECONDS EAST FOR A DISTANCE OF 129.00 FEET TO AN IRON PIPE MARKING THE BEGINNING OF A 230.00 FOOT RADIUS CURVE TO THE RIGHT, THENCE NORTHEASTERLY 99.68 FEET ALONG SAID SOUTH RIGHT OF WAY LINE WITH SAID CURVE HAVING A LONG CHORD THAT BEARS NORTH 78 DEGREES 02 MINUTES 38 SECONDS EAST FOR A DISTANCE OF 98.90 FEET TO AN IRON PIPE, THENCE SOUTH 89 DEGREES 32 MINUTES 27 SECONDS EAST ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 119.62 FEET TO AN IRON PIPE ON THE WEST RIGHT OF WAY LINE OF SOUTH WAKE ROAD, THENCE SOUTH 00 DEGREES 12 MINUTES 12 SECONDS EAST ALONG SAID WEST RIGHT OF WAY LINE A DISTANCE OF 50.00 FEET TO AN IRON PIPE ON THE QUARTER SECTION LINE, THENCE NORTH 89 DEGREES 32 MINUTES 27 SECONDS WEST ALONG THE QUARTER SECTION LINE A DISTANCE OF 342.76 FEET TO THE TRUE POINT TO BEGINNING. SAID PARCEL CONTAINS 0.262 ACRE, MORE OR LESS.

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**RECAP**

(For County Board Use)

COUNTY BOARD MEMBER: # 7                      NAME: **Craig Hall**

DOCKET NUMBER: **2017-055**

ADDRESS: **12750 Edgewater Way, New Berlin, IL 62670**

PETITIONER: **Mike Hoyle**

PRESENT ZONING CLASSIFICATION: **“A” Agricultural District.**

REQUESTED ZONING CLASSIFICATION: **A variance to allow the side yard setback to be approximately seven (7) feet instead of the required ten (10) feet.**

AREA: **0.262 acres**

COMMENTS: **None**

OBJECTORS: **Yes**

PLANNING COMMISSION RECOMMENDATION: **Recommend denial. The petition cites that the unique circumstances are that the contractor poured the concrete pad in the wrong location. While this may be the case, this is not a circumstance related to the property nor does it alleviate the responsibility of the property owner to ensure that the regulations of the ordinance are met. The Standards for Variation are not met.**

SANGAMON COUNTY BOARD OF APPEALS

RECOMMENDATION: **Denial as Staff Recommended.**

  
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF: )	DOCKET NO: <b>2017-055</b>
<b>Mike Hoyle</b> )	)
)	PROPERTY LOCATED AT:
)	<b>12750 Edgewater Way</b>
)	<b>New Berlin, IL 62670</b>

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 **November 16, 2017** 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:

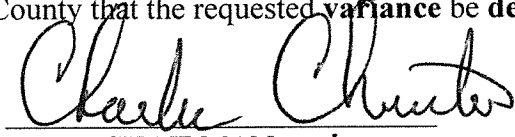
1. That said Board has jurisdiction to consider the petition filed herein.
2. That the above-captioned petitioner(s) is the owner(s) and/or has a beneficial interest in, contract to purchase, or is the County Board Member representing the property commonly known as: **12750 Edgewater Way, New Berlin, IL 62670** and more particularly described as:

**See Exhibit A**

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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 **recreational.**
- 5. That the proposed land use of said property is **recreational.**
- 6. That the requested **variance** of said property is **to allow the side yard setback to be approximately seven (7) 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 not** 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 **denied.**

  
 CHAIRMAN TB

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

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

The vote of the Board was as follows:

YES: **Tony Mares, Don Wulf, JD Sudeth, Larry Beaty**

NO: **Charles Chimento**

PRESENT:

ABSENT: **Andrew Spiro, Gina Lathan**

  
RECORDING SECRETARY

**SANGAMON COUNTY  
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2017-055**

Address: **12750 Edgewater Way, 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 cites contractor's error as a hardship. However, this is not a hardship that relates to 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 petition cites that the unique circumstances are that the contractor poured the concrete pad in the wrong location. While this may be the case, this is not a circumstance related to the property nor does it alleviate the responsibility of the property owner to ensure that the regulations of the ordinance are met.**

- (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.

**It is possible there will be a negative precedent set if the variance is granted toward other variance requests of this nature in the future.**