

**GRANTING A VARIANCE  
FOR CERTAIN PROPERTY LOCATED AT  
191 ETHELTON LANE, 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, **Mark and Kathy Walker**, have petitioned the Sangamon County Board requesting **pursuant to Chapter 17.66, a variance of Section 17.38.010 to allow the front yard setback to be approximately twenty-four (24) feet instead of the required thirty (30) feet**; and,

WHEREAS, a public hearing was held at the Sangamon County Building on **June 17, 2021** 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 a variance**; and,

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 13<sup>th</sup> Day of July, 2021 that the following request(s) on the above described property is hereby approved:

**FILED**

JUN 25 2021

*Don Kray*  
Sangamon County Clerk

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- Pursuant to Chapter 17.66, a variance of Section 17.38.010 to allow the front yard setback to be approximately twenty-four (24) feet instead of the required thirty (30) feet.

Signed and passed by the Sangamon County Board in session on this 13<sup>th</sup> day of July, 2021.

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

**ATTEST:**

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

**EXHIBIT A**

Part of Lot 1 of McGee Estates being part of the Northwest Quarter of the Northwest Quarter of Section 35, Township 16 North, Range 4 West of the Third Principal Meridian, Sangamon County, Illinois, more particularly described as follows:

Commencing at the Northwest corner of the Northwest Quarter of said Section 35 thence South 00 degrees 13 minutes 51 seconds West, on the West line of said Northwest Quarter of Section 35, 418.58 feet to an iron pin set being the point of beginning; thence South 89 degrees 35 minutes 23 seconds East, 644.63 feet to an iron pin set; thence South 00 degrees 21 minutes 22 seconds West, 157.65 feet to an iron pin set; thence South 89 degrees 26 minutes 03 seconds East, 644.24 feet to an iron pin set on the West right of way line of Etherton Lane; thence South 00 degrees 16 minutes 55 seconds West, on said West right of way line, 430.36 feet to an iron pin set; thence North 89 degrees 17 minutes 23 seconds West on the South line of said Lot 1 of McGee Estates, 1288.17 feet to an iron pin set being the Southwest corner of said Lot 1; thence North 00 degrees 13 minutes 51 seconds East, on the West line of said Lot 1, 583.01 feet to the point of beginning, containing (653,384 S.F.) 15.00 acres, more or less.

Parcel Number: 15-35.0-100-021.

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**RECAP**  
(For County Board Use)

COUNTY BOARD MEMBER: # 3                      NAME: David Mendenhall

DOCKET NUMBER: 2021-027

ADDRESS: 191 Etherton Lane, Springfield, IL 62712

PETITIONERS: Mark & Kathy Walker

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

REQUESTED ZONING CLASSIFICATION: Pursuant to Chapter 17.66, a variance of Section 17.38.010 to allow the front yard setback to be approximately twenty-four (24) feet instead of the required thirty (30) feet.

AREA: 15 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION STAFF RECOMMENDATION: **Recommend denial. The subject property can continue to be used economically without the requested variance. A negative precedent could be set if the front yard setback variance is granted as the hardship is solely created by the property owner. The petitioner started constructing the pole barn without receiving a valid building permit. The subject property is 15 acres and contains ample buildable area with no topography issues where the pole barn could be located in order to meet the 30 foot front yard setback. The Standards for Variation are not met.**

SANGAMON COUNTY ZONING BOARD OF APPEALS RECOMMENDATION: **Approval of Standards for Variations provided by the petitioner (Attorney Segatto) to approve the petition as requested.**

  
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF: )	DOCKET NO: <b>2021-027</b>
<b>Mark &amp; Kathy Walker</b> )	
)	PROPERTY LOCATED AT:
)	<b>191 Etherton Lane</b>
)	<b>Springfield, IL 62712</b>

RECOMMENDATION OF THE ZONING 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 **June 17, 2021** 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: **191 Etherton Lane, Springfield, IL 62712** and more particularly described as:


**See Exhibit A**

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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 **“R-1” Single-Family Residence District.**
5. That the proposed land use of said property is **Pole barn and cropland.**
6. That the request(s) for the subject property **is pursuant to Chapter 17.66, a variance of Section 17.38.010 to allow the front yard setback to be approximately twenty-four (24) feet instead of the required thirty (30) 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 following request(s) **is hereby approved:**

- **Pursuant to Chapter 17.66, a variance of Section 17.38.010 to allow the front yard setback to be approximately twenty-four (24) feet instead of the required thirty (30) feet.**

  
CHAIRMAN

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **JD Sudeth**, which was duly seconded by **Andrew Spiro**, to concur with the Standards for Variations provided by the petitioner (Attorney Segatto) and recommend to the County Board that the following request(s) **is hereby approved:**

- **Pursuant to Chapter 17.66, a variance of Section 17.38.010 to allow the front yard setback to be approximately twenty-four (24) feet instead of the required thirty (30) feet.**

The vote of the Board was as follows:

YES: **Charlie Chimento, Tony Mares, Andrew Spiro, JD Sudeth**

NO:

PRESENT:

ABSENT: **Don Wulf**



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RECORDING SECRETARY

Zoning Board of Appeals  
Standards for Variations



Case # 2021-027

Address: 191 Etherton Lane, Springfield, IL 62712

- (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 land cannot be kept for a reasonable use if in compliance with the ordinance because the structure shown on Exhibit "A" is already under construction and the costs associated with moving the structure from its present location are unduly burdensome and punitive for property of this type. The Petitioners admit they failed to get a building permit prior to the construction but thought that the only issue remaining was paying the permit fee. Petitioner, Mark W. Walker, emailed information to county zoning regarding the issuance of a building permit. He sent the County the information that was requested for said permit. In the meantime, Custom Structures, which is the company building the pole building, contacted Mr. Walker and said that it could be there within a week or so to begin construction, so Mr. Walker asked of Sangamon County Zoning personnel via email on April 28th if "that was all the information needed" and the County's representative replied with "...that should be it. Your septic has been approved so I will get your totals together and send you the EPay link today." Mr. Walker understood that meant the building permit was issued and he could start construction of the building based on the documents Petitioners had submitted to the County.**

- (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 circumstances are unique because the construction has started and the financial costs of moving the structure are unduly burdensome for a property of this type. In addition, on or about February 9, 2021, the prior Owners of this real estate were required by County Ordinance to dedicate an additional 40 feet of right of way to Clear Lake Township, in order to divide the property and record the survey which is attached hereto as Exhibit "B". Petitioners purchased this real estate after February 9, 2021. The present location of the proposed structure is over 50 feet from the edge of the payment of the existing road and over 33 feet from the edge of the top of the existing drainage ditch closest to the proposed structure. As shown on the Exhibit "B," there is property North of Petitioners' real estate**



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**that is not subject to the February 9, 2021 new 40 foot right of way decision to Clear Lake Township.**

- (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.

**The variance, if granted, will not alter the essential character of the locality, impair adequate light and air to adjacent property, increase the congestion of traffic, or diminish or impair property value in the locality.**