

CASE # 2006-06 6-1
RESOLUTION NUMBER _____

GRANTING A USE VARIANCE AND VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
6668 LOST CREEK LANE
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 use variance and fence variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

Tract 2 Shady Acres Subdivision

WHEREAS, the Petitioner, **Rich Gatschenberger**, has petitioned the Sangamon County Board for a use variance to allow storage for a heating and cooling business in the detached garage and a variance to allow a fence 8' in height instead of the 6' maximum; and

WHEREAS, a public hearing was held at the Sangamon County Building on **January 19, 2006**, 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 use variance and variance**; and

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

FILED

JAN 20 2006

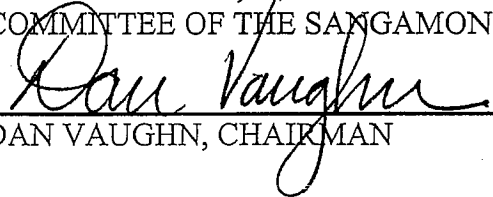
Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 1st day of February, 2006 that the request for a use variance to allow commercial storage for a heating and cooling business in the detached garage and a variance to allow a fence 8' in height instead of the 6' maximum on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 1st day of February, 2006.

Respectfully submitted,

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



DAN VAUGHN, CHAIRMAN

ABE FORSYTH

BILL MOSS

TYRONE PACE

TIM MOORE

DON STEPHENS

DAVID MENDENHALL

ATTEST:



SANGAMON COUNTY CLERK



COUNTY BOARD CHAIRMAN

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**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR USE VARIATIONS
▶ As Recommended by the Board of Appeals ◀**

Case #: 2006-06

Address: 6668 Lost Creek Lane, Sherman

The Zoning Board of Appeals shall not recommend to the Sangamon County Board that the regulations of the zoning ordinance be varied as authorized in Section 17.66.010 thereof, unless it shall make findings of fact based upon the evidence presented to it in each specified case:

- (i) that the variance is justified by a showing of special circumstances demonstrating practical difficulties or particular hardship in the way of carrying out the strict letter of the Zoning Regulations.

Circumstances are special due to the commercial type building on the property.

- (ii) that the variance is compatible with the trend of development in the area.

The 8' fence will screen the property to the north and there are other businesses in the area. The use will create little traffic.

- (iii) that the variance will benefit the community and be in harmony with the general purpose and intent of the Zoning Regulations.

The business will benefit the community and the property is well maintained.

- (iv) that the variance will not create a negative impact on the area, 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.

All storage will be in the building and the use would generate very little traffic. The 8' fence will screen the property to the north.

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RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 2 NAME: Dan Vaughn

DOCKET NUMBER: 2006-06

ADDRESS: 6668 Lost Creek Lane, Sherman, IL 62684

PETITIONER: Rich Gatschenberger

PRESENT ZONING CLASSIFICATION: "R2" Single Family and 2 Family Residence District.

REQUESTED ZONING CLASSIFICATION: "R2" Single Family and 2 Family Residence District with a use variance to allow commercial storage for a heating and cooling business in the detached garage and a variance to allow a fence 8' in height instead of the 6' maximum

AREA: 1.456 acres

COMMENTS:

OBJECTORS:

PLANNING COMMISSION RECOMMENDATION: Recommend denial. The standards for use variation are not met. Introducing a commercial use into the residential area would be detrimental to the neighborhood.

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: 2006-06
Rich Gatschenberger)	
)	PROPERTY LOCATED AT:
)	6668 Lost Creek Lane
)	Sherman, IL 62684
)	

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 **use variance and 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 **January 19, 2006**, 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 or contract to purchase the property commonly known as **6668 Lost Creek Lane, Sherman, IL 62684** and more particularly described as:

Tract 2 Shady Acres Subdivision

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- 3. That the present zoning of said property is **"R2" Single Family and 2 Family Residence District.**
- 4. That the present land use of said property is **Duplex and Commercial storage for heating and cooling business.**
- 5. That the proposed land use of said property is **Same**
- 6. That the requested **use variance** of said property is: **to allow commercial storage for a heating and cooling business in the detached garage with a variance to allow a fence 8' in height instead of the 6' maximum**
- 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 **use variance and fence 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 **use variance and variance** be **approved**.

Charles Chimento
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Donn Malwick**, based on the attached **amended findings** to recommend to the County Board that the petition be **approved**, which was duly seconded by **Pat Somers**

The vote of the Board was as follows:

YES: **Donn Malwick, Peggy Egizii, Pat Somers, Barbara Braner**

NO: **Charles Chimento**

ABSENT: **Marvin Traylor**

R.D. Armstrong
RECORDING SECRETARY

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CASE #: 2006-6

INDEX #: 07-30-152-002

DATE: 1-9-06

INSPECTED BY: DK LW

USE VARIANCE CHECK LIST

PETITIONER: Gatschenberger, Rich

ADDRESS: 6668 Lost Creek Lane CITY OR VILLAGE OR NEAREST ONE: Sherman

REQUEST DESCRIPTION: Use Variance to allow storage for a heating and cooling business in the detached garage and variance*

EXISTING ZONING: R-2

EXISTING LAND USE: Duplex and Commercial Storage for Heating and Cooling Business

PROPOSED LAND USE: Duplex and Commercial Storage for Heating and Cooling Business

LAND AREA: 1.456 acres ROAD FRONTAGE: 150 Lineal Ft. ROAD COND: Fair

STRUCTURE DESIGNED FOR: Residence CONDITION OF STRUCTURE: Good

EXISTING YARDS: Front Varied ft. Side _____ ft. Rear _____ ft.

- NEARBY LAND USE:
- a. To North Single Family Residences, Telecommunications Tower
 - b. To South Single Family Residences
 - c. To East Interstate 55
 - d. To West Single Family Residences

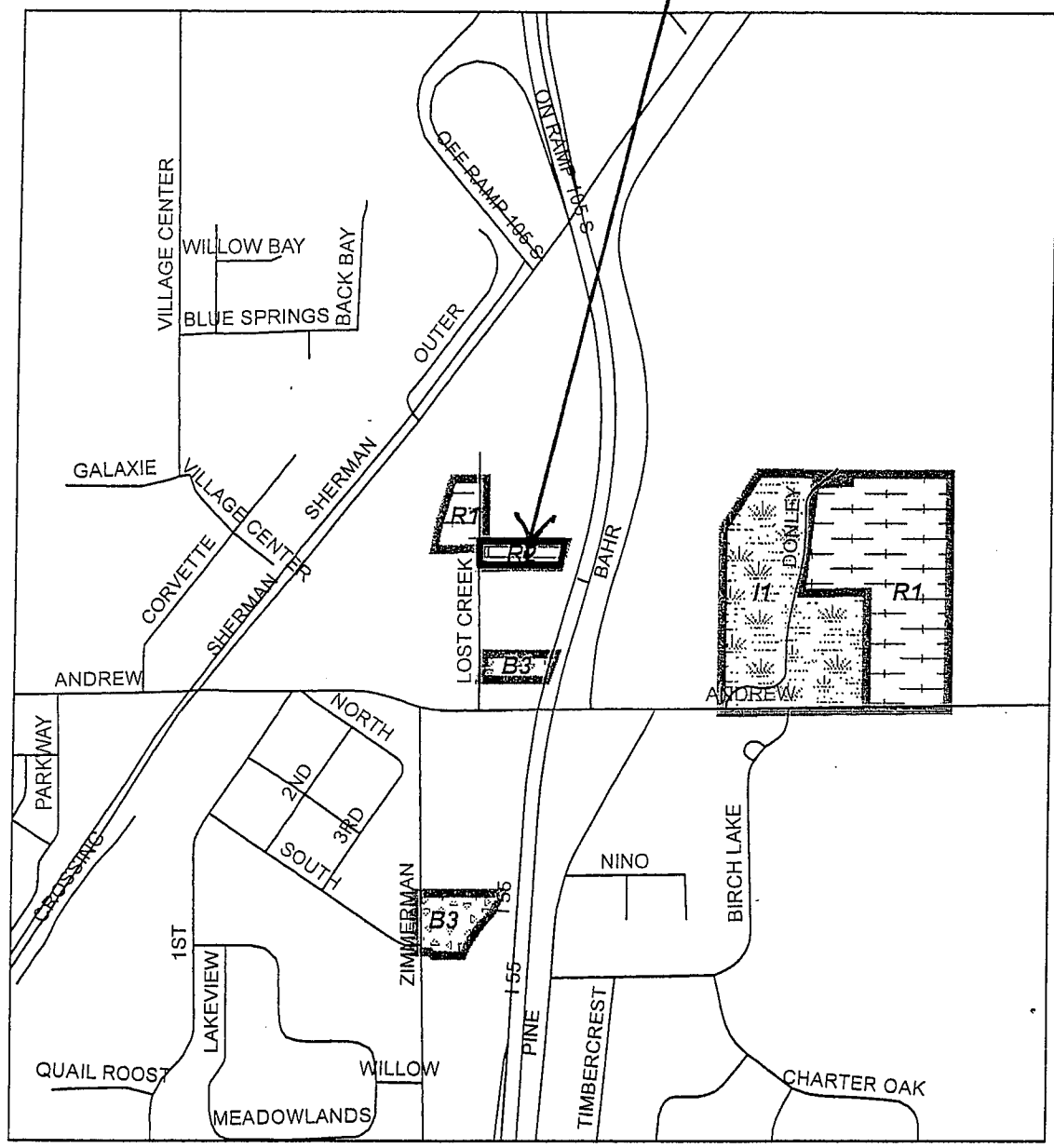
OTHER COMMENTS: * A variance is also requested to allow a fence 8' in height instead of the 6' maximum.

Staff Estimate of the Effect of the Use Variance on the Area		None	Slight	Mod.	Great
CONTRASTS: CURRENT VS. PROPOSED	land use			X	
	appearance			X	
	height	X			
	parking spaces			X	
PROBLEMS FORESEEN	drainage	X			
	sewer	X			
	traffic flow		X		
WILL USE INCREASE	pop. density	X			
	dwellings, density	X			
	school pop.	X			
	traffic volume			X	



RECOMMENDATIONS: Recommend denial. The standards for use variation are not met. Introducing a commercial use into the residential area would be detrimental to the neighborhood.

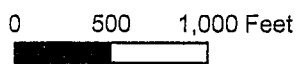
County Zoning Case# 2006-06



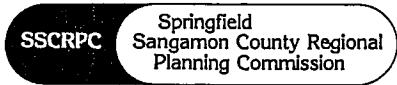
County Zoning

City Zoning

	R1		B1		R1		H1		OFF
	R1a		B2		R2		H2		PUD
	R2		B3		R3a		H3		B1
	R3		I1		R3b		S1		B2
	RM-4		I2		R4		S2		I1
	OFF		A		R5		S3		I2



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RECOMMENDED STANDARDS FOR USE VARIATIONS

Case #: 2006-6

Address: 6668 Lost Creek Lane

The Zoning Board of Appeals shall not recommend to the Sangamon County Board that the regulations of the zoning ordinance be varied as authorized in Section 17.66.010 thereof, unless it shall make findings of fact based upon the evidence presented to it in each specified case:

- (i) that the variance is justified by a showing of special circumstances demonstrating practical difficulties or particular hardship in the way of carrying out the strict letter of the Zoning Regulations.
No. The subject property was rezoned to R-2 in 1987 and is developed with a duplex.
- (ii) that the variance is compatible with the trend of development in the area.
No. The area has remained residential. Although there are two home-based businesses in the area the proposed use would be a second principle use on the property and not home-based.
- (iii) that the variance will benefit the community and be in harmony with the general purpose and intent of the Zoning Regulations.
No. There would be no particular benefit to the community. The purpose of the R-2 zoning district is "to encourage and preserve medium density neighborhoods within the county and to provide a suitable environment for activities associated with family life." The proposed use would not meet with this intent.
- (iv) that the variance will not create a negative impact on the area, 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.

There is a concern with allowing a commercial use in this residential area.



RECOMMENDED STANDARDS FOR VARIATIONS

Case #: 2006-6

Address: 6668 Lost Creek Lane

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 in connection with a request for a use variance to allow a heating and cooling business in a detached garage.

- (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.

It is unclear why the request is made or where the fence would be placed 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.

An 8' fence in a residential area does not seem appropriate.