

CASE # 2009-07  
RESOLUTION NUMBER 4-1

**DENIAL OF VARIANCES**  
FOR CERTAIN PROPERTY LOCATED AT  
**103 W. CLINTON ST., CLEAR LAKE VILLAGE**  
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 variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:


**Lots 24, 25 and 26, Block 3, Grandview Subdivision.**

WHEREAS, the Petitioner, **Charles Gilbert**, has petitioned the Sangamon County Board for **variances of the lot area requirement to allow the 16,898 sq. ft. parcel to be divided into a 2,400 sq. ft. parcel for the storage building and a 14,498 sq. ft. parcel for the existing manufactured home and to allow the manufactured home to have a side yard of 3' for that portion of the structure on lot 24;** and

WHEREAS, a public hearing was held at the Sangamon County Building on **February 19, 2009**, 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 variances;** and

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

  
FEB 27 2009  
*Joe Aiello*  
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 10<sup>th</sup> day of March, 2009 that the request for variances of the lot area requirement to allow the 16,898 sq. ft. parcel to be divided into a 2,400 sq. ft. parcel for the storage building and a 14,498 sq. ft. parcel for the existing manufactured home and to allow the manufactured home to have a side yard of 3' for that portion of the structure on lot 24 on the above described property is hereby denied.

Signed and passed by the Sangamon County Board in session on this 10<sup>th</sup> day of March, 2009.

Respectfully submitted,

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

Tim Moore  
TIM MOORE, CHAIRMAN

\_\_\_\_\_  
ABE FORSYTH, VICE CHAIRMAN

\_\_\_\_\_  
JOHN FULGENZI

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DAVID MENDENHALL

\_\_\_\_\_  
SAM SNELL

\_\_\_\_\_  
DON STEPHENS

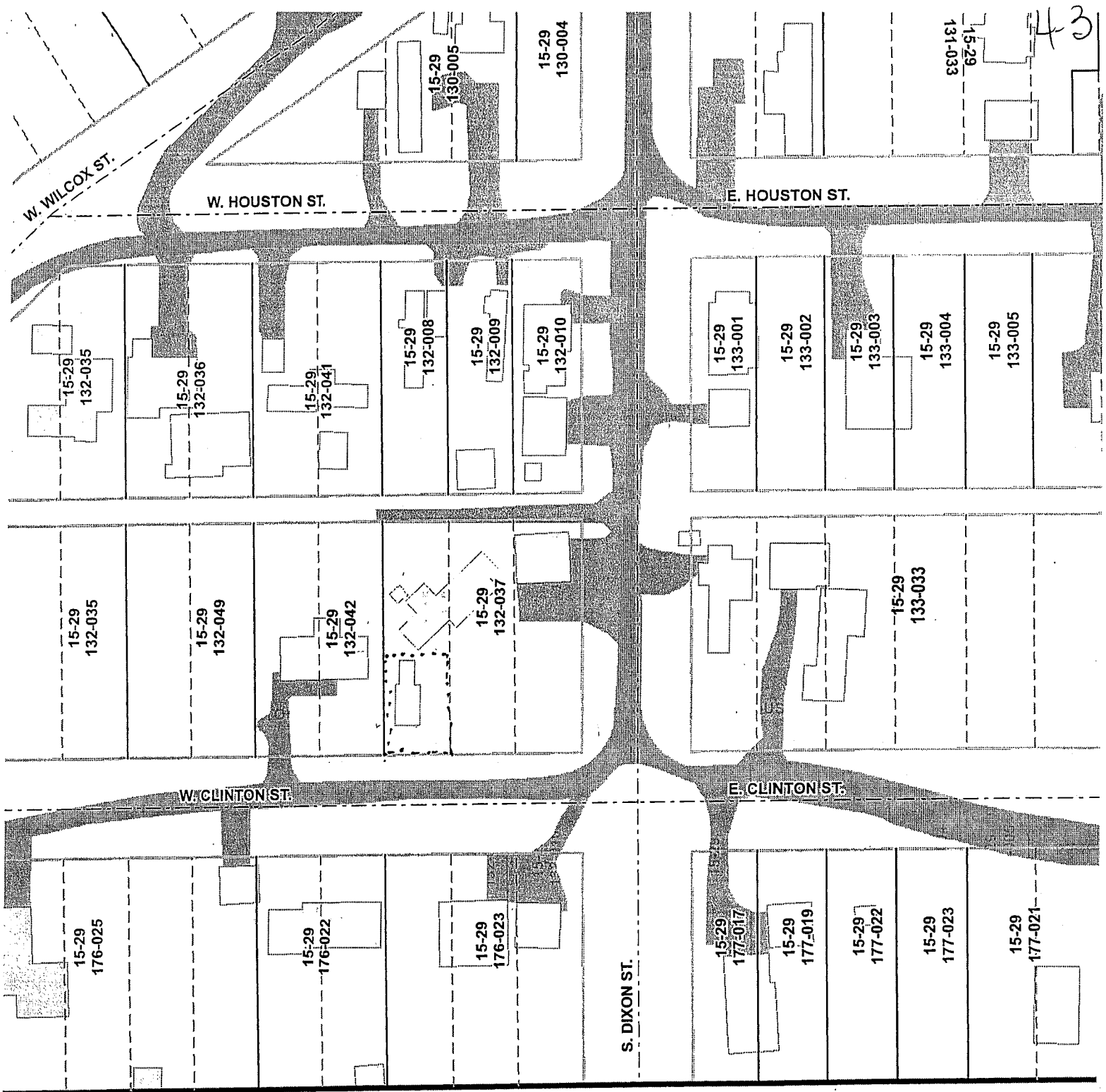
\_\_\_\_\_  
GREG STUMPF

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

ATTEST:

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

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



2009-07  
 Gilbert  
 103 W. CLINTON ST, CLEAR LAKE VILLAGE  
 15-29-132-037

44

RECAP  
(For County Board Use)

COUNTY BOARD MEMBER: # 9 NAME: Sarah Musgrave

DOCKET NUMBER: 2009-07

ADDRESS: 103 W. Clinton St., Clear Lake Village, IL 62707

PETITIONER: Charles Gilbert

PRESENT ZONING CLASSIFICATION: "RM-4" Manufactured Home District

REQUESTED ZONING CLASSIFICATION: "RM-4" Manufactured Home District with variances of the lot area requirement to allow the 16,898 sq. ft. parcel to be divided into a 2,400 sq. ft. parcel for the storage building and a 14,498 sq. ft. parcel for the existing manufactured home and to allow the manufactured home to have a side yard of 3' for that portion of the structure on lot 24.

AREA: 16,898 Sp ft

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: Recommend denial of requested variance. The standards for variation are not met. The petitioner is requesting to divide off a temporary shed from the subject property. Not only is this inappropriate because the shed is temporary, approval of this variance could start a negative precedent in the area.

SANGAMON COUNTY BOARD OF APPEALS  
RECOMMENDATION:

Denial

  
\_\_\_\_\_  
RECORDING SECRETARY

4-5

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:	)	DOCKET NO: <b>2009-07</b>
<b>Charles Gilbert</b>	)	
	)	PROPERTY LOCATED AT:
	)	<b>103 W. Clinton St</b>
	)	<b>Clear Lake Village, IL 62707</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 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 **February 19, 2009** 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 **103 W. Clinton St., Clear Lake Village, IL 62707** and more particularly described as:

**Lots 24, 25 and 26, Block 3, Grandview Subdivision**

- 3. That the present zoning of said property is "RM-4" Manufactured Home District.
- 4. That the present land use of said property is Manufactured home, garage and shed.
- 5. That the proposed land use of said property is Same use continued.
- 6. That the requested variances of said property are of the lot area requirement to allow the 16,898 sq. ft. parcel to be divided into a 2,400 sq. ft. parcel for the storage building and a 14,498 sq. ft. parcel for the existing manufactured home and to allow the manufactured home to have a side yard of 3' for that portion of the structure on lot 24.
- 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 variances 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 variances be denied.

  
 CHAIRMAN

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member Don Wulf 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 Judith Johnson.

The vote of the Board was as follows:

YES: Byron Deaner, Peggy Egizii, Judith Johnson, Marvin Traylor, Don Wulf

NO:

ABSENT: Charles Chimento

  
 RECORDING SECRETARY

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**SSCRPC** Springfield Sangamon County Regional Planning Commission

**Staff Findings and Recommendation**

(inspected 1/30/09 by MB & AJ)

SANGAMON COUNTY ZONING CASE # 2009-07

ADDRESS 103 W. Clinton Street, Clear Lake Village

Property Index # 15-29-132-037

PETITIONER Charles Gilbert

REQUESTED ZONING Variances of the lot area requirement to allow the 16,898 sq. ft. parcel to be divided into a 2400 sq. ft. parcel for the storage building and a 14,498 sq. ft. parcel for the existing manufactured home. A variance to allow the manufactured home to have a side yard of 3' for that portion of the structure on lot 24.

PROPOSED LAND USE Manufactured home, garage and shed.

EXISTING:

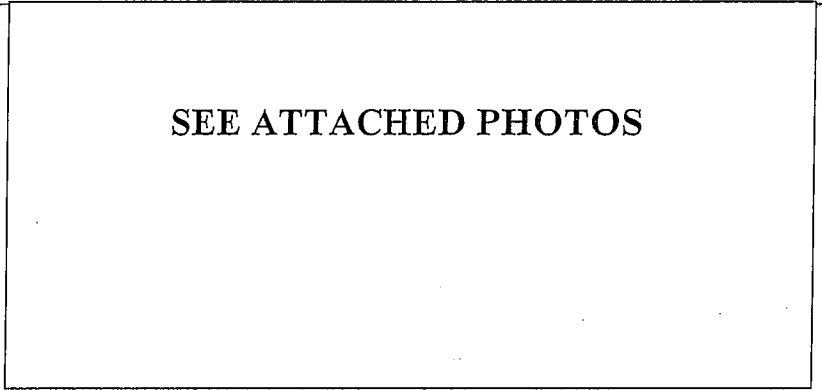
ZONING RM-4

LAND USE Manufactured home, garage and shed.

ROAD FRONTAGE	<u>Clinton Street – 125'</u>	CONDITION OF PAVEMENT	<u>Fair</u>
	<u>Dixon Street – 140'</u>		<u>Fair</u>

STRUCTURE DESIGNED FOR Residence

CONDITION OF STRUCTURE Good



LOT AREA 16,898 sq. ft.

FRONT YARD 65'

SIDE YARDS 15'/50'

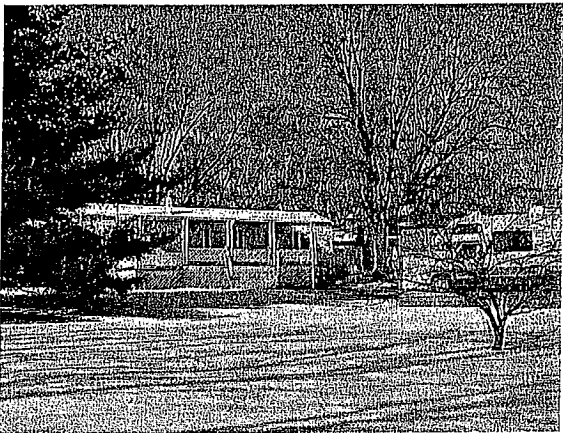
REAR YARD 25'

Would the proposed zoning be spot zoning? N/A

**PLANNING COMMISSION STAFF RECOMMENDATION:** Recommend denial of requested variance. The standards for variation are not met. The petitioner is requesting to divide off a temporary shed from the subject property. Not only is this inappropriate because the shed is temporary, approval of this variance could start a negative precedent in the area.

Case #: 2009-07

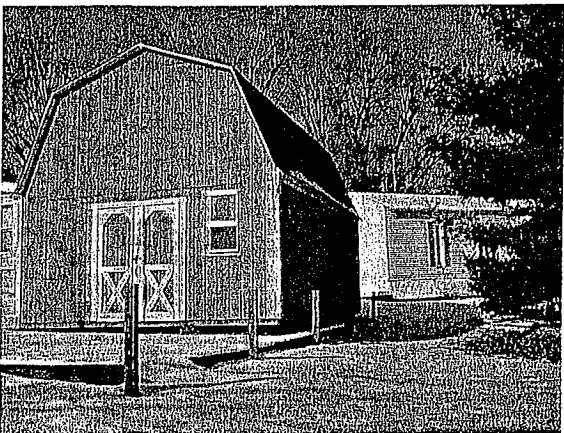
Address: 103 W. Clinton



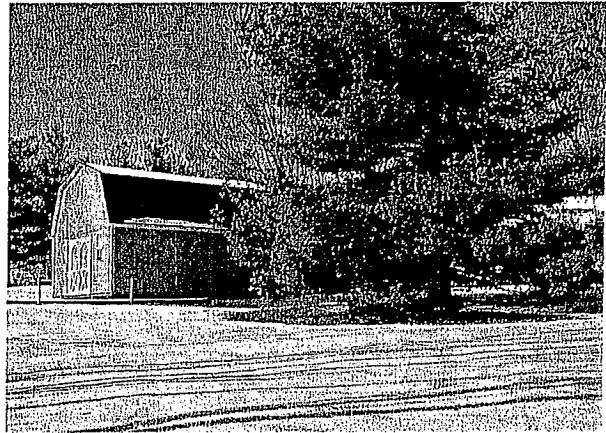
103 W. Clinton - Manufactured Home



Temporary Shed



Temporary Shed





**SANGAMON COUNTY  
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: 2009-07

Address: 103 W. Clinton St.

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 divide off a temporary shed from the subject 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.

**There is a manufactured home, unattached garage and a temporary shed situated on the subject property. Division of a temporary shed is seen as inappropriate and could start a negative precedent.**

- (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.**

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# County Zoning

## Case# 2009-07

Requested:  
Variance



### County Zoning

	RM-4		I1
	R3		I2
	R2		B3
	R1a		B2
	R1		B1
	OFF		A

### City Zoning

	R5		H1		OFF
	R1		H2		PUD
	R2		H3		B1
	R3a		S1		B2
	R3b		S2		I1
	R4		S3		I2

