

**DENYING A VARIANCE**  
FOR CERTAIN PROPERTY LOCATED AT  
**7130 FULTON ROAD, 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, **Adam Ehrman**, has petitioned the Sangamon County Board requesting **pursuant to Chapter 17.66, a variance of Section 17.36.010(A) and Section 17.38.010 to allow an accessory structure within the front yard with a front yard setback to be approximately one (1) foot instead of the required thirty (30) feet; and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **December 19, 2019** 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 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 **14<sup>th</sup> Day of January, 2020 that the following request(s) on the above described property is hereby denied:**

**FILED**

JAN 03 2020

Case #2019-047 Page 1 of 8

*Don Meyer*  
Sangamon County Clerk

- Pursuant to Chapter 17.66, a variance of Section 17.36.010(A) and Section 17.38.010 to allow an accessory structure within the front yard with a front yard setback to be approximately one (1) foot instead of the required thirty (30) feet.

Signed and passed by the Sangamon County Board in session on this 14<sup>th</sup> day of January, 2020.

Respectfully submitted,

PUBLIC HEALTH, SOLID WASTE & ZONING  
COMMITTEE OF THE SANGAMON COUNTY BOARD

  
\_\_\_\_\_  
GREG STUMPF, CHAIRMAN

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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 East Half of the Northeast Quarter of Section 32, Township 15 North, Range 6 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows: From the Northwest corner of the East Half of the Northeast Quarter of said Section 32, East on the Section line, 464.43 feet to the point of beginning; thence continuing East on said Section line, 359.20 feet; thence deflecting to the right 89 degrees 08 minutes 11 seconds, 640.00 feet; thence deflecting to the right 102 degrees 08 minutes 21 seconds, 204.55 feet; thence deflecting to the right 44 degrees 30 minutes 53 seconds, 290.17 feet; thence deflecting to the right 33 degrees 23 minutes 52 seconds, 360.00 feet to the point of beginning. Shown as Parcel I on survey recorded May 20, 1996, Document No. 96-20027.

Except any interest in the coal, oil, gas and other minerals underlying the land which have been heretofore conveyed or reserved in prior conveyances, and all rights and easements in favor of the estate of said coal, oil, gas and other minerals, if any.

Situated in Sangamon County, Illinois.

Together with all easements and appurtenances in favor of said real property.

Subject to all real estate taxes and special assessments; all covenants, easements, reservations, restrictions and roadways of record or in place, if any; and building, use and occupancy restrictions imposed by state and local governments, zoning laws and ordinances, if any.

Parcel Number: 21-32.0-200-014

RECAP  
(For County Board Use)

COUNTY BOARD MEMBER: #7                      NAME: Craig Hall

DOCKET NUMBER: 2019-047

ADDRESS: 7130 Fulton Road, New Berlin, IL 62670

PETITIONER: Adam Ehrman

PRESENT ZONING CLASSIFICATION: "A" Agricultural District.

REQUESTED ZONING CLASSIFICATION: Pursuant to Chapter 17.66, a variance of Section 17.36.010(A) and Section 17.38.010 to allow an accessory structure within the front yard with a front yard setback to be approximately one (1) foot instead of the required thirty (30) feet.

AREA: 4.6 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION STAFF RECOMMENDATION: **Recommend denial.** The petitioner previously filed Zoning Case #2019-028 requesting variances to allow an accessory structure within the front yard setback and the proposed right-of-way, which was denied. The petitioner has now refiled requesting the accessory structure be granted a one foot front yard setback variance. No conditions have changed since the previous Zoning Case #2019-028, and a negative precedent could be set if the variance is granted as the hardship is solely created by the property owner. Further, the petition states: "the topography of the property is unique and the property is covered with large adult trees. The flooding and sloping of the land inhibits to place it elsewhere." Upon the site visit and further investigation of available LIDAR data, staff finds there are adequate places to construct an accessory structure on both sides of the driveway in compliance with the Zoning Ordinance that would not cause any more topographic disturbance than any other typical construction project. Likewise, the subject property has large trees, but there are alternate sites (see attached pictures) that would meet the setback requirement and not require major tree removal. While the petitioner is now requesting a one (1) foot variance, the previous request was for zero (0) feet. Absent a boundary survey, which would be the responsibility of the property owner, staff is unsure if the requested one (1) foot is accurate. The Standards for Variation are not met.

SANGAMON COUNTY ZONING BOARD OF APPEALS RECOMMENDATION:  
**Approval of Staff Recommendation.**

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

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF: ) DOCKET NO: **2019-047**  
**Adam Ehrman** )  
) )  
) ) PROPERTY LOCATED AT:  
) ) **7130 Fulton Road**  
) ) **New Berlin, IL 62670**

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 **December 19, 2019** 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: **7130 Fulton Road, New Berlin, IL 62670** 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 and shed.**
- 6. That the request(s) for the subject property is **pursuant to Chapter 17.66, a variance of Section 17.36.010(A) and Section 17.38.010 to allow an accessory structure within the front yard with a front yard setback to be approximately one (1) foot 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 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 following request(s) **is hereby denied:**

- **Pursuant to Chapter 17.66, a variance of Section 17.36.010(A) and Section 17.38.010 to allow an accessory structure within the front yard with a front yard setback to be approximately one (1) foot instead of the required thirty (30) feet.**

  
 CHAIRMAN *yes*

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 following request(s) **is hereby denied:**

- **Pursuant to Chapter 17.66, a variance of Section 17.36.010(A) and Section 17.38.010 to allow an accessory structure within the front yard with a front yard setback to be approximately one (1) foot instead of the required thirty (30) feet which was duly seconded by Charlie Chimento.**

The vote of the Board was as follows:

YES: **Charlie Chimento, Anthony Mares, Don Wulf, Andrew Spiro, JD Sudeth**

NO:

PRESENT:

ABSENT:



RECORDING SECRETARY

**SANGAMON COUNTY  
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2019-047**

Address: **7130 Fulton Road, 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 property can continue to be used economically as a residence without the variance. The subject property is 4.6 acres and an accessory structure could be placed in a number of locations in order to comply with the setback regulations. The economic hardship in this case is solely created by the property owner.**

- (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 states: “the topography of the property is unique and the property is covered with large adult trees. The flooding and sloping of the land inhibits to place it elsewhere.” Upon the site visit and further investigation of available LIDAR data, staff finds there are adequate places to construct an accessory structure on both sides of the driveway in compliance with the Zoning Ordinance that would not cause any more topographic disturbance than any other typical construction project. Likewise, the subject property has large trees, but there are alternate sites (see attached pictures) that would meet the setback requirement and not require major tree removal.**

- (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.

**Staff has concerns allowing the accessory structure at the current location due to the placement of the structure in the required front yard setback. No conditions have changed since the previous Zoning Case #2019-028, and a negative precedent could be set if the variance is granted as the hardship is solely created by the property owner.**