

DENYING VARIANCES
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 the variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioners, **Adam & Lacy Ehrman**, have petitioned the Sangamon County Board for 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 zero (0) feet instead of the required thirty (30) feet; and, a variance of Section 17.42.010(B) to allow an accessory structure to be located approximately ten (10) feet within the proposed right-of-way of forty (40) feet; and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **August 15, 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 the variances**; and,

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

FILED

AUG 26 2019

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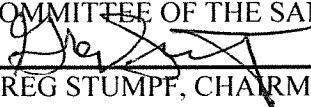
NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **10th Day of September, 2019** that the following requests on the above described property are hereby denied:

- 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 zero (0) feet instead of the required thirty (30) feet; and,
- A variance of Section 17.42.010(B) to allow an accessory structure to be located approximately ten (10) feet within the proposed right-of-way of forty (40) feet.

Signed and passed by the Sangamon County Board in session on this **10th day of September, 2019.**

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

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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

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RECAP
(For County Board Use)

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

DOCKET NUMBER: **2019-028**

ADDRESS: **7130 Fulton Road, New Berlin, IL 62670**

PETITIONER: **Adam & Lacy Ehrman**

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

REQUESTED ZONING CLASSIFICATION: **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 zero (0) feet instead of the required thirty (30) feet, and a variance of Section 17.42.010(B) to allow an accessory structure to be located approximately ten (10) feet within the proposed right-of-way of forty (40) feet.**

AREA: **4.6 acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION STAFF RECOMMENDATION: **Recommend denial. While the petition cites a number of circumstances, none of these circumstances are unique to the subject property to warrant granting the requested variances. Upon the site visit, staff determined there were other areas on the 4.6 acre subject property where the accessory structure could be placed to be in compliance with the Zoning Ordinance and not within the proposed right-of-way. 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

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SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: **2019-028**
Adam & Lacy 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 **variances** 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 **August 15, 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:

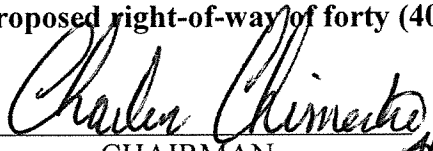
1. That said Board has jurisdiction to consider the petition filed herein.
2. That the above-captioned petitioner(s) is the owner(s) and/or has a beneficial interest in, contract to purchase, or is the County Board Member representing the property commonly known as: **7130 Fulton Road, New Berlin, IL 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 requested **variances** of said property are **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 zero (0) feet instead of the required thirty (30) feet; and, a variance of Section 17.42.010(B) to allow an accessory structure to be located approximately ten (10) feet within the proposed right-of-way of forty (40) 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 **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 requests are hereby **denied** for:

- **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 zero (0) feet instead of the required thirty (30) feet; and,**
- **Variance of Section 17.42.010(B) to allow an accessory structure to be located approximately ten (10) feet within the proposed right-of-way of forty (40) feet.**


 CHAIRMAN

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MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Andrew Spiro**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition for

- **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 zero (0) feet instead of the required thirty (30) feet; and,**
- **A variance of Section 17.42.010(B) to allow an accessory structure to be located approximately ten (10) feet within the proposed right-of-way of forty (40) feet**

are hereby denied which was duly seconded by **Tony Mares**.

The vote of the Board was as follows:

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

NO:

PRESENT:

ABSENT: **Don Wulf**


Trustee Herman
 RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2019-028**

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 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 and not be located within the proposed right-of-way. A negative precedent could be set if the variances are granted as the hardship 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.

While the petition cites a number of circumstances, none of these circumstances are unique to the subject property to warrant granting the requested variances. Upon the site visit, staff determined there were other areas on the 4.6 acre subject property where the accessory structure could be placed to be in compliance with the Zoning Ordinance and not within the proposed right-of-way.

- (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 not only in the required front yard setback but also within the proposed right-of-way. A negative precedent could be set if the variances are granted as the hardship is solely created by the property owner.