

CASE# 2014-044
RESOLUTION NUMBER 5-1

GRANTING VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
4015 & 4017 THORNBROOK DRIVE, 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 variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioners, **Charles E. Sivert and Barbara J. & Bradley P. DeLuka**, have petitioned the Sangamon County Board for **Proposed Lot 1: A variance to allow road frontage of forty-eight point sixty-eight (48.68) feet instead of the required eighty (80) feet and a variance to allow a zero (0) foot common wall side yard instead of the required minimum five (5) feet; and, for Proposed Lot 2: A variance to allow road frontage of fifty-two point thirty-two (52.32) feet instead of the required eighty (80) feet, a variance to allow a zero (0) foot common wall side yard instead of the required minimum five (5) feet and a variance to allow total square foot area of seven thousand nine hundred seventy-one (7,971) square feet instead of the required eight thousand (8,000) square feet; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **October 16, 2014** 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

FILED

OCT 29 2014

Joe Aiello
Sangamon County Clerk

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 variances**; and

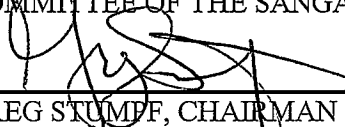
WHEREAS, the Sangamon County Board does hereby adopt the recommendation of the Sangamon County Zoning Board of Appeals.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 12th day of November, 2014 that the request for Proposed Lot 1: A variance to allow road frontage of forty-eight point sixty-eight (48.68) feet instead of the required eighty (80) feet and a variance to allow a zero (0) foot common wall side yard instead of the required minimum five (5) feet; and, for Proposed Lot 2: A variance to allow road frontage of fifty-two point thirty-two (52.32) feet instead of the required eighty (80) feet, a variance to allow a zero (0) foot common wall side yard instead of the required minimum five (5) feet and a variance to allow total square foot area of seven thousand nine hundred seventy-one (7,971) square feet instead of the required eight thousand (8,000) square feet on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 12th day of November, 2014.

Respectfully submitted,

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



GREG STUMPF, CHAIRMAN

DAVID MENDENHALL, VICE CHAIRMAN

JOHN FULGENZI

CRAIG HALL

SAM SNELL

ABE FORSYTH

JASON RATTS

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

Unit 1 of 4015-4017 Thornbrook Drive Condominium according to the Declaration of Condominium Ownership recorded December 7, 1989 as Document No. 89H030571 in the Office of the Recorder of Deeds, Sangamon County, Illinois and as delineated on the survey of Lot 12 of Westbrook First Addition attached thereto together with a 50% interest in the common elements as set forth therein. Except coal and other minerals together with the right to mine and remove same. Commonly known as 4015 Thornbrook Drive, Springfield, Illinois.

And part of the Southeast Quarter of Section 35, Township 16 North, Range 6 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows: From the Southeast corner of said section, N.00°-00'-00"E., on the East line of said section, 816.42 feet, thence S.89°-50'-07"W., 40.00 feet to the point of beginning, thence continuing S.89°-50'-07"W., 20.00 feet to the Southeast corner of Lot 13 in Westbrook First Addition, thence N.00°-00'-00"E., 700.17 feet to the Northeast corner of Lot 4 in Westbrook First Addition, thence N.90°-00'-00"E., 20.00 feet, thence S.00°-00'-00"W., 700.12 feet to the point of beginning, containing 0.321 acres, more or less.

Unit 2 of 4015-4017 Thornbrook Drive Condominium according to the Declaration of Condominium Ownership recorded December 7, 1989 as Document No. 89H030571 in the Office of the Recorder of Deeds, Sangamon County Illinois and as delineated on the survey of Lot 12 of Westbrook First Addition attached thereto together with a 50% interest in the common elements as set forth therein. Except the coal and other minerals underlying the surface of said land and all rights and easements in favor of the estate of said coal and minerals. Situated in Sangamon County, Illinois. Parcel ID# 13-15-427-022

RECAP

(For County Board Use)

COUNTY BOARD MEMBER: #27 NAME: Abe Forsyth

DOCKET NUMBER: 2014-044

ADDRESS: 4015 & 4017 Thornbrook Drive, Springfield, IL 62711

PETITIONERS: Charles E. Sivert and Barbara J. & Bradley P. DeLuka

PRESENT ZONING CLASSIFICATION: "R-2" Single-Family and Two-Family Residence District

REQUESTED ZONING CLASSIFICATION: "R-2" Single-Family and Two-Family Residence District with for Proposed Lot 1: A variance to allow road frontage of forty-eight point sixty-eight (48.68) feet instead of the required eighty (80) feet and a variance to allow a zero (0) foot common wall side yard instead of the required minimum five (5) feet; and, for Proposed Lot 2: A variance to allow road frontage of fifty-two point thirty-two (52.32) feet instead of the required eighty (80) feet, a variance to allow a zero (0) foot common wall side yard instead of the required minimum five (5) feet and a variance to allow total square foot area of seven thousand nine hundred seventy-one (7,971) square feet instead of the required eight thousand (8,000) square feet.

AREA: .4 acre

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: Recommend approval. The owners are seeking to establish separate legal descriptions and parcel identification numbers to allow each housing unit to be sold separately with individual ownership. The property contains a duplex and the variances are required in order to allow separate fee-simple ownership as required by lending institutions.

SANGAMON COUNTY BOARD OF APPEALS RECOMMENDATION: Approval

Cyndi Knowles
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2014-044
Charles E. Sivert and)	
Barbara J. & Bradley P. DeLuka)	PROPERTY LOCATED AT:
)	4015 & 4017 Thornbrook Drive
)	Springfield, IL 62711

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 **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 **October 16, 2014** 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: **4015 & 4017 Thornbrook Drive, Springfield, IL 62711** and more particularly described as:

See Exhibit A

- 3. That the present zoning of said property is **“R-2” Single-Family and Two-Family Residence District.**
- 4. That the present land use of said property is **a duplex.**
- 5. That the proposed land use of said property is **individual ownership of duplex dwelling units.**
- 6. That the requested **variances** of said property are for **Proposed Lot 1: A variance to allow road frontage of forty-eight point sixty-eight (48.68) feet instead of the required eighty (80) feet and a variance to allow a zero (0) foot common wall side yard instead of the required minimum five (5) feet; and, for Proposed Lot 2: A variance to allow road frontage of fifty-two point thirty-two (52.32) feet instead of the required eighty (80) feet, a variance to allow a zero (0) foot common wall side yard instead of the required minimum five (5) feet and a variance to allow total square foot area of seven thousand nine hundred seventy-one (7,971) square feet instead of the required eight thousand (8,000) square 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 **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 **approved.**

Charles Chimento /ck
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Merilyn Herbert**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **approved**, which was duly seconded by **Don Wulf**.

The vote of the Board was as follows:

YES: **Charles Chimento, Don Wulf, , Andrew Spiro, Merilyn Herbert, & John Lucchesi**

NO:

PRESENT: **Janet Dobrinsky**

ABSENT:


RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: 2014-044

Address: 4015 & 4017 Thornbrook Drive, Springfield

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 contains a duplex separated by a common partition wall. The owners are seeking to establish separate legal descriptions and parcel identification numbers to allow each housing unit to be sold with individual ownership for each housing unit. The existence of the duplex makes it impossible to comply with the regulations and yield a reasonable return.

- (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 owners are seeking to establish separate legal descriptions and parcel identification numbers to allow each housing unit to be sold separately with individual ownership. The property contains a duplex and the variances are required in order to allow separate fee-simple ownership as required by lending institutions.

- (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.

There will be no impact on the immediate area as the overall layout of the property will not change.