

CASE# 2016-014 5-1  
RESOLUTION NUMBER

**DENYING A VARIANCE**  
FOR CERTAIN PROPERTY LOCATED AT  
**3977 DINIUS ROAD, WILLIAMSVILLE**  
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 Petitioners, **Paul K. & Libby J. Miller**, have petitioned the Sangamon County Board for a **variance to allow the side yard setback to be three (3) feet instead of the required ten (10) feet**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **May 19, 2016** 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 variance**; and

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

**FILED**

MAY 25 2016

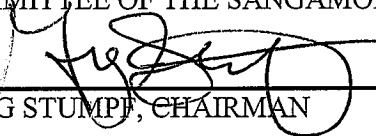
*Don J. May*  
Sangamon County Clerk

**NOW, THEREFORE, BE IT RESOLVED** by the County Board of Sangamon County, Illinois, in session assembled this 14<sup>th</sup> Day of June, 2016 that the request for a variance to allow the side yard setback to be three (3) feet instead of the required ten (10) feet on the above described property is hereby denied.

Signed and passed by the Sangamon County Board in session on this 14<sup>th</sup> day of June, 2016.

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

**ATTEST:**

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

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

**EXHIBIT A**

Part of the Southeast Quarter of Section 31, Township 18 North, Range 4 West of the Third Principal Meridian described as follows:

From the Southeast corner of said Section 31, North on the Section line 76.96 feet; thence South 89 degrees 00' 37" West, 183.84 feet; thence South 77 degrees 42' 02" West, 101.98 feet: thence South 89 degrees 00' 37" West 251.14 feet to the Point of beginning; thence continuing South 89 degrees 00' 37" West, 148.86 feet: thence South 88 degrees 17' 39" West, 121.14 feet; thence North 00 degrees 59' 23" West, 491.00 feet: thence North 89 degrees 00' 37" East, 270.00 feet: thence South 00 degrees 59' 23" East, 491.00 feet to the point of beginning.

**RECAP**

(For County Board Use)

COUNTY BOARD MEMBER: #2 NAME: **Todd Smith**

DOCKET NUMBER: **2016-014**

ADDRESS: **3977 Dinius Road, Williamsville, IL 62693**

PETITIONER: **Paul K. & Libby J. Miller**

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

REQUESTED ZONING CLASSIFICATION: **“A” Agricultural District with a variance to allow the side yard setback to be three (3) feet instead of the required ten (10) feet.**

AREA: **3 acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION RECOMMENDATION: **Recommend denial. The purpose of a variance is to grant relief in cases where a true hardship exists rather than a mere inconvenience to the owner. The property can continue to be used economically without the requested variance. There are plenty of locations behind the residence where the property owner can place the garage which meet the required ten (10) feet side setback. The hardship in this case is created by the owner. There is also concern that granting the requested variance could set a negative precedent for future requests of this nature for which there are no circumstances unique to the property. The Standards for Variation are not met.**

SANGAMON COUNTY 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: <b>2016-014</b>
<b>Paul K. &amp; Libby J. Miller</b> )	)
)	PROPERTY LOCATED AT:
)	<b>3977 Dinius Road</b>
)	<b>Williamsville, IL 62693</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 **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 **May 19, 2016** 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: **3977 Dinius Road, Williamsville, IL 62693** and more particularly described as:

**See Exhibit A**

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- 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, machine shed, and chicken coop.
- 5. That the proposed land use of said property is a single-family residence, machine shed, chicken coop and new garage.
- 6. That the requested variance of said property is to allow the side yard setback to be three (3) feet instead of the required ten (10) 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 requested variance be denied.

  
 CHAIRMAN

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, Anthony Mares, 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 Merilyn Herbert.

The vote of the Board was as follows:

YES: Charles Chimento, Anthony Mares, Don Wulf, Andrew Spiro, and Merilyn Herbert

NO:

PRESENT:

ABSENT:

  
 RECORDING SECRETARY

**SANGAMON COUNTY  
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2016-014**

Address: **3977 Dinius Road, Williamsville**

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 purpose of a variance is to grant relief in cases where a true hardship exists rather than a mere inconvenience to the owner. The property can continue to be used economically without the requested variance. There are plenty of places behind the residence where the property owner can place the garage which meet the required ten (10) feet side setback. The hardship in this case is created by the 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.

**No particularly unique circumstances were identified in the petition to justify the requested variance.**

- (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.

**The purpose of having setbacks to is ensure an adequate supply of light and air reaches adjacent property in safety situations. Compliance with the required setbacks helps achieve this goal. There is also concern that granting the requested variance could set a negative precedent for future requests of this nature which are hardships created solely by a property owner.**