

CASE# 2015-008
RESOLUTION NUMBER 6-1

GRANTING VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
1664 & 1668 N. FARMINGDALE RD, PLEASANT PLAINS
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 Petitioner, **Stacey Stubblefield**, has petitioned the Sangamon County Board for:

- 1. A variance to allow two (2) principal uses on one (1) parcel;**
- 2. A variance to allow a single-family residence to be within four (4) feet of a rear property line instead of the required twenty (20) feet; and,**
- 3. A variance to allow a garage to be within three (3) feet of the required side yard property line instead of the required five (5) feet minimum; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **May 21, 2015** 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 **grant the variances**; and

FILED

MAY 28 2015

Don J. Gray
Sangamon County Clerk

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 9th Day of June, 2015 that the request for:

- 1. A variance to allow two (2) principal uses on one (1) parcel;
- 2. A variance to allow a single-family residence to be within four (4) feet of a rear property line instead of the required twenty (20) feet; and,
- 3. A variance to allow a garage to be within three (3) feet of the required side yard property line instead of the required five (5) feet minimum

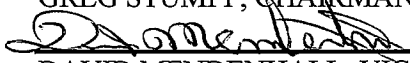
on the above described property is hereby **approved**.

Signed and passed by the Sangamon County Board in session on this 9th day of June, 2015.

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 RATTTS

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

Part of the Northwest Quarter of Section 20, Township 16 North, Range 6 West of the Third Principal Meridian, bounded as follows:

Commencing at a post 752 feet 8 inches North and 33 feet East from the Southwest corner of said Quarter Section; running thence North 64 feet to the place of beginning; thence North 119 feet; thence East 152 feet; thence South 119 feet; thence West 152 feet to the place of beginning; the place of beginning being the Northwest corner of a certain tract conveyed by William N. Schmidt and Annie Schmidt to Robert H. Schmidt and Charlotte E. Schmidt dated April 24, 1947 and recorded in Volume 355 of Deeds, page 56.

Situated in Sangamon County, Illinois.

RECAP

(For County Board Use)

COUNTY BOARD MEMBER: 1 NAME: Harry "Tom" Fraase, Jr.

DOCKET NUMBER: 2015-008

ADDRESS: 1664 & 1668 N. Farmingdale Rd, Pleasant Plains, IL 62677

PETITIONER: Stacey Stubblefield

PRESENT ZONING CLASSIFICATION: "R-1" Single Family Residence District

REQUESTED ZONING CLASSIFICATION: "R-1" Single Family Residence District with a variance to allow two (2) principal uses on one (1) parcel, a variance to allow a single-family residence to be within four (4) feet of a rear property line instead of the required twenty (20) feet and a variance to allow a garage to be within three (3) feet of the required side yard property line instead of the required five (5) feet minimum.

AREA: .05 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION
RECOMMENDATION:

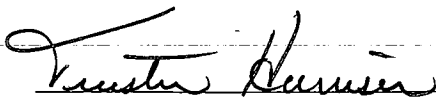
Recommend denial of the variance request to allow two principal uses on one parcel. A basic premise of a zoning ordinance is to allow the continuance of legal, but non-conforming uses, frequently called "grandfathered" uses. However, the Sangamon County Board has imposed limits on how long a property can sit vacant prior to requiring the property owner to bring the property into compliance. This period has been set at six (6) months per Section 17.64.040 of the Sangamon County Zoning Ordinance. The basis for this case is the two residences on the subject property lost their legal non-conforming status because they sat vacant for a period in excess of six months. The petitioners assert that the two existing residences and the garage have been in place for over sixty years. Aerial photography

does indicate the existence of three buildings on this site in 1969. While there have likely been two residences on this property for an extended period, there are other properties in the county with two residences that have not been vacant for a period of six months. The petitioners did not assert any unique circumstances to the property to justify the variance request. Furthermore, the lot is one-half (1/2) acre in size. A lot of this sized does not support two (2) residential units because there is insufficient space to handle septic system capacity. Recommend denial of the variance to allow a single-family residence to be within four (4) feet of the rear lot line instead of the required twenty (20) feet. The petitioner did not assert any reasons to justify the variance request in the petition beyond the age of the property, and to caution that division of the subject property could result in two parcels less than one (1) acre each. Recommend approval of the variance to allow a garage to be within three (3) feet instead of minimum five (5) feet of the side lot line. While the garage is in a side yard, there is less of a detriment to the public interest in allowing a garage that is accessory to the residence to continue to encroach into a required setback than in allowing the second residence on the subject property.

SANGAMON COUNTY BOARD OF APPEALS

RECOMMENDATION:

Recommend approval of the petition and grant variances to: 1. Allow two (2) principal uses on one (1) parcel; 2. A variance to allow a single-family residence to be within four (4) feet of a rear property line instead of the required twenty (20) feet; and, 3. A Variance to allow a garage to be within three (3) feet of the required side yard property line instead of the required five (5) feet minimum as per the attached Standards for Use Variation and Standards for Variation.


 RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2015-008
Stacey Stubblefield))
)	PROPERTY LOCATED AT:
)	1664 & 1668 N. Farmingdale Rd
)	Pleasant Plains, IL 62677

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 **May 21, 2015** 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: **1664 & 1668 N. Farmingdale Rd, Pleasant Plains, IL 62677** and more particularly described as:

See Exhibit A

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3. That the present zoning of said property is **“R-1” Single Family Residence District.**
4. That the present land use of said property is **two single-family residences and a garage.**
5. That the proposed land use of said property is **two single-family residences and a garage.**
6. That the requested **variances** of said property are **a variance to allow two (2) principal uses on one (1) parcel, a variance to allow a single-family residence to be within four (4) feet of a rear property line instead of the required twenty (20) feet and a variance to allow a garage to be within three (3) feet of the required side yard property line instead of the required five (5) feet minimum.**
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, **John Lucchesi**, **not** to concur with the findings of fact and recommendation of the Regional Planning Commission, and in the alternative, to recommend to the County Board that the petition be **approved**, which was duly seconded by **Andrew Spiro**.

The vote of the Board was as follows:

YES: **Charles Chimento, Anthony Mares, Andrew Spiro, Merilyn Herbert & John Lucchesi**

NO:

PRESENT:

ABSENT: **Don Wulf**


RECORDING SECRETARY

**RECOMMENDED STANDARDS FOR USE VARIATIONS
(Two Uses on One Parcel)**

Case #: 2015-008

Address: 1664 & 1668 N. Farmingdale Rd., Pleasant Plains

The Zoning Board of Appeals shall not recommend to the Sangamon County Board that the regulations of the zoning ordinance be varied as authorized in Section 17.66.010 thereof, unless it shall make findings of fact based upon the evidence presented to it in each specified case:

- (i) that the variance is justified by a showing of special circumstances demonstrating practical difficulties or particular hardship in the way of carrying out the strict letter of the Zoning Regulations.

A basic premise of a zoning ordinance is to allow the continuance of legal, but non-conforming uses, frequently called "grandfathered" uses. However, the Sangamon County Board has imposed limits on how long a property can sit vacant prior to requiring the property owner to bring the property into compliance. This period has been set at six (6) months per Section 17.64.040 of the Sangamon County Zoning Ordinance. The basis for this case is the two residences on the subject property lost their legal non-conforming status because they sat vacant for a period in excess of six months.

The petitioners assert that the two existing residences and the garage have been in place for over sixty years. Aerial photography does indicate the existence of three buildings on this site in 1969. While there have been two residences on this property for an extended period, there are likely other properties in the county with two residences that have not been vacant for a period of six months. The petitioners did not assert any unique circumstances to the property to justify the variance request. Further, there is a concern that because of the small size of this lot, granting this request could lead to similar requests in the future on small lots with insufficient area to handle septic system capacity, i.e. lots that are less than one acre in size.

- (ii) that the variance is compatible with the trend of development in the area.

The two (2) detached residences on the subject property are opposite of the trend toward one (1) single-family detached residence per lot in the area.

- (iii) that the variance will benefit the community and be in harmony with the general purpose and intent of the Zoning Regulations.

The variance request will primarily benefit the property owner, as opposed to being in the public's interest. The petitioner can yield a reasonable return on the property with one residence.

- (iv) that the variance will not create a negative impact on the area, 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.

If the residence at the northeast corner of the subject property continues to have building materials strewn about, it could impair property values to the extent that mold, asbestos, or other hazardous materials are located in the area. Traffic impacts will not be worse than if both residences were occupied. It is unlikely the garage would contain a use that would generate significant traffic.

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**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS
(Bulk variances to setbacks)**

Case #: 2015-008

Address: 1664 & 1668 N. Farmingdale Rd., Pleasant Plains

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.

There are three existing structures on the subject property. There is a residence at the northeast corner that appears to be severely dilapidated, with building materials strewn outside and apparent weaknesses in the roof. There is a second residence near the south property line that is in good condition and appears habitable from the outside. There is also a garage that is in questionable shape, but appears structurally sound from the outside. It is reasonable that this property could be economically used if permitted only one residence, as permitted by the zoning ordinance. Therefore, granting the side yard variance is warranted.

- (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 petitioners did not assert any unique circumstance to the property to justify the variance request for the rear yard setback for the residence at the northeast corner of the site. Further, there is a concern that because of the small size of this lot, granting this request could lead to similar requests in the future on small lots of record that have insufficient space to handle excess septic system capacity. While the garage is in a side yard, there is less of a detriment to the public interest in allowing a garage that is accessory to the residence to continue to exist than in allowing the second residence on the subject property.

- (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.

If the residence at the northeast corner of the subject property continues to have building materials strewn about, it could impair property values to the extent that mold, asbestos, or other hazardous materials are located in the area. Traffic impacts will not be worse than if both residences were occupied. It is unlikely the garage would contain a use that would generate significant traffic.

**ZONING BOARD OF APPEALS
RECOMMENDED STANDARDS FOR USE VARIATIONS
May 21, 2015**

Case #: **2015-008**

Address: **1664 & 1668 N. Farmingdale Rd., Pleasant Plains, IL**

The Zoning Board of Appeals shall not recommend to the Sangamon County Board that the regulations of the zoning ordinance be varied as authorized in Section 17.66.010 thereof, unless it shall make findings of fact based upon the evidence presented to it in each specified case:

- (i) that the variance is justified by a showing of special circumstances demonstrating practical difficulties or particular hardship in the way of carrying out the strict letter of the Zoning Regulations.

Purchaser relied upon information from officials that the property could be utilized the same as the prior use dates, yielding a reasonable economic return.

- (ii) that the variance is compatible with the trend of development in the area.

The property has been used in the past as two residences and a garage on one lot. The area to the south consists of small lots with several buildings on a lot.

- (iii) that the variance will benefit the community and be in harmony with the general purpose and intent of the Zoning Regulations.

The Zoning Regulations allow for legal non-conforming uses unless the use ceases to remain for a period of six (6) months. The property owners relied upon information from officials while purchasing the property that was in foreclosure that the uses could remain on the subject property.

- (iv) that the variance will not create a negative impact on the area, 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.

Two (2) residences have been on the property for many years without any apparent negative impact on the area.

**ZONING BOARD OF APPEALS
RECOMMENDED – STANDARDS FOR VARIATIONS
May 21, 2015**

Case #: 2015-008

Address: 1664 & 1668 N. Farmingdale Rd, Pleasant Plains, IL

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 up on 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.

Purchaser relied upon information from officials that the property could be utilized the same as the prior use dates, yielding a reasonable economic 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 property has been used in the past as two residences and a garage on one lot and there appears to have never been an intent to abandon the property.

- (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 variation will not alter the essential character of the location or the past history usage of the property.