

CASE# 2013-024
RESOLUTION NUMBER 8-1

GRANTING VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
4045 & 4047 OAKBROOK CT., SPRINGFIELD, IL
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:

Lot 2 of Westbrook 1st Addition

WHEREAS, the Petitioner, **William Kirbach**, has petitioned the Sangamon County Board for proposed Parcel 1, a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width, a variance to allow road frontage of thirty three point forty five (33.45) feet instead of the required eighty (80) feet, a variance to allow a total side yard of one (1) foot instead of the required fifteen (15) feet, a variance to allow the lot area of five thousand eighteen (5,018) square feet instead of the required twelve thousand (12,000) square feet and a variance to allow a side yard to be zero (0) feet for an interior partition wall. For Proposed Lot 2, a variance to allow road frontage of seventy five (75) feet instead of the required eighty (80) feet, a variance to allow a total side yard of nine point seven (9.7) feet instead of the required fifteen (15) feet, a variance to allow the lot area of seven thousand ninety six (7,096) square feet instead of the required twelve thousand (12,000) square feet and a variance to allow a side yard to be zero (0) feet for an interior partition wall to allow for the duplex to be divided down the partition wall and sold to individual owners; and

FILED

MAY 29 2013

Joe Aiello
Sangamon County Clerk

WHEREAS, a public hearing was held at the Sangamon County Building on **May 16, 2013** 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

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

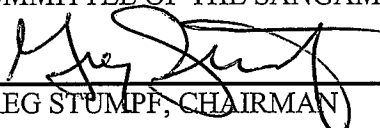
NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **11th day of June, 2013** that the request for **Proposed Parcel 1**, a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width, a variance to allow road frontage of thirty three point forty five (33.45) feet instead of the required eighty (80) feet, a variance to allow a total side yard of one (1) foot instead of the required fifteen (15) feet, a variance to allow the lot area of five thousand eighteen (5,018) square feet instead of the required twelve thousand (12,000) square feet and a variance to allow a side yard to be zero (0) feet for an interior partition wall. For **Proposed Lot 2**, a variance to allow road frontage of seventy five (75) feet instead of the required eighty (80) feet, a variance to allow a total side yard of nine point seven (9.7) feet instead of the required fifteen (15) feet, a variance to allow the lot area of seven thousand ninety six (7,096) square feet instead of the required twelve thousand (12,000) square feet and a variance to allow a side yard to be zero (0) feet for an interior partition wall to allow for the

duplex to be divided down the partition wall and sold to individual owners on the above referenced property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 11th day of June, 2013.

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 RATTI

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

RECAP

(For County Board Use)

COUNTY BOARD MEMBER: # 27 NAME: Abe Forsyth

DOCKET NUMBER: 2013-024

ADDRESS: 4045 & 4047 Oakbrook Ct. Springfield, IL 62707

PETITIONER: William Kirbach

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

REQUESTED ZONING CLASSIFICATION: "R-2" Single & Two Family Residence District with for proposed Lot 1: a variance to allow the lot depth to be greater than two and one half (2 1/2) times the lot width, a variance to allow road frontage of thirty three point forty five (33.45) feet instead of the required eighty (80) feet, a variance to allow a total side yard of one (1) foot instead of the required fifteen (15) feet, a variance to allow the lot area of five thousand eighteen (5,018) square feet instead of the required twelve thousand (12,000) square feet, and a variance to allow a side yard to be zero (0) feet for an interior partition. For Proposed Lot 2, a variance to allow road frontage of seventy five (75) feet instead of the required eighty (80) feet, a variance to allow a total side yard of nine point seven (9.7) feet instead of the required fifteen (15) feet, a variance to allow the lot area of seven thousand ninety six (7,096) square feet instead of the required twelve thousand (12,000) square feet and a variance to allow a side yard to be zero (0) feet for an interior partition wall to allow for the duplex to be divided down the partition wall and sold to individual owners.

AREA: 12,114

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: Approval. The owner is 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:

Cynthia Knowles
RECORDING SECRETARY

Approval

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2013-024
William Kirbach)	
)	PROPERTY LOCATED AT:
)	4045 & 4047 Oakbrook Ct.
)	Springfield, IL 62707

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 16, 2013** 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: **4045 & 4047 Oakbrook Ct., Springfield, IL 62707** and more particularly described as:

Lot 2 of Westbrook 1st Addition

8-7

3. That the present zoning of said property is **"R-2 Single & Two-Family Residence District.**
4. That the present land use of said property is **Duplex.**
5. That the proposed land use of said property is **Duplex with individual ownership per side.**
6. That the requested **variances** of said property are for **Proposed Parcel 1, a variance to allow the lot depth to be greater than two and one-half (2 1/2) times the lot width, a variance to allow road frontage of thirty three point forty five (33.45) feet instead of the required eighty (80) feet, a variance to allow a total side yard of one (1) foot instead of the required fifteen (15) feet, a variance to allow the lot area of five thousand eighteen (5,018) square feet instead of the required twelve thousand (12,000) square feet and a variance to allow a side yard to be zero (0) feet for an interior partition wall. For Proposed Lot 2, a variance to allow road frontage of seventy five (75) feet instead of the required eighty (80) feet, a variance to allow a total side yard of nine point seven (9.7) feet instead of the required fifteen (15) feet, a variance to allow the lot area of seven thousand ninety six (7,096) square feet instead of the required twelve thousand (12,000) square feet and a variance to allow a side yard to be zero (0) feet for an interior partition wall to allow for the duplex to be divided down the partition wall and sold to individual owners.**
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** are 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 Chimentoux
 CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Bryon Deaner**, 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 **Judith Johnson**.

The vote of the Board was as follows:

YES: **Charles Chimento, Bryon Deaner, Judith Johnson, Don Wulf, Janet Dobrinsky**

NO:

PRESENT:

ABSENT: **Peggy Egizii**


RECORDING SECRETARY

SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS

Case #: 2013-024

Address: 4045 – 4047 Oakbrook Court, 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 owner is 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 owner is 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.