

**GRANTING A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
6858 OLD JACKSONVILLE 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 **grant a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Melissa Baker**, has petitioned the Sangamon County Board requesting **pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow the front yard setback to be less than the required thirty (30) feet (approximately 15 feet)**; and,

WHEREAS, a public hearing was held at the Bank of Springfield Center on **September 17, 2020** 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 a variance**; 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 **13th Day of October, 2020 that the following request(s) on the above described property is hereby approved:**

FILED

SEP 29 2020

Don V. Hay
Sangamon County Clerk

- Pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow the front yard setback to be less than the required thirty (30) feet (approximately 15 feet).

Signed and passed by the Sangamon County Board in session on this 13th day of October, 2020.

COUNTY BOARD CHAIRMAN

ATTEST:

SANGAMON COUNTY CLERK

EXHIBIT A

PART OF THE NORTH HALF OF THE NORTHWEST FRACTIONAL QUARTER OF SECTION 4, TOWNSHIP 15 NORTH, RANGE 6 WEST OF THE THIRD PRINCIPAL MERIDIAN, AND BOUNDED AS FOLLOWS, TO-WIT:

BEGINNING AT A POST IN THE SPRINGFIELD AND JACKSONVILLE ROAD 6 CHAINS AND 34 LINKS EAST FROM A STONE IN THE SOUTHWEST CORNER OF SAID HALF QUARTER SECTION, AND RUNNING THENCE EAST 6 CHAINS, THENCE NORTH 3 CHAINS AND 15 LINKS TO A POST IN THE SAID SPRINGFIELD AND JACKSONVILLE ROAD AND THENCE SOUTHWESTERLY ALONG SAID ROAD TO THE PLACE OF BEGINNING, CONTAINING .945 ACRES, MORE OR LESS.

AND

PART OF THE NORTH 15.25 ACRES OF THE EAST 17.25 ACRES OF THE WEST 37.25 ACRES OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 15 NORTH, RANGE 6 WEST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF SAID QUARTER QUARTER SECTION 349.28 FEET EAST OF THE NORTHWEST CORNER OF SAID QUARTER QUARTER SECTION, THENCE SOUTH PARALLEL TO THE WEST LINE OF SAID SECTION 15 FEET; THENCE EAST PARALLEL TO AFORESAID NORTH LINE 192.38 FEET TO THE RIGHT OF WAY LINE 15.04 FEET TO THE AFORESAID NORTH LINE; THENCE NORTHEAST ON SAID RIGHT OF WAY LINE 15.04 FEET TO THE AFORESAID NORTH LINE; THENCE WEST 193.49 FEET TO THE POINT OF BEGINNING; CONTAINING 0.07 ACRES, MORE OR LESS.

ALL EXCEPT THAT PORTION THEREOF DEEDED TO THE PEOPLE OF THE STATE OF ILLINOIS FOR HIGHWAY PURPOSES BY DEDICATION RECORDED DECEMBER 3, 1974 IN BOOK 367 AT PAGE 350 AS DOCUMENT NO. 225232.

SITUATED IN SANGAMON COUNTY, ILLINOIS.

PARCEL NUMBER: 21-04.0-151-002.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #1 NAME: Tom Fraase, Jr.

DOCKET NUMBER: 2020-027

ADDRESS: 6858 Old Jacksonville Road, New Berlin, IL 62670

PETITIONER: Melissa Baker

PRESENT ZONING CLASSIFICATION: "A" Agricultural District.

REQUESTED ZONING CLASSIFICATION: Pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow the front yard setback to be less than the required thirty (30) feet (approximately 15 feet).

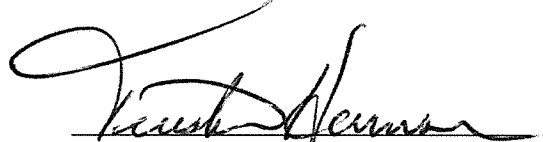
AREA: 1.01 acres.

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION STAFF RECOMMENDATION: Recommend approval. The subject property is unusual for the immediate area because it is a corner lot where the front yard, per the Zoning Ordinance, is on New Salem Church Road, but the perceived front yard is off Old Jacksonville Road. If the front yard was off of Old Jacksonville Road, the proposed attached garage would comply with the 15 foot corner side yard setback requirement. The church is being renovated into a single-family residence. Other single-family residences in the area have garages. Approving the variance, allows the petitioner to construct a garage, and use the property economically. The Standards for Variation are met.

SANGAMON COUNTY ZONING 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: 2020-027
Melissa Baker)	
)	PROPERTY LOCATED AT:
)	6858 Old Jacksonville 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 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 **September 17, 2020** 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: **6858 Old Jacksonville 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 **Church.**
5. That the proposed land use of said property is **Single-family residence with an attached garage.**
6. That the request(s) for the subject property is **pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow the front yard setback to be less than the required thirty (30) feet (approximately 15 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 **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 following request(s) is hereby approved:

- **Pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow the front yard setback to be less than the required thirty (30) feet (approximately 15 feet).**


CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **JD Sudeth**, which was duly seconded by **Tony Mares**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the following request(s) is **hereby approved**:

- Pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow the front yard setback to be less than the required thirty (30) feet (approximately 15 feet).

The vote of the Board was as follows:

YES: **Charlie Chimento, Tony Mares, Don Wulf, Andrew Spiro, JD Sudeth**

NO:

PRESENT:

ABSENT:



RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2020-027**

Address: **6858 Old Jacksonville 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 unusual for the immediate area because it is a corner lot where the front yard, per the Zoning Ordinance, is on New Salem Church Road, but the perceived front yard is off Old Jacksonville Road. If the front yard was off of Old Jacksonville Road, the proposed attached garage would comply with the 15 foot corner side yard setback requirement. The church is being renovated into a single-family residence. Other single-family residences in the area have garages. Denying the variance would result in the property being at an economic disadvantage because a garage could not be constructed.

- (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 Building Department approved a permit for the attached garage, and it was later determined that the proposed garage would be built too close to the property line. Due to the unique layout of the subject property, because of the curve on Old Jacksonville Road and its intersection with New Salem Church Road, and the location of the single-family residence (former church), there are few other places on the subject property where the petitioner could construct an attached garage.

- (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 line of sight for vehicles leaving the property to the south does not appear to be impaired. No additional negative impacts are anticipated.