

AGENDA
REGULAR MEETING OF THE PLANNING & ZONING COMMISSION OF THE
VILLAGE OF FORSYTH, ILLINOIS
5:30 P.M.
THURSDAY, May 22, 2025
VILLAGE HALL, 301 SOUTH ROUTE 51, FORSYTH, IL

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

PUBLIC HEARINGS

- Request for variance submitted by Roger Dwinell to vary the requirements of Development Ordinance Section 3.5 to permit a driveway to be located on the property line at the real property commonly known as 783 Spyglass Blvd., Forsyth, Illinois and legally described as STEVENS CREEK POINTE 2ND ADD L 29 00BK2956/85 IRREG 96BK2695/36 (PIN: 07-07-15-303-040). The property is zoned R-1 and there is no request to change the zoning.

OLD BUSINESS

NEW BUSINESS

- The Commission shall annually elect a Chairman, Vice- Chairman, and any such officers as it may deem necessary. Dev. Ord. Sec. 9.3 (1) and (3).

ADJOURNMENT

MEMORANDUM

To: Chairman Campbell and Planning and Zoning Commission
From: Ryan Raleigh, Director of Planning and Zoning
Date: April 24, 2025
Subject: Driveway Setback Variance

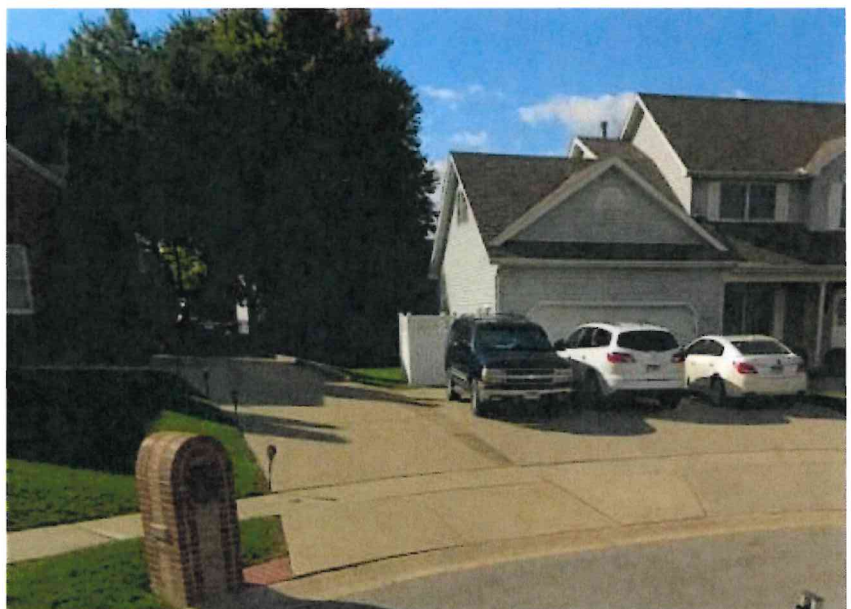
Roger Dwinell has made a request to vary a setback requirement of the Development Ordinance Section 3.5 Accessory Structures and Uses for the real property located at 783 Spyglass Blvd. Forsyth, IL 62535 and legally described as STEVENS CREEK POINTE 2ND ADD L 29 00BK2956/85 IRREG 96BK2695/36

Mr. Dwinell intends to construct a garage at the rear of his property. The unique characteristics of his lot, being situated on a cul-de-sac with angled property lines, necessitate positioning the driveway along the property line for accessibility around the residence.

The Development Ordinance specifies, "Driveways in residential zoning districts may be located no closer than 3 feet from a side property line. However, in cul-de-sac locations, the Zoning Official may allow for a reduced driveway setback based on the lot, adjacent development, and site layout" (Am. Ord. 946, passed 6-1-2015).

While the ordinance grants the Zoning Official the discretion to permit a reduced setback tailored to the specific conditions of the lot, I believe that the nature of Mr. Dwinell's request, which includes the extension of the driveway around to the rear property, warrants the review and approval of the Planning and Zoning Commission to ensure compliance with community standards and safety considerations.

Thank you for your attention to this matter. I look forward to the Commission's thorough evaluation of Mr. Dwinell's request.



VILLAGE OF FORSYTH

301 S. Route 51

Forsyth, IL 62535

Phone: (217) 877-9445 / Fax: (217) 877-9863



VARIANCE REQUEST APPLICATION

OWNER: ☒

APPLICANT: ☐

Name: ROGER DWINELL

Address: 783 SPYGLASS BLVD.

Phone Number: (818) 625-1959

E-mail: roger.dwinell@gmail.com

Property Address: SAME AS ABOVE

PIN #: _____

Legal Description of the Property:

INFORMATION OBTAINED FROM THE MACON COUNTY INTERACTIVE MAP
STEVENS CREEK POINTE
2ND ADD L 29 00BK2956/85 IRREG 96BK2695/36

Zoning District: R-1: Single Family Residence District

Requested variation(s) to the Development Ordinance (include reference to provisions of the Development Ordinance being affected):

FORSYTH DEVELOPMENT ORDINANCE
3.5 ACCESSORY STRUCTURES AND USES
Am. Ord. 946, passed 6-1-2015

CONCRETE DRIVEWAY TO EXTEND FROM FRONT TO REAR OF HOUSE / LOT 29
WHICH REQUIRES REDUCED SET BACK CLEARANCE DUE TO CUL-DE-SAC
LAYOUT AND DIMENSIONS.

Brief description of what the proposed plan is for the property:

VARIANCE NEEDED TO EXTEND THE EXISTING CONCRETE DRIVEWAY TO THE
REAR YARD OF THE HOUSE / LOT 29.

*Attach a dimensioned site plan or plat to depict the proposed variation(s) and plan for the property.

The questions below shall be answered completely, otherwise the Planning and Zoning Commission shall not recommend a variation and the Village Board shall not grant a variation to the provisions of this Ordinance (for multiple variance requests provide answers for each request):

1. What special or unique circumstances exist that are unique to the property seeking the variance (examples of special circumstances include, but are not limited to the physical character of the land or buildings, dimensions, topography, and soil conditions)?

THE VARIANCE WILL ALLOW THE NEW CONCRETE DRIVEWAY ALONG THE SIDE OF THE ADJACENT PROPERTY #30 CURRENT DRIVEWAY WITH ZERO CLEARANCE AT THE PROPERTY LINE.

2. Are the special circumstances not of so general or recurring a nature throughout the entire Village as to make it reasonably practical to provide for a general regulation?

THIS IS A COMMON CHALLENGE ON A CUL-DE-SAC CREATING THE NEED FOR THESE CONCRETE DRIVEWAYS TO SHARE THE PROPERTY LINE.

3. Will the strict application of the Development Ordinance deprive the applicant of rights and/or uses commonly enjoyed by other owners of property in the immediate area under the regulations of this Development Ordinance? Please explain and give examples if available.

NO, THIS WILL NOT DEPRIVE ANYONE OWNING THESE PROPERTIES OF THEIR RIGHTS OR USES. THE VARIANCE WILL SERVE TO IMPROVE LOT 29 AND IN NO WAY DEPRIVE LOT 30 OF THEIR USE.

4. Will the authorization of such variance not be of substantial detriment to adjacent property and will the granting of the variance not change the character of the district? Please explain.

NO DETRIMENTS. THE NEW CONCRETE WILL BE GRADED AS SUCH TO IMPROVE THE DRAINAGE TOWARDS THE STREET OF LOT 29, WHICH IS CURRENTLY SUB OPTIMAL.

5. Is the variance the minimum variance that will make possible the reasonable use of the property, building, or structure? Please explain.

YES. THIS VARIANCE WILL PROVIDE REASONABLE USE OF THE BACK YARD PROPERTY OF LOT 29.

\$90.00 Application Fee: Required at time of the application. The fee will not be refunded if the request is denied by the Village Board of Trustees.

Signature: _____ Date: _____

For office use only

Date Received: <u>4-21-25</u>	PZC Meeting Date: _____
Application Fee Paid: <u>90.00</u>	Board Meeting Date: _____
Approved (Y/N): _____	Ordinance # _____

- (1) Uses lawfully established prior to the effective date of this Ordinance may be continued, subject to the conditions and restrictions contained in Article VIII, **NON-CONFORMITIES**, of this Ordinance.
- (2) Special uses may be allowed, but only in accordance with this ordinance.

The uses permitted in each zoning district are listed in Article IV, **DISTRICT REGULATIONS**.

3.3 SPECIAL USES:

In each zoning district, certain listed uses may be permitted only if a special use permit is secured in accordance with the provisions and procedures of Article IX. The special uses which may be allowed in each zoning district are set out in Article IV, **DISTRICT REGULATIONS**. No listed special use shall be considered an accessory use to any other permitted or special use, and a permit shall be required for each separate special use.

3.4 AGRICULTURE AS A PERMITTED USE:

Farming shall be permitted in any zoning district, although the raising or keeping of livestock or poultry shall not be permitted in Residential Districts R-1, R-2 and R-3. Dwelling units which are accessory to the farming uses shall also be permitted provided, however, that the occupants of the dwellings are engaged in agricultural activities on the premises as their principal means of livelihood, or are for the immediate family (such as parents, children, grandchildren) of the owners of the farm when such owner's principle residence is on the farm, provided, however, that the original farm residence can be rented to non-farm workers if the owners have moved from the property.

3.5 ACCESSORY STRUCTURES AND USES:

All accessory uses shall comply with the standards of the district in which they are located. No accessory use or structure shall be established or erected prior to the establishment or erection of the principal use to which it is accessory. No existing accessory use may be expanded or extended except in compliance with all of the regulations of this Ordinance.

Where an accessory building is structurally attached to a principal building, it shall be subject to, and must conform to, all regulations of this Ordinance applicable to the principal building.

Permitted accessory uses are listed for each district in Article IV, 4.8 Permitted and Special Use Chart. (Am. Ord. 946, passed 6-1-2015)

No accessory building or structure shall encroach upon that side yard of a corner lot which is adjacent to the street, nor upon the rear yard of a through lot, nor upon the front yard of any lot.

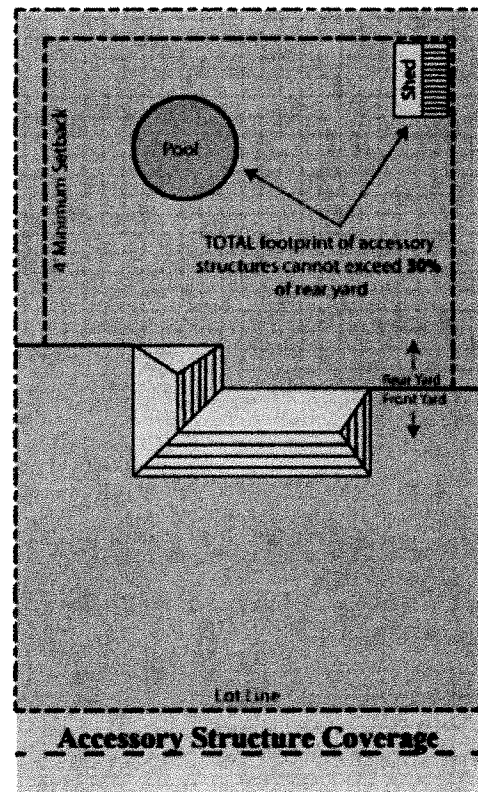
No accessory building or structure shall exceed the height of one (1) story or fifteen (15) feet.

3.5

All accessory buildings or structures shall be at least four (4) feet from any property line. However, accessory buildings and structures constructed prior to March 1, 2012, may be within two (2) feet from any property line, except in the OT: Original Town District, where they may be placed at the property line. (Am. Ord. 945, passed 6-1-2015)

Detached garages and carports accessory to single-family dwellings shall not exceed thirty percent (30%) of the rear yard area. All other detached accessory uses except in-ground swimming pools shall not exceed ten percent (10%) of the rear yard area. The total of all accessory buildings (including in-ground swimming pools) shall not exceed thirty percent (30%) of the rear yard area. Exceptions to these standards shall be permitted pursuant to the issuance of a Special Use Permit. (Am. Ord. 946, passed 6-1-2015)

Driveways in residential zoning districts may be located no closer than 3' from a side property line. However, in cul-de-sac locations the Zoning Official may allow for a reduced driveway setback based on the lot, adjacent development, and site layout. (Am. Ord. 946, passed 6-1-2015)



3.6 TEMPORARY BUILDINGS, STRUCTURES, AND USES OF LAND:

The Village Board may authorize the temporary use of a building, structure or parcel of land in any zoning district for a building, structure or use of land that does not conform to regulations prescribed elsewhere in this Ordinance for the zoning district in which it is located, provided however, that such use is of a temporary nature.

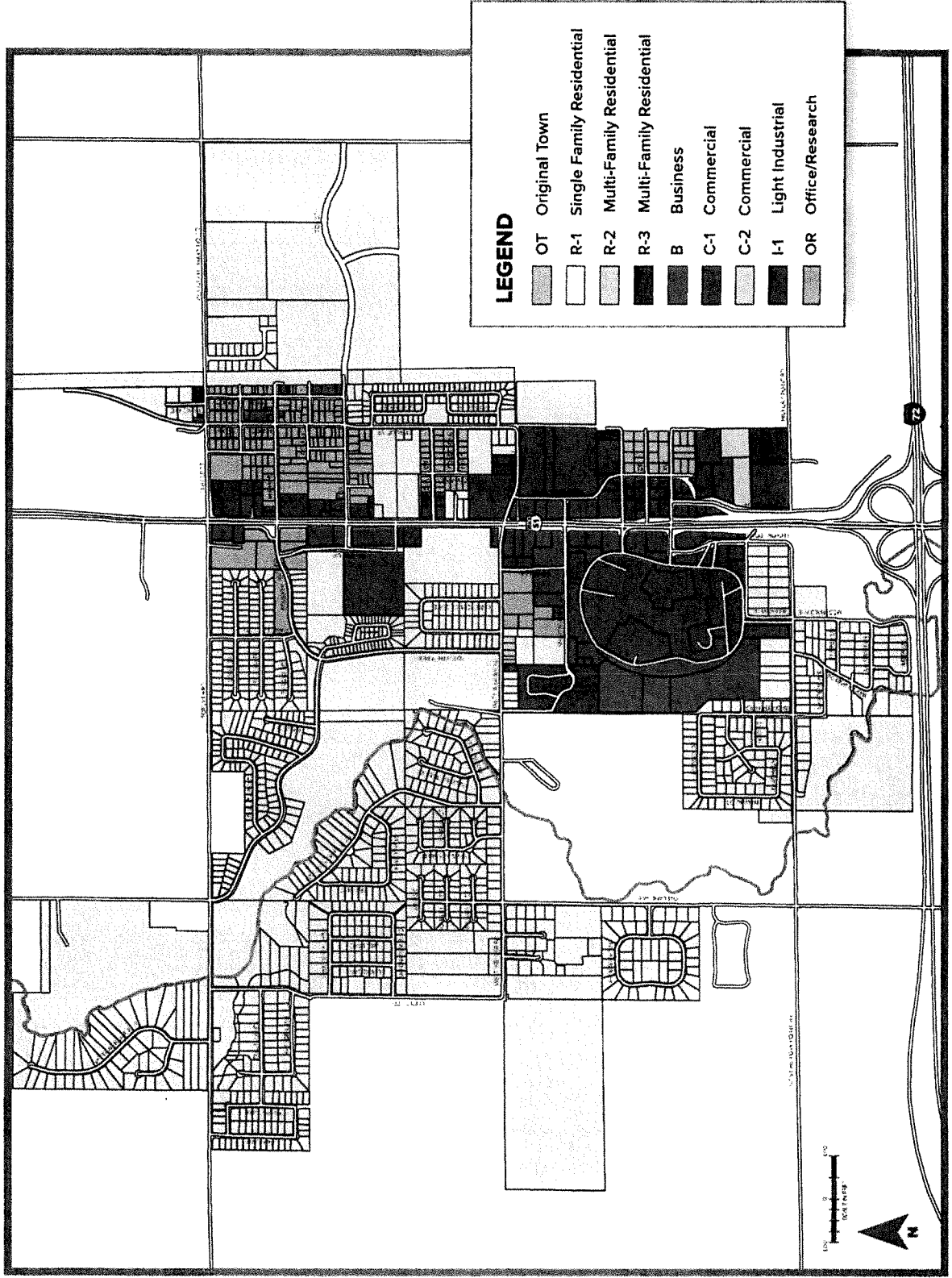
Such uses shall be granted for a specified period of time and shall be subject to such conditions as the Village Board determines to be necessary for the safeguarding of the public health, safety, and general welfare.

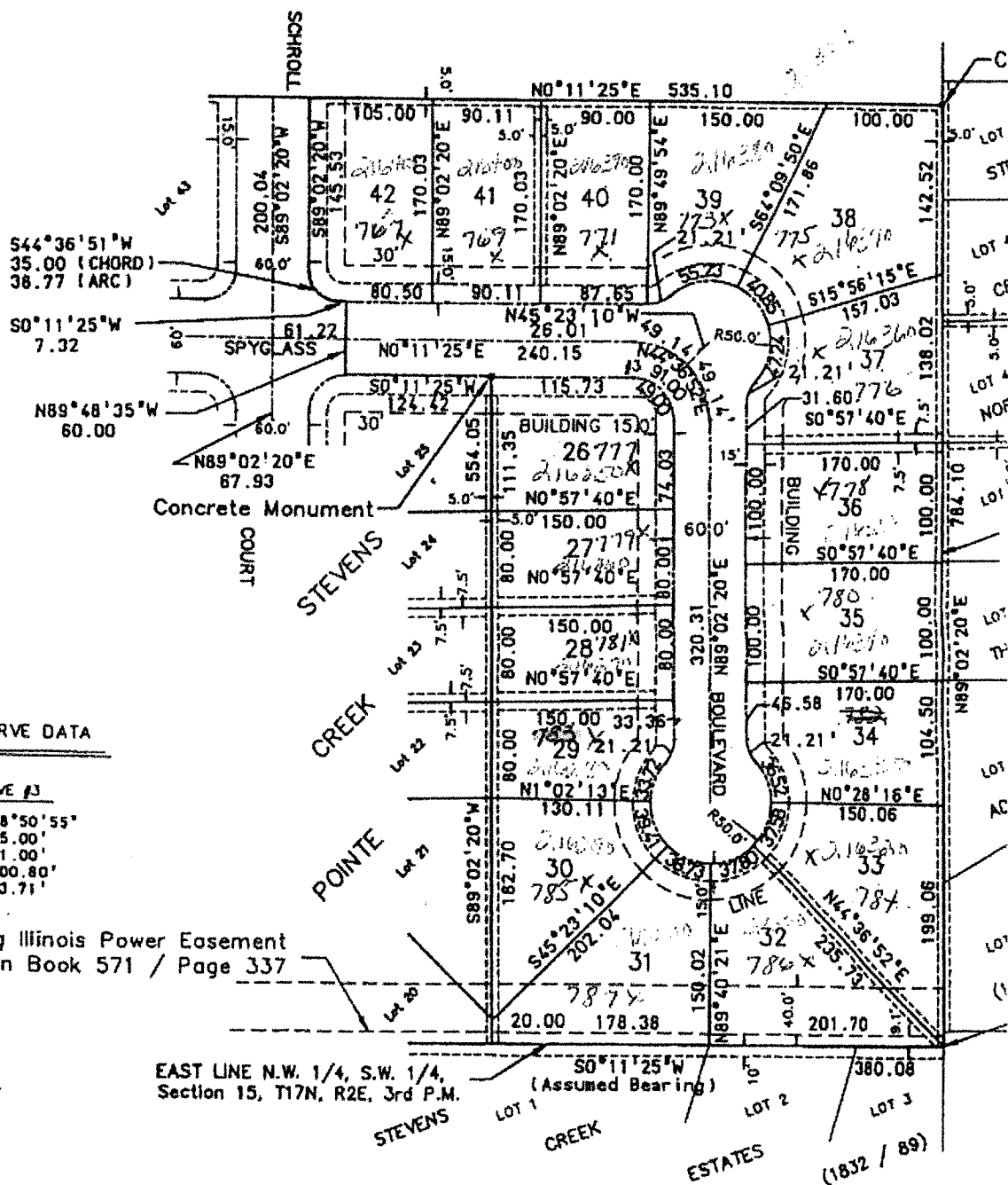
3.7 CONTROL OVERUSE:

No building or premises shall hereafter be used or occupied, and no building or structure, or part thereof, shall be erected, raised, moved, reconstructed, extended, enlarged, or altered, except in conformity with the regulations herein specified for the district in which it is located.

3.8 BUILDING HEIGHT:

ZONING MAP





WHITE LINE IS APPROXIMATELY
THE PROPERTY LINE

LOT 29
783 SPYGLASS BLVD
DWINELL

783

9' 4"

32' 6"

13' 11"

VARIANCE
NEEDED
AT ARROWS FOR
ZERO PROPERTY
LINE CLEARANCE

GRADED TO
DIRECT WATER
AWAY FROM THE
HOUSE AND
TOWARDS THE
STREET

4 FOOT
CLEARANCE

VARIANCE APPLICATION GENERAL INFORMATION:

- Complete the entire Variance Request Form including:

- ☐ Owner or Applicant Information (Please check appropriate box. However, if you are the applicant, contact information is needed for you and the owner.)
 - ☐ Legal Description of the Property (If you do not know the property's legal description contact Macon County or access the information on the Macon County website.)
 - ☐ Existing zoning of the property (if unsure please verify with Village Hall)
 - ☐ List the requested variation(s) to the Development Ordinance (Example – Section 4.9: Front Yard variance of 5 feet to allow a home addition to within 25 feet of the property line in an R-1 zoning district.)
 - ☐ Describe what your plans are for the property.
 - ☐ Provide a dimensioned site plan or plat to depict the proposed variation(s). The site plan or plat should include the location of any current or proposed structures on the property.
 - ☐ Thoroughly answer the five mandatory questions for the Variance Standards that the Planning and Zoning Commission and Village Board will be basing their recommendation and decision on for the variance request.
 1. Special or unique circumstances exist that are unique to the property seeking the variance (examples of special circumstances include, but are not limited to the physical character of the land or buildings, dimensions, topography, and soil conditions); and
 2. The special circumstances are not of so general or recurring a nature throughout the entire Village as to make it reasonably practical to provide for a general regulation; and
 3. Strict application of the Development Ordinance will deprive the applicant of right and/or uses commonly enjoyed by other owners of property in the immediate area under the regulations of this Development Ordinance; and
 4. The authorization of such variance will not be of substantial detriment to adjacent property and the granting of the variance will not change the character of the district; and
 5. The variance is the minimum variance that will make possible the reasonable use of the property, building, or structure.
- Note: The Commission or Board may also recommend denial or deny an application for a variance if evidence is submitted and substantiated demonstrating any of the following:
- The need for the variance was created by the applicant or another party with an interest in the property;
 - The granting of the variance will impair neighboring property values; and/or
 - The granting of the variance will cause substantial detriment to the public good.
- ☐ Pay the required \$90 application fee; make check out to Village of Forsyth
 - ☐ Sign and date the form and return to Village Hall

Village Staff will then review the application to ensure completeness. Once the application is deemed complete, Village Staff will notify the applicant of the meeting dates for the Planning and Zoning Commission meeting/Public Hearing and the Board of Trustees meeting.

* Planning and Zoning Commission meetings are held every 4th Thursday of the month and Board of Trustee meetings are held every 1st and 3rd Monday of the month. Village Staff will inform you of the date your application will go before the Commission and Board.

** If a Variance Request gets approved, an applicant has **18 months from the date the ordinance is approved to apply for a building permit.** An extension may be granted by the Village Board of Trustees to the 18 month timeframe if an applicant requests an extension prior to the 18 month time limitation. Should a building permit not be issued or an extension not be granted prior to the 18 month time limitation, the variance shall be considered null and void.

NOTICE OF PUBLIC HEARING

The Village of Forsyth Planning and Zoning Commission will hold public hearings at 5:30 p.m., Thursday, May 22, 2025 at the Village Hall, 301 S. Route 51, Forsyth, IL. The Planning and Zoning Commission will meet to hold a public hearing and discuss the following items:

- Request for variance submitted by Roger Dwinell to vary the requirements of Development Ordinance Section 3.5 to permit a driveway to be located on the property line at the real property commonly known as 783 Spyglass Blvd., Forsyth, Illinois and legally described as STEVENS CREEK POINTE 2ND ADD L 29 00BK2956/85 IRREG 96BK2695/36 (PIN: 07-07-15-303-040). The property is zoned R-1 and there is no request to change the zoning.

Any questions concerning this public hearing should be directed to Director of Planning and Zoning, Ryan Raleigh, at 217-877-9445. All persons interested may appear and speak at the hearing.



OFFICIAL AD PROOF

This is the proof of your ad scheduled to run in **Herald & Review** on the dates indicated below. If changes are needed, please contact us prior to deadline at help@column.us

Notice ID: enAPHky84bn2KiTtUISx | **Proof Updated: May. 01, 2025 at 10:49am CDT**
Notice Name: P&Z Meeting | Publisher ID: COL-9000786

This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.

FILER

Glenda Hoffman
ghoffman@forsyth-il.gov
(217) 877-9445

FILING FOR

Herald & Review

Columns Wide: 1

Ad Class: Legals

05/07/2025: General Legal Inside Area 59.09
Notice

Total \$59.09

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5/7 COL-9000786

Herald&Review

AFFIDAVIT OF PUBLICATION

State of Florida, County of Broward, ss:

Edmar Corachia, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Herald & Review, a newspaper printed and published in the City of Decatur, County of Macon, State of Illinois, and that this affidavit is Page 1 of 1 with the full text of the sworn-to notice set forth on the pages that follow, and the hereto attached:

PUBLICATION DATES:

May. 7, 2025

NOTICE ID: enAPHky84bn2KiTtUISx

PUBLISHER ID: COL-9000786

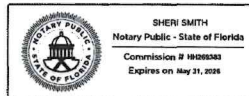
NOTICE NAME: P&Z Meeting

Publication Fee: 59.09

Under penalties as provided by Illinois law, the undersigned certifies that the statements set forth in this instrument are true and correct.

Edmar Corachia

(Signed) _____



VERIFICATION

State of Florida
County of Broward

Subscribed in my presence and sworn to before me on this: 05/08/2025

S. Smith

Notary Public

Notarized remotely online using communication technology via Proof.

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