

CASE # 2006-37 5-1
RESOLUTION NUMBER _____

GRANTING A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
1713 HOOD SREET, SPRINGFIELD
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 **approve a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

Lot 341 of Southlawn, 3rd Plat.

WHEREAS, the Petitioner, **Willard G. George**, has petitioned the Sangamon County Board for a **variance to allow for an 8 foot privacy fence rather than a 6 foot privacy fence, and a variance to allow the fence within 5 feet of the east side lot line instead of the required 12.5 feet;** and

WHEREAS, a public hearing was held at the Sangamon County Building on **July 20, 2006**, 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 **approve the variance as amended to allow an 8' privacy fence in the rear yard to within 18' of the East side lot line;** and

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

FILED

JUL 28 2006

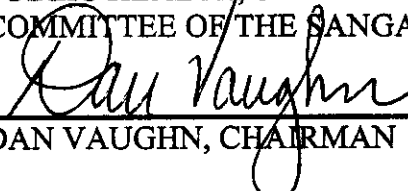
Joe Aiello

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 8th day of August, 2006 that the request for a variance to allow for an 8 foot privacy fence in the rear yard to within 18' of the East side lot line on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 8th day of August, 2006.

Respectfully submitted,

PUBLIC HEALTH, SAFETY & ZONING
COMMITTEE OF THE SANGAMON COUNTY BOARD



DAN VAUGHN, CHAIRMAN

ABE FORSYTH

BILL MOSS

TYRONE PACE

TIM MOORE

DON STEPHENS

DAVID MENDENHALL

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS
As Recommended by the Board of Appeals**

Case #: **2006-37**

Address: **1713 Hood Street, 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 back yard is lower than the house and deck. A 6' fence would not create privacy.

- (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.

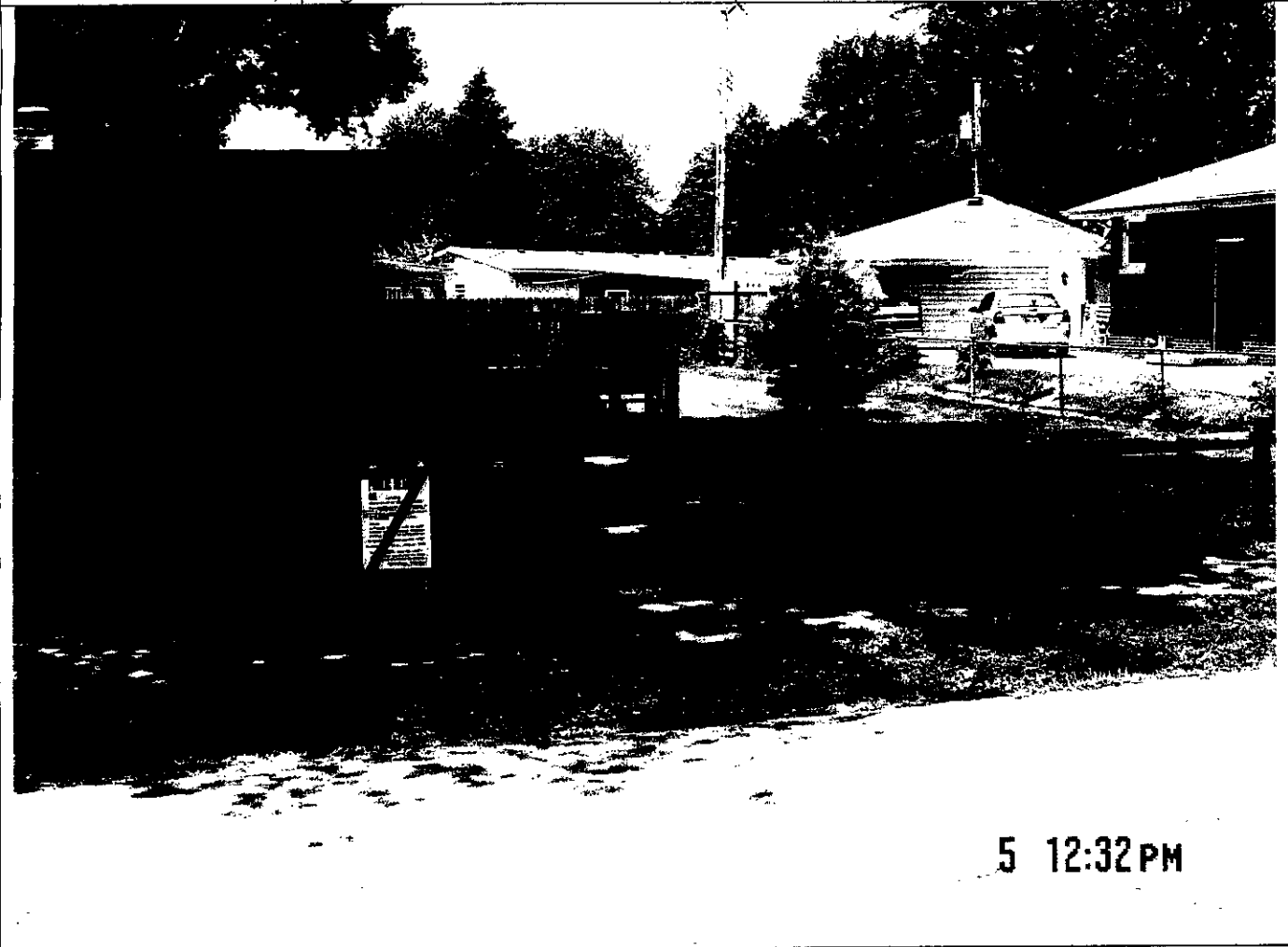
Circumstances are unique since the back yard is lower than the house and deck and the neighbor's property to the rear is higher.

- (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.

Since the house to the rear is higher, the proposed 8' fence would nearly match the section of 6' fence the neighbor has. Also, the permitted 6' fence would block the view of the neighbor to the rear as would the 8' fence. The amended petition proposes keeping the fence 18' from the east side lot line which will therefore, not create a visibility problem when the neighbor back out of the drive.

5-4

PHOTO DATE 7-05-2006	PHOTO TIME:
SITE NAME George	CASE #: 2006-37
ADDRESS 1713 Hood St, Springfield	INDEX #: 22-14-0-152-034



COMMENTS: From Hood looking west.

LAND AREA:	EXISTING ZONING:	PROPOSED ZONING:
OTHER COMMENTS:		
PHOTO TAKEN BY:	DISC #:	PHOTO #:

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 14 NAME: Joel Tjelmeland

DOCKET NUMBER: 2006-37

ADDRESS: 1713 Hood St, Springfield, IL 62703

PETITIONER: Willard G. George

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

REQUESTED ZONING CLASSIFICATION: "R-1" Single Family Residence with a variance to allow for an 8 foot privacy fence rather than a 6 foot privacy fence, and a variance to allow the fence within 5 feet of the east side lot line instead of the required 12.5 feet. Amended to allow an 8' privacy fence in the rear yard to within 18' of the East side lot line

AREA: 8,100 sq. ft.

COMMENTS: NONE

OBJECTORS: YES

PLANNING COMMISSION RECOMMENDATION: **Recommend denial. The fence built within 5' of the east property line would block visibility of traffic from the south for the neighbor's driveway and an 8' fence would be out of character with the neighborhood.**

SANGAMON COUNTY BOARD OF APPEALS RECOMMENDATION: **Approval as amended**



RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2006-37
Willard G. George)	
)	PROPERTY LOCATED AT:
)	1713 Hood St
)	Springfield, IL 62703
)	

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 **July 20, 2006** 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 or contract to purchase the property commonly known as **1713 Hood St, Springfield, IL 62703** and more particularly described as:

Lot 341 of Southlawn, 3rd Plat.

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- 3. That the present zoning of said property is **"R-1" Single Family Residence.**
- 4. That the present land use of said property is **SFR.**
- 5. That the proposed land use of said property is **SFR.**
- 6. That the requested **variance as amended** of said property is **to allow for an 8 foot privacy fence in the rear yard to within 18' of the East side lot line.**
- 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 as amended** 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 **approved.**



 CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Marvin Traylor** in accord with the amended finding of fact to recommend to the County Board that the petition **as amended** be **approved**, which was duly seconded by **Patrick Somers.**

The vote of the Board was as follows:

YES: Charles Chimento, Donn Malwick, Peggy Egizii, Patrick Somers, Marvin Traylor

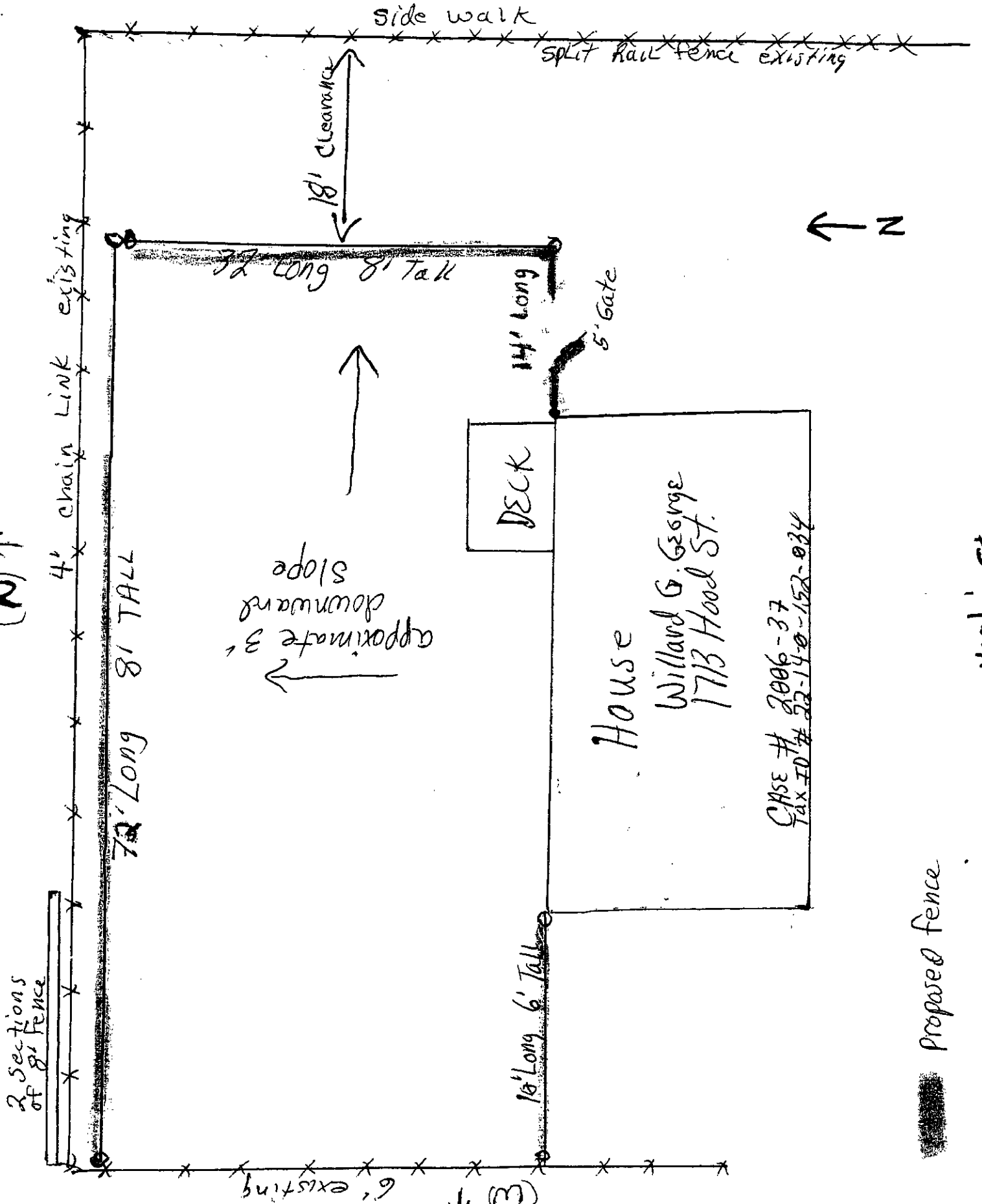
NO:

ABSENT:



 RECORDING SECRETARY

(E) ↑ STANTON Street



Proposed fence

15 Hood St

3' approximate downward slope

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TAX ID # 22-140-152-034

House
Willard G. George
1713 Hood St.

DECK

14' long

32' long 8' Tall

5' Gate

72' Long 8' TALL

4' chain link existing

2 sections of 8' fence

(W) ↓ 6' existing

(N) ↑

ZONING VARIANCE CHECK LIST

PETITIONER: George, Willard G.

ADDRESS: 1713 Hood Street

EXISTING ZONING: R-1

REQUEST DESCRIPTION: A variance of Section 17.44.010 (B) to permit an 8' privacy fence instead of the 6' allowed and a variance of Section 17.44.010 (E) to allow the fence within 5' of the east side lot line instead of the 12.5' required along a street.

Staff Estimate of the Effect of the Variance on the Area		None	Slight	Mod.	Great
CONTRASTS:	land use	X			
	appearance			X	
CURRENT VS. PROPOSED	height			X	
	parking	X			
PROBLEMS FORESEEN	drainage	X			
	sewer	X			
	traffic flow	x			

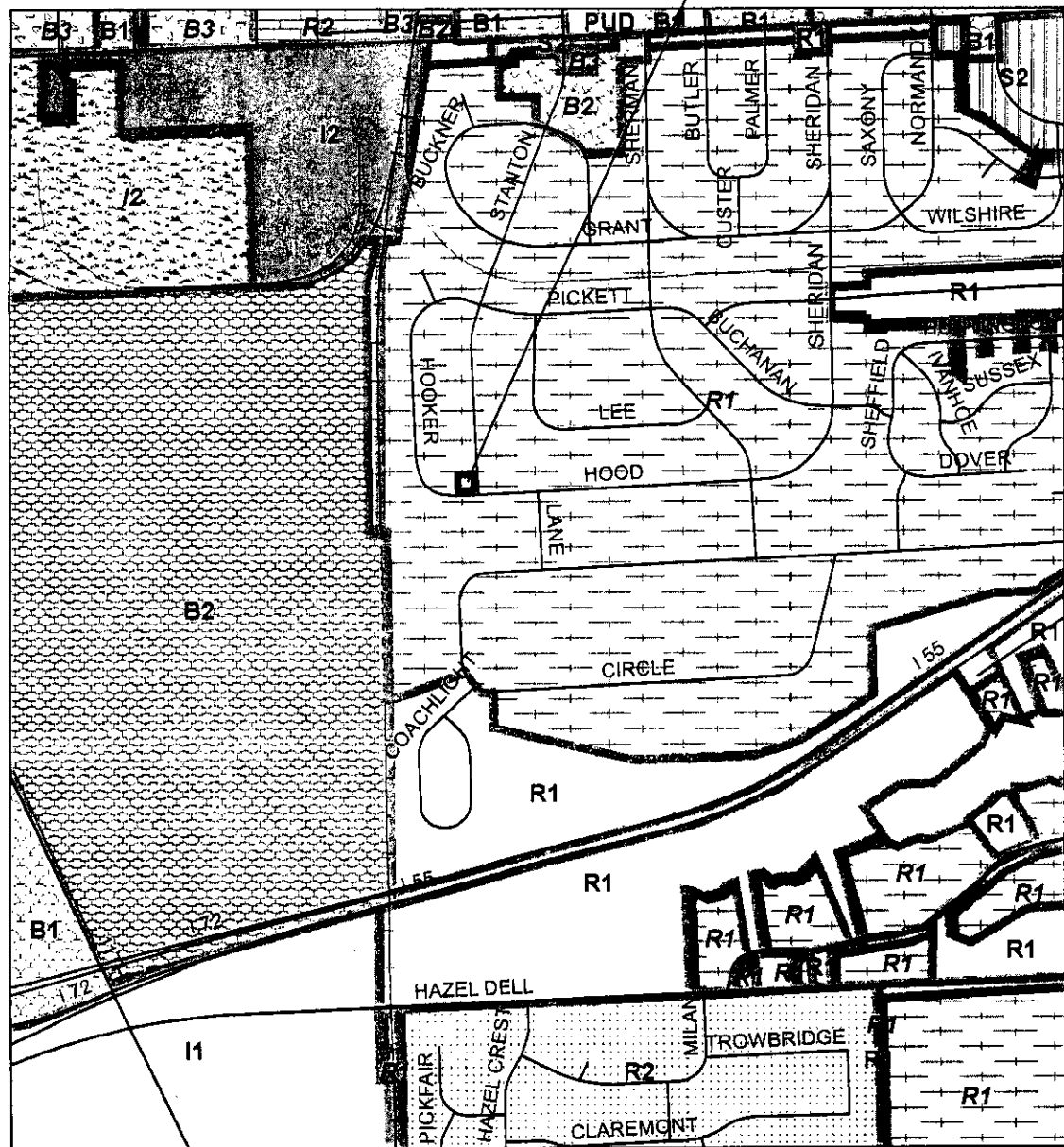


Frontage	Lineal Feet	Existing Yards (ft.)			Area
Hood	90'	27'	12'/27'	20'	8,100 sq. ft.
Stanton	90'	front	side	rear	

OTHER COMMENTS:

STAFF RECOMMENDATIONS: Recommend denial. The fence built within 5' of the east property line would block visibility of traffic from the south for the neighbor's driveway and an 8' fence would be out of character with the neighborhood.

County Zoning Case# 2006-37

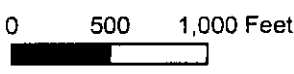


County Zoning

	R1		B1
	R1a		B2
	R2		B3
	R3		I1
	RM-4		I2
	OFF		A

City Zoning

	R1		H1		OFF
	R2		H2		PUD
	R3a		H3		B1
	R3b		S1		B2
	R4		S2		I1
	R5		S3		I2





RECOMMENDED STANDARDS FOR VARIATIONS

Case #: 2006-37

Address: 1713 Hood Street

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- (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 proposed variance would allow for more privacy on the property.

- (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 back yard of the subject property is lower than the house which is accentuated by a deck built at the house floor elevation.

- (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 alter the essential character of the locality since other neighbors comply with the standard. Also, having the fence end within 5 feet of the east lot line would impair vision of oncoming traffic from the south for the neighbor's driveway.