

CASE#2024-005
RESOLUTION NUMBER 4-1

FILED

MAR 29 2024

**GRANTING A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
533 CENTERWOOD DRIVE, SPRINGFIELD, IL 62711
SANGAMON COUNTY, ILLINOIS**

Don J. King
SANGAMON COUNTY CLERK

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, **Josh & Kristina Waggoner**, has petitioned the Sangamon County Board requesting **pursuant to Chapter 17.66, a variance of Section 17.44.010(B) to allow an eight (8) foot tall fence instead of the required six (6) foot tall fence in the location as shown on the site plan;** and,

WHEREAS, a public hearing was held at the Sangamon County Building on **March 21, 2024** 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 **8th Day of April, 2024 that the following request on the above described property is hereby approved:**

- Pursuant to Chapter 17.66, a variance of Section 17.44.010(B) to allow an eight (8) foot tall fence instead of the required six (6) foot tall fence in the location as shown on the site plan.

Signed and passed by the Sangamon County Board in session on this 8th day of April, 2024.

COUNTY BOARD CHAIRMAN

ATTEST:

SANGAMON COUNTY CLERK

Exhibit A

Lot 1 of Woodland Knolls, a Subdivision of the East Half of the North 30.00 acres of the West Half of the Southwest Quarter of Section 33, Township 16 North, Range 6 West of the Third Principal Meridian, excepting the following described parcel: Beginning at the Southeast Corner of said Lot 1; thence West on the South line of said Lot 165.63 feet to the Southwest corner of said Lot; thence North on the West line of said Lot 287.50 feet; thence East at right angles 178.26 feet to the West street line of said Lot 287.50 feet; thence East at right angles 178.26 feet to the West street line of Centerwood Drive; thence Southerly along said street line to the point of beginning.

Situated in Sangamon County, Illinois.

Commonly known as: 533 Centerwood Drive, Springfield, Illinois.

PIN# 13-33.0-301-003

RECAP
(For County Board Use)

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

DOCKET NUMBER: **2024-005**

ADDRESS: **533 Centerwood Drive, Springfield, IL 62711**

PETITIONER: **Josh & Kristina Waggoner**

PRESENT ZONING CLASSIFICATION: **“A” Agricultural District.**

REQUESTED ZONING CLASSIFICATION: **Pursuant to Chapter 17.66, a variance of Section 17.44.010(B) to allow an eight (8) foot tall fence instead of the required six (6) foot tall fence in the location as shown on the site plan.**

AREA: **1 acre**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION STAFF RECOMMENDATION: **Recommend approval of the requested 8-foot fence height variance limited to the east side south of the residence as shown on the site plan in the petition. The topography of the area on the subject property where the petitioner is proposing the 8-foot fence slopes downward. Due to the downward-sloping topography, a 6-foot fence in compliance with the regulations may not be effective in providing privacy screening as people may still be able to see into the backyard from the road. 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: **2024-005**
Josh and Kristina Waggoner)
)
) PROPERTY LOCATED AT:
) **533 Centerwood Drive**
) **Springfield, IL 62711**

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 **March 21, 2024** 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:

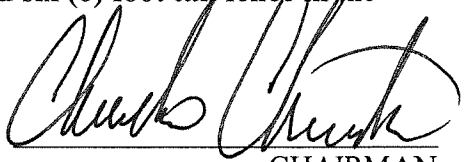
1. That said Board has jurisdiction to consider the petition filed herein.
2. That the above-captioned petitioner(s) is the owner(s) and/or has a beneficial interest in, contract to purchase, or is the County Board Member representing the property commonly known as: **533 Centerwood Drive, Springfield, IL 62711** 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 **single-family residence**.
5. That the proposed land use of said property is **single-family residence with a fence**.
6. That the request(s) for the subject property is **pursuant to Chapter 17.66, a variance of Section 17.44.010(B) to allow an eight (8) foot tall fence instead of the required six (6) foot tall fence in the location as shown on the site plan**.
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 17.44.010(B) to allow an eight (8) foot tall fence instead of the required six (6) foot tall fence in the location as shown on the site plan.**


CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Richard Thompson**, which was duly seconded by **Anthony 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 17.44.010(B) to allow an eight (8) foot tall fence instead of the required six (6) foot tall fence in the location as shown on the site plan.

The vote of the Board was as follows:

YES: **Richard Thompson, Anthony Mares, Don Wulf, George Petrilli, Phil Sidles**

NO:

PRESENT:

ABSENT: **Charlie Chimento**


RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2024-005**

Address: **533 Centerwood Drive, Springfield, IL 62711**

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 site plan submitted with the petition limits the 8-foot fence to the east side south of the residence where the subject property slopes downward. Granting the requested variance for the portion of the fence shown on the site plan would allow the petitioners to yield a reasonable return one might expect when constructing a fence to achieve 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.

The topography of the area on the subject property where the petitioner is proposing the 8-foot fence slopes downward. Due to the downward-sloping topography, a 6-foot fence in compliance with the regulations may not be effective in providing privacy screening as people may still be able to see into the backyard from the road.

- (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.

Negative impacts are not anticipated.