

CASE# 2013-033
RESOLUTION NUMBER 2-1

GRANTING VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
3201 S. PALMER, 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 **grant variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

Lot 54 Southlawn Subdivision.

WHEREAS, the Petitioner, **Dennis Petersen**, has petitioned the Sangamon County Board for **variances to allow: a four (4) foot and six (6) foot solid privacy fence along a side yard property line that adjoins a street; a fence to be on the property line that adjoins a street instead of the required fifteen (15) feet; a four (4) foot high solid privacy fence in the front yard; and, allow said fences to be solid instead of the required 50% open; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **August 15, 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.

FILED

AUG 21 2013

Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 3rd day of September, 2013 that the request for variances to allow a six (6) foot solid privacy fence along a side yard property line that adjoins a street from the front of the garage back to the rear property line and a fence to be on the property line that adjoins a street instead of the required fifteen (15) feet on the above referenced property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 3rd day of September, 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 RATTS

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

RECAP

(For County Board Use)

COUNTY BOARD MEMBER: # 14 NAME: Joel Tjelmeland

DOCKET NUMBER: 2013-033

ADDRESS: 3201 S. Palmer, Springfield, IL. 62703

PETITIONER: Dennis Petersen

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

REQUESTED ZONING CLASSIFICATION: "R-1" Single-Family Residence District with variances to allow: a four (4) foot and six (6) foot solid privacy fence along a side yard property line that adjoins a street; a fence to be on the property line that adjoins a street instead of the required fifteen (15) feet; a four (4) foot high solid privacy fence in the front yard; and, allow said fences to be solid instead of the required 50% open.

AMENDED: A variance to allow a six (6) foot solid privacy fence along a side yard property line that adjoins a street and a fence to be on the property line that adjoins a street instead of the required fifteen (15) feet.

AREA: 4,800 square feet

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: **Denial of the requested variances to allow construction of a solid six-foot and four-foot fence on the side property line and in the front yard. The standards for variation are not met. Allowing a solid six foot privacy fence in the side yard that adjoins a major thoroughfare could pose a negative visual impact for motorists. Additionally, allowing a four-foot solid fence in the front and side yard is not in character with the area.**

AMENDED: Recommend approval

of the variance to allow a six (6) foot solid privacy fence along a side yard property line that adjoins a street and recommend approval of the fence to be on the property line that adjoins a street instead of the required fifteen (15) feet. The standards for variation have been met.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Cyndi Knowles
RECORDING SECRETARY

Approval as amended by staff.

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITON OF:) Dennis Petersen)	DOCKET NO: 2013-033) PROPERTY LOCATED AT:) 3201 S. Palmer) Springfield, IL. 62703
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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 **August 15, 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: **3201 S. Palmer, Springfield, IL.** and more particularly described as:

Lot 54 Southlawn Subdivision.

- 3. That the present zoning of said property is **“R-1” Single-Family Residence District.**
- 4. That the present land use of said property is **a single-family residence & detached garage.**
- 5. That the proposed land use of said property is **a single-family residence, detached garage and a four foot and six foot solid fence.**
- 6. That the requested **variances** of said property are **to allow: a four (4) foot and six (6) foot solid privacy fence along a side yard property line that adjoins a street; a fence to be on the property line that adjoins a street instead of the required fifteen (15) feet; a four (4) foot high solid privacy fence in the front yard; and, allow said fences to be solid instead of the required 50% open. AMENDED: A variance to allow a six (6) foot solid privacy fence along a side yard property line that adjoins a street and a fence to be on the property line that adjoins a street instead of the required fifteen (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 **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 as amended.**

Charles Chimento/cx
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Don Wulf**, 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 as amended**, which was duly seconded by **Byron Deaner**.

The vote of the Board was as follows:

YES: **Charles Chimento, Byron Deaner, Peggy Egizii, Judith Johnson, Don Wulf**

NO:

PRESENT:

ABSENT: **Janet Dobrinsky**


RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: 2013-033

Address: 3201 S. Palmer, 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.

It appears that the property can continue to be economically used under the current regulations.

Amended: It would not be economically feasible for the property owner to move the existing fence. Doing so would result in an economic loss to the petitioner.

- (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 petitioner did not provide any unique circumstances to this property that is unlike other properties in the area.

Amended: The property is unique in that it is a narrow lot of record that is legal non-conforming making side yards limited.

- (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.

Construction of a six foot and four foot solid fence on the property line that is adjacent to a major thoroughfare could alter the character the area and could pose a negative impact on the visibility for motorists pulling out onto Stevenson Drive.

Amended: No negative visual impacts are anticipated in allowing the fence on the property line.