

CASE# 2014-036 31
RESOLUTION NUMBER

GRANTING VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
2701 S. STATE STREET, 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 to **grant variances to** the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

Lots 181 and 182 in Belmont Subdivision

WHEREAS, the Petitioner, **Michael Clair**, has petitioned the Sangamon County Board for a **variance to allow a six (6) foot privacy fence twenty (20) feet from the front yard property line instead of the required twenty-five (25) feet and a variance to allow a six (6) foot privacy fence zero (0) feet from a side property line that adjoins a street instead of the required twelve and one-half (12 ½) feet; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **October 16, 2014** 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

OCT 29 2014

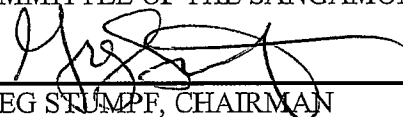
Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 12th day of November, 2014 that the request for a variance to allow a six (6) foot privacy fence twenty (20) feet from the front yard property line instead of the required twenty-five (25) feet and a variance to allow a six (6) foot privacy fence zero (0) feet from a side property line that adjoins a street instead of the required twelve and one-half (12 ½) feet, providing there is a visibility triangle cut in the northwest corner of the property a distance between seven (7) and ten (10) feet from the corner subject to the approval of the Zoning Administrator, on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 12th day of November, 2014.

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: #22 NAME: Lisa Hills

DOCKET NUMBER: 2014-036

ADDRESS: 2701 S. State Street, Springfield, IL 62704

PETITIONER: Michael Clair

PRESENT ZONING CLASSIFICATION: "R-2" Single-Family and Two-Family Residence District

REQUESTED ZONING CLASSIFICATION: "R-2" Single-Family and Two-Family Residence District with a variance to allow a six (6) foot privacy fence twenty (20) feet from the front yard property line instead of the required twenty-five (25) feet and a variance to allow a six (6) foot privacy fence zero (0) feet from a side property line that adjoins a street instead of the required twelve and one-half (12 ½) feet.

AREA: 11,200 square feet

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION
RECOMMENDATION:

Recommend denial. The standards for variation are not met. There do not appear to be circumstances unique to the property that is unlike any other property in the area in order for the owner to comply with the current regulations. Additionally, allowing a six (6) foot solid privacy fence could pose a visibility issue as it is located on a corner lot and regulations require a four and one-half (4 ½) foot 50% open privacy fence for this reason.

AMENDED STAFF RECOMMENDATION:
Staff recommends approval. The Standards for Variation are met. Staff recommends approval of the requested variances providing there is a visibility triangle cut in the northwest corner of the property a

distance of between seven (7) and ten (10)
feet from the corner subject to the approval
by the Zoning Administrator.

SANGAMON COUNTY BOARD OF APPEALS

RECOMMENDATION:

Approve Amended Staff Recommendation.

Cyndi Knowles
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2014-036
Michael Clair))
)	PROPERTY LOCATED AT:
)	2701 S. State Street
)	Springfield, IL 62704

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 **October 16, 2014** 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: **2701 S. State Street, Springfield, IL 62704** and more particularly described as:

Lots 181 and 182 in Belmont Subdivision

- 3. That the present zoning of said property is **“R-2” Single-Family and Two-Family Residence District.**
- 4. That the present land use of said property is **a single-family residence, detached garage, shed and fence.**
- 5. That the proposed land use of said property is **a single-family residence, detached garage, shed and fence.**
- 6. That the requested **variances** of said property are **a variance to allow a six (6) foot privacy fence twenty (20) feet from the front yard property line instead of the required twenty-five (25) feet and a variance to allow a six (6) foot privacy fence zero (0) feet from a side property line that adjoins a street instead of the required twelve and one-half (12 ½) 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** 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 **variances** be **approved, providing there is a visibility triangle cut in the northwest corner of the property a distance between seven (7) and ten (10) feet from the corner subject to the approval of the Zoning Administrator.**

Charles Chimento/ck
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Andrew Spiro**, to concur with the findings of fact and amended recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **approved, providing there is a visibility triangle cut in the northwest corner of the property a distance between seven (7) and ten (10) feet from the corner subject to the approval of the Zoning Administrator**, which was duly seconded by **John Lucchesi**.

The vote of the Board was as follows:

YES: **Charles Chimento, Don Wulf, , Andrew Spiro, Merilyn Herbert, & John**

Lucchesi

NO:

PRESENT: **Janet Dobrinsky**

ABSENT:

Cyndi Knowles
RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: 2014-036

Address: 2701 S. State 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.

It appears that the property can continue to be used economically if the petitioner were to comply with the regulations.

AMENDED: Staff finds that while the residential structure and garage will continue to be used economically because of the street right-of-way, the north and side yard of the house has been somewhat diminished thereby reducing the amount of available area to be fenced for the enjoyment of the resident. This may have a negative impact on the economic yield of 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.

There do not appear to be circumstances unique to this property that is unlike any other property in the immediate vicinity.

AMENDED: There is an alley that borders the property to the west that has become a heavy traffic area because of the businesses on the other side of it. There is also a bus stop at the corner. The first one adds a lot more traffic, justifying an adequate barrier from the subject property to the alley. But also the bus stop and additional pedestrian traffic creates a potentially unsafe situation. While there are other houses in the area that have similar circumstances, this, coupled with the reduction in the available fence area for the side yard makes this property somewhat unique.

- (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 six (6) foot solid privacy fence could pose a visibility issue, especially located on a corner lot, as the current regulations require a four and one-half (4 ½) foot and 50% open fence.

AMENDED: Staff finds that on this particular finding, the only concern that remains is the northwest corner of the fence. Staff recommends that the Standard would be met and would not impair traffic providing there is a visibility triangle cut at an angle on that northwest corner. Staff would like to recommend that the corner be between seven (7) and ten (10) feet back off the corner subject to approval by the Zoning Administrator in working with the property owner.