

CASE# 2015-021 3-1
RESOLUTION NUMBER _____

DENYING A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
2805 SOUTH 16TH 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 **deny a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

Lots 257, 258 and 259 of Millers Bunn Park Addition

WHEREAS, the Petitioners, **Thomas & Jerry Gaston**, have petitioned the Sangamon County Board for **a variance to allow an eight (8) foot solid privacy fence along the rear property line and thirty (30) feet along the South side property line (in rear yard) instead of the allowed six (6) foot privacy fence; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **July 16, 2015** 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 **deny the variance; and**

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

FILED

JUL 29 2015

Don J. Gray
Sangamon County Clerk

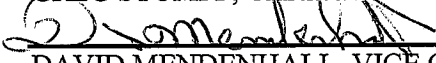
NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 11th Day of August, 2015 that the request for a variance to allow an eight (8) foot solid privacy fence along the rear property line and thirty (30) feet along the South side property line (in rear yard) instead of the allowed six (6) foot privacy fence on the above described property is hereby denied.

Signed and passed by the Sangamon County Board in session on this 11th day of August, 2015.

Respectfully submitted,

PUBLIC HEALTH, SOLID WASTE & ZONING
COMMITTEE OF THE SANGAMON COUNTY BOARD

GREG STUMPF, CHAIRMAN



DAVID MENDENHALL, VICE CHAIRMAN

CRAIG HALL

SAM SNELL

ABE FORSYTH

JASON RATTI

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, Jr.

DOCKET NUMBER: 2015-021

ADDRESS: 2805 South 16th Street, Springfield, IL 62703

PETITIONER: Thomas & Jerry Gaston

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 an eight (8) foot solid privacy fence along the rear property line and thirty (30) feet along the South side property line (in rear yard) instead of the allowed six (6) foot privacy fence.

AREA: N/A

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: Staff recommends denial. There is a concern that granting the variance could set a negative precedent for future requests. The zoning ordinance contemplates fences in residential areas to be six (6) feet in height in rear yards to allow emergency personnel to easily see over the fence and to easily access a site with gear. While staff recognizes that the proposed design of the fence at this location might not decrease emergency personnel visibility and access to the site, there is a concern that granting this variance could set a negative precedent for future cases; for instance, the number of requests for eight (8) feet fences in rear yards could increase. In addition,

the standards of variation are not met because there is no reason the property cannot be economically used with a six (6) foot fence. The petitioner also did not specify any circumstance that is unique to the property that justifies granting the variance requested.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Deny as staff recommended.

Cyndi Knowles
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS
SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: **2015-021**
Thomas & Jerry Gaston)
)
) PROPERTY LOCATED AT:
) **2805 South 16th Street**
) **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 16, 2015** 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: **2805 South 16th Street, Springfield, IL 62703** and more particularly described as:

Lots 257, 258 and 259 of Millers Bunn Park Addition

- 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 and garage.**
- 5. That the proposed land use of said property is **a single-family residence, garage and an 8’ privacy fence.**
- 6. That the requested **variance** of said property **to allow an eight (8) foot solid privacy fence along the rear property line and thirty (30) feet along the South side property line (in rear yard) instead of the allowed six (6) foot privacy fence .**
- 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 not** 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 requested **variance** be **denied**.

Charles Chimento /cc
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 **denied**, which was duly seconded by **Charles Chimento**.

The vote of the Board was as follows:

YES: **Charles Chimento, Anthony Mares, Don Wulf, Andrew Spiro & Marilyn Herbert**

NO:

PRESENT:

ABSENT:

Cyndi Knowles
RECORDING SECRETARY

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**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: 2015-021

Address: 2805 S. 16th, 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 property is in a residential area and can continue to be used economically if adherence to the regulations is required.

- (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 petition cites calls to the police as a unique circumstance. This is not a circumstance that is unique to the property that justifies granting the variance requested.

- (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.

There is a concern that granting the variance could set a negative precedent for future variance requests. The zoning ordinance contemplates fences in residential areas to be six (6) feet in height in rear yards to allow emergency personnel to easily see over the fence and to easily access a site with gear. While staff recognizes that the proposed design of the fence at this location might not decrease emergency personnel visibility and access, there is a concern that granting this variance could set a negative precedent for future cases, e.g. the number of requests for eight (8) feet fences in rear yards could increase.