

CASE# 2013-019
RESOLUTION NUMBER 41

DENYING VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
5 PROVIDENCE LANE, 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 variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

Lot 8 of Sim's Western Acres 2nd Plat

WHEREAS, the Petitioner, **Syed Ahmed**, has petitioned the Sangamon County Board for a variance of Section 17.44.010B to allow an eight (8) foot solid wood fence along the side property line and a ten (10) foot solid fence along the rear property line instead of the maximum six (6) foot fence; and

WHEREAS, a public hearing was held at the Sangamon County Building on **May 16, 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 **deny the variances**; and

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

FILED

MAY 29 2013

Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 11th day of June, 2013 that the request for a variance of Section 17.44.010B to allow an eight (8) foot solid wood fence along the side property line and a ten (10) foot solid fence along the rear property line instead of the maximum six (6) foot fence on the above referenced property is hereby denied.

Signed and passed by the Sangamon County Board in session on this 11th day of June, 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: # 24 NAME: Andy VanMeter

DOCKET NUMBER: 2013-019

ADDRESS: 5 Providence Lane, Springfield, IL 62711

PETITIONER: Syed Ahmed

PRESENT ZONING CLASSIFICATION **“R-1” Single-Family Residence District**

REQUESTED ZONING CLASSIFICATION: **“R-1” Single-Family Residence District with a variance of Section 17.44.010B to allow an eight (8) foot solid fence along the side property line and a ten (10) foot solid fence along the rear property line instead of the maximum six (6) foot fence**

AREA: **Approximately 11,358 sq. ft.**

COMMENTS: **None**

OBJECTORS: **Yes**

PLANNING COMMISSION RECOMMENDATION: **Denial. The owner did not provide any plight or circumstances unique to the property that would warrant the variances. The Standards for variations are not met.**

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION: **Deny the variances.**


Cyndi Knowles
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: **2013-019**
 Syed Ahmed)
)
) PROPERTY LOCATED AT:
) **5 Providence Ln.**
) **Springfield, IL 62711**

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 **May 16, 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: **5 Providence Ln., Springfield, IL** and more particularly described as:

Lot 8 of Sim's Western Acres 2nd Plat

- 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.
- 5. That the proposed land use of said property is a single-family residence.
- 6. That the requested variances of said property are of Section 17.44.010B to allow an eight (8) foot solid wood fence along the side property line and a ten (10) foot solid fence along the rear property line instead of the maximum six (6) foot 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 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 **denied**.

Charles Chimento
 CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Judith Johnson**, 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 **Bryon Deaner**.

The vote of the Board was as follows:

YES: **Charles Chimento, Bryon Deaner, Judith Johnson, Don Wulf, Janet Dobrinsky**

NO:

PRESENT:

ABSENT: **Peggy Egizii**

Cynthia Kowalek
 RECORDING SECRETARY

SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS

Case #: 2013-019

Address: 5 Providence Lane, 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 can be used economically and yield a reasonable return if the owner is required to adhere to the regulations.

- (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 owner did not identify any plight or circumstances unique to the property that is not applicable to other property in the area.

- (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 petitioner proposes to have sections of the solid wood fence to be higher than the six (6) feet allowed by the regulations. The irregularity of the proposed construction of the fence is likely to have an adverse impact on the property values of adjacent property owners.