

CASE# 2011-047 5-1  
RESOLUTION NUMBER

**DENYING A VARIANCE**  
FOR CERTAIN PROPERTY LOCATED AT  
**626 S. LIVINGSTON, 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 36 and 37 of Wanless' Bergen Park Addition Except all coal, minerals and mining rights heretofore conveyed or reserved of record. Situated in the County of Sangamon, State of Illinois.**

WHEREAS, the Petitioner, **Richard W. Smith, Jr.**, has petitioned the Sangamon County Board for a **variance of Section 17.44.010 B to allow an eight (8) foot privacy fence in the required front yard setback.**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **October 20, 2011** 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**

OCT 28 2011

*Joe Aiello*  
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 8<sup>th</sup> day of November, 2011 that the request for variance of Section 17.44.010 B to allow an eight (8) foot privacy fence in the required front yard setback on the above described property is hereby denied.

Signed and passed by the Sangamon County Board in session on this 8<sup>th</sup> day of November, 2011.

Respectfully submitted,

PUBLIC HEALTH, SAFETY & ZONING COMMITTEE OF THE SANGAMON COUNTY BOARD



TIM MOORE, CHAIRMAN

ABE FORSYTH, VICE CHAIRMAN

JOHN FULGENZI

DAVID MENDENHALL

SAM SNELL

DON STEPHENS

GREG STUMPF

LINDA DOUGLAS WILLIAMS

**ATTEST:**

\_\_\_\_\_  
SANGAMON COUNTY CLERK

\_\_\_\_\_  
COUNTY BOARD CHAIRMAN

RECAP  
(For County Board Use)

COUNTY BOARD MEMBER: #19 NAME: Rose Ruzic

DOCKET NUMBER: 2011-047

ADDRESS: 626 S. Livingston, Springfield, Il 62703

PETITIONER: Richard W. Smith, Jr.

PRESENT ZONING CLASSIFICATION: "R-2" Single Family And Two Family Residence.

REQUESTED ZONING CLASSIFICATION: "R-2" Single Family And Two Family Residence District with a variance of Section 17.44.010 B to allow an eight (8) foot privacy fence in the required front yard setback.

AREA: 11,144 square feet

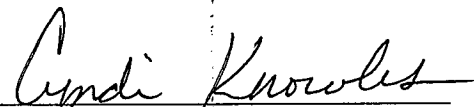
COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: **Recommend denial of the requested variance to allow an eight (8) foot privacy fence in the required front yard setback. The standards for variation are not met. The fence is out of character with the area and has a negative effect on the aesthetics of the surrounding neighborhood. Additionally, the height and location of the fence poses a significant safety concern for access to the residences by emergency personnel.**

SANGAMON COUNTY BOARD OF APPEALS  
RECOMMENDATION:

**Denial**

  
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF: )	DOCKET NO: <b>2011-047</b>
<b>Richard W. Smith, Jr.</b> )	)
)	PROPERTY LOCATED AT:
)	<b>626 S. Livingston,</b>
)	<b>Springfield, IL 62703</b>

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 **October 20, 2011** 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: **626 S. Livingston, Springfield, IL.** and more particularly described as:

**Lots 36 and 37 of Wanless' Bergen Park Addition Except all coal, minerals and mining rights heretofore conveyed or**

- 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 **two (2) vacant lots**.
- 5. That the proposed land use of said property is **two (2) a vacant lots with a eight (8) foot privacy fence**.
- 6. That the requested **variance** of said property is a **variance of Section 17.44.010 B to allow an eight (8) foot privacy fence in the required front yard setback**.
- 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/ck  
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 **John Lucchesi**.

The vote of the Board was as follows:

YES: **Charles Chimento, Don Wulf, Peggy Egizii, Judith Johnson, John Lucchesi**

NO:

ABSENT: **Byron Deaner, Marvin Traylor**

Cyndi Knowles  
RECORDING SECRETARY