

CASE# 2011-057 6-1
RESOLUTION NUMBER _____

DENYING A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
2677 HAZLETT 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 a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Thomas Bowman**, has petitioned the Sangamon County Board for a **variance of Section 17.46.010 to allow an in-ground swimming pool without the installation of the required four (4) foot fence; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **January 19, 2012** 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

JAN 25 2012

Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 14th day of February, 2012 that the request for a variance of Section 17.46.010 to allow an in-ground swimming pool without the installation of the required four (4) foot fence on the above described property is hereby denied.

Signed and passed by the Sangamon County Board in session on this 14th day of February, 2012.

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

GREG STUMPF

JASON RATTS

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #1 NAME: Harry "Tom" Fraase Jr.

DOCKET NUMBER: 2011-057

ADDRESS: 2677 Hazlett Lane, Springfield, IL 62707

PETITIONER: Thomas Bowman

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

REQUESTED ZONING CLASSIFICATION: "R-1" Single Family Residence District with
a variance of Section 17.46.010 to allow an
in-ground swimming pool without
installation of a four (4) foot fence.

AREA: 2.71 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: **Recommend denial of the requested variance to allow an in-ground swimming pool without installation of a four-foot fence. The ordinance requires a four-foot fence that surrounds the pool with self closing gates when the pool is not in use. These requirements are in place as a safety precaution and allowing the variance could set a negative precedent.**

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Denial

Cyndi Knowles
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2011-057
Thomas Bowman)	
)	PROPERTY LOCATED AT:
)	2677 Hazlett Lane
)	Springfield, IL 62707

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 **January 19, 2012** 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: **2677 Hazlett Lane, Springfield, IL.** and more particularly described as:

See Exhibit A

- 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 **construction of a single family residence with an in-ground swimming pool.**
- 5. That the proposed land use of said property is **a single family residence with an in-ground swimming pool.**
- 6. That the requested **variance** of said property is **a variance of Section 17.46.010 to allow a in-ground swimming pool without the installation of the required four (4) 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 **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/cx
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Byron Deaner**, 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, Byron Deaner, Judith Johnson, John Lucchesi, Don Wulf**

NO:

ABSENT: **Peggy Egizii, Marvin Traylor**

Cyndi Knowled
RECORDING SECRETARY

Exhibit A

PART OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 16 NORTH, RANGE 6 WEST OF THE THIRD PRINCIPAL MERIDIAN, SANGAMON COUNTY, ILLINOIS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; COMMENCING AT A FOUND STONE MARKING THE SOUTHEAST CORNER OF SAID WEST HALF; THENCE NORTH 00 DEGREES 00 MINUTES 38 SECONDS WEST ALONG THE EAST LINE OF SAID WEST HALF A DISTANCE OF 1040.55 FEET TO AN IRON PIN; THENCE NORTH 88 DEGREES 13 MINUTES 52 SECONDS WEST, A DISTANCE OF 33.94 FEET TO THE POINT OF BEGINNING. FROM SAID POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 05 MINUTES 59 SECONDS WEST, A DISTANCE OF 352.59 FEET; THENCE NORTH 87 DEGREES 48 MINUTES 45 SECONDS WEST, A DISTANCE OF 335.47 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 38 SECONDS WEST PARALLEL WITH SAID EAST LINE, A DISTANCE OF 350.16 FEET, THENCE SOUTH 88 DEGREES 13 MINUTES 52 SECONDS EAST, A DISTANCE OF 336.06 FEET TO THE POINT OF BEGINNING.

Permanent index number 13-13-200-038

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: 2011-057

Address: 2677 Hazlett 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 petition states that the fence could obstruct the view from the property; however the ordinance does not require a solid fence therefore having no impact of the view from 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.

The property is bordered by cropland to the east and south.

- (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.

No negative impact is anticipated.