

GRANTING A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
1 WHIPPOORWILL ROAD, 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 **grant a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Mark Gerdes**, has petitioned the Sangamon County Board for a **variance of Section 17.44.010E to allow a split rail fence along the side property line adjoining a side street to be zero (0) feet from the property line instead of the required fifteen (15) feet; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **November 18, 2010** 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 variance; and**

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

FILED

DEC 02 2010

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 December, 2010 that the request for a variance of Section 17.44.010E to allow a split rail fence along the side property line adjoining a side street to be zero (0) feet from the property line instead of the required fifteen (15) feet on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 14th day of December, 2010.

Respectfully submitted,

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

Tim Moore /cx

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

Exhibit A

Lot One (1) of Meadowbrook, a Subdivision of the Northwest Quarter (1/4) of the Southwest Quarter (1/4) of Section Twenty-five (25), Township Sixteen North (16N), Range Six West (6W) of the Third Principal Meridian. Except all Coal Underlying said Premises, Together With the Right to Mine and Remove said Coal, and to Run Entries Under said Land for the Purpose of Mining and Removing Coal from Other Lands. Situated on Sangamon County, Illinois.

RECAP
(For County Board Use)

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

DOCKET NUMBER: 2010-45

ADDRESS: 1 Whipoorwill Road, Springfield, IL. 62711

PETITIONER: Mark Gerdes

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

REQUESTED ZONING CLASSIFICATION: "R-1" Single Family Residence District with a variance of Section 17.44.010E to allow a split rail fence along the side property line adjoining a side street to be zero (0) feet from the property line instead of the required fifteen (15) feet.

AREA: Approximately 1.5 acres

COMMENTS: None

OBJECTORS: Yes

PLANNING COMMISSION RECOMMENDATION: **Recommend approval of the requested variance. The standards for variation have been met. Due to the topography of the property, it is not possible to build the fence 15 feet off the side property line as required by the ordinance. The exposed steep slope and drainage ditch on this property directly off Meadowbrook Road pose an immediate public safety concern and granting the variance is appropriate. The petitioner states that a split rail fence, which is seen as low impact, will be constructed which would eliminate issues with traffic visibility.**

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval

Cyndi Knowles
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2010-45
Mark Gerdes)	
)	PROPERTY LOCATED AT:
)	1 Whippoorwill Road,
)	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 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 **November 18, 2010** 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: **1 Whippoorwill Road, 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 a single family residence.
- 5. That the proposed land use of said property is a single family residence with construction of a split rail fence.
- 6. That the requested variance of said property is a variance of Section 17.44.010E to allow a split rail fence along the side property line adjoining a side street to be zero (0) feet from the property line instead of the required fifteen (15) 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 **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 **approved**.

Charles Chimento/cx
 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 **approved**, which was duly seconded by **Byron Deaner**.

The vote of the Board was as follows:

YES: **Byron Deaner, Don Wulf, Judith Johnson, John Luchessi**

NO: **Charles Chimento**

ABSENT: **Peggy Egizii, Marvin Traylor.**

Cyndi Knowles
 RECORDING SECRETARY

SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS

Case #: 2010-045

Address: 1 Whippoorwill Road

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 proposed variance would allow the petitioner to construct a split rail fence, specifically for public safety reasons.

- (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.

Due to the topography of the property, it is not possible for the petitioner to construct a fence 15 feet, as required by ordinance, off the side property line. The slope in the topography poses a public safety concern and without this variance, a hazard could be created as Meadowbrook road is particularly busy.

- (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.