

CASE # 2008-71  
RESOLUTION NUMBER 2-1

**GRANTING A VARIANCE**  
FOR CERTAIN PROPERTY LOCATED AT  
**IN THE 1100 BLOCK OF W. MAPLE, 2600-2800 BLOCKS OF S. LINCOLN, 1000 AND  
1100 BLOCKS OF W. ILES AND 6-10 EVERGREEN CT, SPRINGFIELD, ILLINOIS  
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, **West Grand Place Homeowners Association, Mary Brancato**, spokesperson, has petitioned the Sangamon County Board for a variance of 17.44.010 (B.) to permit a fence 8' in height, either chain link or privacy and with or without barbed wire or other security add-ons, instead of the 6' maximum, along rear or side property lines that are coterminous with multiple family property; and

WHEREAS, a public hearing was held at the Sangamon County Building on **December 18, 2008**, 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 except that no hazardous fencing shall be allowed; and

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

**MINI-CLERK**

DEC 23 2008

*Joe Aiello*  
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 12<sup>th</sup> day of January, 2008 that the request for a variance of 17.44.010 (B.) to permit a fence 8' in height, either chain link or privacy and with or without barbed wire or other security add-ons, instead of the 6' maximum, along rear or side property lines that are coterminous with multiple family property is hereby approved except that no hazardous fencing shall be allowed.

Signed and passed by the Sangamon County Board in session on this 12<sup>th</sup> day of January, 2008.

Respectfully submitted,

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

Tim Moore *off*  
TIM MOORE, CHAIRMAN

\_\_\_\_\_  
ABE FORSYTH, VICE CHAIRMAN

\_\_\_\_\_  
JENNIFER DILLMAN

\_\_\_\_\_  
DAVID MENDENHALL

\_\_\_\_\_  
GEORGE PRECKWINKLE

\_\_\_\_\_  
SAM SNELL

\_\_\_\_\_  
DON STEPHENS

\_\_\_\_\_  
LINDA DOUGLAS WILLIAMS

**ATTEST:**

Joe Aiello  
SANGAMON COUNTY CLERK

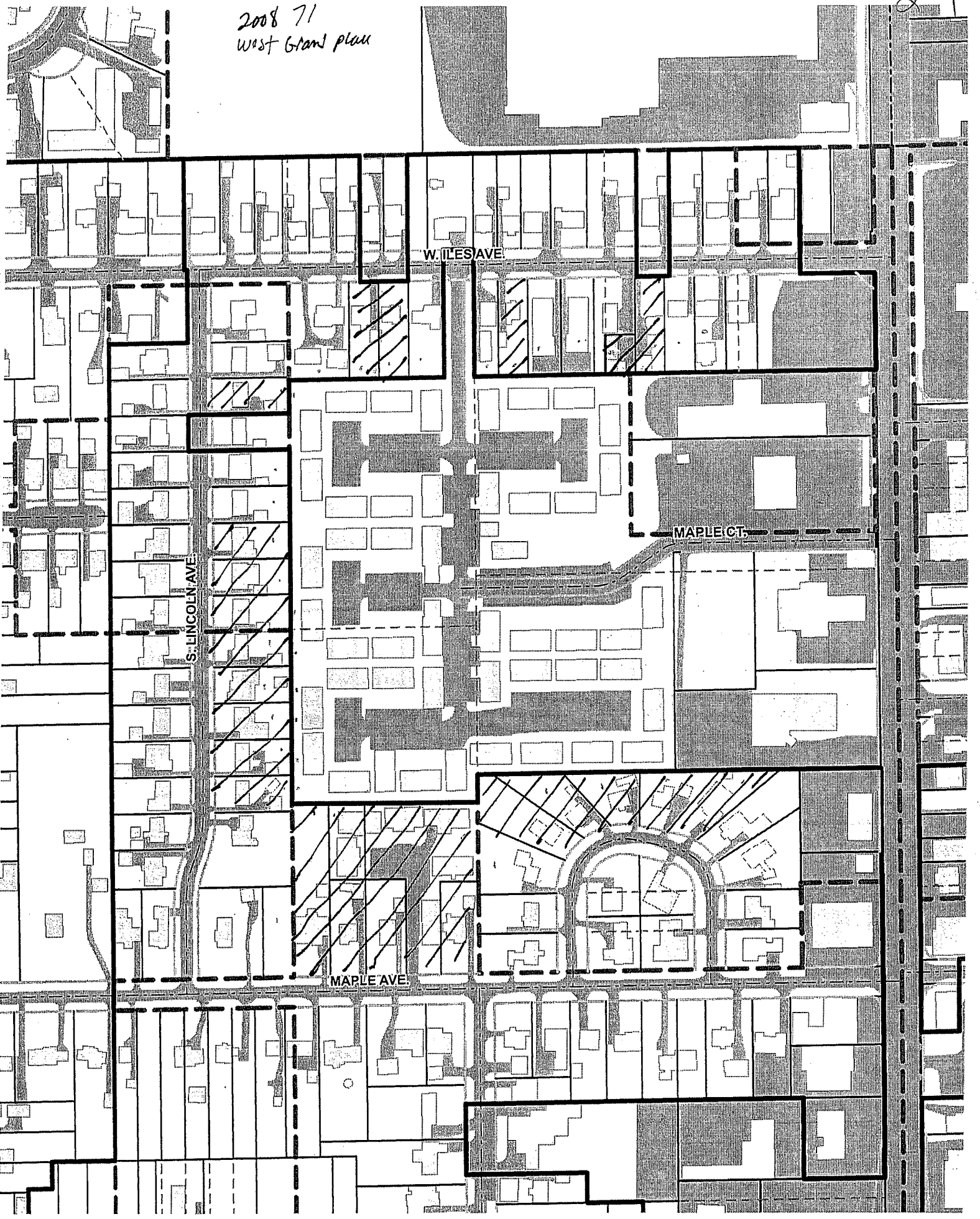
A. Sam Steffen  
COUNTY BOARD CHAIRMAN

**EXHIBIT A**

The South one-half of lot 19 of West Grand Place, Lot 3 & lots 7 – 9 of Henry G. Poo's Subdivision of Lot 8 of West Grand Place, Lots 11 – 15 of N. Brancato's Subdivision, a subdivision of lot 20, West Grand Place, The East 50' of the West 150' of the North 160' of Lot 9, Block 1 of West Grand Place, The East 50' of the West 90' of Lot 10, Block 1 of West Grand Place, The south 65' of the west 50' of lot 11, West Grand Place, The East 50' of the West 100' of Lot 11, Block 1 of West Grand Place, The West 50' of the East 160' of the North 160' of Lot 9, block 1 of West Grand Place, and Lots 6-10 of Evergreen Court.

2008 71  
West Grand plan

8-7



α-5

RECAP  
(For County Board Use)

COUNTY BOARD MEMBER: # 12                      NAME:        Linda Fulgenzi

DOCKET NUMBER:                      2008-71

ADDRESS:                      The 1100 Block of W. Maple, 2600-2800 Blocks of S. Lincoln, 1000  
and 1100 Blocks of W. Iles and 6-10 Evergreen Ct, Springfield, Illinois

PETITIONER:                      West Grand Place Homeowners Association, Mary Brancato,  
spokesperson

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

REQUESTED ZONING CLASSIFICATION: "R-1" Single Family Residence District with a  
variance of 17.44.010 (B.) to permit a fence 8' in height, either chain link or  
privacy and with or without barbed wire or other security add-ons, instead  
of the 6' maximum, along rear or side property lines that are coterminous  
with multiple family property

AREA:                      Varied

COMMENTS:                      None

OBJECTORS:                      None

PLANNING COMMISSION RECOMMENDATION:        Recommend approval to permit on  
8' fence instead of the required 6'. This request would allow more privacy on each  
residential property, however the request for the use of any barbed wire is denied as  
it would alter and negatively affect the character of the general area. Please note  
that staff observed that some properties have fence heights that appear to be at or in  
excess of 12 feet, which is in violation of county regulations. If this variance is  
granted, these properties would still be in violation.

SANGAMON COUNTY BOARD OF APPEALS  
RECOMMENDATION:

Approval in concurrence with the  
staff recommendation of 8' fence  
without hazardous fencing.

  
\_\_\_\_\_  
RECORDING SECRETARY

2-6

SANGAMON COUNTY ZONING BOARD OF APPEALS  
SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF: ) DOCKET NO: 2008-71  
West Grand Place Homeowners Association )  
) PROPERTY LOCATED AT:  
) The 1100 Block of W. Maple, 2600-2800  
) Blocks of S. Lincoln, 1000 and 1100 Blocks of  
) W. Iles and 6-10 Evergreen Ct,  
) Springfield, Illinois

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 **December 18, 2008** 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 **The 1100 Block of W. Maple, 2600-2800 Blocks of S. Lincoln, 1000 and 1100 Blocks of W. Iles and 6-10 Evergreen Ct**, 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 **Single and multiple family residences.**
5. That the proposed land use of said property is **Existing use continued.**
6. That the requested **variance** of said property is of **17.44.010 (B.) to permit a fence 8' in height, either chain link or privacy and with or without barbed wire or other security add-ons, instead of the 6' maximum, along rear or side property lines that are coterminous with multiple family property.**
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 with the exception of the hazardous fencing.**

  
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 with the exception of the hazardous fencing** which was duly seconded by **Peggy Egizii**.

The vote of the Board was as follows:

YES: **Charles Chimento, Byron Deaner, Peggy Egizii, Judith Johnson, Marvin Traylor**

NO:

ABSENT:

  
RECORDING SECRETARY

**EXHIBIT A**

The South one-half of lot 19 of West Grand Place, Lot 3 & lots 7 – 9 of Henry G. Poo's Subdivision of Lot 8 of West Grand Place, Lots 11 – 15 of N. Brancato's Subdivision, a subdivision of lot 20, West Grand Place, The East 50' of the West 150' of the North 160' of Lot 9, Block 1 of West Grand Place, The East 50' of the West 90' of Lot 10, Block 1 of West Grand Place, The south 65' of the west 50' of lot 11, West Grand Place, The East 50' of the West 100' of Lot 11, Block 1 of West Grand Place, The West 50' of the East 160' of the North 160' of Lot 9, block 1 of West Grand Place, and Lots 6-10 of Evergreen Court.



**SSCRPC**

**Springfield  
Sangamon County Regional  
Planning Commission**

**SANGAMON COUNTY ZONING CASE # 2008-71**

**Staff Findings and Recommendation**

**ADDRESS** 1100 Block of W. Maple, 2600-2800 Blocks of S. Lincoln, 1000 and 1100 Blocks of W. Iles and 6-10 Evergreen Ct.

(inspected **12/3/08** by MB & AJ)

**Property Index #** 22-08-228-003, 007, 008, 009, 010, 011, 012, 013, 014, 018, 019, 022, 026, 038, 040, 041, 043, 047, 048, 049, 050, 051, 052, 063, and 098

**PETITIONER** Brancato, Mary

**REQUESTED ZONING** A variance of 17.44.010(B) to permit a fence 8' in height, either chain link or privacy and with or without barbed wire or other security additions, instead of the 6' maximum, along rear or side property lines that are coterminous with multiple family property.

**PROPOSED LAND USE** Single and multiple family residences.

**EXISTING:**

**ZONING** R-1

**LAND USE** Single and multiple family residences

<b>ROAD FRONTAGE</b>	<u>Evergreen Ct. – 260'</u>	<b>CONDITION OF PAVEMENT</b>	<u>Good</u>
	<u>W. Iles – 190'</u>		<u>Good</u>
	<u>S. Lincoln – 540'</u>		<u>Good</u>
	<u>W. Maple – 315'</u>		<u>Good</u>

**STRUCTURE DESIGNED FOR** Residence

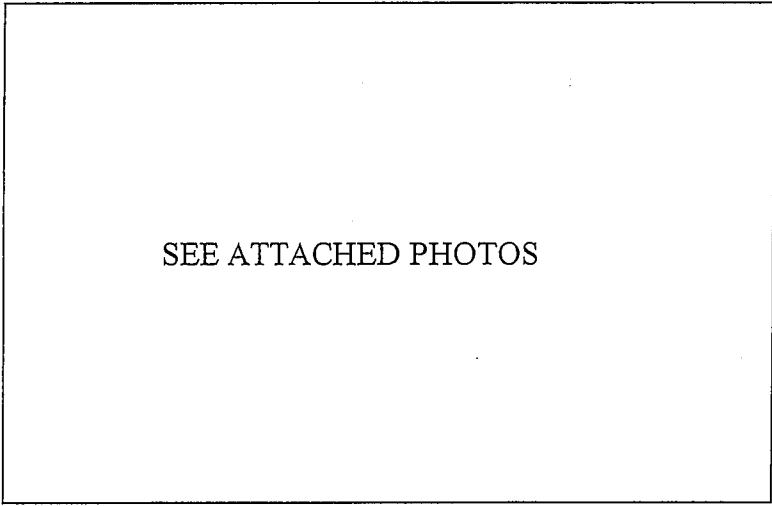
**CONDITION OF STRUCTURE** Good/  
Fair

**LOT AREA** Varied

**FRONT YARD** Varied

**SIDE YARDS** Varied

**REAR YARD** Varied

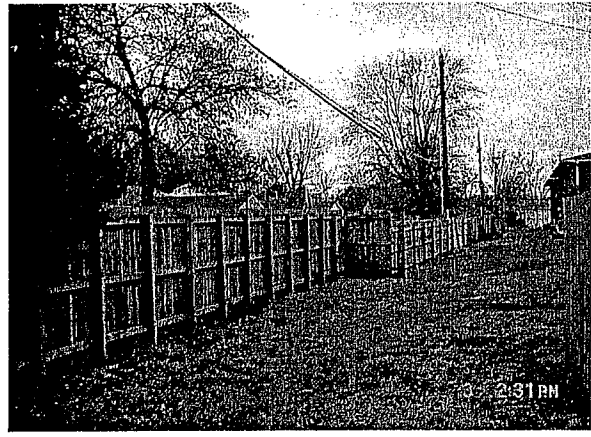
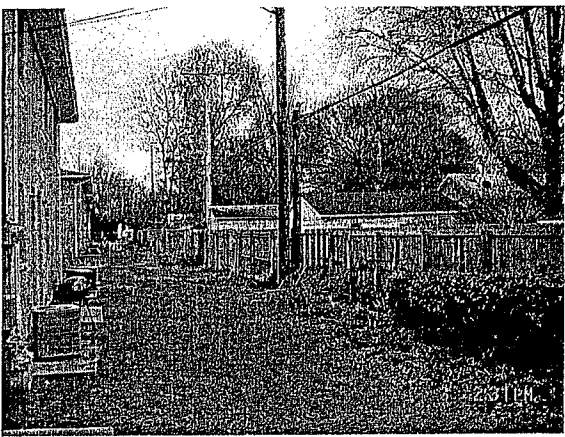
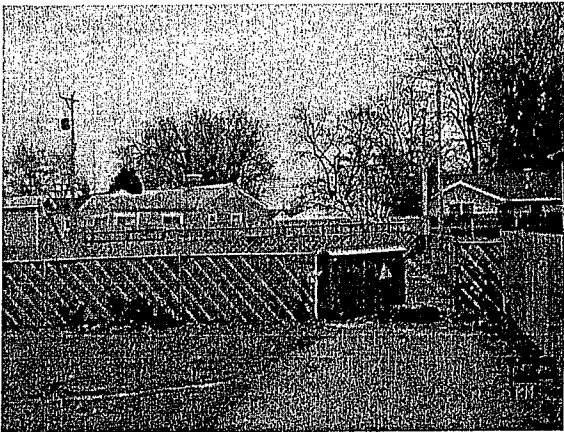


Would the proposed zoning be spot zoning? N/A

**PLANNING COMMISSION STAFF RECOMMENDATION:** Recommend approval to permit an 8' fence instead of the required 6'. This request would allow for more privacy on each residential property, however the request for the use of any barbed wire is denied as it would alter and negatively affect the character of the general area. Please note that staff observed that some properties have fence heights that appear to be at or in excess of 12 feet, which is in violation of County regulations. If this variance is granted, these properties would still be in violation.

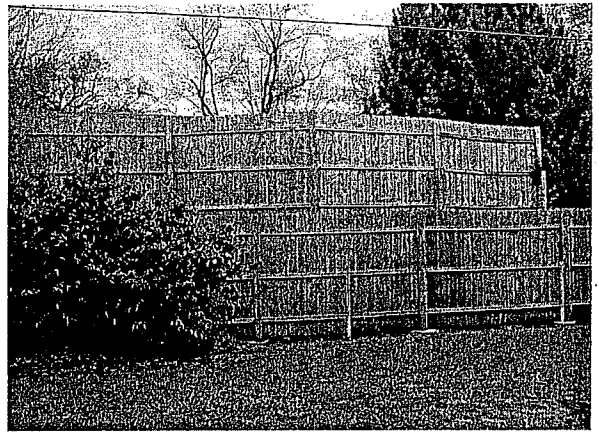
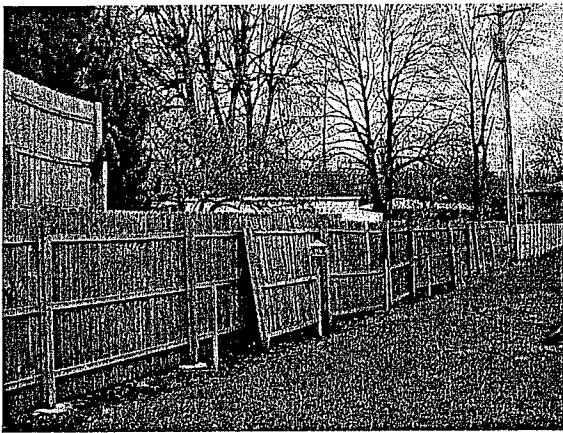
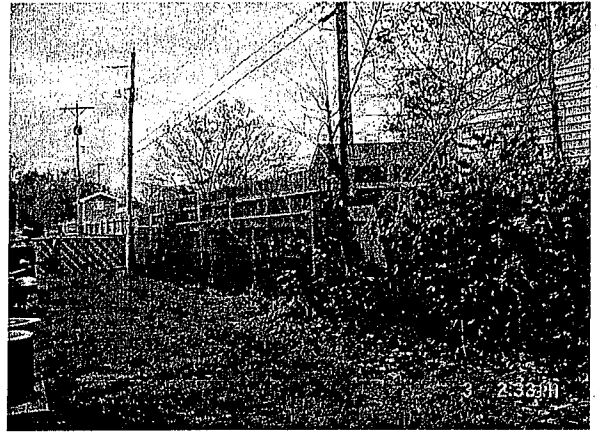
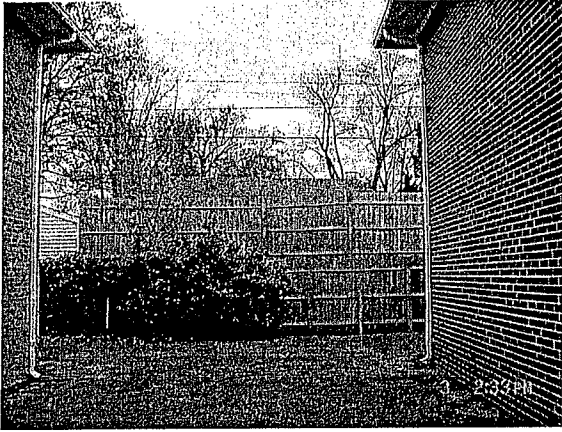
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Case #: 2008-71

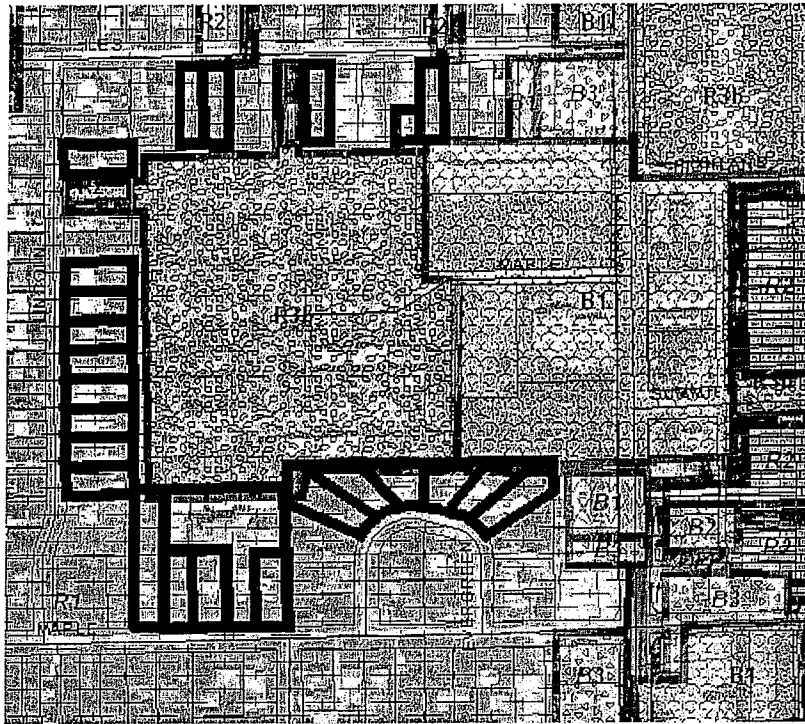
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# County Zoning

## Case# 2008-71

### (Requested: Variance on all properties)



### County Zoning

	RM-4		I1
	R3		I2
	R2		B3
	R1a		B2
	R1		B1
	OFF		A

### City Zoning

	R5		H1		OFF
	R1		H2		PUD
	R2		H3		B1
	R3a		S1		B2
	R3b		S2		I1
	R4		S3		I2



Springfield-Sumner County  
Regional Planning Commission

0 200 400 Feet



**SANGAMON COUNTY  
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: 2008-71

Address: 1100 Block of W. Maple, 2600-2800 Blocks of  
S. Lincoln, 1000 and 1100 Blocks of W. Iles and 6-10  
Evergreen Ct.

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 for more privacy on 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 residences share a boundary line with an apartment complex, and as a result the property owners have experienced privacy and security issues.**

- (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.

**Barbed wire along the top of the fence line would alter the character of the area.**