

CASE# 2010-31
RESOLUTION NUMBER 41

DENYING A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
2797 DYE ROAD, ILLIOPOLIS
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 Petitioners, **Kevin & Vickie Vogel**, have petitioned the Sangamon County Board for a **variance of section 17.44.010C to allow a privacy fence to be six (6) foot six (6) inches instead of the required six (6) foot maximum; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **July 15, 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 **deny the variance; and**

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

FILED

JUL 28 2010

Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 10th day of August, 2010 that the request for a variance of section 17.44.010C to allow a privacy fence to be six (6) foot six (6) inches instead of the required six (6) foot maximum on the above described property is hereby denied.

Signed and passed by the Sangamon County Board in session on this 10th day of August, 2010.

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

Exhibit A

A tract of land described as Lot 18S on a plat of survey of the Staff House Area South Sangamon Ordinance Works, Illiopolis, Illinois, prepared in the month of January 1949 by William E. Dawson, Registered Land Surveyor of Illinois (No. 578); said tract being specifically designated as:

Beginning at the Quarter corner on the East side of Section 13, Township 16 North, Range 2 West of the Third Principal Meridian; thence North 0 Degrees 42 Minutes West, 1526.63 feet to a Point in the Section line for the place of beginning; thence west 30 feet to an iron pipe; thence West 461.1 feet to a railroad spike; thence North 0 Degrees 25 Minutes West 110 Feet to a railroad spike; thence East 460.1 Feet to an iron pipe; thence East 30 Feet to a point in the Section Line; thence South 0 Degrees 42 Minutes East 110 feet to the place of beginning; Except the West 230 Feet thereof.

Situated in Sangamon County, Illinois.

44

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #3 NAME: David Mendenhall

DOCKET NUMBER: 2010-31

ADDRESS: 2797 Dye Road, Illiopolis, IL. 62539

PETITIONER: Kevin & Vickie Vogel

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

REQUESTED ZONING CLASSIFICATION: "R-1" Single Family Residence with a variance of section 17.44.010C to allow a privacy fence to be six (6) foot six (6) inches instead of the required six (6) foot maximum.

AREA: .66 acre

COMMENTS: None

OBJECTORS: Yes

PLANNING COMMISSION RECOMMENDATION: **Recommend denial of the requested variance to allow a privacy fence to be six feet six inches instead of the required six feet. There are no unique circumstances related to the property and there does not appear to be special circumstances as to why a six foot fence could not be constructed. Additionally, the fence does not appear to be in character with the area and is not aesthetically appealing to neighboring property owners.**

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: 2010-31
 Kevin & Vickie Vogel)
)
) PROPERTY LOCATED AT:
) 2797 Dye Road,
) Illiopolis, IL. 62539

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 **July 15, 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: **2797 Dye Road, Illiopolis, IL.** and more particularly described as:

See Exhibit A

- 3. That the present zoning of said property is "R-1" Single Family Residence.
- 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 variance of said property is to allow a privacy fence to be six (6) foot six (6) inches instead of the required six (6) foot maximum.
- 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, **Don Wulf**, 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 **Charles Chimento**.

The vote of the Board was as follows:

YES: **Charles Chimento, Byron Deaner, Don Wulf.**

NO: **Peggy Egizii, Judith Johnson.**

ABSENT: **Marvin Traylor**

Cyndi Knowles
 RECORDING SECRETARY