

CASE# 2011-043  
RESOLUTION NUMBER 3-1

**GRANTING A VARIANCE**  
FOR CERTAIN PROPERTY LOCATED AT  
**33 BURTLE AVE., GLENARM**  
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, **Richard Kaydus**, has petitioned the Sangamon County Board for a **variance to allow a six (6) foot privacy fence in the front yard**; and

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

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

**FILED**

SEP 29 2011

*Joe Aiello*  
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 11<sup>th</sup> day of October, 2011 that the request for a variance to allow a six (6) foot privacy fence in the front yard on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 11<sup>th</sup> day of October, 2011.

Respectfully submitted,

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

Tim Moore /cx  
TIM MOORE, CHAIRMAN

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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**

**Part of the East Half of the Southeast Quarter of Section 28, Township 14 North, Range 5 West of the Third Principal Meridian, Sangamon County, Illinois, Described as follows:**

**From the Southeast corner of said Section 28; thence South 87 degrees 13 minutes 37 seconds West on the Section line, 57.29 feet; thence North 03 degrees 31 minutes 36 seconds West on the West Right of Way line of I-55 Service Road, 40.00 feet to the point of beginning; thence South 87 degrees 13 minutes 37 seconds West, and parallel to the Section line, 255.32 feet; thence North 01 degrees 06 minutes 42 seconds West, 173.15 feet; thence North 87 degrees 13 minutes 37 seconds East, 248.03 feet to a point on the West Right of Way line of I-55 Service Road; thence South 03 degrees 31 minutes 36 seconds East on said Right of Way line, 173.09 feet to the point of beginning, containing 1.00 acres, more or less.**

**Situated in Sangamon County, Illinois.**

RECAP  
(For County Board Use)

COUNTY BOARD MEMBER: #5                      NAME: Don Stephens Jr.

DOCKET NUMBER: 2011-043

ADDRESS: 33 Burtle Ave., Glenarm, IL. 62536

PETITIONER: Richard Kaydus

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

REQUESTED ZONING CLASSIFICATION: "R-1" Single Family Residence District with  
a variance to allow a six (6) foot privacy  
fence in the front yard.

AREA: 4.19 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION:      **Recommend approval of the requested variance. There is no foreseen negative impact anticipated in allowing a six (6) foot privacy fence at this location as it will not impair light and air to adjacent properties, impair traffic visibility or have a negative effect on the character of the area. There are unique circumstances in that the petitioner requests to construct the fence to block the nearby railroad tracks as a safety concern for their autistic child.**

SANGAMON COUNTY BOARD OF APPEALS  
RECOMMENDATION:

Approval

  
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF: )	DOCKET NO: 2011-043
<b>Richard Kaydus</b> )	
)	PROPERTY LOCATED AT:
)	<b>33 Burtle Ave.,</b>
)	<b>Glenarm, IL. 62536</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 **September 15, 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: **33 Burtle Ave., Glenarm, 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.
- 6. That the requested variance of said property is a variance to allow a six (6) foot privacy fence in the front yard.
- 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/c/c  
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 **approved**, which was duly seconded by **Marvin Traylor**.

The vote of the Board was as follows:

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

NO:

ABSENT:

Cyndi Knowles  
RECORDING SECRETARY

SANGAMON COUNTY  
RECOMMENDED - STANDARDS FOR VARIATIONS

Case #: 2011-043

Address: 33 Burtle Avenue, Glenarm

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 requested variance would allow for more privacy on the property providing a buffer between the residence and the railroad tracks.**

- (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 subject property is near the railroad tracks and, according to the petition, is a distraction and a safety concern for the property owner's child. Additionally, the subject property is a approximately 4 1/2 acres and is significantly larger than other parcels in the immediate area.**

- (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.

**There is no negative impact anticipated with allowing a six (6) foot privacy fence in the front yard of the subject property. The parcel is large enough the proposed fence will not be out of character in the area or impair an adequate supply of light and air to adjacent property. It does not appear that the fence in the front yard will result in a traffic visibility problem.**