

CASE# 2011-050
RESOLUTION NUMBER 8-1

DENYING A REZONING AND GRANT A USE VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
1 HOLLAND, CANTRALL
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 an amendment and grant a use variance** the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

Lot 8 and 9 in Block 1 of the Town of Cantrall, Situated in the County of Sangamon in the State of Illinois.

WHEREAS, the Petitioners, **Don & Connie Goodenow**, have petitioned the Sangamon County Board for a **rezoning from "R-1" Single Family Residence District to "O" Office And College District to allow for an insurance office;** and

WHEREAS, a public hearing was held at the Sangamon County Building on **October 20, 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 **deny the rezoning but, in the alternative, grant a use variance;** and

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

FILED

OCT 28 2011

Jae Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 8th day of November, 2011 that the request for a rezoning from "R-1" Single Family Residence District to "O" Office And College District be denied but, in the alternative, a use variance to allow a professional office on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 8th day of November, 2011.

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

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #11 NAME: Mike Sullivan

DOCKET NUMBER: 2011-050

ADDRESS: 1 Holland, Cantrall, IL 62625

PETITIONER: Don & Connie Goodenow

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

REQUESTED ZONING CLASSIFICATION: "O" Office And College District to allow for an insurance office.

AREA: .27 acres

COMMENTS: None

OBJECTORS: Yes

PLANNING COMMISSION RECOMMENDATION: **Recommend approval of the requested Office zoning. In 2005 the property contained a single family residence which was demolished for construction of the current structure. At that time, the property was granted a use variance for a coffee shop. Since the property is unlikely to return to a residential use, and its location on a State Highway, the proposed Office zoning is seen as appropriate.**
AMENDED: Based on the testimony provided at the hearing, staff withdraws its recommendation to recommend the "O" office rezoning, and in the alternative, recommends that a use variance for the operation of an insurance office is appropriate for this parcel. The variance is justified in showing us that there are special

circumstances. The evidence presented at the hearing noted the temporary nature of the building and its construction. An office use is compatible with the trend and development in the area and the testimony supports this use. The use will also be in harmony with the community based on the testimony from the Village Board President from Cantrall and it will not create a negative impact. Based on the testimony, staff recommends that a use variance is appropriate. **AMENDED:** Based on additional testimony, staff further amends its recommendation that a use variance for a professional office is appropriate rather than limiting the use to an insurance office use. The Zoning Board of Appeals concurs with amended staff report and recommends denial of the rezoning "O" Office and College District but, in the alternative, grant a use variance to allow a professional office at this location.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Denial of the rezoning to "O" Office and College District but, in the alternative, grant a use variance to allow a professional office at this location.

Cyndi Knowles
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2011-050
Don & Connie Goodenow)	
)	PROPERTY LOCATED AT:
)	1 Holland,
)	Cantrall, IL 62625

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 an **amendment** 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 **October 20, 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: **1 Holland, Cantrall, IL.** and more particularly described as:

Lot 8 and 9 in Block 1 of the Town of Cantrall, Situated in the County of Sangamon in the State of Illinois.

- 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 **vacant building**.
- 5. That the proposed land use of said property is **an insurance office**.
- 6. That the requested **rezoning** of said property is "**O**" **Office And College District to allow for an insurance office**.
- 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 **rezoning** 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 **rezoning** be **denied** but, in the alternative, grant a use variance to allow a professional office at this location.

Charles Chimento /cc
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Judith Johnson**, to concur with the amended findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **denied but, in the alternative, grant a use variance to allow a professional office at this location** which was duly seconded by **John Lucchesi**.

The vote of the Board was as follows:

YES: **Charles Chimento, Don Wulf, Peggy Egizii, Judith Johnson, John Lucchesi**

NO:

ABSENT: **Byron Deaner, Marvin Traylor**

Cyndi Knowles
RECORDING SECRETARY

RECOMMENDED STANDARDS FOR USE VARIATIONS

Case #: **2011-050**

Address: **1 Holland, Cantrall**

The Zoning Board of Appeals shall not recommend to the Sangamon County Board that the regulations of the zoning ordinance be varied as authorized in Section 17.66.010 thereof, unless it shall make findings of fact based upon the evidence presented to it in each specified case:

- (i) that the variance is justified by a showing of special circumstances demonstrating practical difficulties or particular hardship in the way of carrying out the strict letter of the Zoning Regulations.

The parcel contains a small building which was built as a temporary-style structure to house a coffee stand. As such the use of the structure is limited to similar uses including a small professional office.

- (ii) that the variance is compatible with the trend of development in the area.

Testimony was presented by a Cantrall local official regarding the preference to ensure that development was consistent with the immediate area. Furthermore, their concerns focused on the benefits of a use variance for a professional office rather than the Office Zoning which would permit some uses that may be inconsistent with the area.

- (iii) that the variance will benefit the community and be in harmony with the general purpose and intent of the Zoning Regulations.

The parcel already had a use variance for a coffee stand and contains a small building which would remain in harmony with the community if the building were used for a professional office.

- (iv) that the variance will not create a negative impact on the area, 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.

Use as a professional office as compared to the previous use as a coffee stand should result in less possible traffic congestion at the location resulting in no additional negative impact on the area.