

CASE # 2005-15 5-1  
RESOLUTION NUMBER

**GRANTING A USE VARIANCE**  
FOR CERTAIN PROPERTY LOCATED AT  
**3596 S. STATE ROUTE 29**  
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 Use Variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See **EXHIBIT A**

WHEREAS, the Petitioner, **William Bartels**, has petitioned the Sangamon County Board for a **Use Variance to allow storage for a construction business**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **March 17, 2005**, 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 Use Variance**; and

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

**FILED**

APR 01 2005

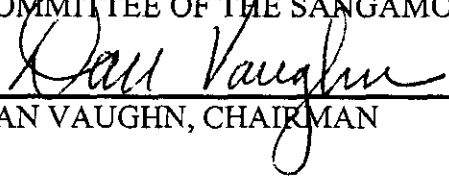
*Joe Aiello*  
Sangamon County Clerk

**NOW, THEREFORE, BE IT RESOLVED** by the County Board of Sangamon County, Illinois, in session assembled this 11<sup>th</sup> day of April, 2005 that the request for a Use Variance to allow storage for a construction business 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 April, 2005.

Respectfully submitted,

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

  
\_\_\_\_\_  
DAN VAUGHN, CHAIRMAN

\_\_\_\_\_  
ABE FORSYTH

\_\_\_\_\_  
BILL MOSS

\_\_\_\_\_  
TYRONE PACE

\_\_\_\_\_  
TIM MOORE

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

**ATTEST:**

  
\_\_\_\_\_  
SANGAMON COUNTY CLERK

  
\_\_\_\_\_  
COUNTY BOARD CHAIRMAN

**EXHIBIT A**

Part of the West Half of Southeast Quarter of Section 6, Township 15 North, Range 4 West of the Third Principal Meridian, described as follows: Commencing at a stake at the intersection of the South line of the old Springfield and Rochester public road known as State Route No. 24 with the West line of said Half Quarter Section and running thence in a Southeasterly direction along the West line of a tract once conveyed to Frank Kluzek 103.15 feet to a stake in the North line of the Right-Of-Way of the Baltimore and Ohio Southwestern Railroad, thence in a Northwesterly direction along the North line of said Right-Of-Way 260 feet to a stake, thence in a Northeasterly direction 183.20 feet to a stake in the South line of said public road, and thence in a Southeasterly direction along the South line of said road 260 feet to the point of beginning.

**SANGAMON COUNTY  
RECOMMENDED - STANDARDS FOR USE VARIATIONS  
▶ As Recommended by the Board of Appeals ◀**

Case #: 2005-15

Address: 3596 S. State Route 29

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.

**This is commercial property located on a state highway. A minor expansions should be allowed.**

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

**B-3 was recently granted to the east.**

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

**The use variance will permit the petitioner to store equipment inside which will improve the appearance of the area.**

- (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.

**No. the use variance will allow equipment to be stored inside.**

RECAP  
(For County Board Use)

COUNTY BOARD MEMBER: # 9 NAME: Sarah Musgrave

DOCKET NUMBER: 2005-15

ADDRESS: 3596 S. State Route 29, Springfield, IL. 62707

PETITIONER: William Bartels

PRESENT ZONING CLASSIFICATION: "A" Agricultural District with a Use Variance for a furniture store

REQUESTED ZONING CLASSIFICATION: "A" Agricultural District with a Use Variance for a furniture store and a Use Variance to allow storage for a construction business.

AREA: 1 acre

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: **Recommend denial. The standards for use variations are not met. There is no justification for allowing a second commercial use on this property.**

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: **2005-15**  
**William Bartels** )  
) )  
) ) **PROPERTY LOCATED AT:**  
) ) **3596 S. State Route 29**  
) ) **Springfield, IL. 62707**  
) )

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 **Use 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 **March 17, 2005** 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 or contract to purchase the property commonly known as **3596 S. State Route 29, Springfield, IL. 62707** and more particularly described as:

See **EXHIBIT A**

3. That the present zoning of said property is **"A" Agricultural District with a Use Variance for a furniture store.**
4. That the present land use of said property is **Furniture Sales & construction business.**
5. That the proposed land use of said property is **Furniture Sales & storage area for construction business.**
6. That the requested **Use Variance** of said property is: **to allow storage for a construction business.**
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 **Use 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 **Use Variance** be **granted**.

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CHAIRMAN

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Patrick Somers, in accord with the amended standards for use variations** that the petition be **approved**, which was duly seconded by **Marvin Traylor**.

The vote of the Board was as follows:

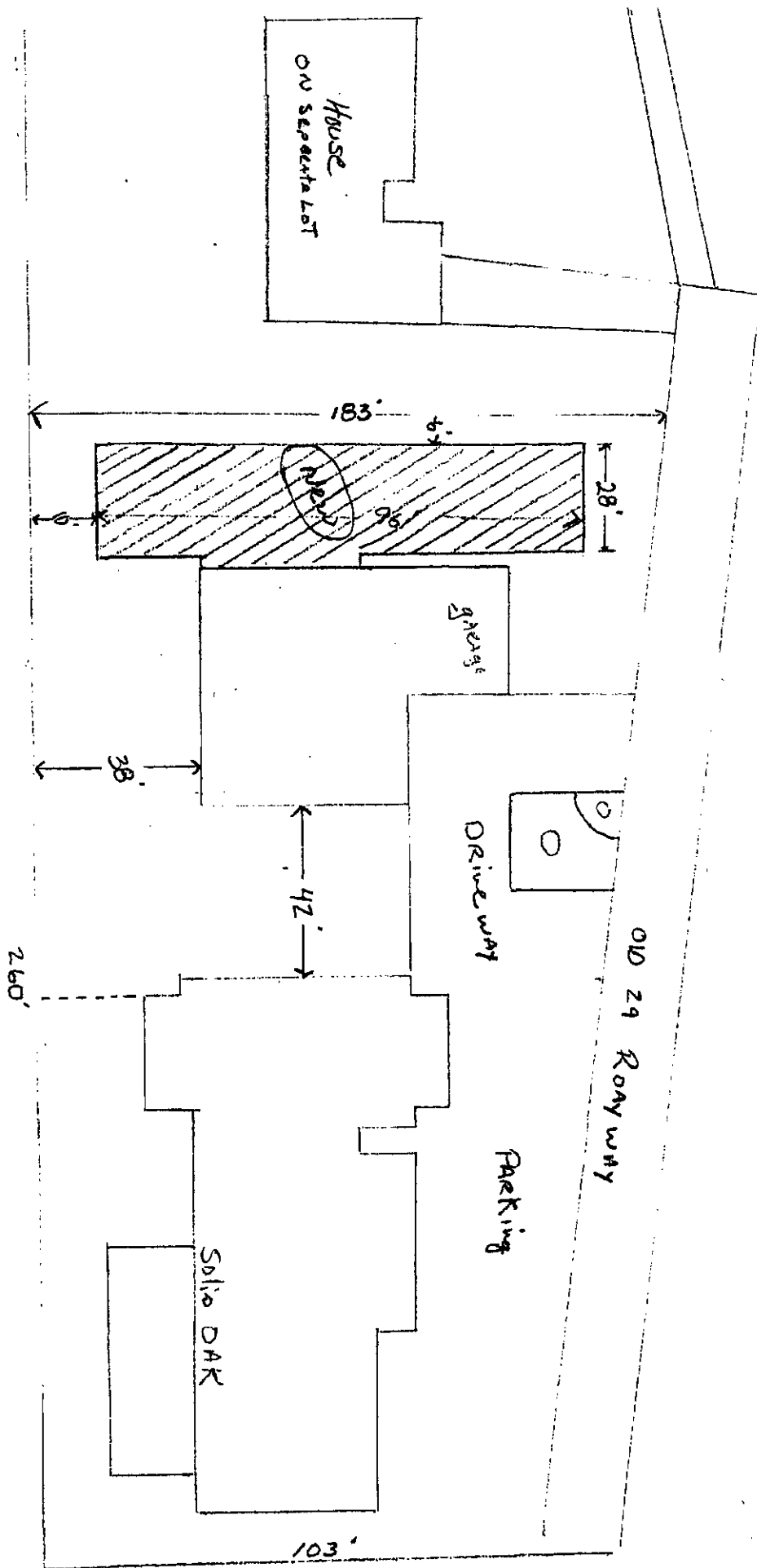
YES: **Charles Chimento, Donn Malwick, John Goleman, Patrick Somers, Marvin Traylor**

NO:

ABSENT:

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RECORDING SECRETARY





5-9



CASE #: 2005-15  
 INDEX #: 23-06-451-003

**USE VARIANCE CHECK LIST**

DATE: 3-7-05  
 INSPECTED BY: DK LW

PETITIONER: Bartels, William

ADDRESS: 3596 South State Route 29 CITY OR VILLAGE OR NEAREST ONE: Springfield

REQUEST DESCRIPTION: Storage for construction business

EXISTING ZONING: A with a Use Variance for a Furniture Store

EXISTING LAND USE: Furniture Sales and Construction Business

PROPOSED LAND USE: Furniture Sales and Construction Business

LAND AREA: 1 acre ROAD FRONTAGE: 260 Lineal Ft. ROAD COND: Fair

STRUCTURE DESIGNED FOR: Business CONDITION OF STRUCTURE: Good

EXISTING YARDS: Front Varied ft. Side \_\_\_\_\_ ft. Rear \_\_\_\_\_ ft.

- NEARBY LAND USE:
- a. To North Cropland, Single Family Residences
  - b. To South Bike Trail, Cropland
  - c. To East Mini-Warehouses
  - d. To West Single Family Residences

OTHER COMMENTS:

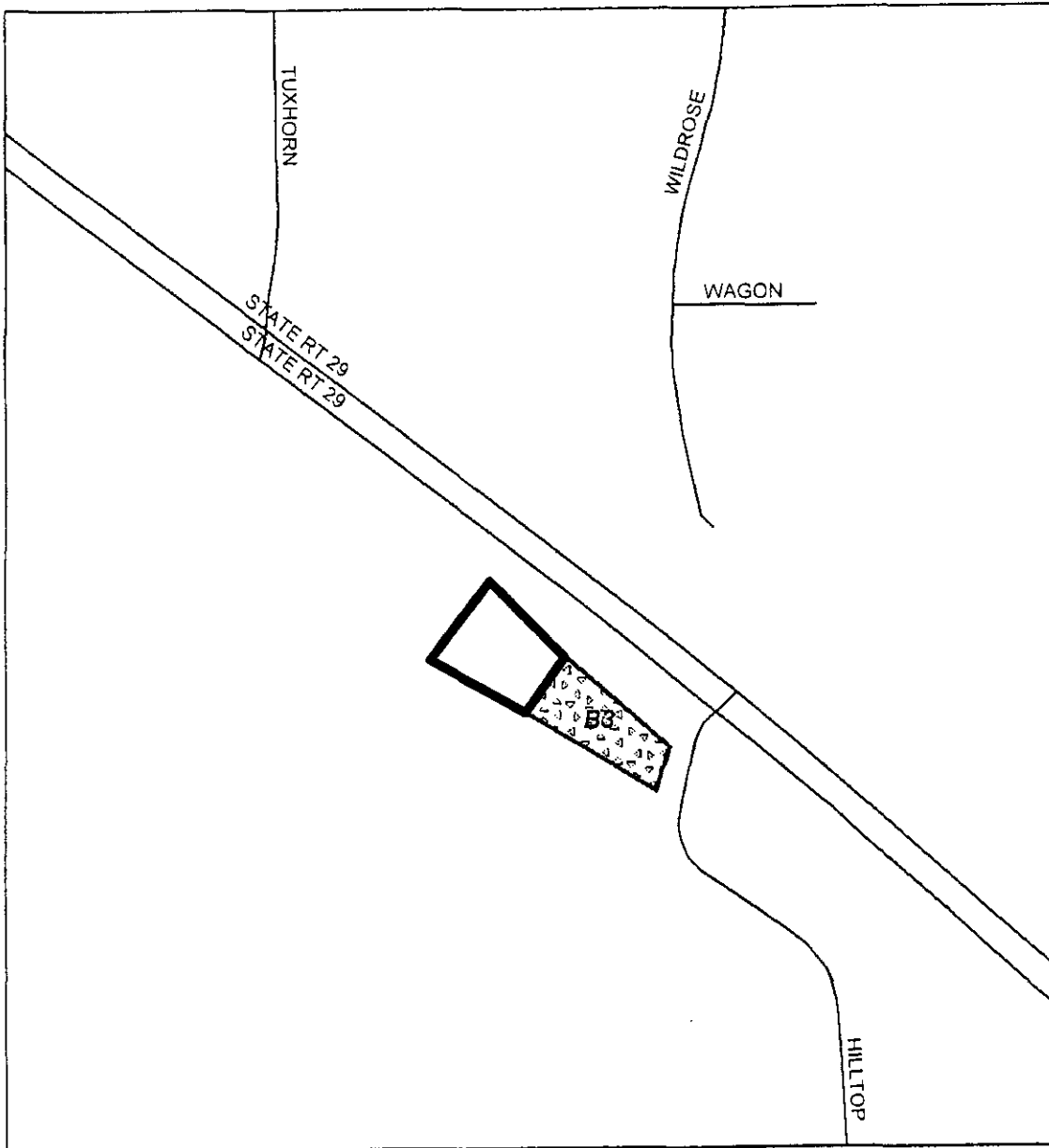
Staff Estimate of the Effect of the Use Variance on the Area		None	Slight	Mod.	Great
CONTRASTS: CURRENT VS. PROPOSED	land use			X	
	Appearance			X	
	Height	X			
	parking spaces		X		
PROBLEMS FORESEEN	Drainage	X			
	Sewer		X	X	
	traffic flow	X			
WILL USE INCREASE	pop. Density	X			
	dwelling, density	X			
	school pop.	X			
	traffic volume			X	



RECOMMENDATIONS: **Recommend denial.** The standards for use variations are not met. There is no justification for allowing a second commercial use on this property.

# County Zoning

## Case# 2005-015

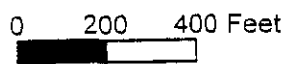


### County Zoning

	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





## RECOMMENDED STANDARDS FOR USE VARIATIONS

Case #: 2005-15

Address: 3596 South State Route 29

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.

**No. The property owner is receiving economic return from the property with the existing furniture store. There are no special circumstances justifying a second commercial use of the property.**

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

**Mini-warehouses were recently built to the east, however, development to the west has been residential.**

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

**No. There will be no apparent benefit to the community by allowing a second commercial use on this property. There are also public health concerns with failing septic systems in the area and two principal uses on a one acre tract.**

- (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.

**There is a concern for the residence to the west and the impact of increased truck traffic on the road.**