

CASE # 2006-66
RESOLUTION NUMBER 7-1

GRANTING A USE VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
1648 MCQUEEN ROAD, PLEASANT PLAINS
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, **Robert L. Hughs, III**, has petitioned the Sangamon County Board for a **Use Variance to allow a gun shop in an outbuilding**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **December 21, 2006**, 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 **approve the Use Variance**; and

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

FILED

DEC 29 2006

Joe Aiello
Sangamon County Clerk

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NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **9th day of January, 2007** that the request for a Use Variance to allow for a gun shop in an outbuilding on the above described property is hereby approved.

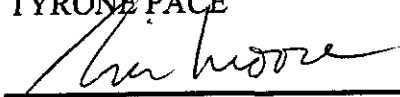
Signed and passed by the Sangamon County Board in session on this **9th day of January, 2007**.

Respectfully submitted,

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

ABE FORSYTH

BILL MOSS

TYRONE PACE


TIM MOORE

DON STEPHENS

DAVID MENDENHALL

ATTEST:



SANGAMON COUNTY CLERK



COUNTY BOARD CHAIRMAN

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EXHIBIT A

Part of the East Half of the Southwest Quarter of Section 1, Township 15 North, Range 7 West of the Third Principal Meridian, Sangamon County, Illinois described as follows:

From the center of the aforesaid Section 1, West of the Quarter Section line 827.00 feet; thence deflecting to the left, 85 degrees 36 minutes 731.64 feet; thence deflecting to the left 91 degrees 29 minutes 36 seconds; 242.00 feet to the point of beginning, thence continuing East 74.13 feet; thence deflecting to the right 91 degrees 29 minutes 36 seconds 180.00 feet; thence deflecting to the right 88 degrees 30 minutes 24 seconds, 74.13 feet; thence North 180.00 feet to the point of beginning. Situated in Sangamon County, Illinois.

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

Case #: 2006-66

Address: 1648 Mc Queen Road Block of Calhoun St, Springfield

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.

There are special circumstances as the building is well suited to non-residential use.

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

There is a trend toward small, home-based business.

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

The business will benefit the community and provide a needed service.

- (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.

The business will operate for the most part as a business by appointment and will have very little impact on the area.

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20-01
300-015

20-01
300-023

SUBJECT

PROPERTY



'76

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 7 NAME: **Craig Hall**

DOCKET NUMBER: 2006-66

ADDRESS: 1648 McQueen Road, Pleasant Plains, IL 62677

PETITIONER: **Robert L. Hughs, III**

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: "A" Agricultural District with a Use Variance
for a gun shop in an outbuilding

AREA: .3 acre

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: **Recommend denial. The standards for use variances are not met.**

SANGAMON COUNTY BOARD OF APPEALS RECOMMENDATION: **Approval**



RECORDING SECRETARY

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SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2006-66
Robert L. Hughs III)	
)	PROPERTY LOCATED AT:
)	1648 McQueen Road
)	Pleasant Plains, IL 62677
)	

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 **December 21, 2006** 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 **1648 McQueen Road, Pleasant Plains, IL 62677** and more particularly described as:

See Exhibit A

- 3. That the present zoning of said property is **"A" Agricultural District.**
- 4. That the present land use of said property is **Outbuilding (residence is in front of the outbuilding on a separate parcel).**
- 5. That the proposed land use of said property is **Gun shop.**
- 6. That the requested **Use Variance** of said property is: **to allow for a gun shop in an outbuilding**
- 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 **approved.**

Charles Chimento
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Marvin Traylor** based on the amended findings of fact to and recommend to the County Board that the petition be **approved**, which was duly seconded by **Donn Malwick.**

The vote of the Board was as follows:

YES: **Charles Chimento, Donn Malwick, Peggy Egizii, Patrick Somers, Marvin Traylor**

NO:

ABSENT:

RJ Armstrong
RECORDING SECRETARY

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CASE #: 2006-66
 INDEX #: 20-01-300-023
 DATE: 10/31/06
 INSPECTED BY: JH LW

USE VARIANCE CHECK LIST

PETITIONER: Hughs, Robert L. III
 ADDRESS: 1648 McQueen Road CITY OR VILLAGE OR NEAREST ONE: Berlin

REQUEST DESCRIPTION: A use variance for a gun shop is requested.

EXISTING ZONING: A

EXISTING LAND USE: Outbuilding

PROPOSED LAND USE: Gun shop

LAND AREA: .3 acre ROAD FRONTAGE: 0 Lineal Ft. ROAD COND: Fair - poor

STRUCTURE DESIGNED FOR: Outbuilding CONDITION OF STRUCTURE: Good

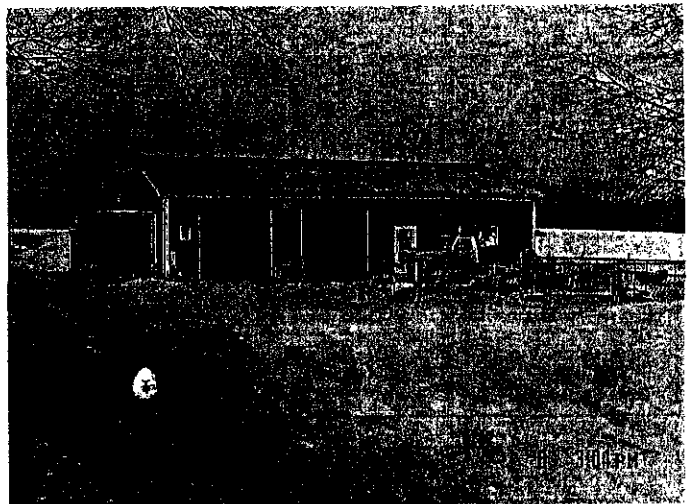
EXISTING YARDS: Front 20 ft. Side 10/111 ft. Rear 12 ft.

NEARBY LAND USE:

- a. To North Single family residence, cropland
- b. To South Single family residences
- c. To East Cropland
- d. To West Single family residence, cropland

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			
	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 variances are not met.**































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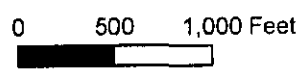
County Zoning Case# 2006-66



County Zoning

City Zoning

 R1	 B1	 R1	 H1	 OFF
 R1a	 B2	 R2	 H2	 PUD
 R2	 B3	 R3a	 H3	 B1
 R3	 I1	 R3b	 S1	 B2
 RM-4	 I2	 R4	 S2	 I1
 OFF	 A	 R5	 S3	 I2



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RECOMMENDED STANDARDS FOR USE VARIATIONS

Case #: 2006-66

Address: 1648 McQueen Road

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.

There do not appear to be any special circumstances limiting use of the property. The existing outbuilding is associated with the residence to the west.

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

The area is agricultural with some residential development.

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

There is no particular benefit apparent with having a gun shop in this outbuilding and the request is not in harmony with the intent of use variances as outlined in the zoning ordinance.

- (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 with having a gun shop located in close proximity to the several residences in the area.