

CASE# 2011-022  
RESOLUTION NUMBER 2-1

**DENYING A REZONING**  
**GRANTING A USE VARIANCE AND VARIANCE**  
FOR CERTAIN PROPERTY LOCATED AT  
**3955 N. DIRKSEN PARKWAY, SPRINGFIELD**  
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 and variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

**See Exhibit A**

WHEREAS, the Petitioner, **Carole Grigiski**, has petitioned the Sangamon County Board for **rezoning from "B-3" General Business District to "I-1" Restricted Industrial District to allow a contractor's shop and yard and a variance to allow two (2) principal uses on one (1) parcel; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **June 16, 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 and grant a use variance to allow the outside storage and sale of mulch with no processing on site, and a variance to allow two (2) principal uses on one (1) parcel; and**

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

**FILED**

JUN 29 2011

*Joe Aiello*  
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 12<sup>th</sup> day of July, 2011 that the request for rezoning from "B-3" General Business District to "I-1" Restricted Industrial District is hereby denied but, in the alternative, a use variance to allow the outside storage and sale of mulch with no processing on site, and a variance to allow two (2) principal uses on one (1) parcel is hereby approved;

Signed and passed by the Sangamon County Board in session on this 12<sup>th</sup> day of July, 2011.

Respectfully submitted,

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

Tim Moore by CK  
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

**PART OF THE WEST PART OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 16 NORTH, RANGE 5 WEST OF THE THIRD PRINCIPAL MERIDIAN, SANGAMON COUNTY , ILLINOIS DESCRIBED AS FOLLOWS:**

**FROM THE NORTHWEST CORNER OF AFORSAID SECTION 12, SOUTH ON THE SECTION LINE 1,832.20 FEET; THENCE EAST 564.40 FEET TO THE POINT OF BEGINNING; THENCE DEFLECTING TO THE LEFT 143 DEGREES 13 MINUTES 23 SECONDS FOR A DISTANCE OF 629.53 FEET TO THE EASTERLY RIGHT OF WAY LINE OF U.S. ROUTE 66; THENCE DEFLECTING TO THE RIGHT 101 DEGREES 59 MINUTES 29 SECONDS ALONG THE RIGHT OF WAY LINE FOR A DISTANCE OF 255.58 FEET; THENCE DEFLECTING TO THE RIGHT 78 DEGREES 00 MINUTES 31 SECONDS ALONG THE SOUTHERLY RIGHT OF WAY LINE OF U.S. ROUTE 66 BY PASS 659.00 FEET; THENCE DEFLECTING TO THE RIGHT 90 DEGREES 00 MINUTES FOR A DISTANCE OF 15.00 FEET; THENCE DEFLECTING TO THE LEFT 89 DEGREES 18 MINUTES 48 SECONDS FOR A DISTANCE OF 274.30 FEET; THENCE DEFLECTING TO THE RIGHT 87 DEGREES 58 MINUTES 18 SECONDS FOR A DISTANCE OF 61.00 FEET; THENCE DEFLECTING TO THE RIGHT 76 DEGREES 01 MINUTES 17 SECONDS FOR A DISTANCE OF 211.50 FEET; THENCE DEFLECTING TO THE 21 DEGREES 27 MINUTES 24 SECONDS FOR A DISTANCE OF 192.19 FEET TO THE POINT OF BEGINNING.**

**EXCEPTING THEREFROM THE FOLLOWING DESCRIBED LAND:**

**PART OF THE WEST PART OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 16 NORTH, RANGE 5 WEST OF THE THIRD PRINCIPAL MERIDIA, SANGAMON COUNTY, ILLINOIS DESCRIBED AS FOLLOWS;**

**COMMENCING AT THE NORTHWEST CORNER OF SECTION 12, THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 12 A DISTANCE OF 1832.55 FEET; THENCE SOUTH 87 DEGREES 36 MINUTES 39 SECONDS EAST, 564.79 FEET; THENCE NORTH 50 DEGREES 51 MINUTES 40 SECONDS WEST 424.18 FEET TO THE POINT OF BEGINNING; THENCE NORTH 50 DEGREES 51 MINUTES 40 SECONDS WEST 205.43 FEET TO THE EASTERLY RIGHT OF WAY LINE OF U.S. ROUTE 66; THENCE NORTH 51 DEGREES 07 MINUTES 29 SECONDS EAST ALONG SAID EASTERLY RIGHT OF WAY LINE A DISTANCE OF 253.23 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF U.S. 66 BYPASS; THENCE SOUTH 50 DEGREES 49 MINUTES 33 SECONDS EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE A DISTANCE OF 153.00 FEET; THENCE SOUTH 39 DEGREES 10 MINUTES 27 SECONDS WEST 247.61 FEET TO THE POINT OF BEGINNING.**

**EXCEPT ALL COAL, MINERALS AND MINING RIGHTS HERETOFORE CONVEYED OF RECORD.**

**SITUATED IN SANGAMON COUNTY, ILLINOIS.**

RECAP  
(For County Board Use)

COUNTY BOARD MEMBER: # 8                      NAME: Jim Good

DOCKET NUMBER: 2011-022

ADDRESS: 3955 N. Dirksen Parkway, Springfield, IL. 62707

PETITIONER: Carole Grigiski

PRESENT ZONING CLASSIFICATION: "B-3" General Business District

REQUESTED ZONING CLASSIFICATION: "I-1" Restricted Industrial District to allow for a contractor's shop and yard with a variance to allow two (2) principal uses on one (1) parcel.

AREA: 3.52

COMMENTS: None

OBJECTORS: Yes

PLANNING COMMISSION RECOMMENDATION: **Recommend denial of the requested I-1 zoning. The property is currently zoned B-3, General Business District and is suited for this zoning classification. The B-3 classification allows some highly intense uses while considering the possible negative impacts of the uses by putting certain safeguards into place (i.e. requiring inside storage for contractor's shops and yards). The property owner is requesting the I-1 zoning to be able to have a contractor's shop and yard for the related business with outside storage. Given the proximity to residential properties to the south and southwest, inside storage as required by the existing B-3 zoning is preferred at this location to minimize the negative impacts of the proposed second business. Staff does not recommend a use variance to allow the contractor's mulching business.**

Recommend denial of the variance to allow two (2) principal uses. While the size of the parcel at 3.52 acres is large enough to possibly support two (2) uses, the proposed second use would have a negative impact on the immediate area.

**AMENDED** Following the presentation of all testimony and discussion of said testimony by the ZBA, it is the opinion of staff that the standards for a Use Variance have been met. Staff then provided language for a motion for consideration by the ZBA which reflected the revised opinion. This recommendation was to deny the requested I-1 zoning, but approve a Use Variance to allow the outside storage and sale of mulch with no processing on site, and a variance to allow two (2) principal uses on one parcel.

SANGAMON COUNTY BOARD OF APPEALS  
RECOMMENDATION:

Deny the requested I-1 zoning, but approve a use variance to allow the outside storage and sale of mulch with no processing on site, and a variance to allow two(2) principal uses on one (1) parcel.

  
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

|                                     |                                |
|-------------------------------------|--------------------------------|
| IN THE MATTER OF THE PETITION OF: ) | DOCKET NO: <b>2011-022</b>     |
| <b>Carole Grigiski</b> )            | )                              |
| )                                   | PROPERTY LOCATED AT:           |
| )                                   | <b>3955 N. Dirksen Parkway</b> |
| )                                   | <b>Springfield, IL. 62707</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 **amendment and 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 **June 16, 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: **3955 N. Dirksen Parkway, Springfield, IL.** and more particularly described as:

**See Exhibit A**

- 3. That the present zoning of said property is **"B-3" General Business District.**
- 4. That the present land use of said property is **an office for Illinois Department of Transportation.**
- 5. That the proposed land use of said property is **an office for Illinois Department of Transportation and a contractor's shop and yard to allow the outside storage and sale of mulch with no processing on site.**
- 6. That the requested rezoning of said property is **"I-1" Restricted Industrial District to allow for a contractor's shop and yard, with a variance to allow two (2) principal uses on one (1) parcel.**
- 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 the outside storage and sale of mulch with no processing on site, and a variance to allow two (2) principal uses on one (1) parcel.

*Charles Chimento/cx*  
 CHAIRMAN

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Marvin Traylor**, to concur with the findings of fact and revised 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 the outside storage and sale of mulch with no processing on site, and a variance to allow two (2) principal uses on one (1) parcel which was duly seconded by **Byron Deaner**.

The vote of the Board was as follows:

YES: **Charles Chimento, Byron Deaner, John Luchessi, Judith Johnson, Marvin Traylor**

NO:

ABSENT: **Peggy Egizii**

*Aynoli Knowles*  
 RECORDING SECRETARY

**SSCRPC** Springfield Sangamon County Regional Planning Commission

**Staff Findings and Recommendation**  
 (inspected 05/03/11 by MB & CK)

SANGAMON COUNTY ZONING CASE # 2011-022  
 ADDRESS 3955 N. Dirksen Parkway, Springfield  
 Property Index # 14-12-151-020

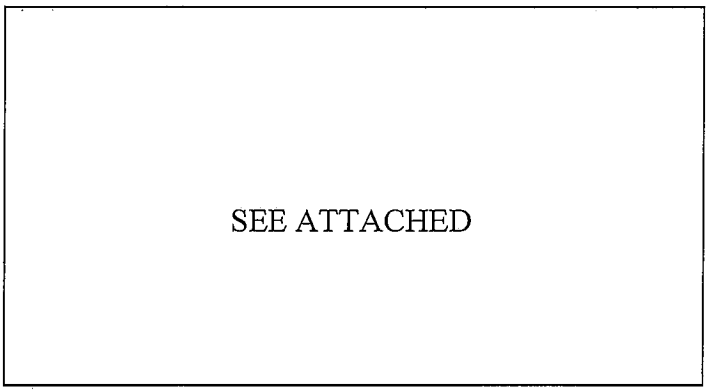
PETITIONER Carole Grigiski  
 REQUESTED ZONING I-1, Restricted Industrial District and a variance to allow two (2) principal uses on one (1) parcel.  
 PROPOSED LAND USE Allow a contractor's shop and yard for a business that converts trees/shrubs into mulch, accepts trees/shrubs for a fee to be converted into mulch, firewood, etc. and to maintain the use of the existing building which is leased to an unrelated business.

EXISTING:  
 ZONING B-3, General Business District.  
 LAND USE A building used as office space leased by Illinois Dept of Transportation

ROAD FRONTAGE North Dirksen Pkwy - 787.4 CONDITION OF PAVEMENT Good

STRUCTURE DESIGNED FOR Retail/office  
 CONDITION OF STRUCTURE Good

LOT AREA 3.52 acres  
 FRONT YARD N/A  
 SIDE YARDS N/A  
 REAR YARD N/A



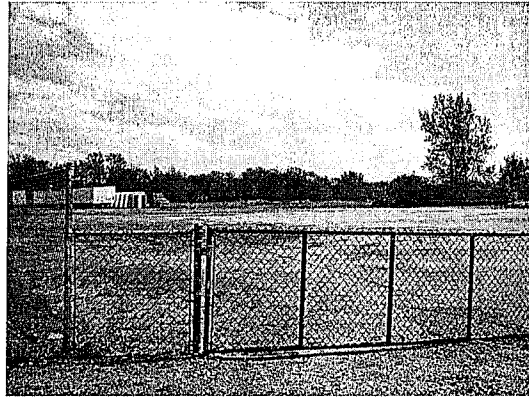
Would the proposed zoning be spot zoning? No

**PLANNING COMMISSION STAFF RECOMMENDATION:**  
 Recommend denial of the requested I-1 zoning. The property is currently zoned B-3, General Business District and is suited for this zoning classification. The B-3 classification allows some highly intense uses while considering the possible negative impacts of the uses by putting certain safeguards into place (i.e. requiring inside storage for contractor's shops and yards). The property owner is requesting the I-1 zoning to be able to have a contractor's shop and yard for the related business with outside storage. Given the proximity to residential properties to the south and southwest, inside storage as required by the existing B-3 zoning is preferable at this location to minimize the negative impacts of the proposed second business. Staff does not recommend a use variance to allow the contractor's mulching business. Recommend denial of the variance to allow two (2) principal uses. While the size of the parcel at 3.52 acres is large enough to possibly support two (2) uses, the proposed second use would have a negative impact on the immediate area.

**AMENDED:** Following the presentation of all testimony and discussion of said testimony by the ZBA, it is the opinion of staff that the Standards for a Use Variance have been met. Staff then provided language for a motion for consideration by the ZBA which reflected the revised staff opinion. This recommendation was to deny the requested I-1 zoning, but approve a Use Variance to allow the outside storage and sale of mulch with no processing on site, and a variance to allow two (2) principal uses on one parcel.



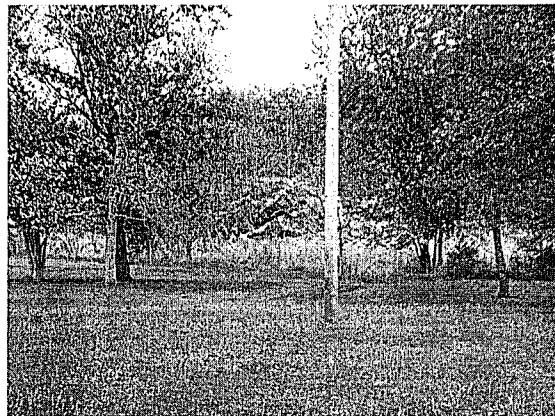
Case #: 2011-022  
Address: 3955 N. Dirksen Parkway, Springfield



**Front of property bordering Dirksen Parkway.**

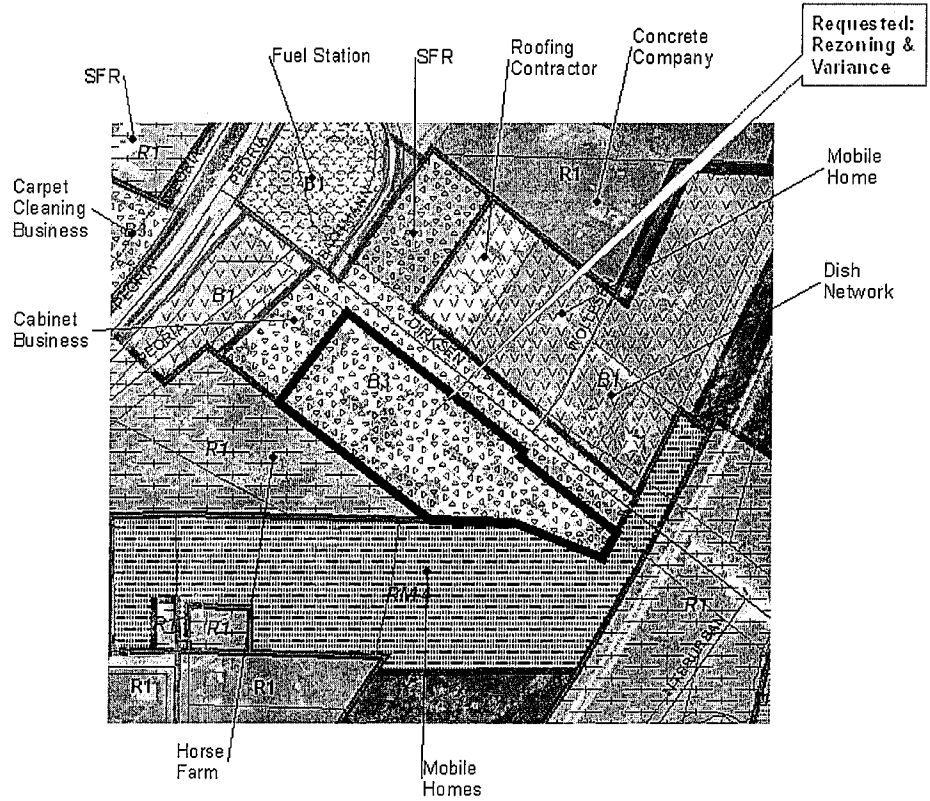


**Rear of property.**



**Rear of property.**

# County Zoning Case# 2011-022

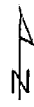
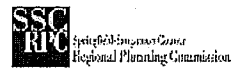


## County Zoning

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## City Zoning

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**SANGAMON COUNTY  
RECOMMENDED - FINDINGS OF FACT**

Case #: 2011-022

Address: 3955 N. Dirksen Parkway, Springfield

- (i) Existing uses of property within the general area of the property in question.

**North/northeast: Fuel station, single-family residence, roofing contractor, mobile home, satellite tv office. South/southwest: mobile homes, single-family residences, horse farm. West: cabinet business and carpet cleaning business.**

- (ii) The zoning classification of property within the general area of the property in question.

**North/northeast: City B-1 and R3b and County B-1. South/southwest/southeast: County R-1 and County RM-4.**

- (iii) The suitability of the property in question to the uses permitted under the existing zoning classification.

**The property is currently zoned B-3, General Business District and is suited for this zoning classification. The B-3 classification allows some highly intense uses; however, the B-3 classification considers the possible negative impacts of these uses and puts into place certain safeguards. For example, the B-3 zoning allows a contractor's shop and yard with all storage being inside a building. The property owner is requesting the I-1 zoning to be able to have a contractor's shop and yard for the related business with outside storage. Given the proximity to residential properties to the south and southwest, inside storage as required by the existing B-3 zoning is preferable at this location.**

- (iv) The trend of development, within the vicinity since the property was originally classified.

**The area has developed with a variety of commercial uses while maintaining the residential uses to the south, southwest and west.**

SANGAMON COUNTY  
RECOMMENDED - STANDARDS FOR VARIATIONS

Case #: 2011-022

Address: 3955 N. Dirksen Parkway, Springfield

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 parcel contains a frame structure that is currently being leased as office space. The property owner proposes to lease the remainder of the parcel for a business that converts tress/shrubs into mulch, accepts trees/shrubs for a fee to be converted into mulch, firewood, etc.**

- (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 property owner indicates that the size of the parcel makes it unique as compared to other properties in the immediate area thereby making it acceptable to support two (2) principal uses on the parcel. The parcel is a total of 3.52 acres which does support this statement. While it makes the parcel somewhat unique to the area, no plight of the owner was identified.**

**AMENDED: Testimony was provided that indicates that the shape of the parcel makes it difficult to develop with a use that is permitted in the B-3 zoning district.**

- (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.

**The petitioner proposes two (2) principal uses on the property. The first is to maintain the existing frame structure as office space. The second proposed use is for a contractor's shop and yard for a business that converts trees/shrub into mulch, accepts trees/shrubs for a fee to be converted into mulch, firewood, etc. The storage of materials would be outside.**

**The property is 247.61' deep on the west and it narrows to 61' deep on the east/southeast property line. This results in the entire south/southwest property line being adjacent to properties with residential uses. Given the location of the existing building being used for office space, it is presumed that the mulching operation is likely to be taking place at a location some distance from the building. As a result, the noise, dust, traffic, etc. will be occurring adjacent to residential properties. This will have a significant negative impact on the immediate area.**

**AMENDED:** The petitioner limited the scope of the proposed mulching operation to be limited to the outside storage and sale of mulch with no processing on site. This limitation tends to significantly reduce the negative impact on the area and resulting in the parcel size being suitable for the two (2) proposed uses.

**RECOMMENDED STANDARDS FOR USE VARIATIONS**

Case #: 2011-022

Address: 3955 N. Dirksen Parkway, 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.

**It does not appear that there are any special circumstances that would warrant a mulching operation at this location given its proximity to residential properties.**

**AMENDED: Testimony provided indicated that the property is zoned B-3 which allows more highly intense uses than the proposed use at this location. Requiring the petitioner to provide inside storage of the mulch was seen as imposing more significant hardship for the petitioner as compared to the uses that are already permitted under the B-3 zoning.**

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

**There are some commercial uses in the immediate area. However, the uses that require storage have the storage inside structures. This proposed use would be outside and would not be compatible with uses in the area.**

**AMENDED: Testimony was provided related to the intense uses to the southeast of the subject property including junk yards and concrete pipe fabrication. In addition, the concrete company which is to the northeast was demonstrated to be a more intense use than the proposed sale of mulch.**

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

**The petition did not provide any evidence that the proposed use at this location would benefit the community. Zoning districts and the uses permitted in each district were established to regulate the location of various uses based on intensity and the impact on other uses in the area. Staff finds that allowing the requested business at this location would not be in harmony with the general purpose and intent of the Zoning Regulations.**

**AMENDED: Based on the testimony, which limited the scope of the proposed use to the outside storage and sale of mulch with no processing on site, the use is less intense than other uses which are permitted in the existing B-3 zoning district. Therefore, it appears that the proposed use would be in harmony with the general purpose and intent of the Zoning Regulations.**

- (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 proposed use is to allow a contractor's shop and yard for a business that converts trees/shrubs into mulch, accepts trees/shrubs for a fee to be converted into mulch, firewood, etc. Due to the nature of the business with the operations being primarily outside, the use would have a negative impact on the immediate area particularly on the residential uses located near the rear of the property.**

**AMENDED: The petitioner limited the scope of the original petition to be the outside storage and sale of mulch with no processing of the mulch on site. Testimony was provided that indicates that the proposed use will not have as negative of an impact on the area as would another use permitted under the existing B-3 zoning.**