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JUL 27 2010

Joe Aiello
Sangamon County Clerk

CASE# 2010-30
RESOLUTION NUMBER 3-1

DENYING A USE VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
1210 EAST COTTONWOOD, 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 a use variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

Lot Twenty Nine (29) and thirty (30) in Block Eleven (11) in the Town of Mildred except the Coal and other Minerals Underlying the surface of said land and all rights and easements in favor of the estate of said coal and Minerals. Situated in Sangamon County, Illinois

WHEREAS, the Petitioner, **Gary Smith**, has petitioned the Sangamon County Board for a **use variance to allow for temporary parking of work vehicles and storage of materials and equipment for a contractor's business; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **July 15, 2010** 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 use variance; and**

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

FILED

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NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 10th day of August, 2010 that the request for a use variance to allow for temporary parking of work vehicles and storage of materials and equipment for a contractor's business on the above described property is hereby denied.

Signed and passed by the Sangamon County Board in session on this 10th day of August, 2010.

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: #21 NAME: Clyde Bunch

DOCKET NUMBER: 2010-30

ADDRESS: 1210 East Cottonwood Street, Springfield, IL. 62703

PETITIONER: Gary Smith

PRESENT ZONING CLASSIFICATION: "R-2" Single Family & Two Family Residence District.

REQUESTED ZONING CLASSIFICATION: "R-2" Single Family & Two Family Residence District with a use variance to allow for temporary parking of work vehicles and storage of materials and equipment, for a contractor's business.

AREA: .31 acre

COMMENTS: None

OBJECTORS: Yes

PLANNING COMMISSION RECOMMENDATION: See Exhibit B

SANGAMON COUNTY BOARD OF APPEALS RECOMMENDATION: Recommend denial.


RECORDING SECRETARY

Exhibit B

Planning Commission Staff Recommendation: Recommend Denial of a use variance to allow for a contractor's office with outside storage. The standards for use variations are not met. There has been a commercial trend along 11th Street corridor; however, the trend of development in the immediate area of the subject property has remained stable residential. There do not appear to be any special circumstances limiting the use of the property. There is no benefit to the community to continue to allow this use on this and adjacent parcels which is currently a detriment to this residential neighborhood. Additionally, outdoor storage of contractor's equipment is not aesthetically pleasing to the adjacent property owners. The use alters the character of the area and creates a negative impact to this neighborhood.

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2010-30
Gary Smith)	
)	PROPERTY LOCATED AT:
)	1210 East Cottonwood Street,
)	Springfield, IL. 62703

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 **July 15, 2010** 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: **1210 East Cottonwood Street, Springfield, IL.** and more particularly described as:

Lot Twenty Nine (29) and thirty (30) in Block Eleven (11) in the Town of Mildred except the Coal and other Minerals Underlying the surface of said land and all rights and easements in favor of the estate of said coal and Minerals. Situated in Sangamon County, Illinois.

- 3. That the present zoning of said property is "**R-2**" **Single Family & Two Family Residence District**.
- 4. That the present land use of said property is a **manufactured home**.
- 5. That the proposed land use of said property is **to allow for temporary parking of work vehicles and storage of materials and equipment for a contractor's business**.
- 6. That the requested **use variance** of said property is **denied**.
- 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 **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 **denied**.

Charles Chimento /cc
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 **denied**, which was duly seconded by **Don Wulf**.

The vote of the Board was as follows:

YES: **Charles Chimento, Byron Deaner, Peggy Egizii, Judith Johnson, Don Wulf**

NO:

ABSENT: **Marvin Traylor**

Cyndi Knowles
RECORDING SECRETARY