

CASE# 2017-028 5-1
RESOLUTION NUMBER

GRANTING A REZONING AND VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
4421 PEORIA ROAD, 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 **grant an amendment and variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Dale Anders**, has petitioned the Sangamon County Board for **a rezoning from “RM-4” Manufactured Home District to “I-1” Restricted Industrial District, a variance to allow the access way to be unpaved (rock) instead of the required minimum bituminous seal coat except for the ingress/egress of the first forty (40) feet off of Sand Hill Road to be paved with concrete within one (1) year, a variance to allow two (2) principal uses on one (1) parcel, a variance to allow a single-family residence in an “I-1” Restricted Industrial District; and, a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width; and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **June 15, 2017** 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 rezoning and variances; and,**

FILED

JUN 28 2017

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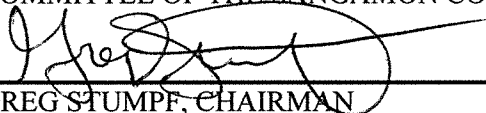
WHEREAS, the Sangamon County Board does hereby adopt the recommendation of the Sangamon County Zoning Board of Appeals.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 11th Day of July, 2017 that the request for a rezoning from “RM-4” Manufactured Home District to “I-1” Restricted Industrial District, a variance to allow the access way to be unpaved (rock) instead of the required minimum bituminous seal coat except for the ingress/egress of the first forty (40) feet off of Sand Hill Road to be paved with concrete within one (1) year, a variance to allow two (2) principal uses on one (1) parcel, a variance to allow a single-family residence in an “I-1” Restricted Industrial District; and, a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 11th day of July, 2017.

Respectfully submitted,

PUBLIC HEALTH, SOLID WASTE & ZONING
COMMITTEE OF THE SANGAMON COUNTY BOARD



GREG STUMPF, CHAIRMAN

DAVID MENDENHALL, VICE CHAIRMAN

CRAIG HALL

SAM SNELL

ABE FORSYTH

JASON RATTS

LINDA DOUGLAS WILLIAMS

ANNETTE FULGENZI

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ROSE RUZIC

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

Part of the Northwest Quarter of Section 12, Township 16 North, Range 5 West of the Third Principal Meridian, and part of the Northeast Quarter of Section 11, same Township and Range aforesaid, described as follows: Beginning at a steel axle 755.1 feet South of the Northwest corner of Section 12, Township 16 North, Range 5 West of the Third Principal Meridian, thence South 87 degrees 44 minutes East 270.3 feet to a steel axle in the West right of way line of Hard Road U.S. No. 66, thence Southwesterly along said West right of way line 160 feet to a stake, thence North 82 degrees 47 minutes West 497.3 feet to an iron pin in the Easterly right of way line of a public highway, being the Old Hard Road, thence North 25 degrees 13 minutes East 96.6 feet to a steel axle in the Easterly right of way line of said public highway, thence East 259.8 feet to the place of beginning as shown by survey of Wm. E. Dawson dated May 22, 1940 and recorded in the Office of the Recorder of Deeds of Sangamon County, Illinois, September 19, 1940, Document No. 191618.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #16 NAME: **Greg Stumpf**

DOCKET NUMBER: **2017-028**

ADDRESS: **4421 Peoria Road, Springfield, IL 62702**

PETITIONER: **Dale Anders**

PRESENT ZONING CLASSIFICATION: **“RM-4” Manufactured Home District.**

REQUESTED ZONING CLASSIFICATION: **A rezoning from “RM-4” Manufactured Home District to “I-1” Restricted Industrial District, a variance to allow the access way to be unpaved (rock) instead of the required minimum bituminous seal coat except for the ingress/egress of the first forty (40) feet off of Sand Hill Road to be paved with concrete within one (1) year, a variance to allow two (2) principal uses on one (1) parcel, a variance to allow a single-family residence in an “I-1” Restricted Industrial District; and, a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width.**

AREA: **1.42 acres**

COMMENTS: **None**

OBJECTORS: **Yes**

PLANNING COMMISSION RECOMMENDATION: **Recommend approval. Zoning within the area is mixed ranging from R-1 to I-1 within 300 feet of the subject property. The area surrounding the subject property has been moving from residences toward businesses so the proposed concrete contractor business would be consistent with the trend. Also, the single-family residence on the subject property pre-dates the adoption of the Zoning Regulations, and denying the continued residential use on the subject property would constitute a**

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hardship. The petitioner will have concrete trucks utilizing the access way which could cause continuous damage to the access way if paving would be required, which could reduce the reasonable return on the subject property. The Standards for Variation are met.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval of Staff Recommendation.


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: **2017-028**
Dale Anders)
))
) **PROPERTY LOCATED AT:**
) **4421 Peoria Road**
) **Springfield, IL 62702**

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 and variances** 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 15, 2017** 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: **4421 Peoria Road, Springfield, IL 62702** and more particularly described as:

See Exhibit A

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- 3. That the present zoning of said property is **“RM-4” Manufactured Home District.**
- 4. That the present land use of said property is **vacant.**
- 5. That the proposed land use of said property is a **concrete contractor and single-family residence.**
- 6. That the requested **rezoning and variances** of said property are **for a rezoning from “RM-4” Manufactured Home District to “I-1” Restricted Industrial District, a variance to allow the access way to be unpaved (rock) instead of the required minimum bituminous seal coat except for the ingress/egress of the first forty (40) feet off of Sand Hill Road to be paved with concrete within one (1) year, a variance to allow two (2) principal uses on one (1) parcel, a variance to allow a single-family residence in an “I-1” Restricted Industrial District; and, a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width.**
- 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 **rezoning and variances** 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 and variances** be **approved.**


 CHAIRMAN *FO*

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Tony Mares**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **approved** which was duly seconded by **Andrew Spiro**.

The vote of the Board was as follows:

YES: **Charles Chimento, Tony Mares, Don Wulf, Andrew Spiro, Larry Beaty**

NO:

PRESENT:

ABSENT:


RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: **2017-028**

Address: **4421 Peoria Road, Springfield**

(i) Existing uses of property within the general area of the property in question.
**North – Contractor’s shed & electrical contractor. East – Gas station.
South – Contractor’s office with outside storage. West – Residences.**

(ii) The zoning classification of property within the general area of the property in question.
North – City R-1 & I-1. East – City B-1. South – City R-1. West – R-1.

(iii) The suitability of the property in question to the uses permitted under the existing zoning classification.
An industrial use is not an allowable use in the RM-4 Manufactured Home District.

(iv) The trend of development, within the vicinity since the property was originally classified.
The subject property was rezoned from R-1 to RM-4 in Zoning Case #1991-051. Within the area of the subject property, there have been approximately 7 zoning cases rezoning property from residential districts to business districts and approximately 6 cases granting use variances for businesses. These cases show a trend moving from residential uses to commercial/industrial uses for the area.

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**RECOMMENDED STANDARDS FOR USE VARIATIONS
(TWO USES ON ONE PARCEL: SINGLE-FAMILY RESIDENCE & CONCRETE
CONTRACTOR)**

Case #: **2017-028**

Address: **4421 Peoria Road, 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.

The area surrounding the subject property has been moving from residences toward businesses so the proposed concrete contractor business would be consistent with the trend. Also, the single-family residence on the subject property pre-dates the adoption of the Zoning Regulations, and denying the continued residential use on the subject property would constitute a hardship.

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

The subject property has a history of a business use and a single-family residence being located on this parcel. Within the general area, there have been approximately 7 zoning cases rezoning property from residential districts to business districts and approximately 6 cases granting use variances for businesses. These cases show a trend moving from residential uses to commercial/industrial uses for the area. Two parcels south of the subject property were granted variances to allow a residence in the B-3 district. One adjacent parcel north of the subject property has been zoned I-1 since the establishment of the Zoning Regulations.

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

Granting the variance will be in harmony with the general purpose and intent of the Zoning Regulations as Peoria Road is heavily traveled with the trend along the road moving to more intense commercial/industrial uses.

- (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.

Negative impacts are not anticipated in granting the requested variance.

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2017-028**

Address: **4421 Peoria Road, 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 petitioner will have concrete trucks utilizing the access way which could cause continuous damage to the access way if paving would be required, which could reduce the reasonable return on the subject property. Denying the continued residential use on the subject property could reduce the reasonable return on the subject property.

- (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 proposed concrete contractor use on the subject property provides a unique circumstance in that the weight of the concrete trucks would tear up a paved surface greater than an unpaved (rock) surface. The subject property has a history of a business use and a single-family residence being located on this parcel. The single-family residence on the subject property pre-dates the adoption of the Zoning Regulations, providing a unique circumstance to allow the residential use to remain on the subject property. The lot width variance is requested to bring the preexisting parcel into compliance with the Zoning Regulations.

- (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.

No negative impacts are anticipated in granting the requested variances.