

GRANTING A REZONING AND VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
1829 NORTH 32ND STREET, 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 a rezoning and variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Tracy L. Withers**, has petitioned the Sangamon County Board requesting **pursuant to Chapter 17.68 and 17.12, a rezoning from “I-1” Restricted Industrial District to “R-1” Single-Family Residence District; pursuant to Chapter 17.66, for Proposed Parcel 1: a variance of Section 17.38.030 to allow the existing residence on a parcel less than one (1) acre (approximately 0.5 acres) where public sewer is not available; and, for Proposed Parcel 2: a variance of Section 17.36.010(A) and Section 17.38.010 to allow an existing accessory structure within the front yard with a front yard setback to be approximately six (6) feet instead of the required thirty (30) feet; and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **October 17, 2019** 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 a rezoning and variances; and,**

FILED

OCT 23 2019

D. L. Withers

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

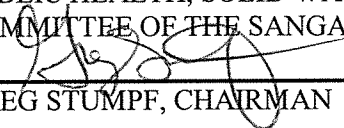
NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 12th Day of November, 2019 that the following requests on the above described property are hereby approved:

- Pursuant to Chapter 17.68 and 17.12, a rezoning from “I-1” Restricted Industrial District to “R-1” Single-Family Residence District;
- Pursuant to Chapter 17.66, for Proposed Parcel 1: a variance of Section 17.38.030 to allow the existing residence on a parcel less than one (1) acre (approximately 0.5 acres) where public sewer is not available; and, for
- Proposed Parcel 2: a variance of Section 17.36.010(A) and Section 17.38.010 to allow an existing accessory structure within the front yard with a front yard setback to be approximately six (6) feet instead of the required thirty (30) feet.

Signed and passed by the Sangamon County Board in session on this 12th day of November, 2019.

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

PARCEL I:

THAT PART OF LOT 8 LYING EAST OF BELT LINE RIGHT OF WAY (KNOWN AS FAU. ROUTE 8041, ILLINOIS ROUTE 54) IN WANLESS' RIDGEWOOD ADDITION, EXCEPT THAT PART OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 16 NORTH, RANGE 5 WEST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF LOT 8 IN WANLESS' RIDGEWOOD ADDITION; THENCE NORTH 89 DEGREES 13 MINUTES 00 SECONDS WEST ON THE SOUTHERLY LINE OF LOT 8 A DISTANCE OF 175.88 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 13 MINUTES 00 SECONDS WEST ON THE SOUTHERLY LINE OF LOT 8 31.01 FEET TO A POINT; THENCE NORTH 1 DEGREE 47 MINUTES 00 SECONDS EAST ON THE EXISTING EASTERLY RIGHT OF WAY LINE OF F.A.U. ROUTE 8041 (ILLINOIS ROUTE 54) A DISTANCE OF 93.20 FEET TO A POINT; THENCE SOUTH 16 DEGREES 42 MINUTES 53 SECONDS EAST 97.71 FEET TO THE POINT OF BEGINNING.

PARCEL II:

LOT 38 AND THAT PART OF LOT 65 LYING EAST OF BELT LINE RIGHT OF WAY (KNOWN AS FAU. ROUTE 8041, ILLINOIS ROUTE 54) IN WANLESS' RIDGEWOOD ADDITION, EXCEPT THAT PART OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 16 NORTH, RANGE 5 WEST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF LOT 38 IN WANLESS' RIDGEWOOD ADDITION; THENCE NORTH 89 DEGREES 13 MINUTES 00 SECONDS WEST ON THE NORTHERLY LINE OF LOTS 38 AND 65 A DISTANCE OF 175.88 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 37 DEGREES 46 MINUTES 52 SECONDS EAST 69.08 FEET TO A POINT; THENCE SOUTH 1 DEGREE 47 MINUTES 00 SECONDS WEST 66.20 FEET TO A POINT; THENCE NORTH 89 DEGREES 13 MINUTES 00 SECONDS WEST 75.01 FEET TO A POINT; THENCE NORTH 1 DEGREE 47 MINUTES 00 SECONDS EAST ON THE EXISTING EASTERLY RIGHT OF WAY LINE OF FAU. ROUTE 8041 (ILLINOIS ROUTE 54) A DISTANCE OF 120.22 FEET TO A POINT; THENCE SOUTH 89 DEGREES 13 MINUTES 00 SECONDS EAST 31.01 FEET TO THE POINT OF BEGINNING.

ALL SITUATED IN THE COUNTY OF SANGAMON, STATE OF ILLINOIS.

PARCEL NUMBERS: 14-24.0-276-015 AND 14-24.0-402-027

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #18 NAME: **Rose Ruzic**

DOCKET NUMBER: **2019-034**

ADDRESS: **1829 North 32nd Street, Springfield, IL 62702**

PETITIONER: **Tracy L. Withers**

PRESENT ZONING CLASSIFICATION: **“I-1” Restricted Industrial District.**

REQUESTED ZONING CLASSIFICATION: **Pursuant to Chapter 17.68 and 17.12, a rezoning from “I-1” Restricted Industrial District to “R-1” Single-Family Residence District; pursuant to Chapter 17.66, for Proposed Parcel 1: a variance of Section 17.38.030 to allow the existing residence on a parcel less than one (1) acre (approximately 0.5 acres) where public sewer is not available; and, for Proposed Parcel 2: a variance of Section 17.36.010(A) and Section 17.38.010 to allow an existing accessory structure within the front yard with a front yard setback to be approximately six (6) feet instead of the required thirty (30) feet.**

AREA: **1 acre**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION STAFF RECOMMENDATION: **Recommend approval of the requested R-1 District. The trend of development for the area is single-family residential. Recommend approval of the requested variances. There is a non-conforming garage that straddles the property line between the parcels ending in -015 and -027. To correct the non-conformity, a reconfiguration is being proposed. In reconfiguring the properties ending in -015 and -027 (both of which are currently under one acre), Proposed Parcel 1 will become larger, gaining 0.1 acres from approximately 0.4 to 0.5 acres. Proposed Parcel 2 will be combined with the property immediately to the east ending in -013 to become one acre, but needs a variance to allow the existing garage in the front yard due to the regulations deeming Ridgewood as the front yard. Helping alleviate some of these non-conformities will help improve the reasonable return for the proposed parcels. The Standards for Variation are met.**

SANGAMON COUNTY ZONING 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: **2019-034**
 Tracy L. Withers)
)
) PROPERTY LOCATED AT:
) **1829 North 32nd Street**
) **Springfield, IL 62702**

RECOMMENDATION OF THE ZONING 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 **rezoning 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 **October 17, 2019** 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: **1829 North 32nd Street, Springfield, IL 62702** and more particularly described as:

See Exhibit A

3. That the present zoning of said property is **“I-1” Restricted Industrial District.**
4. That the present land use of said property is **Single-family residence and accessory structures.**
5. That the proposed land use of said property is **Single-family residence and accessory structures.**
6. That the request(s) for the subject property are **pursuant to Chapter 17.68 and 17.12, a rezoning from “I-1” Restricted Industrial District to “R-1” Single-Family Residence District; pursuant to Chapter 17.66, for Proposed Parcel 1: a variance of Section 17.38.030 to allow the existing residence on a parcel less than one (1) acre (approximately 0.5 acres) where public sewer is not available; and, for Proposed Parcel 2: a variance of Section 17.36.010(A) and Section 17.38.010 to allow an existing accessory structure within the front yard with a front yard setback to be approximately six (6) feet instead of the required thirty (30) feet.**
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 following requests are hereby **approved**:

- **Pursuant to Chapter 17.68 and 17.12, a rezoning from “I-1” Restricted Industrial District to “R-1” Single-Family Residence District;**
- **Pursuant to Chapter 17.66, for Proposed Parcel 1: a variance of Section 17.38.030 to allow the existing residence on a parcel less than one (1) acre (approximately 0.5 acres) where public sewer is not available; and, for**
- **Proposed Parcel 2: a variance of Section 17.36.010(A) and Section 17.38.010 to allow an existing accessory structure within the front yard with a front yard setback to be approximately six (6) feet instead of the required thirty (30) feet.**


 CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Larry Beaty**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the following request(s) are hereby approved:

- Pursuant to Chapter 17.68 and 17.12, a rezoning from “I-1” Restricted Industrial District to “R-1” Single-Family Residence District;
- Pursuant to Chapter 17.66, for Proposed Parcel 1: a variance of Section 17.38.030 to allow the existing residence on a parcel less than one (1) acre (approximately 0.5 acres) where public sewer is not available; and, for
- Proposed Parcel 2: a variance of Section 17.36.010(A) and Section 17.38.010 to allow an existing accessory structure within the front yard with a front yard setback to be approximately six (6) feet instead of the required thirty (30) feet.

which was duly seconded by **Anthony Mares**.

The vote of the Board was as follows:

YES: **Charlie Chimento, Anthony Mares, Andrew Spiro, JD Sudeth, Larry Beaty**

NO:

PRESENT:

ABSENT: **Don Wulf**



RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: **2019-034**

Address: **1829 North 32nd Street, Springfield**

- (i) Existing uses of property within the general area of the property in question.
North – Railroad and timber. East & South – Residence. West – Vacant.
- (ii) The zoning classification of property within the general area of the property in question.
North & South – I-1. East – R-1. West – R-2.
- (iii) The suitability of the property in question to the uses permitted under the existing zoning classification.
The existing residence is not permitted in the I-1 District.
- (iv) The trend of development, within the vicinity since the property was originally classified.

The trend of development for the area is single-family residential. In 1986, a variance was granted to expand a non-conforming use (residence) in the I-1 District south of the subject property. In 1985, I-1 with a CPU for an auto body with spray painting was denied east of the subject property. In 1978, RM-4 was denied but a Use Variance was granted to allow a manufactured home southeast of the subject property. In 1973, a variance was granted for the lot area requirement east of the subject property.

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2019-034**

Address: **1829 North 32nd Street, 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.

There is a non-conforming garage that straddles the property line between the parcels ending in -015 and -027. To correct the non-conformity, a reconfiguration is being proposed. In reconfiguring the properties ending in -015 and -027 (both of which are currently under one acre), Proposed Parcel 1 will become larger, gaining 0.1 acres from approximately 0.4 to 0.5 acres. Proposed Parcel 2 will be combined with the property immediately to the east ending in -013 to become one acre, but needs a variance to allow the existing garage in the front yard due to the regulations deeming Ridgewood as the front yard. Helping alleviate some of these non-conformities will help improve the reasonable return for the proposed parcels.

- (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.

Both parcels are currently under one acre but the proposed reconfiguration will increase the proposed parcels areas over existing conditions. Additionally, Proposed Parcel 2 will be combined with the adjoining parcel to the east; however, this places the existing garage on Proposed Parcel 2 in the extended front yard setback, so the requested variance is needed to correct this issue. Also the two garages on the subject property are less than 20 feet apart, so any reconfiguration would require some type of zoning relief due to the placement of the existing structures.

- (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.

Negative impacts are not anticipated.