

GRANTING A USE VARIANCE AND VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
53 JUDD STREET, GLENARM
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 and variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

Lot Twelve (12) in Block One (1) of the Town of Glenarm, as platted by the Plat recorded in the Recorder's Office of Sangamon County, Illinois in Book Two (2) of Plats of Page thirty-nine (39).

WHEREAS, the Petitioner, **Brent Thomas**, has petitioned the Sangamon County Board for a **use variance to allow for an auto repair shop 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 **August 18, 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 **grant the use variance and variance; and**

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

FILED

AUG 31 2011

Joe Aiello
Sangamon County Clerk

NOW THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 13th day of September, 2011 that the request for a use variance to allow for an auto repair shop providing that no more than four (4) vehicles may be parked outside as part of the repair business awaiting for repairs or waiting to be picked up, that the gates will be kept closed except for a reasonable amount of time when moving/test driving repaired vehicles, and that the restrictions would not become effective before October 13, 2011, and a variance to allow two (2) principle uses on one (1) parcel on the above described property are hereby approved.

Signed and passed by the Sangamon County Board in session on this 13th day of September, 2011.

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: #5 NAME: Don Stephens Jr.

DOCKET NUMBER: 2011-040

ADDRESS: 53 Judd Street, Glenarm, IL 62536

PETITIONER: Brent Thomas

PRESENT ZONING CLASSIFICATION: "R-1" Single Family Residence District.

REQUESTED ZONING CLASSIFICATION: "R-1" Single Family Residence District with a use variance to allow for an auto repair shop and a variance to allow two (2) principal uses on one (1) property.

AREA: 8,500 square feet

COMMENTS: None

OBJECTORS: Yes

PLANNING COMMISSION RECOMMENDATION: Recommend denial of the requested use variance to allow for an auto repair shop. There is a concern with the negative visual effect an auto repair shop will have on adjacent residences as the current outside storage of vehicles, machinery and equipment is a detriment to the area. Given the size of the garage, allowing a use variance with inside storage of vehicles and equipment is not seen as a possibility. Staff recommends denial of the requested variance to allow two (2) principal uses on one (1) property. Allowing an auto repair shop behind the legal non-conforming post office is not seen as appropriate given the size of the parcel and limited access to the proposed parking spaces associated

with the auto repair shop. According to Section 17.50. 060(A) of the Zoning Ordinance, the eight (8) required proposed parking spaces related to the auto repair shop would need proper pavement, which would include converting greenspace located between the post office and the garage into paved parking for four (4) of the proposed parking spots to include access from the alley. It is also a concern that these proposed parking locations could inhibit the septic system, depending on its specific location on the property. The remaining four (4) proposed parking spots are proposed to be located in front of the garage, creating accessibility issues to the three bay auto shop. Additionally, allowing a second principal use on this property could have a negative effect of the visual character that is not consistent with the trend of development in the immediate area. It has been announced that the post office may be eliminated for this community. This action would require that the request for two (2) principal uses with one being a post office to be modified if the use variance is granted.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:


RECORDING SECRETARY

Approval

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2011-040
Brent Thomas)	
)	PROPERTY LOCATED AT:
)	53 Judd Street,
)	Glenarm, IL 62536

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 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 **August 18, 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: **53 Judd Street, Glenarm, IL.** and more particularly described as:

See Exhibit A

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3. That the present zoning of said property is "**R-1**" **Single Family Residence District**.
4. That the present land use of said property is a **post office and an automotive repair shop**.
5. That the proposed land use of said property is a **post office and an automotive repair shop**.
6. That the requested **rezoning and variance** of said property is a **use variance to allow for an auto repair shop and 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** support the proposition that the adoption of the proposed **use variance and 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 and variance be approved**.

Charles Chimento/ck
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Byron Deaner**, to not concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **approved providing that no more than four (4) vehicles may be parked outside as part of the repair business awaiting for repairs or waiting to be picked up, that the gates will be kept closed except for a reasonable amount of time when moving/test driving repaired vehicles, and that the restrictions would not become effective before October 13, 2011,** 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



RECORDING SECRETARY

**ZONING BOARD OF APPEALS
RECOMMENDED - STANDARDS FOR VARIATIONS
TWO (2) PRINCIPAL USES ON ONE (1) PARCEL
AUGUST 18, 2011**

Case #: 2011-040

Address: 53 Judd Street, Glenarm

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 Zoning Board of Appeals (ZBA) finds that while the property is being used economically as a post office, there would be an increased yield of a reasonable return if the property owner were also allowed to use the existing garage for an auto repair business.

- (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 ZBA concurred with the petitioner that the property is unique in that the post office is on the property and that the garage would not be otherwise used.

- (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 ZBA finds that the property has been used as a post office for a number of years without having a negative impact on the immediate area. The ZBA also finds that by limiting the extent of the use variance, if granted, for an auto repair business to be operated in the garage located on the rear of the parcel, the negative effects on the area have been minimized.

**ZONING BOARD OF APPEALS
RECOMMENDED - STANDARDS FOR VARIATION
USE VARIANCE
AUGUST 18, 2011**

Case #: 2011-040

Address: 53 Judd Street, Glenarm

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 Zoning Board of Appeals (ZBA) finds that there are practical difficulties associated with this parcel in that the building that was originally built for residential use has been used as a post office for a number of years. The existing garage located on the rear of the property would otherwise remain vacant as it is not being used by the post office staff.

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

The ZBA concurs with the petitioner that the area is a mix of properties being used for residential uses and several businesses. As such, the ZBA finds that a use variance with appropriate restrictions is compatible with the trend of development in the area.

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

The ZBA finds that the operation of an auto repair business, with restrictions, is in harmony with the intent of the Zoning Regulations given that the area is a mix of residential and several businesses.

- (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 ZBA finds that the auto repair business will not have a negative impact on the area providing that the scope of the use variance is limited. As such the ZBA recommends the following restrictions: no more than four (4) vehicles may be stored outside that are waiting to be repaired or waiting for pick-up and the gates on the fence must remain closed except for a reasonable amount of time during which the owner may be moving or test-driving a vehicle associated with the business.