

**DENYING A REZONING, AND GRANTING A USE VARIANCE WITH A
CONDITION AND A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
6771 N. STATE ROUTE 29, 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 rezoning, but in the alternative grant a Use Variance with a condition and a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Terry Grigsby**, has petitioned the Sangamon County Board requesting **pursuant to Chapters 17.68 and 17.22, a rezoning from “R-1” Single-Family Residence District to “B-1” Neighborhood Business District; and, pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat; and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **June 17, 2021** 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 a rezoning, but in the alternative grant a Use Variance with a condition and a variance; and,**

FILED

JUN 25 2021

Don [Signature]
Sangamon County Clerk

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 **13th Day of July, 2021** that the following request(s) on the above described property is hereby denied:

- Pursuant to Chapters 17.68 and 17.22, a rezoning from “R-1” Single-Family Residence District to “B-1” Neighborhood Business District.

The following recommendations on the above described property are hereby approved:

- Pursuant to Section 17.68.050(D), a Use Variance to allow a hair salon limited to three chairs; and,
- Pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat for a period not to exceed two (2) years.

Signed and passed by the Sangamon County Board in session on this **13th day of July, 2021**.

COUNTY BOARD CHAIRMAN

ATTEST:

SANGAMON COUNTY CLERK

EXHIBIT A

Part of the Northeast Quarter of Section Twenty-nine (29), Township Seventeen (17) North, Range Five (5) West of the Third Principal Meridian, described as follows:

Beginning at a point in the West right of way line of S.B.I. Route 124, 38.00 feet West and 1320.34 feet North of the Southeast corner of the Northeast Quarter of said Section 29, thence deflecting to the left 90 degrees 41 minutes 00 seconds for a distance of 619.92 feet; thence North parallel to said West right of way line 109.97 feet; thence East 617.75 feet to a point in said West right of way line; thence South on said West right of way line 103.97 feet to the point of beginning.

Parcel Number: 06-29.0-200-022.

7-4

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 11 NAME: James Schackmann

DOCKET NUMBER: 2021-026

ADDRESS: 6771 N. State Route 29, Springfield, IL 62707

PETITIONER: Terry Grigsby

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

REQUESTED ZONING CLASSIFICATION: Pursuant to Chapters 17.68 and 17.22, a rezoning from "R-1" Single-Family Residence District to "B-1" Neighborhood Business District; and, pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat.

AREA: 1.52 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION STAFF RECOMMENDATION: Recommend denial of the requested B-1 District. B-1 would be considered spot zoning and there is a residential trend in the area. However, a barber shop has been located immediately south of the subject property prior to 1969, and the proposed use of a three chair hair salon is a low intensity use that may be a benefit to the residential area. Therefore, staff recommends approval of a Use Variance for a hair salon limited to three chairs.

Recommend approval of the paving variance for a period not to exceed two (2) years. Allowing a two (2) year variance of the paving requirements will provide the owner time to pave while continuing to use the property. Paving and striping the parking lot will assist customers to the business on the subject property. No particularly unique circumstances were mentioned in the petition to justify a complete waiver of the paving requirements.

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: 2021-026
Terry Grigsby)	
)	PROPERTY LOCATED AT:
)	6771 N. State Route 29
)	Springfield, IL 62707

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 a 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 17, 2021** 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: **6771 N. State Route 29, Springfield, IL 62707** and more particularly described as:

See Exhibit A


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 **Single-family residence.**
5. That the proposed land use of said property is **Three chair hair salon.**
6. That the request(s) for the subject property **are pursuant to Chapters 17.68 and 17.22, a rezoning from “R-1” Single-Family Residence District to “B-1” Neighborhood Business District; and, pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat.**
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), **but in the alternative, does** support the proposition that the adoption of a **Use Variance to allow a hair salon limited to three chairs; and, a 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 following request(s) is **hereby denied:**

- **Pursuant to Chapters 17.68 and 17.22, a rezoning from “R-1” Single-Family Residence District to “B-1” Neighborhood Business District.**

The following recommendations on the above described property are hereby approved:

- **Pursuant to Section 17.68.050(D), a Use Variance to allow a hair salon limited to three chairs; and,**
- **Pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat for a period not to exceed two (2) years.**



 CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **JD Sudeth**, which was duly seconded by **Tony Mares**, 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) **is hereby denied**:

- Pursuant to Chapters 17.68 and 17.22, a rezoning from “R-1” Single-Family Residence District to “B-1” Neighborhood Business District.

The following recommendations on the above described property are hereby approved:

- Pursuant to Section 17.68.050(D), a Use Variance to allow a hair salon limited to three chairs; and,
- Pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat for a period not to exceed two (2) years.

The vote of the Board was as follows:

YES: **Charlie Chimento, Tony Mares, Andrew Spiro, JD Sudeth**

NO:

PRESENT:

ABSENT: **Don Wulf**



RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: **2021-026**

Address: **6771 North State Route 29, Springfield**

- (i) Existing uses of property within the general area of the property in question.
North – Residence. East & West – Cropland. South – Barber and residence.
- (ii) The zoning classification of property within the general area of the property in question.
North & South – R-1. East & West – Agricultural.
- (iii) The suitability of the property in question to the uses permitted under the existing zoning classification.
The proposed hair salon is not permitted in the current R-1 District. Staff believes the subject property is better suited to the existing classification, as B-1 would be considered spot zoning.
- (iv) The trend of development, within the vicinity since the property was originally classified.
The area has a rural residential trend with commercial located at the intersection of Andrew Road and North State Route 29. A barber shop has been located immediately south of the subject property prior to 1969.

**SANGAMON COUNTY
RECOMMENDED STANDARDS FOR USE VARIATIONS**

Case #: **2021-026**

Address: **6771 North State Route 29, 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.

A barber shop has been located immediately south of the subject property prior to 1969, which staff believes justifies granting a Use Variance for a hair salon with the proposed limitation of three chairs.

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

The area has a rural residential trend with commercial located at the intersection of Andrew Road and North State Route 29. A barber shop has been located immediately south of the subject property prior to 1969.

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

Limiting the number of chairs to three for the proposed hair salon for the Use Variance should limit the impact and allow the hair salon to be a benefit for the community at this location.

- (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.

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2021-026**

Address: **6771 North State Route 29, 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.

Allowing a two (2) year variance of the paving requirements will provide the owner time to pave while continuing to use the property. Paving and striping the parking lot will assist customers to the business 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.

No particularly unique circumstances were mentioned in the petition to justify a complete waiver of the paving requirements.

- (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 with a two-year paving waiver.