

CASE# 2014-016
RESOLUTION NUMBER 8-1

GRANT A REZONING AND VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
2508 W. JEFFERSON, BLDG. B, 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 variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See EXHIBIT A

WHEREAS, the Petitioner, **Patricia Hudspeth**, has petitioned the Sangamon County Board for **rezoning from "B-1" Neighborhood Business District to "R-1" Single-Family Residence District and a variance to allow a side yard setback from ten (10) feet to six (6) feet; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **April 17, 2014** 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 variance; and**

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

FILED

MAY 01 2014

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 May, 2014 that the request for rezoning from "B-1" Neighborhood Business District to "R-1" Single-Family Residence District and a variance to allow a side yard setback from ten (10) feet to six (6) feet on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 13th day of May, 2014.

Respectfully submitted,

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

GREG STUMPF, CHAIRMAN

DAVID MENDENHALL, VICE CHAIRMAN

JOHN FULGENZI

CRAIG HALL

SAM SNELL *Sam Snell*

ABE FORSYTH

JASON RATTS

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

Part of the Northwest Quarter of the Northeast Quarter of Section 30, Township 16 North, Range 5 west of the Third Principal Meridian; described more particularly as follows:

Commencing at a found iron pin 9.05 chains North (Deed) and 2.965 chains West (Deed) of the Southeast corner of the Northwest Quarter of the Northeast Quarter of the aforementioned Section 30, thence North 29 degrees 06 minutes 59 seconds West along the centerline of the Old Springfield, Beardstown Road a distance of 99.85 feet to a P.K. Nail Marking the true point of beginning, thence North 84 degrees 36 minutes 31 seconds West a distance of 233.21 feet to an iron pip, thence North 05 degrees 51 minutes 54 seconds East a distance of 56.15 feet to an iron pipe, thence North 90 degrees 00 minutes 00 seconds East a distance of 183.13 feet to a point on the centerline of the Old Springfield, Beardstown Road, thence South 29 degrees 06 minutes 59 seconds East along said centerline a distance of 89.02 feet to the true point of beginning. Said parcel contains 0.314 acre, more or less, of which 0.050 acre is within the existing right-of-way of the aforementioned road, all in the County of Sangamon, State of Illinois.

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RECAP

(For County Board Use)

COUNTY BOARD MEMBER: # 11 NAME: Mike Sullivan

DOCKET NUMBER: 2014-016

ADDRESS: 2508 W. Jefferson, Bldg. B, Springfield, IL 62702

PETITIONER: Patricia Hudspeth

PRESENT ZONING CLASSIFICATION: "B-1" Neighborhood Business District

REQUESTED ZONING CLASSIFICATION: "R-1" Single-Family Residence District with a variance to allow a side yard setback from ten (10) feet to six (6) feet.

AREA: .31

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: **Recommend approval of the requested R-1 zoning. Given the current use of the parcel and similar uses in the area, it is the opinion of staff that R-1 is appropriate at this location. Recommend approval of the requested variance. The standards for variation are met. The lending institution will not refinance the property until it is zoned residential and there do not appear to be any negative impacts in rezoning the property so that zoning is consistent with the use.**

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2014-016
Patricia Hudspeth)	
)	PROPERTY LOCATED AT:
)	2508 W. Jefferson, Bldg. B
)	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 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 **April 17, 2014** 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: **2508 W. Jefferson, Bldg. B, Springfield, IL 62702** and more particularly described as:

See **EXHIBIT A**

- 3. That the present zoning of said property is **“B-1” Neighborhood Business District.**
- 4. That the present land use of said property is **a single-family residence.**
- 5. That the proposed land use of said property is **a single-family residence.**
- 6. That the requested **rezoning and variance** of said property is **rezoning from “B-1” Neighborhood Business District to “R-1” Single-Family Residence District and a variance to allow a side yard setback from ten (10) feet to six (6) 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 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 **rezoning and variance** be **approved.**

Charles Chimento/ex
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Don Wulf**, 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 **John Lucchesi**.

The vote of the Board was as follows:

YES: **Charles Chimento, Byron Deaner, Don Wulf and John Lucchesi**

NO:

PRESENT:

ABSENT: **Janet Dobrinsky**

Cyndi Knowles
RECORDING SECRETARY

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SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT

Case #: 2014-016

Address: 2508 W. Jefferson, Springfield

- (i) Existing uses of property within the general area of the property in question.

To the north is an apartment building. To the west are single-family residences. To the south and east is a dog kennel. Further south is a single-family residence.

- (ii) The zoning classification of property within the general area of the property in question.

To the north is R-1 and R-3. To the west is R-1. To the south and west is B-1. Further south is City R-1.

- (iii) The suitability of the property in question to the uses permitted under the existing zoning classification.

The existing B-1 zoning is not suitable to the current use of the property, which is a single-family residence.

- (iv) The trend of development, within the vicinity since the property was originally classified.

The subject parcel and the parcel with the dog kennel was rezoned to B-1 in 1994. Since then, the residence has been divided from the kennel.

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: 2014-016

Address: 2508 W. Jefferson, 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 request is being made to allow a side yard setback of 6 feet instead of the required 10 feet for a structure that has existed for many years. Requiring the owner to comply by 4 feet and move the residence would result in an economic hardship.

- (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.

In 1994, B-1 zoning was granted for the dog kennel and the residence, which were on one parcel. Soon after, the residence was divided from the kennel and in the B-1 zoning district there is no side yard requirement. The petitioner wishes to refinance the single-family residence, however the bank will not do so until the property is zoned R-1.

- (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 impact is anticipated in allowing the residence to remain within 6 feet of the side yard.