

CASE# 2017-014
RESOLUTION NUMBER 8-1

GRANTING A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
6151 MAIN STREET, SALISBURY
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 variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **John Kulek**, has petitioned the Sangamon County Board for **a variance to allow two (2) uses on one (1) parcel;** and,

WHEREAS, a public hearing was held at the Sangamon County Building on **April 20, 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 variance;** and,

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

FILED

APR 27 2017

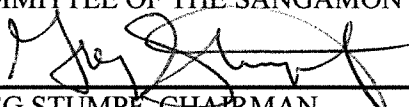
Don J. Hays
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **9th Day of May, 2017** that the request for a variance to allow two (2) uses on one (1) parcel on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this **9th day of May, 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

Lots Seventeen (17), Eighteen (18), Nineteen (19), and Twenty (20) on Main Street in the Town of Salisbury.

ALSO,

The Northeasterly half of the vacated alley lying Southwesterly and adjacent to Lots Lots Seventeen (17), Eighteen (18), Nineteen (19), and Twenty (20) on Main Street in the Town of Salisbury, as shown on Vacation of Alleys in Town of Salisbury recorded November 4, 2003 as Document No. 2003R78942.

ALSO,

The Northwesterly half of the vacated alley lying Southeasterly and adjacent to Lot Twenty (20) on Main Street in the Town of Salisbury, as shown on Vacation of Alleys in Town of Salisbury recorded November 4, 2003 as Document No. 2003R78942.

Situated in Sangamon County, Illinois.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #1 NAME: **Tom Fraase, Jr.**

DOCKET NUMBER: **2017-014**

ADDRESS: **6151 Main Street, Salisbury, IL 62677**

PETITIONER: **John Kulek**

PRESENT ZONING CLASSIFICATION: **“B-3” General Business District.**

REQUESTED ZONING CLASSIFICATION: **A variance to allow two (2) uses on one (1) parcel.**

AREA: **42,471 sq. ft.**

COMMENTS: **None**

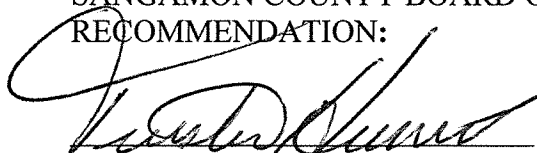
OBJECTORS: **Yes**

PLANNING COMMISSION RECOMMENDATION: **Recommend approval. The trend of development along the block face is business oriented, including a restaurant and gift shop located adjacent to the subject property. The large building on the subject property is suitable for two businesses and the petitioner cannot get the full use of the property with just one use within the structure in this area. The subject property is also underutilized and had been sitting vacant prior to the petitioner purchasing the 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: 2017-014
John Kulek)	
)	PROPERTY LOCATED AT:
)	6151 Main Street
)	Salisbury, IL 62677

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 **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 20, 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:

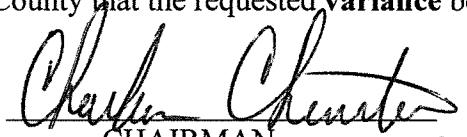
1. That said Board has jurisdiction to consider the petition filed herein.
2. That the above-captioned petitioner(s) is the owner(s) and/or has a beneficial interest in, contract to purchase, or is the County Board Member representing the property commonly known as: **6151 Main Street, Salisbury, IL 62677** and more particularly described as:

See Exhibit A

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- 3. That the present zoning of said property is **“B-3” General Business District.**
- 4. That the present land use of said property is **a vacant building.**
- 5. That the proposed land use of said property is **a construction company office/showroom and food preparation business.**
- 6. That the requested **variance** of said property is **to allow two (2) 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 **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 **variance** be **approved.**


 CHAIRMAN 700

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 **Larry Beaty**.

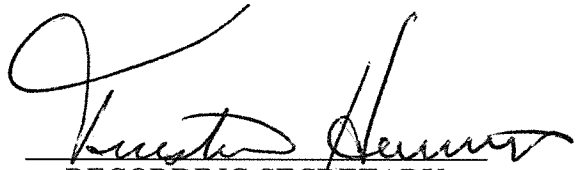
The vote of the Board was as follows:

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

NO:

PRESENT:

ABSENT:



RECORDING SECRETARY

**RECOMMENDED STANDARDS FOR USE VARIATIONS
(TWO USES ON ONE PARCEL)**

Case #: **2017-014**

Address: **6151 Main Street, Salisbury**

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 building on the subject property is 5,000 square feet and contains ample amount of space for the two proposed B-3 uses and enough parking to support both uses. The subject property is also underutilized and had been sitting vacant prior to the petitioner purchasing the property.

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

The trend of development along the block face is business oriented, including a restaurant and gift shop located adjacent to the subject property. The large building on the subject property is suitable for two businesses and the petitioner cannot get the full use of the property with just one use within the structure in this area.

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

Given the size of the building (5,000 square feet) and the location along a major roadway, these two proposed uses appear to be a benefit for the community in filling a former vacant building.

- (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.