

CASE #2009-54

RESOLUTION NUMBER 13-1

GRANTING A USE VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
668 SOUTH BRADFORDTON RD., 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 use variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Shultz Photography**, has petitioned the Sangamon County Board for a **rezoning from "A" Agricultural District to "B-2" Retail Business District to allow for a photography studio with apartment upstairs; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **October 15, 2009**, 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 the rezoning but, in the alternative, grant a use variance;** and

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

FILED

OCT 29 2009


Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 10th day of November, 2009 that the request to rezone the above described property from "A" Agricultural District to "B-2" Retail Business District be denied but, in the alternative, grant a use variance to allow for a photography studio with no signage with an apartment upstairs.

Signed and passed by the Sangamon County Board in session on this 10th day of November, 2009.

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

Exhibit A

Part of the West Half of the Southeast Quarter of Section 35, Township 16 North, Range 6 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows:

Beginning at an iron pin in the West line of said West Half of the Southeast Quarter 968.28 feet South of the Northwest corner of said Half Quarter Section; thence running North along the said West line 110 feet to a pipe; thence deflecting to the right 90 degrees 02 minutes 02 seconds a distance of 25.00 feet; thence deflecting to the left 90 degrees 00 minutes 00 seconds a distance of 5.00 feet; thence deflecting to the right 90 degrees 00 minutes 00 seconds a distance of 439.20 feet; thence deflecting to the right 115 degrees 44 minutes 57 seconds a distance of 130.51 feet; thence deflecting to the right 64 degrees 15 minutes 40 seconds for a distance of 408.63 feet to the point of beginning;

Also, part of the East Half of the Southwest Quarter of said Section 35, bounded and described as follows:

Beginning at an iron pin in the East line of said East Half of the Southwest Quarter of Section 35, 968.28 feet South of the Northeast corner of said Southwest Quarter; thence deflecting to the right 90 degrees 02 minutes 39 seconds for a distance of 7.00 feet to the East right of way line of State Aid Route 17; thence in a Northwesterly direction on the said East right of way line a distance of 110.02 feet; thence deflecting to the right 88 degrees 55 minutes 28 seconds for a distance of 9.00 feet to a point on the East line of said East Half of the Southwest Quarter of said Section 35; thence South on the aforesaid East line a distance of 110.00 feet to the point of beginning.

Excepting all coal and minerals underlying the above described land with the right to mine and remove same.

Situated in Sangamon County, Illinois.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 27 NAME: Abe Forsyth

DOCKET NUMBER: 2009-54

ADDRESS: 668 South Bradfordton Rd., Springfield, IL 62707

PETITIONER: Shultz Photography

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: "B-2" Retail Business District

AREA: 1.17 acres

COMMENTS: None

OBJECTORS: Yes

PLANNING COMMISSION RECOMMENDATION: **Recommend denial of requested B-2 zoning. Although the LESA score of 99 indicates the property is acceptable for non-agricultural zoning, B-2 zoning is seen as too intense at this location. Staff recommends approval of a use variance for a photography studio and apartment at this location. The use seems appropriate as it will not negatively affect the area or alter the character of this location.**

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Deny "B-2" Retail Business District rezoning but, in the alternative, grant a use variance with no signage.


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITON OF:)	DOCKET NO: 2009-54
Shultz Photography))
)	PROPERTY LOCATED AT:
)	668 South Bradfordton Rd.,
)	Springfield, Il 62707

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** 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 15, 2009** 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 **668 South Bradfordton Rd., Springfield, IL 62707** and more particularly described as:

See Exhibit A

3. That the present zoning of said property is "A" Agricultural 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 **photography studio with an upstairs apartment.**
6. That the requested **rezoning** of said property is from "A" Agricultural District to "B-2" Retail Business District to allow for a photography studio with apartment upstairs.
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 **amendment** 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 be denied but, in the alternative, grant a use variance to allow a photography studio with no signage and an upstairs apartment .**

Charles Chimento /cc
 CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Judith Johnson**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **denied of the rezoning but approve a use variance to allow a photography studio with no signage with an upstairs apartment**, which was duly seconded by **Charles Chimento**.

The vote of the Board was as follows:

YES: **Charles Chimento, Peggy Egizii, Judith Johnson, Byron Deaner,**

NO: **Marvin Traylor**

ABSENT:

Amy Knowles
 RECORDING SECRETARY