

RESOLUTION NUMBER 13-1

**GRANTING A VARIANCE OF CHAPTER 16.72**  
**“DEVELOPMENT IN SPECIAL FLOOD HAZARD AREAS”**  
FOR CERTAIN PROPERTY LOCATED AT  
**2151 J. David Jones Parkway**

WHEREAS, the Public Health, Safety and Zoning Committee of the Sangamon County Board has presented to the Sangamon County Board, Sangamon County, Illinois Findings of Fact and Recommendation that the Sangamon County Board **grant a variance to the Sangamon County Flood Ordinance with respect to the following property, to-wit:**

**See Exhibit A.**

WHEREAS, the petitioner, **Carole Grigiski**, has petitioned the Sangamon County Board for a **variance of Section 16.72.130 “Protected Buildings” to allow three mini-warehouse buildings to be constructed six inches below the flood protection elevation; and**

WHEREAS, the Executive Director of the Springfield-Sangamon County Regional Planning Commission has presented to the Sangamon County Board of Sangamon County Findings of Fact and Recommendation that the Sangamon County Board deny the variance based on the findings in Exhibit B; and

WHEREAS, the Public Health, Safety and Zoning Committee reviewed the staff recommendation and based on information presented by the petitioner at the meeting of the Public Health, Safety and Zoning Committee on July 21, 2005 has presented revised findings of fact in Exhibit C; and

WHEREAS, the Sangamon County Board does hereby adopt the recommendation of the Public Health, Safety and Zoning Committee.

**NOW, THEREFORE, BE IT RESOLVED** by the County Board of Sangamon County, Illinois, in session this 9<sup>th</sup> day of August, 2005 **FILED** the request for a variance of Section

JUL 29 2005

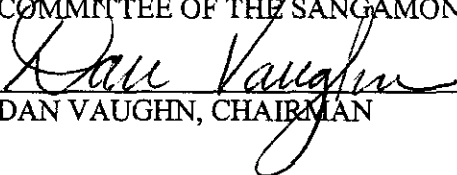
*Joe Aiello*  
Sangamon County Clerk

16.72.130 "Protected Buildings" to allow three mini-warehouse buildings to be constructed six inches below the flood protection elevation on the above referenced property is hereby approved.

Signed and passed by the Sangamon County Board in session this 9<sup>th</sup> day of August, 2005.

Respectfully submitted,

PUBLIC HEALTH, SAFETY & ZONING  
COMMITTEE OF THE SANGAMON COUNTY BOARD

  
\_\_\_\_\_  
DAN VAUGHN, CHAIRMAN

\_\_\_\_\_  
ABE FORSYTH

\_\_\_\_\_  
BILL MOSS

\_\_\_\_\_  
TYRONE PACE

\_\_\_\_\_  
TIM MOORE

\_\_\_\_\_  
DON STEPHENS

ATTEST:

  
\_\_\_\_\_  
SANGAMON COUNTY CLERK

  
\_\_\_\_\_  
COUNTY BOARD CHAIRMAN

## Exhibit A

Part of the Southeast Quarter of the Southwest Quarter of Section 16, Township 16 North, Range 5 West of the Third Principal Meridian, described as follows: From the Southwest corner of said Quarter Quarter Section, North 02 degrees 14 minutes 35 seconds West, on the East line of said Quarter Quarter Section, 165.71 feet to the point of beginning; thence continuing North 02 degrees 14 minutes 35 seconds West on said East line, 237.38 feet to a point on the South right of way line of Illinois Route 4 F.A. Route 662 (Veterans Parkway); thence North 70 degrees 31 minutes 33 seconds East, on said South right of way line, 149.48 feet; thence North 58 degrees 57 minutes 19 seconds East, on said South right of way line, 274.51 feet; thence North 87 degrees 36 minutes 28 seconds East, on said South right of way, 676.40 feet; thence South 75 degrees 45 minutes 27 seconds East on said South right of way line, 56.90 feet to a point on the West right of way line of Illinois Route 29 S.B.I. Route 124 (Walnut Street); thence South 42 degrees 01 minute 14 seconds East, on said West Right of way, 56.95 feet; thence South 02 degrees 24 minutes 24 seconds East, on said West right of way, 361.49 feet; thence South 88 degrees 02 minutes 32 seconds West, parallel with the South line of said Section 16, 1151.77 feet to the point of beginning, containing 10.12 acres, more or less.



**FLOODPLAIN ORDINANCE VARIANCE REQUEST**

**STAFF RECOMMENDATION**

**VARIANCE REQUEST: A variance of Section 16.72.130 Protected Buildings to allow three mini-warehouses to be constructed six inches below the flood protection elevation.**

**PETITIONER: Carole Grigiski**

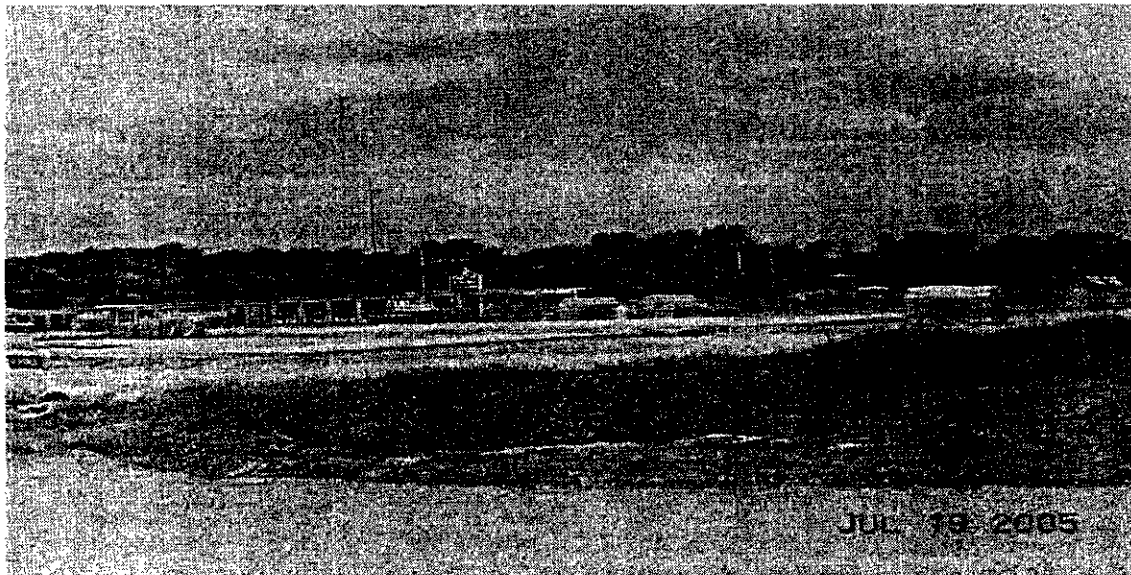
**ADDRESS: 2151 J. David Jones Parkway**

**TAX ID#: 14-16-377-029 and -031**

**DATE OF INSPECTION: July 19, 2005 INSPECTED BY: LW**

**BASE FLOOD ELEVATION: 537' FLOOD PROTECTION ELEVATION: 538'**

**SLAB ELEVATION: 537.5'**



**Recommendation: Recommend denial. Granting of the requested variance would set a precedent that would undermine the intent of the County's Flood Ordinance to protect buildings and personal property. There is a particular concern with allowing a variance of the building protection requirements for buildings that will be used for storage by people who will be unaware of the flooding potential.**

**STANDARDS FOR VARIATION OF FLOODPLAIN ORDINANCE  
SECTION 16.72.150**

- (i) The development activity cannot be located outside the floodplain.  
**The entire property is located in the floodplain. Petitioner received a floodplain development permit to fill the property to an elevation of 536' on March 10, 2000. On November 14, 2002 she was issued a permit to allow the construction of eleven mini-warehouse buildings with floor elevations of 538.1'. The buildings as proposed would be in compliance with the floodplain ordinance. The variance request is made because the concrete slabs poured for three of the proposed additions are at 537.5', six inches below the 1' flood protection elevation required by the flood ordinance.**
- (ii) An exceptional hardship would result if the variance were not granted.  
**Any hardship is self-imposed. When a floodplain development permit is issued it is the responsibility of the property owner to assure that all conditions of that permit are met. The elevation of a building in the floodplain is crucial and the fact that the proposed structures would be used for people to store their personal property suggests the importance of building protection.**
- (iii) The relief requested is the minimum necessary.  
**The relief requested is 6", the difference between the flood protection elevation of 538' and the elevation of the slabs at 537.5'.**
- (iv) There will be no additional threat to public health or safety or creation of a nuisance.  
**No.**
- (v) There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities.  
**It would seem reasonable to expect that when floodwaters are encroaching on the mini-warehouses where people have stored personal property that flood protection measures would be requested.**
- (vi) The provisions of subsection 16.72.050(c) shall be met.  
**It would appear that the property is not in the floodway and therefore the project would not require a permit from the Illinois Department of Natural Resources, Office of Water Resources.**
- (vii) The provisions of subsection 16.72.120 are met.  
**It would appear that the requested variance would not have an impact on other property.**

(viii) The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the National Flood Insurance Program.

**There is a concern that this would establish a pattern inconsistent with the intent of the National Flood Insurance Program which puts a high priority on protecting buildings from flooding. The potential height of flooding has increased on Spring Creek since the original flood study completed in the early 1980's. Many properties are affected by the new base flood elevation number. If the regulations to protect buildings from flooding are ignored on the subject property the ability of the County to justify enforcement on other properties would be compromised.**

**STANDARDS FOR VARIATION OF FLOODPLAIN ORDINANCE  
SECTION 16.72.150**

**> as amended by the Public Health, Safety and Zoning Committee<**

- (i) The development activity cannot be located outside the floodplain.  
**The entire property is located in the floodplain and has been under development since 2000.**
- (ii) An exceptional hardship would result if the variance were not granted.  
**Pouring an additional six inches of concrete on top of the existing slabs would compromise the integrity of the foundation with the potential for wind uplift. The cost of removing and re-pouring the slabs is cost-prohibitive.**
- (iii) The relief requested is the minimum necessary.  
**The relief requested is 6", the difference between the flood protection elevation of 538' and the elevation of the slabs at 537.5'.**
- (iv) There will be no additional threat to public health or safety or creation of a nuisance.  
**No.**
- (v) There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities.  
**No.**
- (vi) The provisions of subsection 16.72.050(c) shall be met.  
**It would appear that the property is not in the floodway and therefore the project would not require a permit from the Illinois Department of Natural Resources, Office of Water Resources.**
- (vii) The provisions of subsection 16.72.120 are met.  
**It would appear that the requested variance would not have an impact on other property.**
- (viii) The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the National Flood Insurance Program.  
**The circumstances are unique because the petitioner began developing the property under the original flood insurance rate maps which indicated the base flood elevation at 535'. Several warehouses were constructed at 537' on the property. In May 2004 new flood insurance rate maps became effective reflecting a new study of Spring Creek which calculated a new base flood elevation of 537'. The three buildings in question would be at a similar elevation to the other buildings.**