

CASE # 2005-03  
RESOLUTION NUMBER 7-1

**GRANTING A USE VARIANCE**  
FOR CERTAIN PROPERTY LOCATED AT  
**2550 E. ASH**  
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:

**The West 265.36 feet of Lot 16 in Wilson Grove Park Addition to the City of Springfield, Illinois.**

WHEREAS, the Petitioner, **Carl Smith**, has petitioned the Sangamon County Board for a **Use Variance to allow a tree service business**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **January 20, 2005**, 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 Use Variance**; and

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

**FILED**

JAN 28 2005

*Joe Aiello*  
Sangamon County Clerk

**NOW, THEREFORE, BE IT RESOLVED** by the County Board of Sangamon County, Illinois, in session assembled this 8<sup>th</sup> day of February, 2005 that the request for a Use Variance to allow a tree service business on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 8<sup>th</sup> day of February, 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

**SANGAMON COUNTY  
RECOMMENDED - STANDARDS FOR USE VARIATIONS  
▶ As Recommended by the Board of Appeals ◀**

Case #: 2005-03

Address: 2550 East Ash Street

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.

**There is a business (garden/nursery) to the east and south and a school to the west.**

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

**An Eagles club was built a few years ago**

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

**The tree business has expanded which is an indication that there is a need in the community for the use.**

- (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.

**The petitioner testified that he will store the trucks over 100' south of the road and a privacy fence will be erected.**

RECAP  
(For County Board Use)

COUNTY BOARD MEMBER: # 14 NAME: Joel Tjelmeland

DOCKET NUMBER: 2005-03

ADDRESS: 2550 E. Ash, Springfield, IL. 62703

PETITIONER: Carl Smith

PRESENT ZONING CLASSIFICATION: "R-1" Single Family Residence District and "RM-4" Manufactured Home District.

REQUESTED ZONING CLASSIFICATION: "R-1" Single Family Residence District and "RM-4" Manufactured Home District with a Use Variance to allow a tree service business.

AREA: 1.653 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: **Recommend denial. The standards for use variations are not met. The property is currently zoned and developed residentially as is surrounding property.**

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: <b>2005-03</b>
<b>Carl Smith</b> )	)
)	PROPERTY LOCATED AT:
)	<b>2550 E. Ash</b>
)	<b>Springfield, IL. 62703</b>
)	)

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 **Use 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 **January 20, 2005** 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 or contract to purchase the property commonly known as **2550 E. Ash, Springfield, IL. 62703** and more particularly described as:

**The West 265.36 feet of Lot 16 in Wilson Grove Park Addition to the City of Springfield, Illinois.**

- 3. That the present zoning of said property is **“R-1” Single Family Residence District and “RM-4” Manufactured Home District.**
- 4. That the present land use of said property is **Single Family Residence.**
- 5. That the proposed land use of said property is **Single Family Residence and Tree Service Business.**
- 6. That the requested **Use Variance** of said property is: **to allow a tree service business.**
- 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 **Use 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 **Use Variance** be **granted.**

Charles Chimento  
CHAIRMAN

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Marvin Traylor** based on the amended standards for variations to recommend to the County Board that the petition be **approved**, which was duly seconded by **John Goleman.**

The vote of the Board was as follows:

YES: **Charles Chimento, John Goleman, Patrick Somers, Marvin Traylor**

NO: **Donn Malwick**

ABSENT:

Bob Armstrong  
RECORDING SECRETARY

7-7



CASE #: 2005-03  
 INDEX #: 22-02-426-015  
 DATE: 1-10-05  
 INSPECTED BY: DK LW

**USE VARIANCE CHECK LIST**

PETITIONER: Smith, Carl  
 ADDRESS: 2550 East Ash Street CITY OR VILLAGE OR NEAREST ONE: Springfield  
 REQUEST DESCRIPTION: Tree Service Business  
 EXISTING ZONING: R-1, RM-4  
 EXISTING LAND USE: Single Family Residence, Mobile Home and Tree Service Business  
 PROPOSED LAND USE: Single Family Residence, Mobile Home and Tree Service Business

LAND AREA: 1.653 acres ROAD FRONTAGE: 250 Lineal Ft. ROAD COND: Good

STRUCTURE DESIGNED FOR: Residence CONDITION OF STRUCTURE: Good/Fair

EXISTING YARDS: Front Varied ft. Side \_\_\_\_\_ ft. Rear \_\_\_\_\_ ft.

- NEARBY LAND USE:
- a. To North Single Family Residences
  - b. To South Timber, Truck Farm
  - c. To East Truck Farm, Single Family Residence
  - d. To West School

**OTHER COMMENTS:**

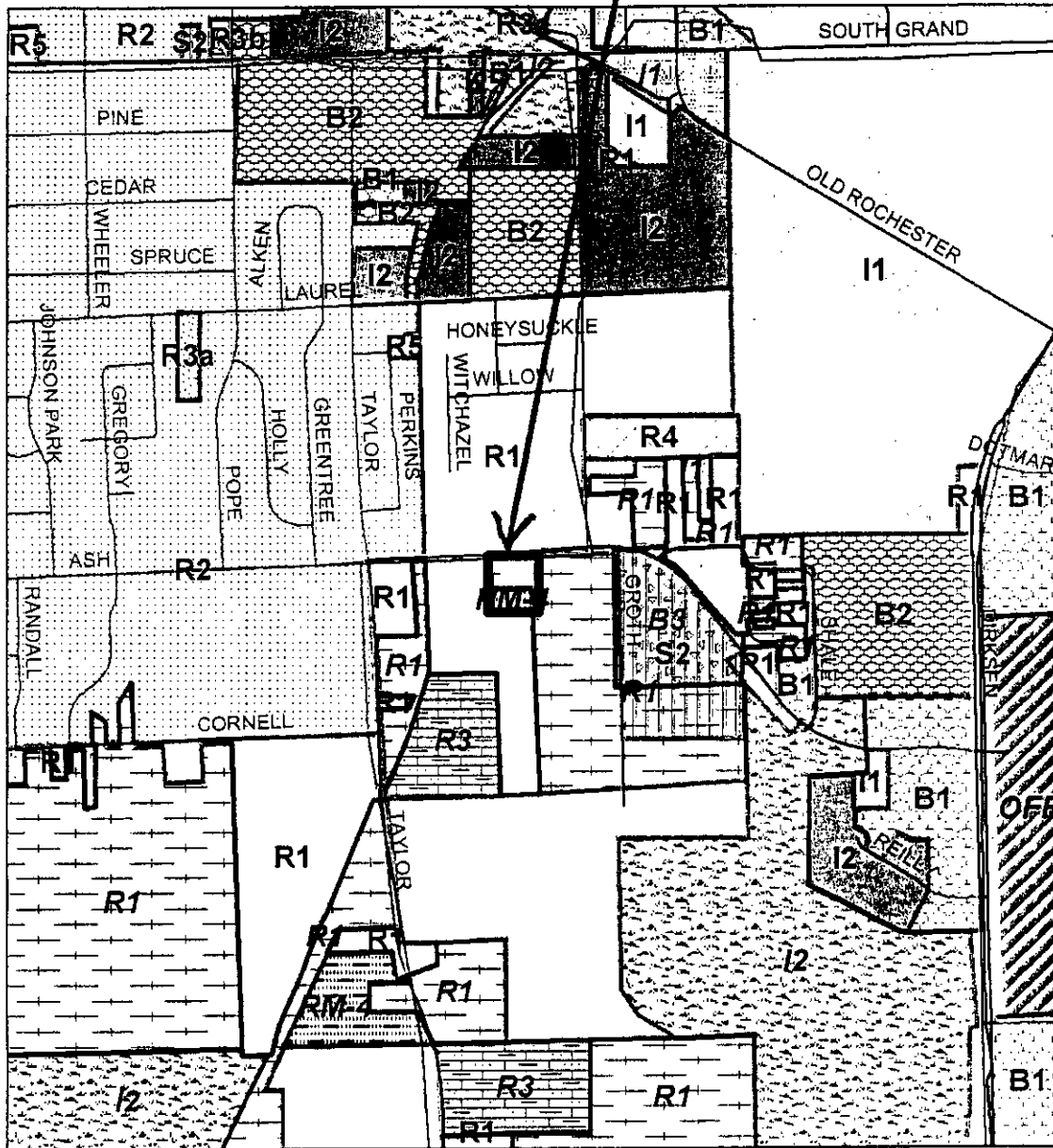
Staff Estimate of the Effect of the Use Variance on the Area		None	Slight	Mod.	Great
CONTRASTS: CURRENT VS. PROPOSED	land use			X	
	Appearance			X	
	height	X			
	parking spaces	X			
PROBLEMS FORESEEN	drainage	X			
	sewer	X			
	traffic flow	X			
WILL USE INCREASE	pop. density	X			
	dwellings, density	X			
	school pop.	X			
	traffic volume	X			



STAFF RECOMMENDATIONS: **Recommend denial. The standards for use variations are not met. The property is currently zoned and developed residentially as is surrounding property.**

# County Zoning

## Case# 2005-03

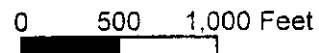


### County Zoning

	RM-4		I1
	R3		I2
	R2		B3
	R1a		B2
	R1		B1
	OFF		

### City Zoning

	R5		H1		OFF
	R1		H2		PUD
	R2		H3		B1
	R3a		S1		B2
	R3b		S2		I1
	R4		S3		I2







## RECOMMENDED STANDARDS FOR USE VARIATIONS

Case #: 2005-03

Address: 2550 East Ash Street

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.

**No. The property is zoned for single family residential and mobile home and is so developed.**

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

**No. The area has remained stable with a school to the west, residences to the north and east, and timbered property owned by the school district to the south.**

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

**There would be no particular benefit to the community to having a tree business at this location. In fact with the proximity to residences and a school, it could be a detriment.**

- (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.

**There is a concern with the impact of this type of use on the residences and school, particularly with school district property to the west and south. All property adjacent to the subject property is zoned and developed under residential zoning.**