

CASE # 2005-70
RESOLUTION NUMBER 4-1

GRANTING A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
3201 SHERMAN STREET
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:

Lot 114 Southlawn Subdivision.

WHEREAS, the Petitioner, **Kenny Morris**, has petitioned the Sangamon County Board for a **variance of the front yard setback requirement from the minimum 15' to 0'**; and

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

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

FILED

OCT 28 2005

Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 8th day of November, 2005 that the request for a variance of the front yard setback requirement from the minimum 15' to 0' on the above referenced property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 8th day of November, 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

DAVID MENDENHALL

ATTEST:



SANGAMON COUNTY CLERK

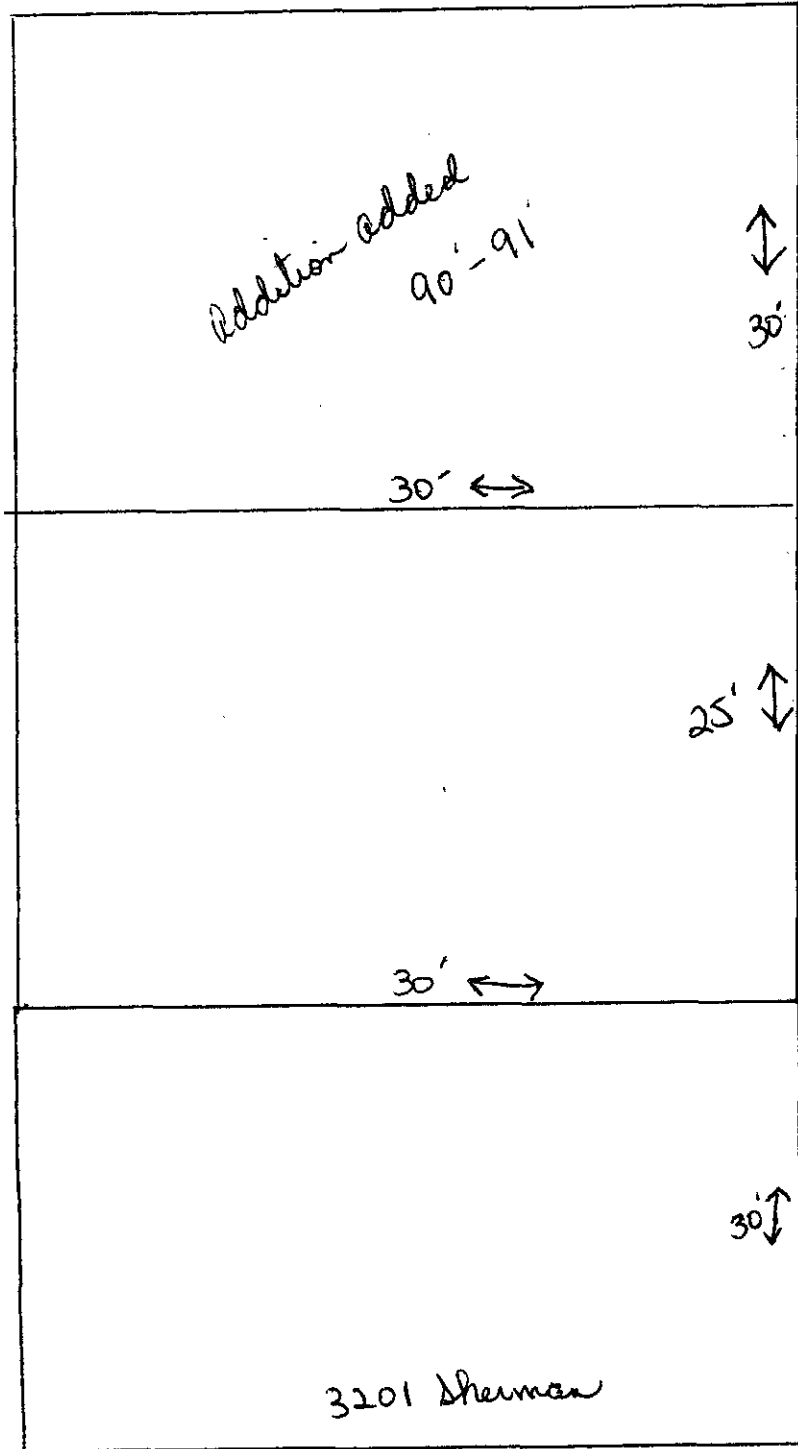


COUNTY BOARD CHAIRMAN

10-1-05
Kenny Morris

our business is growing
and has been in this
location since 1982. It
is an asset to the
Sakata neighborhood.

43



building to
code is code
so not changed

Sherman
Drive

14' from edge of street to front
of building

Sherman Street

Sherman Street

49

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

Case #: 2005-70

Address: 3201 Sherman Street

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.

An addition to the front of the building is the best option to allow expansion.

- (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.

Circumstances are unique since the variance would allow an addition to the front of the building and preserve more off-street parking to the rear.

- (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.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 14 NAME: Joel Tjelmeland, Jr.

DOCKET NUMBER: 2005-70

ADDRESS: 3201 Sherman St., Springfield, IL. 62703

PETITIONER: Kenny Morris

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

REQUESTED ZONING CLASSIFICATION: "B-2" Retail Business District with a variance of the front yard setback requirement from the minimum 15' to 0'.

AREA: 10,125 sq. ft.

COMMENTS: none

OBJECTORS: none

PLANNING COMMISSION RECOMMENDATION: denial. The standards for variation are not met.

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: 2005-70
Kenny Morris)	
)	PROPERTY LOCATED AT:
)	3201 Sherman St.
)	Springfield, IL. 62703
)	

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 **October 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 **3201 Sherman St., Springfield, IL. 62703** and more particularly described as:

Lot 114 Southlawn Subdivision.

- 3. That the present zoning of said property is **"B-2" Retail Business District.**
- 4. That the present land use of said property is **a Hair Salon.**
- 5. That the proposed land use of said property is **a Hair Salon.**
- 6. That the requested **variance** of said property is: **of the front yard setback requirement from the minimum 15' to 0'.**
- 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 **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 attached revised findings to recommend to the County Board that the petition be **approved**, which was duly seconded by **Charles Chimento.**

The vote of the Board was as follows:

YES: **Charles Chimento, Donn Malwick, Marvin Traylor, Don Wulf**

NO: **Patrick Somers**

ABSENT: **Peggy Egizii**

RD Armstrong
RECORDING SECRETARY

ZONING VARIANCE CHECK LIST

DATE: 10-4-05

INSPECTED BY: DK LW

PETITIONER: Morris, KennyADDRESS: 3201 Sherman StreetEXISTING ZONING: B-2REQUEST DESCRIPTION: Variance of the front yard setback requirement from the minimum 15' to 0'.

Staff Estimate of the Effect of the Variance on the Area		None	Slight	Mod.	Great
CONTRASTS: CURRENT VS. PROPOSED	land use		X		
	appearance				X
	height	X			
	parking			X	
PROBLEMS FORESEEN	drainage	X			
	sewer	X			
	traffic flow		X		



Frontage	Lineal Feet	Existing Yards (ft.)			Area
<u>Sherman St. - 55</u>		<u>30</u>	<u>20/15</u>	<u>30</u>	<u>10,125 Sq. Ft.</u>
<u>Stevenson Dr. - 115</u>		front	side	rear	

OTHER COMMENTS:

STAFF RECOMMENDATIONS: **Recommend denial. The standards for variation are not met.**

RECOMMENDED STANDARDS FOR VARIATIONS

Case #: **2005-70**

Address: **3201 Sherman Street**

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 made to expand an existing business.

- (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.

There are no circumstances unique to the property to support the request. The lot frontage is along a residential street with residences to the south and east.

- (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.

There is a concern with the visual impact on the residence to the south. Also, the proposed expansion would eliminate some existing parking spaces. It would appear that there would not be adequate parking available.