

**FILED**

DEC 01 2006

*Joe Aiello*  
Sangamon County Clerk

CASE # 2006-60  
RESOLUTION NUMBER 114

**GRANTING A USE VARIANCE AND YARD VARIANCES**  
**FOR CERTAIN PROPERTY LOCATED AT**  
**1100 BLOCK OF CALHOUN STREET, 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 and Yard Variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

**Lots 11 through 16 Payne and Jones Addition, Sangamon County, Illinois**

WHEREAS, the Petitioner, **Selvaggio Ornamental and Structural Steel, Inc.**, has petitioned the Sangamon County Board for a **Use Variance** to allow the expansion of the ornamental and structural steel company's storage area and variances of 17.38.040, screening to allow a solid row of evergreens to be planted on the north and east sides of the property in lieu of the solid 8' fence required, 17.38.050, transitional yard, east side yard from 10' to 6', 17.38.010 front yard (North) from 15' to 6', and 17.38.020 side yard adjoining a street (Lincoln) from 7 1/2' to 0'; and

WHEREAS, a public hearing was held at the Sangamon County Building on November 16, 2006, 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 Yard Variances**; and

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

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 12<sup>th</sup> day of December, 2006 that the request for a Use Variance to allow the expansion of the ornamental and structural steel company's storage area and variances of 17.38.040, screening to allow a solid row of evergreens to be planted on the north and east sides of the property in lieu of the solid 8' fence required, 17.38.050 transitional yard, east side yard from 10' to 6', 17.38.010 front yard (North) from 15' to 6', and 17.38.020 side yard adjoining a street (Lincoln) from 7 1/2' to 0' on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 12<sup>th</sup> day of December, 2006.

Respectfully submitted,

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

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

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

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

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

*Tim Moore*  
\_\_\_\_\_  
TIM MOORE *for tim moore by Randy Armstrong*

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

\_\_\_\_\_  
DAVID MENDENHALL

**ATTEST:**

*Joe A. [Signature]*  
\_\_\_\_\_  
SANGAMON COUNTY CLERK

*A. Sam [Signature]*  
\_\_\_\_\_  
COUNTY BOARD CHAIRMAN

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W. ELLIOTT AVE.

14-29  
228-026

14-29  
228-021

14-29  
228-019

14-29  
228-020

14-29  
277-001

14-29  
277-002

N. LINCOLN AVE.

14-28  
151-017

14-28  
151-018

14-28  
151-019

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151-020

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151-021

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151-031

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151-032

DORLAN AVE.

BROUGHTON AVE.

14-28  
154-001

14-28  
154-004

\* SUBJECT PROPERTY \*

W. CALHOUN AVE.

KINGS HWY

14-28  
104-018

14-28  
104-019

14-28  
104-020

14-28  
104-021

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104-017

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105-013

14-28  
152-001

14-28  
152-011

14-28  
105-001

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

Case #: 2006-60

Address: 1100 Block of Calhoun St, Springfield

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 proposed use variance will enhance the economic use of the property which has been vacant for many years. There are special circumstances. The property to the south and west is zoned I-1 and there are many industrial uses in the neighborhood. Petitioner intends to install a 6 foot fence situated behind the evergreens as security for the property. The property will then have a secure fence on the east, north and west sides to keep out trespassers.**

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

**The use variance is compatible with the adjacent industrial uses and will provide a buffer to the residential areas to the north and east. Furthermore the existing B-1 zoning classification for the subject property will allow more intensive and disruptive neighborhood uses than petitioners requested storage use.**

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

**The business will benefit the community and provide a needed service. The company has operated in Sangamon County many years and it is an important source of employment for 28 people. Its continued operation is important to the local economy.**

- (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 storage area will not generate a lot of traffic and all traffic will enter and exit the property only on Lincoln street. The evergreens will screen the residences to the north and east.**

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

Case #: 2006-60

Address: 1100 Calhoun, Springfield

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.

**There is no reason to screen the industrial property to the west and south and a solid 8' fence would be vandalized if built on the north and east. Planting evergreens on the north and east is a better solution. The yard variances are appropriate since the use will be ground storage of steel and the residential area will be screened.**

- (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 due to the wider than normal right-of-way on Calhoun, the need for vegetative screening and the fact that the use will be low-profile ground storage.**

- (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. here will be limited activity at the property as petitioner only needs to use the property and retrieve steel materials periodically for construction job; use maybe less then 3 times a week and even then it will not be all day long. Futhermore the residences will be screened.**

RECAP

(For County Board Use)

COUNTY BOARD MEMBER: # 11 NAME: Dick Bond

DOCKET NUMBER: 2006-60

ADDRESS: 1100 block of Calhoun Street, Springfield, IL 62702

PETITIONER: Selvaggio Ornamental and Structural Steel, Inc

PRESENT ZONING CLASSIFICATION: "B-1" Neighborhood Business District

REQUESTED ZONING CLASSIFICATION: "B-1" Neighborhood Business District with a Use Variance to allow the expansion of the ornamental and structural steel company's storage area and variances of 17.38.040, screening, 17.38.050 transitional yard, east side yard from 10' to 6', 17.38.010 front yard (North) from 15' to 6', 17.38.020 side yard adjoining a street (Lincoln) from 7 1/2' to 0'

AREA: 33,600 sq. ft.

COMMENTS: None

OBJECTORS: Yes

PLANNING COMMISSION RECOMMENDATION: The staff recommends denial. Industrial uses are not appropriate in a residential neighborhood. The yard variations would have a negative impact on the character and aesthetics of the neighborhood and on traffic safety along Lincoln and the Lincoln and Calhoun intersection due to reduced visibility.

SANGAMON COUNTY BOARD OF APPEALS RECOMMENDATION:

Approval

AS Dampting  
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

|                                                  |                                     |
|--------------------------------------------------|-------------------------------------|
| IN THE MATTER OF THE PETITION OF: )              | DOCKET NO: <b>2006-60</b>           |
| Selvaggio Ornamental and Structural Steel, Inc ) |                                     |
| )                                                | PROPERTY LOCATED AT:                |
| )                                                | <b>1100 block of Calhoun Street</b> |
| )                                                | <b>Springfield, IL 62702</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 and Yard Variances** 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 **November 16, 2006** 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 **1100 block of Calhoun Street, Springfield, IL 62702** and more particularly described as:

**Lots 11 through 16 Payne and Jones Addition, Sangamon County, Illinois**

- 3. That the present zoning of said property is **"B-1" Neighborhood Business District with a Use Variance for mini-warehouses.**
- 4. That the present land use of said property is **vacant except for a bait shop situated on the Western most lot.**
- 5. That the proposed land use of said property is **Storage.**
- 6. That the requested **Use Variance** of said property is: **to allow the expansion of the ornamental and structural steel company's storage area and variances of 17.38.040, screening to allow a solid row of evergreens to be planted on the north and east sides of the property in lieu of the solid 8' fence required, 17.38.050 transitional yard, east side yard from 10' to 6', 17.38.010 front yard (North) from 15' to 6', and 17.38.020 side yard adjoining a street (Lincoln) from 7 1/2' 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 **Use Variance and Yard Variances** are 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 and Yard Variances** be approved.

  
 CHAIRMAN

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Patrick Somers** in accord with the amended standards for Use Variances and Yard Variances, to recommend to the County Board that the petition be approved, which was duly seconded by **Peggy Egizii**.

The vote of the Board was as follows:

YES: **Charles Chimento, Donn Malwick, Peggy Egizii, Patrick Somers**

NO: **Marvin Traylor**

ABSENT:

  
 RECORDING SECRETARY



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**SSCRPC** **Springfield Sangamon County Regional Planning Commission**  
**USE VARIANCE CHECK LIST**

CASE #: 2006-60  
 INDEX #: 14-28-151-001 thru 006  
 DATE: 10/31/06  
 INSPECTED BY: JH LW

PETITIONER: Selvaggio Ornamental and Structural Steel, Inc  
 ADDRESS: 1100 block of West Calhoun Ave. CITY OR VILLAGE OR NEAREST ONE: Springfield  
 REQUEST DESCRIPTION: Use variance to allow outside storage of steel with variances  
 EXISTING ZONING: B-1  
 EXISTING LAND USE: Bait shop/vacant  
 PROPOSED LAND USE: Outside storage for ornamental & structural steel business

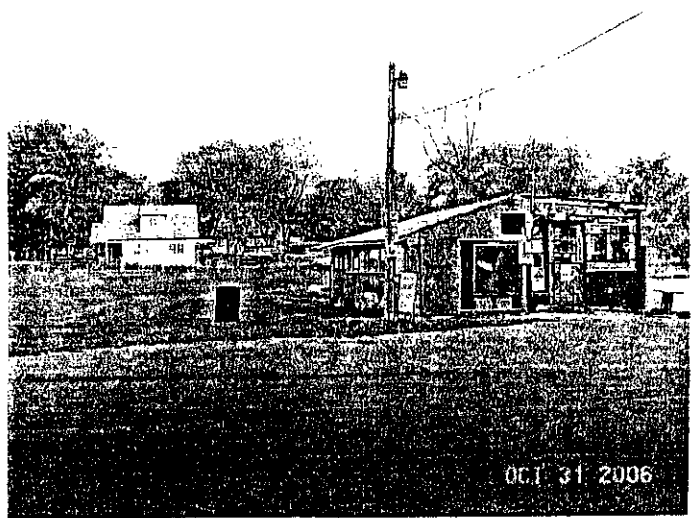
LAND AREA: 33,600 sq. ft. ROAD FRONTAGE: Calhoun-240' Lineal Ft. ROAD COND: Fair  
Lincoln - 140' Fair

STRUCTURE DESIGNED FOR: Commercial CONDITION OF STRUCTURE: Poor

EXISTING YARDS: Front varies ft. Side \_\_\_\_\_ ft. Rear \_\_\_\_\_ ft.  
 a. To North Single family residences, vacant lot to northwest  
 b. To South An ornamental and structural steel company  
 c. To East Single family residences  
 d. To West A truck repair company

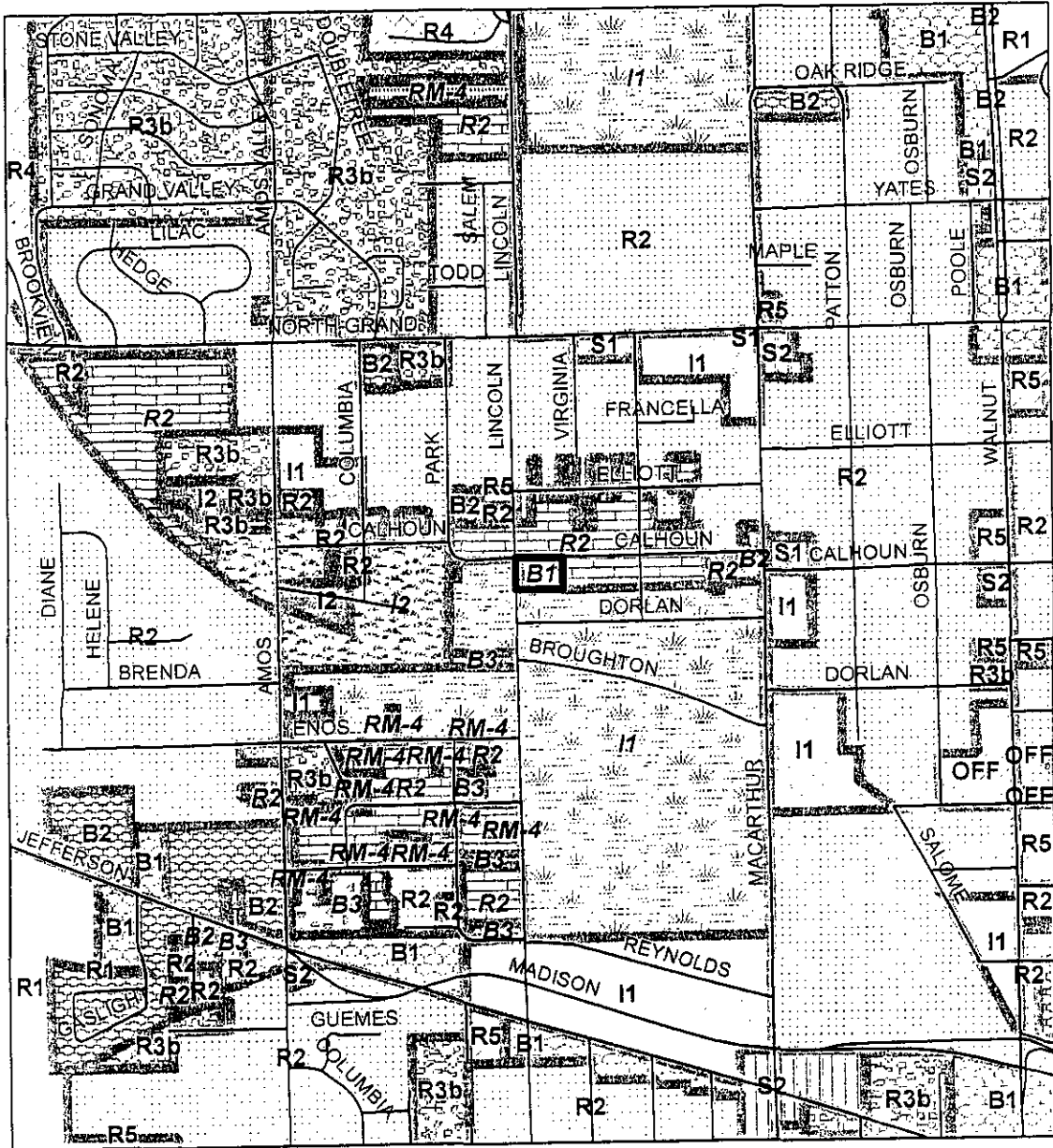
OTHER COMMENTS: Variances are requested to allow evergreen trees in place of a solid 8' fence on the north and east sides of the property; to allow a 6' security fence on the north and west sides; to allow a 6' transitional side yard on the east instead of 10', a 6' front yard on the north instead of 15' and a 0' side yard on the west instead of 7 1/2'.

| Staff Estimate of the Effect of the Use Variance on the Area |                    | None | Slight | Mod. | Great |
|--------------------------------------------------------------|--------------------|------|--------|------|-------|
| CONTRASTS:<br>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    |       |



RECOMMENDATIONS: The staff recommends denial. Industrial uses are not appropriate in a residential neighborhood. The yard variations would have a negative impact on the character and aesthetics of the neighborhood and on traffic safety along Lincoln and the Lincoln and Calhoun intersection due to reduced visibility.

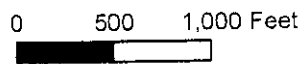
# County Zoning Case# 2006-60



## County Zoning

## City Zoning

|  |      |  |    |  |     |  |    |  |     |
|--|------|--|----|--|-----|--|----|--|-----|
|  | R1   |  | B1 |  | R1  |  | H1 |  | OFF |
|  | R1a  |  | B2 |  | R2  |  | H2 |  | PUD |
|  | R2   |  | B3 |  | R3a |  | H3 |  | B1  |
|  | R3   |  | I1 |  | R3b |  | S1 |  | B2  |
|  | RM-4 |  | I2 |  | R4  |  | S2 |  | I1  |
|  | OFF  |  | A  |  | R5  |  | S3 |  | I2  |



SCSRPC Springfield Area Regional Planning Commission



## RECOMMENDED STANDARDS FOR USE VARIATIONS

Case #: 2006-60

Address: 1100 block of West Calhoun Avenue

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 are no special circumstances showing difficulty or hardship in carrying out the existing zoning. The existing B-1 zoning was generous in a residential neighborhood and down zoning would be looked on favorably.**

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

**The Use Variance is not compatible with the trend of development. The trend in the area is stable residential except for this property which was rezoned to B-1 with a use variance for mini warehouses in 1992. B-3 zoning was requested at that time and found not suitable. A request to allow a commercial use further east on Calhoun was denied four months ago.**

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

**The community as a whole would benefit from the expansion of the existing business. However, the detrimental affect on the neighborhood, the area's need for moderate income housing and fairness to homeowners who have relied on stable zoning before to promote property improvements show that the Variance is not in harmony with the purpose and intent of zoning regulations.**

- (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.

**Industrial uses on the property would create a negative impact of noise, dust, and visual character to the locality. It would diminish property values in a currently stable residential area.**

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## RECOMMENDED STANDARDS FOR VARIATIONS

Case #: 2006-60

Address: 1100 block of West Calhoun Avenue

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 property can produce an economic return without variances to reduce yard setback requirements. All properties within the area, including the truck repair company on a smaller site located west, appear to be viable without bulk variations. Using evergreens instead of a solid fence is not an economic issue.

- (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 unique features or circumstances of this property that would justify a variance of bulk regulations. The result of the variance would be to provide the petitioner more useable land but at the expense of an established residential neighborhood. While the desire to replace 8' solid fencing with evergreens is an effort to reduce the negative visual impact on the neighborhood. There are no unique circumstances that would justify the Variance. Preventing access to an industrial site for safety reasons is the basis for the requirement which remains unaddressed.

- (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.

The variation to allow evergreens instead of a fence does not address the safety concerns of access to the site, especially of young children. The variation to reduce the transitional yard on the east from 10 feet to 6 feet compromises the neighbor's right to adequate light and air, does not provide adequate protection from the impacts of an industrial use and would reduce the value of that property. The variation to reduce the front yard from 15 feet to 6 feet would be in conflict with the residential character of the street where the required front yards are maintained. The variation to reduce the side yard on the western side of the property from 7 ½ feet to 0 feet would negatively impact the visibility on an already narrow street.