

FILED

CASE # 2005-91
RESOLUTION NUMBER 6-1

DEC 30 2005

Joe Aiello
Sangamon County Clerk

GRANTING A USE VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
2714 SO. WALNUT
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 North 37 ½' of Lot 356 and the South 1' of Lot 357 of the Highlands.

WHEREAS, the Petitioners, **John & Diana Mohr**, have petitioned the Sangamon County Board for a **use variance to allow inside storage of residential Construction Company tools and supplies in the attached garage;** and

WHEREAS, a public hearing was held at the Sangamon County Building on **December 15, 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.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 10th day of January, 2006 that the request for a use variance on the above referenced property to allow inside storage of residential construction company tools and supplies in the attached garage is hereby approved.

Signed and passed by the Sangamon County Board in session on this 10th day of January, 2006.

Respectfully submitted,

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

DAN VAUGHN, CHAIRMAN

ABE FORSYTH

BILL MOSS

TYRONE PACE
Tyrone Pace

TIM MOORE

DON STEPHENS

DAVID MENDENHALL

ATTEST:

Joe DiLillo

SANGAMON COUNTY CLERK

A. Van Meter

COUNTY BOARD CHAIRMAN

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

Case #: 2005-91

Address: 2714 So. Walnut

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.

Circumstances are special due to the number of businesses in the area.

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

Use variances and rezonings granted for businesses in the area.

(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.

(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.

All storage will be in the building and the use would generate very little traffic.

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RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 21 NAME: Clyde Bunch

DOCKET NUMBER: 2005-91

ADDRESS: 2714 So. Walnut St., Springfield, IL. 62704

PETITIONER: John & Diana Mohr

PRESENT ZONING CLASSIFICATION: "R-2" Single & Two Family Residence District

REQUESTED ZONING CLASSIFICATION: "R-2" Single & Two Family Residence District
with a use variance to allow inside storage of
residential construction company tools and
supplies in the attached garage.


AREA: 5,390 square feet

COMMENTS: none

OBJECTORS: none

PLANNING COMMISSION RECOMMENDATION: denial. The proposed use would
have a potential negative impact n
this residential neighborhood.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION: approval with inside storage only.


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2005-91
John & Diana Mohr)	
)	PROPERTY LOCATED AT:
)	2714 So. Walnut St.
)	Springfield, IL. 62704
)	

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 **December 15, 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 **2714 So. Walnut St., Springfield, IL. 62704** and more particularly described as:

The North 37 ½' of Lot 356 and the South 1' of Lot 357 of the Highlands.

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3. That the present zoning of said property is **"R-2" Single & Two Family Residence District.**
4. That the present land use of said property is a **Single Family Residence and detached garage.**
5. That the proposed land use of said property is a **Single Family Residence with inside storage of residential construction company tools and supplies in the attached garage.**
6. That the requested **use variance** of said property is: **to allow inside storage of residential construction company tools and supplies in the attached garage.**
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 with inside storage only.**

Charles Chimento
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Patrick Somers** based on the attached **amended findings** to recommend to the County Board that the petition be approved with **inside storage only**, which was duly seconded by **Donn Malwick.**

The vote of the Board was as follows:

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

NO:

ABSENT:

BJ Armstrong
RECORDING SECRETARY

(6-7)



CASE #: 2005-91
 INDEX #: 22-09-132-004
 DATE: 11-29-05
 INSPECTED BY: DK LW

USE VARIANCE CHECK LIST

PETITIONER: Mohr, John & Diana
 ADDRESS: 2714 South Walnut Street CITY OR VILLAGE OR NEAREST ONE: Springfield

REQUEST DESCRIPTION: Use Variance for Storage of Commercial Tools and Supplies in Detached Garage

EXISTING ZONING: R-2

EXISTING LAND USE: Single Family Residence and Detached Garage

PROPOSED LAND USE: Single Family Residence with Inside Storage of Residential Construction Co. Tools and Supplies in the Attached Garage

LAND AREA: 5,390 sq. ft. ROAD FRONTAGE: 38.5 Lineal Ft. ROAD COND: Good

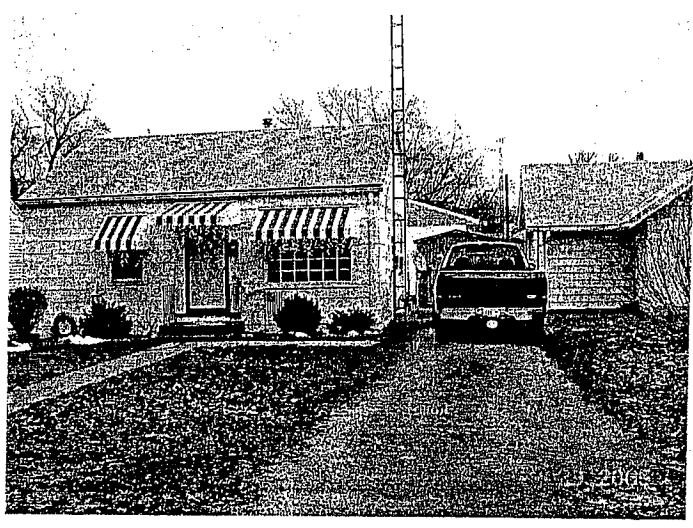
STRUCTURE DESIGNED FOR: Residence CONDITION OF STRUCTURE: Good

EXISTING YARDS: Front Varied ft. Side _____ ft. Rear _____ ft.

- Us
 NEARBY LAND USE:
- a. To North Single Family Residences
 - b. To South Single Family Residences, Deer Processing
 - c. To East Single Family Residences
 - d. To West Single Family Residences

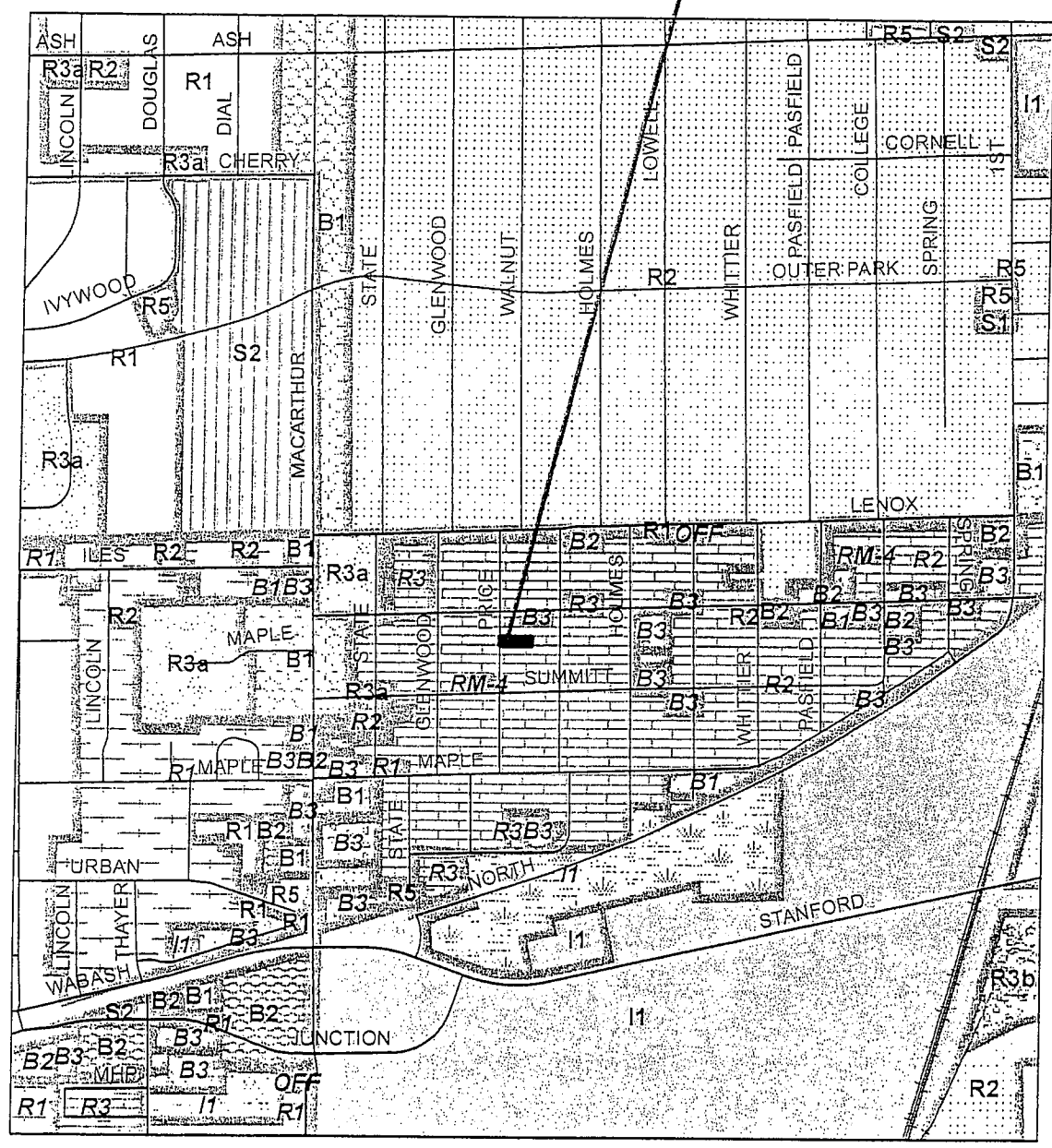
OTHER COMMENTS:

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



RECOMMENDATIONS: **Recommend denial. The proposed use would have a potential negative impact on this residential neighborhood.**

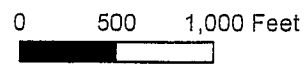
County Zoning Case# 2005-091



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





RECOMMENDED STANDARDS FOR USE VARIATIONS

Case #: 2005-91

Address: 2714 South Walnut 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. There is a single family residence on the property which is located in a residential neighborhood.

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

No. This block has remained a stable residential area and a new home was recently constructed a few doors away. A use variance was granted in 1997 for a deer and wild game processing facility on property further south but this is a very limited, seasonal business.

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

No. On the contrary introducing a non-home based business into a residential neighborhood would be detrimental.

- (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 for negative impact on the character of the area and property values by allowing the proposed use. Access to the garage is from the alley. The increase of traffic in the alley and the number of times the alley would be blocked during the loading and unloading of tools and supplies would be a detriment to the neighborhood.