

RESOLUTION NUMBER 8-1

**FILED**

**GRANTING A VARIANCE OF CHAPTER 16.72**  
**“DEVELOPMENT IN SPECIAL FLOOD HAZARD AREAS”**  
**FOR CERTAIN PROPERTY LOCATED AT**  
**Winch Road and Jefferson Street**

DEC 30 2005

*Joe Aiello*  
Sangamon County Clerk

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, **Qik-n-EZ Properties, L.L.C.**, has petitioned the Sangamon County Board for a **variance of Section 16.72.140(c)(i) “Other Development Requirements”** to allow a compensatory storage ratio of **.53:1 instead of the required 1:1**; 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 December 15, 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 10<sup>th</sup> day of January, 2006 that the request for a variance of Section

16.72.140(c)(i) "Other Development Requirements" to allow a compensatory storage ratio of .53:1 instead of the required 1:1 on the above referenced property is hereby approved.

Signed and passed by the Sangamon County Board in session this 10<sup>th</sup> day of January, 2006.

Respectfully submitted,

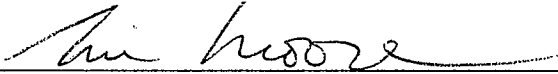
PUBLIC HEALTH, SAFETY & ZONING  
COMMITTEE OF THE SANGAMON COUNTY BOARD

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

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

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

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

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

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

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

ATTEST:

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

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

Exhibit "A"

PARCEL 1:

ALL THAT PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 19, WHICH LIES SOUTH OF THE RIGHT OF WAY OF THE BALTIMORE, OHIO AND SOUTHERN RAILROAD.

ALSO, ALL OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 19 LYING WEST OF VETERANS PARKWAY AND WEST OF THE CENTER OF SPRING CREEK, ALL IN TOWNSHIP 16 NORTH, RANGE 5 WEST OF THE THIRD PRINCIPAL MERIDIAN.

SITUATED IN SANGAMON COUNTY, ILLINOIS.

TAX ID NO. 14-19-451-008 AND 14-19-451-001

PARCEL 2:

PART OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 16 NORTH, RANGE 5 WEST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: FROM THE STONE AT THE CENTER OF SAID SECTION 19, THENCE SOUTH ALONG THE QUARTER SECTION LINE, SAID COURSE HAVING A BEARING OF SOUTH 0 DEGREES 22 MINUTES EAST 1743.9 FEET, TO THE POINT OF BEGINNING; THENCE SOUTH 0 DEGREES 22 MINUTES EAST 634.09 FEET; THENCE NORTH 70 DEGREES 0 MINUTES WEST 194.91 FEET; THENCE NORTH 33 DEGREES 55 MINUTES WEST 86.6 FEET; THENCE NORTH 20 DEGREES 0 MINUTES EAST 543.09 FEET; THENCE SOUTH 70 DEGREES 0 MINUTES EAST 45.44 FEET TO THE POINT OF BEGINNING.

SITUATED IN SANGAMON COUNTY, ILLINOIS.

TAX ID NO. 14-19-379-004

8-4



**Exhibit B**

**FLOODPLAIN ORDINANCE VARIANCE REQUEST**

**STAFF RECOMMENDATION**

VARIANCE REQUEST: A variance of Section 16.72.140(c)(i) Other Development Requirements to allow a compensatory storage ratio of .53:1 instead of the required 1:1.

PETITIONER: Qik-N-EZ

ADDRESS: Winch Road and West Jefferson Street

TAX ID#: 14-19-451-001 and 14-19-451-008

DATE OF INSPECTION: 12-9-2005 INSPECTED BY: LW

BASE FLOOD ELEVATION: 542.8' FLOOD PROTECTION ELEVATION: 543.8'



Recommendation: Recommend denial. Granting of the requested variance would set a precedent that would undermine the intent of the County's Flood Ordinance and would open the door to similar variances.

**STANDARDS FOR VARIATION OF FLOODPLAIN ORDINANCE  
SECTION 16.72.140(c)(i)**

- (i) The development activity cannot be located outside the floodplain.  
**The petitioners wish to develop the property by filling the southern part to create a commercial development and provide compensatory storage for that fill on the northern part of the property. A floodplain development permit was issued in 2002 based on a proposed compensatory storage ratio of 72%. An amended permit was requested in 2003 to allow a compensatory storage ratio of 69% and was issued. The initial permit was issued prior to the ordinance change which requires one-to-one compensatory storage. The amended permit, although issued after the ordinance change, was allowed based on a one-time agreed upon adjustment to the compensatory storage ratio since the original permit was obtained prior to the ordinance change. The plans prepared for the petitioner were based on information obtained from IDOT regarding the construction of Veterans Parkway and the realignment of Spring Creek on the east side of that road. It has recently come to light that the IDOT information did not accurately reflect the actual condition of the creek and this has an adverse affect on the compensatory storage capacity of the basin proposed for the petitioner's project.**
  
- (ii) An exceptional hardship would result if the variance were not granted.  
**Although the petitioner has spent time and money on the project to date, this is viewed as a personal hardship and not a hardship associated with the property. If less fill were placed on the property then less compensatory storage would be required.**
  
- (iii) The relief requested is the minimum necessary.  
**The relief requested appears to be the minimum necessary to allow the project to proceed as originally conceived.**
  
- (iv) There will be no additional threat to public health or safety or creation of a nuisance.  
**This would appear to be the case.**
  
- (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.  
**This would appear to be the case.**
  
- (vi) The provisions of subsection 16.72.050(c) shall be met.  
**Although the petitioner has indicated that the Illinois Department of Water Resources Office of Water Resources has reviewed and approved the proposed plan documentation has not been received.**
  
- (vii) The provisions of subsection 16.72.120 are met.  
**Although the petitioner has indicated that the Illinois Department of Water Resources Office of Water Resources has reviewed and approved the proposed plan documentation has not been received.**

(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 great concern that this would establish a pattern inconsistent with the intent of the National Flood Insurance Program as well as County floodplain regulations. The County ordinance requires 100% compensatory storage and granting a variance to allow 53% storage would set a poor precedent. There is already a concern with the amount of filling that has occurred in the Spring Creek floodplain and granting a variance for this property could open the door for similar variances.**

STANDARDS FOR VARIATION OF FLOODPLAIN ORDINANCE  
SECTION 16.72.140(c)(i)

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

- (i) The development activity cannot be located outside the floodplain.  
The petitioners wish to develop the property by filling the southern part to create a commercial development and provide compensatory storage for that fill on the northern part of the property. A floodplain development permit was issued in 2002 based on a proposed compensatory storage ratio of 72%. An amended permit was requested in 2003 to allow a compensatory storage ratio of 69% and was issued. The initial permit was issued prior to the ordinance change which requires one-to-one compensatory storage. The amended permit, although issued after the ordinance change, was allowed based on a one-time agreed upon adjustment to the compensatory storage ratio since the original permit was obtained prior to the ordinance change. The plans prepared for the petitioner were based on information obtained from IDOT regarding the construction of Veterans Parkway and the realignment of Spring Creek on the east side of that road. It has recently come to light that the IDOT information did not accurately reflect the actual condition of the creek and this has an adverse affect on the compensatory storage capacity of the basin proposed for the petitioner's project.
- (ii) An exceptional hardship would result if the variance were not granted.  
The original design for the compensatory storage basin was based on elevations for the existing drainage structures beneath Veterans Parkway provided by the Illinois Department of Transportation. It was only recently discovered that these numbers are not accurate and that the actual elevations are higher, in effect reducing the storage capacity of the proposed basin. The petitioner has been proceeding with development plans and has invested much time and money to date on this project. The original plans were prepared in good faith and the subsequent discovery that inaccurate information was provided by IDOT has created a hardship.
- (iii) The relief requested is the minimum necessary.  
The relief requested appears to be the minimum necessary to allow the project to proceed as originally conceived.
- (iv) There will be no additional threat to public health or safety or creation of a nuisance.  
This would appear to be the case.
- (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.  
This would appear to be the case.
- (vi) The provisions of subsection 16.72.050(c) shall be met.  
The Illinois Department of Natural Resources Office of Water Resources has reviewed the proposed change and anticipates approving the revised construction plans.

- (vii) The provisions of subsection 16.72.120 are met.  
**The Illinois Department of Natural Resources Office of Water Resources has reviewed the proposed change and anticipates approving the revised construction plans.**
  
- (viii) The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the National Flood Insurance Program.  
**The original floodplain development permit was issued under regulations that did not require compensatory storage. The 69% storage proposed was based on erroneous information obtained from the Illinois Department of Transportation. The impact of the adjustment to the project to the Spring Creek watershed would be negligible.**