

CASE # 2006-29
RESOLUTION NUMBER 9-1

GRANTING A REZONING
FOR CERTAIN PROPERTY LOCATED AT
128 NORTH MILTON, 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 **approve an amendment** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

Lot 118 of Wanless Capital Heights Addition.

WHEREAS, the Petitioner, **Sandra S. Bradley**, has petitioned the Sangamon County Board for a **rezoning from "R2" Single-Family and Two-Family Residence District to "B2" Retail Business District to allow for commercial use; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **June 15, 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 **approve the rezoning; and**

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

FILED

JUN 30 2006


Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 11th day of July, 2006 that the request to rezone the above described property from "R2" Single-Family and Two-Family Residence District to "B2" Retail Business District is hereby approved.

Signed and passed by the Sangamon County Board in session on this 11th day of July, 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

ATTEST:



SANGAMON COUNTY CLERK



COUNTY BOARD CHAIRMAN

14-25
379-009

14-25
379-068

14-25
379-069

SUBJECT PROPERTY

14-25
379-011

HARRIS GAS

14-25
379-012

14-25
379-013

14-25
379-014

14-25
379-015

14-25
379-016

14-25
379-017

14-25
379-018

MILTON AVE.

14-25
358-052

IL 29 & 97 CLEAR LAKE AVE.

9-4

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #9 NAME: Sarah Musgrave

DOCKET NUMBER: 2006-29

ADDRESS: 128 North Milton, Springfield, IL 62702

PETITIONER: Sandra S. Bradley

PRESENT ZONING CLASSIFICATION: "R2" Single-Family and Two-Family Residence District

REQUESTED ZONING CLASSIFICATION: "B2" Retail Business District

AREA: 26,100 sq. ft.

COMMENTS: None

OBJECTORS: (letter)

PLANNING COMMISSION RECOMMENDATION: **Recommend approval. Although any further encroachment of commercial use into the residential area would not be appropriate, the subject property is adjacent to commercial zoning on the east, south and west.**

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: 2006-29
Sandra S. Bradley)	
)	PROPERTY LOCATED AT:
)	128 North Milton
)	Springfield, IL 62702
)	

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 an **amendment** 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 **June 15, 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 **128 North Milton, Springfield, IL 62702** and more particularly described as:

Lot 118 of Wanless Capital Heights Addition

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- 3. That the present zoning of said property is **"R2" Single-Family and Two-Family Residence District.**
- 4. That the present land use of said property is **Single family residence.**
- 5. That the proposed land use of said property is **Residence is to be demolished. Want to sell the property for commercial use.**
- 6. That the requested **rezoning** of said property is: **from "R2" Single-Family and Two-Family Residence District to "B2" Retail Business District.**
- 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 **rezoning** 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 **rezoning** be **approved**.

Charlie Chimento

 CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Patrick Somers** to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **approved**, which was duly seconded by **Marvin Traylor**.

The vote of the Board was as follows:

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

NO:

ABSENT:

RJ Armstrong

 RECORDING SECRETARY

9-7

SANGAMON COUNTY, ILLINOIS

PETITION FOR

xxx AMENDMENT, _____ VARIANCE,
_____ CONDITIONAL PERMITTED USE

FOR ZONING OFFICE USE ONLY	
DATE FILED:	<u>5-22-06</u>
HEARING DATE:	<u>6-15-2006</u>
DOCKET #:	<u>2006-29</u>
SANG. CO. INDEX # <u>14-25-0-379-011</u>	
CO. BOARD DISTRICT	<u>9</u> NAME: <u>Sarah Musgrave</u>

TO THE HONORABLE COUNTY BOARD OF SANGAMON COUNTY, ILLINOIS, AND TO THE ZONING BOARD OF APPEALS OF SANGAMON COUNTY, ILLINOIS:

Your Petitioner(s), Sandra S. Bradley, respectfully petitions the Sangamon County Board for the above referenced relief with respect to certain real estate situated in Sangamon County, Illinois, legally described as follows:

Lot 118 of Wanless Capital Heights Addition

SW ¼ of Section 25, Township 15 North, Range 5 West Current Zoning R-2

1. Petitioner is the X Fee owner, _____ Contract purchaser or _____ Other
(if other specify: _____) of the above described property

2. The common street address of said property is 128 North Milton, Springfield, IL 62702

3. Petitioner's address 3 Allison Court, Springfield, IL 62703
Daytime Phone # 525 0722

4. Fee owner's (if different from petitioner) name _____
Address _____
Daytime Phone # _____

5. The existing land use is Single family residence

6. The proposed land use is Residence is to be demolished. Want to sell the property for commercial use.

7. Petitioner plans to modify the property as follows (explain and/or attach sketch):

Construction NA

Additions NA

Division of Land NA

Other Demolish the residence which was damaged when a tree fell on it.

8. Is public water available on the site? Yes x No _____

If yes, who is provider? CWLP

9. Is public sanitary sewer available on site? Yes x No _____

If yes, who is provider? Sanitary District

10. Give an explanation of why this request is being made: The home needs to be demolished and building another home would not be economical next to a gas station.

FOR REZONING(if applicable) () NA

11. Petitioner and fee owner wish to have the property rezoned from R-2 District to B-2 District.

12. Explain why the rezoning is appropriate:

(A) Are there similar nearby uses? Yes. There is a gas station to the south, a restaurant and business to the east and business to the west.

(B) Is the same or more intense zoning classification present in the area? Yes, B-3 to the south, B-2 to the east and city B-1 to the west.

(C) Why is the existing classification inappropriate? A residence is not appropriate next to a gas station.

(D) Is there a trend toward the type of use proposed? Yes.

FOR VARIANCE (if applicable)

(X) NA

13. The following bulk requirement variances are requested (specify proposed yards to the nearest foot):

14. Explain why the requested bulk requirement variance is appropriate:

(A) Can the land in question be put to a reasonable use if it is used in compliance with the ordinance?

(B) Are there circumstances unique to the property which are not applicable to other property in the area which justify the bulk requirement variance?

(C) Would the granting of the bulk requirement variance cause any adverse impact on surrounding property or alter the essential character of the area?

FOR CONDITIONAL PERMITTED USE (if applicable)

(X) NA

15. The following CPU is requested: _____

16. Explain why the CPU is appropriate:

(A) Is the CPU so proposed that the proposed location, design and method of operation will minimize the adjacent affects on the character of the surrounding area?

(B) Is the CPU so proposed to be operated, designed and located so that the public health, safety, and welfare will be protected?

(C) Will the CPU cause substantial injury to the value of other property in the vicinity in which it is located?

(D) Special Findings for Conditional Permitted Uses:

(1) Fairgrounds, public or private outdoor recreation center: Will the principal vehicle access for such use be located on a major thoroughfare or a secondary thoroughfare or within one-quarter mile of a major thoroughfare, that such use is so located as to draw a minimum of vehicular traffic to and through minor and collector streets in residential areas?

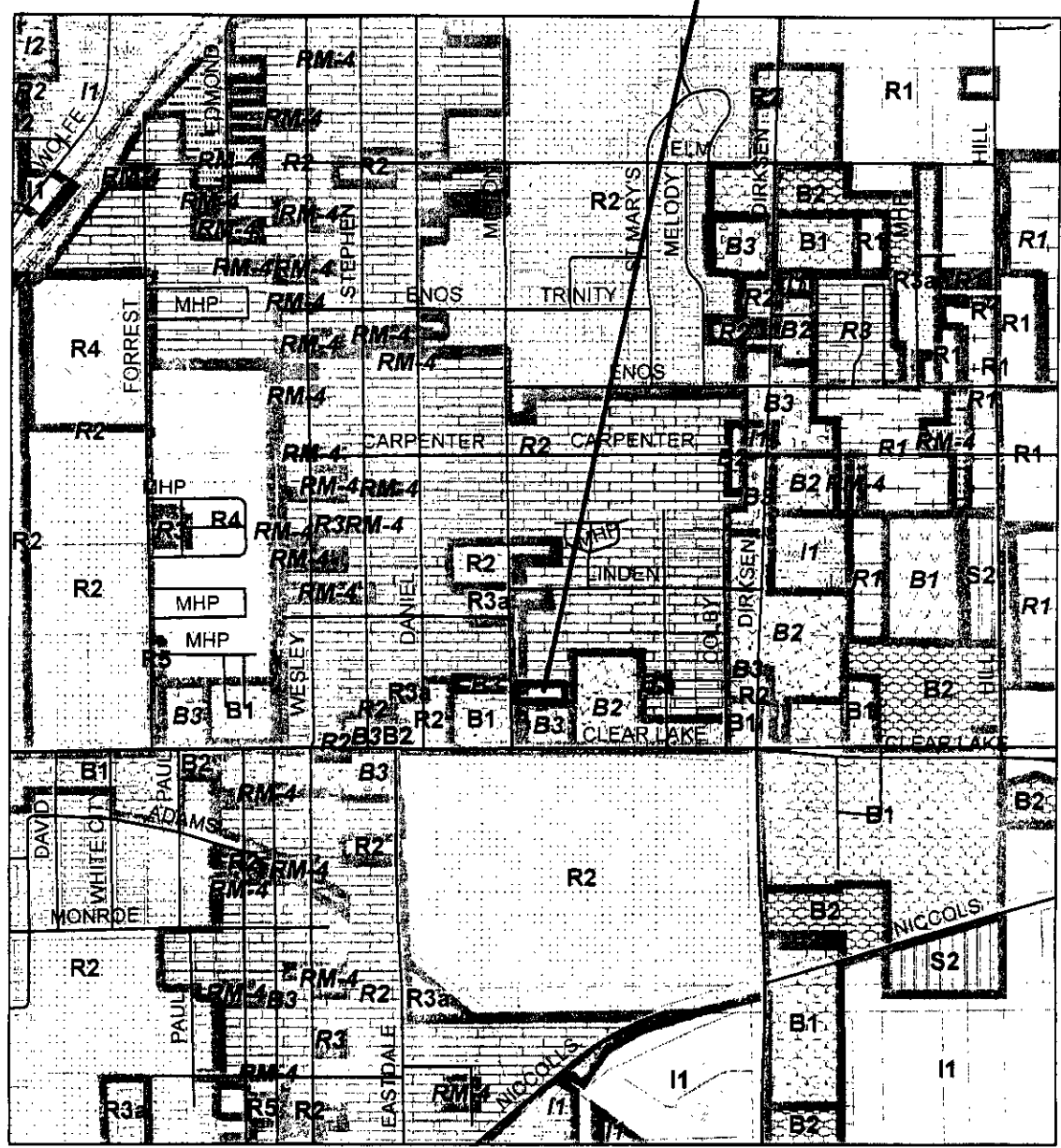
(2) Mobile home parks: Will the requirements for Large Scale Developments of Section 111 @ be met?

(3) Tourist homes, motels and hotels: Will the use be located within 400 feet of a major thoroughfare?

(4) Taverns and liquor stores: Will the following distances be maintained: 1) schools – 100' from the property line of the school to the property line of the tavern or liquor store; 2) churches – 100' from the church building to the tavern or liquor store building; 3) residences – 100' from the tavern or liquor store property line to the residential structure or institutional care facility?

Signed: Sandress Bradley
Date: 5-22-06

County Zoning Case# 2006-29



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

