

**FILED**

SEP 28 2006

*Joe Diello*  
Sangamon County Clerk

CASE # 2006-52  
RESOLUTION NUMBER 3-1

**GRANTING A REZONING AND VARIANCES**  
**FOR CERTAIN PROPERTY LOCATED AT**  
**1100 BLOCK OF WEST CALHOUN AVENUE, SPRINGFIELD**  
**SANGAMON COUNTY, ILLINOIS**

WHEREAS, the Zoning Board of Appeals has presented to the Sangamon County Board, Sangamon County, Illinois, its Finding of Facts and recommendation that the Sangamon County Board **grant an amendment and 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 & Structural Steel, Inc.**, has petitioned the Sangamon County Board for a rezoning from **"B1" Neighborhood Business District** to **"I1" Restricted Industrial District** and variances of 17.38.040, screening to allow vegetative screening on the North and East sides of the property instead of the required 8' solid fence, 17.38.050 transitional yard, East side yard from 15' to 0', 17.38.010 front yard (North) from 20' to 3', and 17.38.020 side yard adjoining a street from 10' to 0' to allow the expansion of the ornamental and structural steel company storage area; and

WHEREAS, a public hearing was held at the Sangamon County Building on **September 21, 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 amendment and variances**; and

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

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 10<sup>th</sup> day of October, 2006 that the request for a rezoning from "B1" Neighborhood Business District to "I1" Restricted Industrial District and variances of 17.38.040, screening to allow vegetative screening on the North and East sides of the property instead of the required 8' solid fence, 17.38.050 transitional yard, East side yard from 15' to 0', 17.38.010 front yard (North) from 20' to 3', and 17.38.020 side yard adjoining a street from 10' to 0' to allow the expansion of the ornamental and structural steel company storage area.

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

Respectfully submitted,

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

*Dan Vaughn*  
\_\_\_\_\_  
DAN VAUGHN, CHAIRMAN

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

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

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

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

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

**ATTEST:**

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

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

**SANGAMON COUNTY  
RECOMMENDED - FINDINGS OF FACT  
▶ As Amended by the Board of Appeals ◀**

Case #: **200652**  
Address: **1100 Block of West Calhoun, Springfield**

(i) Existing uses of property within the general area of the property in question.

**To the north and east are residences. To the west is truck repair. To the south is the existing steel company.**

(ii) The zoning classification of property within the general area of the property in question.

**There is R-2 to the north and east and I-1 to the west and south.**

(iii) The suitability of the property in question to the uses permitted under the existing zoning classification.

**The property is not well suited to a neighborhood business use. If developed properly and the nearby residences are protected the property is suited to the uses permitted under the proposed zoning classification.**

(iv) The trend of development, within the vicinity since the property was originally classified.

**B-1 with a use variance for mini warehouses was granted on the subject property. .**

RECAP

(For County Board Use)

COUNTY BOARD MEMBER: #11 NAME: Dick Bond

DOCKET NUMBER: 2006-52

ADDRESS: 1100 Block of West Calhoun Avenue, Springfield, Illinois

PETITIONER: Selvaggio Ornamental & Structural Steel, Inc

PRESENT ZONING CLASSIFICATION: "B1" Neighborhood Business District

REQUESTED ZONING CLASSIFICATION: "I1" Restricted Industrial District and variances of 17.38.040, screening to allow vegetative screening on the North and East sides of the property instead of the required 8' solid fence, 17.38.050 transitional yard, East side yard from 15' to 0', 17.38.010 front yard (North) from 20' to 3', and 17.38.020 side yard adjoining a street from 10' to 0' to allow the expansion of the ornamental and structural steel company storage area

AREA: 33,600 Sq. Ft.

COMMENTS:

OBJECTORS: Yes

PLANNING COMMISSION RECOMMENDATION: Recommend denial. Industrial zoning is not appropriate in a residential neighborhood. The yard variations would negatively impact the neighborhood visually and would not protect the resident from a highly intensive use. The fence variation could negatively impact the safety of the neighborhood.

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: <b>2006-52</b>
<b>Selvaggio Ornamental &amp; Structural</b>	)	
<b>Steel, Inc</b>	)	PROPERTY LOCATED AT:
	)	<b>1100 Block of West Calhoun Avenue</b>
	)	<b>Springfield, Illinois</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 an **amendment and 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 **September 21, 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 West Calhoun Avenue, Springfield, Illinois** 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 **"B1" Neighborhood Business District**
4. That the present land use of said property is **vacant and a bait shop**
5. That the proposed land use of said property is **ornamental and structural steel company storage area**
6. That the requested **amendment and variances** of said property is: **to allow the expansion of the ornamental and structural steel company storage area**
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 **amendment and 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 **amendment and variances** be **approved**.

Charles Chimento  
CHAIRMAN

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

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

The vote of the Board was as follows:

YES: **Patrick Somers, Marvin Traylor**

NO: **Donn Malwick, Peggy Egizii, Barbara Braner**

ABSENT: **Charles Chimento**

**Motion Failed**

- 2. There was a second motion by Zoning Board Member **Donn Malwick** in accord with the amended findings of fact 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: **Donn Malwick, Peggy Egizii, Barbara Braner**

NO: **Patrick Somers, Marvin Traylor**

ABSENT: **Charles Chimento**

B.D. Armstrong  
RECORDING SECRETARY

150

14-29  
228-021

150

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228-019

12

37

100  
50  
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104-019

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104-020

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104-030

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104-032

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104-039

W. CALHOUN AVE.

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75  
100

N. LINCOLN AVE.

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← SUBJECT PROPERTY →

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151-031

DORLAN AVE.

BROUGHTON AVE.

60

38



CASE #: 2006-52  
 INDEX #: 14-28-151-001, 002, 003, 004, 005, 006  
 DATE: 8/29/06  
 INSPECTED BY: JH LW

**ZONING AMENDMENT CHECK LIST**

PETITIONER: Selvaggio Ornamental & Structural Steel, Inc.  
 ADDRESS: 1100 block of West Calhoun Ave. TWP. 16N RANGE 5 W SEC. 28 ¼ SEC. NW  
 (OR NEAREST IDENTIFIABLE ROAD) TWP. \_\_\_\_\_ RANGE \_\_\_ W SEC. \_\_\_\_\_ ¼ SEC. \_\_\_\_\_  
 CITY OR VILLAGE OR NEAREST ONE: Springfield  
 EXISTING ZONING: B-1 PROPOSED ZONING: I-1 with Vars\*

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

EXISTING LAND USE: Bait shop/vacant  
 PROPOSED LAND USE: Park trailers and outside storage for ornamental & structural steel business  
 TYPE OF STRUCTURE: Commercial CONDITION OF STRUCTURE: Poor  
 EXISTING YARDS: Front varies ft. Side \_\_\_\_\_ ft. Rear \_\_\_\_\_ ft.  
 SPOT ZONING: \_\_\_\_\_ X  
 Yes No

- NEARBY LAND USE:
- 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 fence in a transition yard, a zero eastern transitional side yard with allowance for evergreen trees instead of a fence, a zero western side yard and a three foot front yard with allowance for evergreen trees instead of a fence except for the western 40 feet for visibility.**

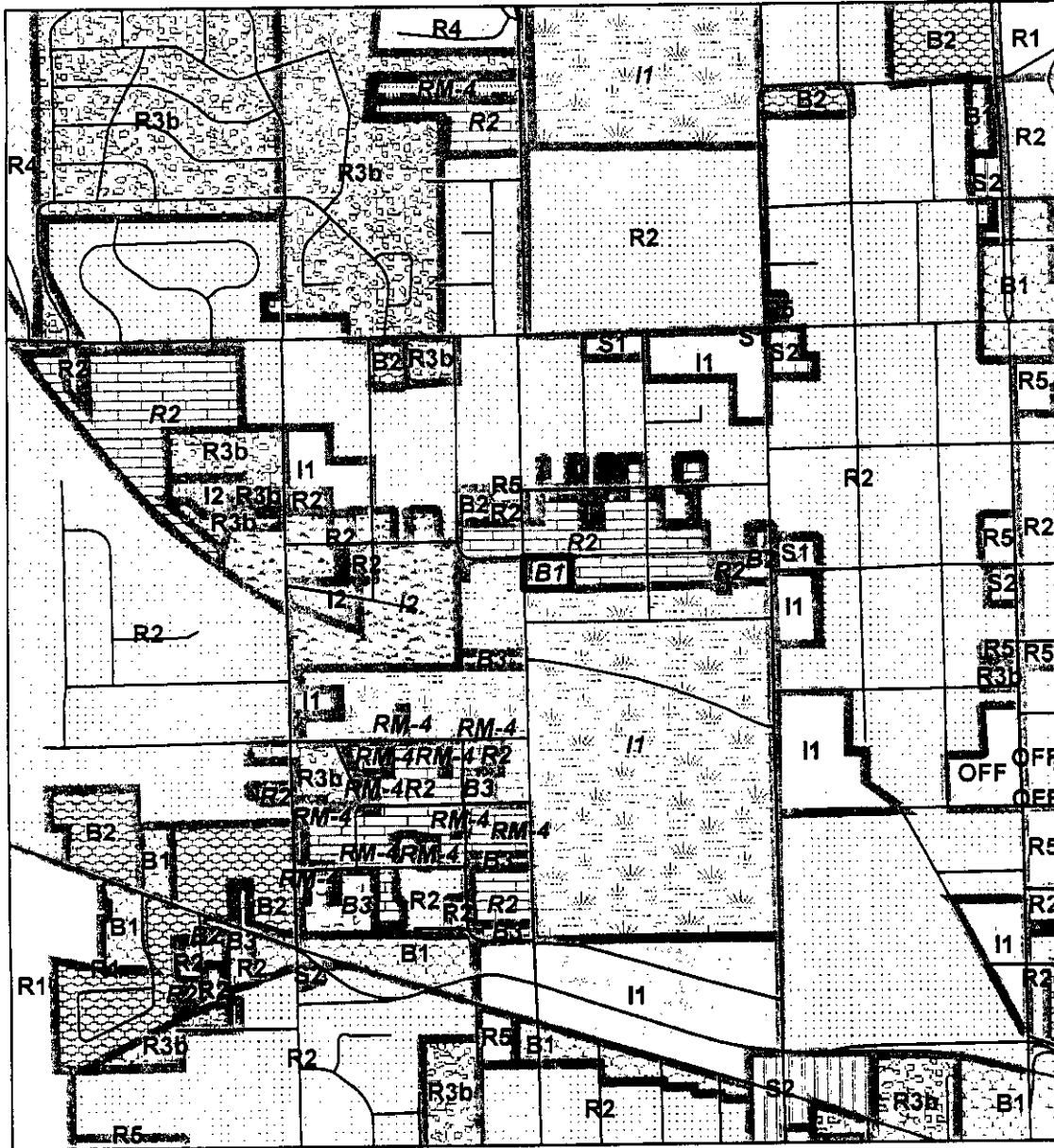
Staff Estimate of the Effect of the Amendment on the Area		None	Slight	Mod.	Great
CONTRASTS: CURRENT VS. PROPOSED	land use				X
	appearance				X
	Height				X
	parking spaces		X		
PROBLEMS FORESEEN	Drainage		X		
	Sewer		X		
	traffic flow			X	
WILL USE INCREASE	pop. density	X			
	dwellings, density	X			
	school pop.	X			
	traffic volume			X	



RECOMMENDATIONS: **Recommend denial. Industrial zoning is not appropriate in a residential neighborhood. The yard variations would negatively impact the neighborhood visually and would not protect the residents from a highly intensive use. The fence variation could negatively impact the safety of the neighborhood.**



# County Zoning Case# 2006-52

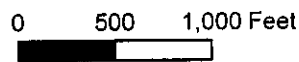


## County Zoning

	R1		B1
	R1a		B2
	R2		B3
	R3		I1
	RM-4		I2
	OFF		A

## City Zoning

	R1		H1		OFF
	R2		H2		PUD
	R3a		H3		B1
	R3b		S1		B2
	R4		S2		I1
	R5		S3		I2





## RECOMMENDED FINDINGS OF FACT

Case #: **2006-52**

Address: **1100 block of West Calhoun Avenue**

- (i) Existing uses of property within the general area of the property in question.

**There are single family residences to the north and east. There is a vacant lot to the northwest. There is a truck repair company to the west and an ornamental and structural steel company to the south.**

- (ii) The zoning classification of property within the general area of the property in question.

**There is I-1 zoning to the west and south. There is R-2 residential zoning to the north and B-1 and R-2 zoning to the east.**

- (iii) The suitability of the property in question to the uses permitted under the existing zoning classification.

**In 1992 the County Board found B-1 with a use variance for mini warehouses appropriate for the subject property. B-3 zoning was requested at that time and found not suitable. The preservation of this residential neighborhood is important. Location of I-1 at this site would have a detrimental effect on nearby residences as well as start a trend toward non-residential use.**

- (iv) The trend of development, within the vicinity since the property was originally classified.

**The trend in the area is stable except for the above mentioned amendment in 1992. Case 2006-24 requesting an amendment from R-2 to B-1 zoning a half block away was denied because of its negative impact on the residential neighborhood.**



## RECOMMENDED STANDARDS FOR VARIATIONS

Case #: 2006-52

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 truck repair company to the west is on a smaller lot and is able to meet the yard requirements. The proposed outdoor storage requires an 8 foot solid wall or fence to screen and protect the residential area. A variance to allow evergreen trees would not prohibit access to the property. (However the more natural barrier could be more visually appealing.)**

- (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 is no uniqueness to the property. The variations requested would have a negative impact in a stable residential neighborhood. They would affect not only the visual character, but the safety and welfare of the residents.**

- (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 15 feet to 0 feet compromises the neighbor's right to adequate light and air, does not provide adequate protection from the impacts of an industrial use and may reduce the value of that property. The variation to reduce the front yard from 20 feet to 3 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 10 feet to 0 feet would negatively impact the visibility on an already narrow street.**