

CASE # 2007-19  
RESOLUTION NUMBER 6-1

**DENYING A USE VARIANCE**  
**FOR CERTAIN PROPERTY LOCATED AT**  
**15236 OLD ST. RT. 54, NEW BERLIN**  
**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 **deny a use variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

**See Exhibit A**

WHEREAS, the Petitioner, **Kevin Howell**, has petitioned the Sangamon County Board for a **use variance to allow for a home-based business of rebuilding, repair, including body work and spray painting, and the sale of cars and trucks; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **April 19, 2007**, 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 **deny the use variance; and**

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

**FILED**

APR 27 2007

*Joe Aiello*  
Sangamon County Clerk

**FILED**

APR 27 2007

*Joe Aiello*  
Sangamon County Clerk

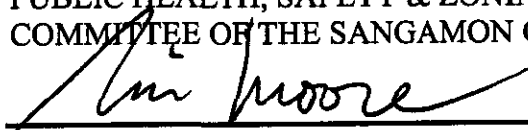
**NOW, THEREFORE, BE IT RESOLVED** by the County Board of Sangamon County, Illinois, in session assembled this 8<sup>th</sup> day of May, 2007 that the requested use variance to allow for a home-based business of rebuilding, repair, including body work and spray painting, and the sale of cars and trucks on the above described property is hereby denied.

Signed and passed by the Sangamon County Board in session on this 8<sup>th</sup> day of May, 2007.

Respectfully submitted,

Resolution approved to grant a variance.

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

  
\_\_\_\_\_  
TIM MOORE, CHAIRMAN

\_\_\_\_\_  
ABE FORSYTH, VICE CHAIRMAN

\_\_\_\_\_  
CATHY SCAIFE

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

\_\_\_\_\_  
SAM SNELL

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

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

**ATTEST:**

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

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

**EXHIBIT A**

**The West 90 feet of the south 250 feet of the following described property:**

**Part of the Northeast quarter of Section 25, Township 15 North, Range 8 West of the Third Principal Meridian, in Sangamon County, Illinois, described as follows:**

**From the Northeast corner of said Section 25, West on the Section line a distance of 1200.50 feet to the point of beginning; thence deflecting to the left 90 degrees 08 minutes 06 seconds, 530.26 feet, thence deflecting to the right 90 degrees 57 minutes 13 seconds, 413.10 feet, thence deflecting to the right 89 degrees 02 minutes 47 seconds, 524.36 feet, thence deflecting to the right 90 degrees 08 minutes 06 seconds, 413.04 feet to the point of beginning, containing 5.00 acres, more or less.**

6-4

2007-19  
Howell  
15236 OLD R354  
19-25-200-017 (P4)

OLD IL 54

19-25-0  
200-016  
5

19-25-0  
200-017  
5

19-25-0  
200-011  
5

19-25-5  
507-002

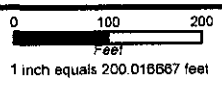
- Legend**
- Tax Parcel Lines**
  - Corp Line
  - County Line
  - Geo Twp Line
  - - - Lot Line
  - Min Rights Line
  - - - Misc Line
  - Parcel Line
  - Pol Twp Line
  - Railroad Centerline
  - Railroad ROW
  - - - Road Centerline
  - Road ROW
  - - - Section Line
  - Sub Line 100
  - Sub Line 400
  - - - Water Line



Office Of  
Supervisor of Assessments  
Sangamon County GIS

**Sangamon County, Illinois**

Although strict accuracy standards have been employed in the compilation of this map, Sangamon County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.



Flight Date: April, 2003

3/29/2007

RECAP  
(For County Board Use)

COUNTY BOARD MEMBER: # 7 NAME: **Craig Hall**

DOCKET NUMBER: 2007-19

ADDRESS: 15236 Old St. Rt. 54, New Berlin, IL 62670

PETITIONER: Kevin Howell

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: "A" Agricultural District with a use variance to allow for a home-based business of rebuilding, repair, including body work and spray painting, and the sale of cars and trucks

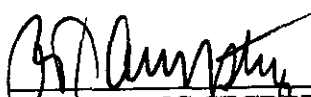
AREA: .52 acres

COMMENTS: None

OBJECTORS: Yes

PLANNING COMMISSION RECOMMENDATION: **Recommend denial. The standards of variation are not met. Allowing an autobody repair shop would be detrimental to the area, particularly the residence directly to the east.**

SANGAMON COUNTY BOARD OF APPEALS RECOMMENDATION: **Denial**

  
RECORDING SECRETARY

Cote

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF: )	DOCKET NO: <b>2007-19</b>
<b>Kevin Howell</b> )	
)	PROPERTY LOCATED AT:
)	<b>15236 Old St. Rt. 54,</b>
)	<b>New Berlin, IL 62670</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** 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 **April 19, 2007** 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 **15236 Old St. Rt. 54, New Berlin, IL 62670** and more particularly described as:

See Exhibit A

- 3. That the present zoning of said property is "A" Agricultural District.
- 4. That the present land use of said property is **Single family residence and a shed.**
- 5. That the proposed land use of said property is **Home-based business of rebuilding, repair, including body work and spray painting, and the sale of cars and trucks.**
- 6. That the requested **use variance** of said property is: **to allow for a home-based business of rebuilding, repair, including body work and spray painting, and the sale of cars and trucks.**
- 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 not** 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 **denied**.

  
 \_\_\_\_\_  
 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 **denied**, which was duly seconded by **Marvin Traylor**.

The vote of the Board was as follows:

YES: **Peggy Egizii, Judith Johnson, Patrick Somers, Marvin Traylor**

NO: **Charles Chimento**

ABSENT:

  
 \_\_\_\_\_  
 RECORDING SECRETARY

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**EXHIBIT A**

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**SSCRPC** **Springfield Sangamon County Regional Planning Commission**

**Staff Findings and Recommendation**  
 (inspected 4/4/07 by LW & AJ)

SANGAMON COUNTY ZONING CASE # 2007-19  
 ADDRESS 15236 Old St. Rt. 54  
 Property Index # Pt. 19-25-200-017

PETITIONER Howell, Kevin

REQUESTED ZONING Use variance to allow rebuilding, repair, including body work, with spray painting, and sales of cars & trucks

PROPOSED LAND USE Home-based business of rebuilding, repair, including body work, spray painting, and the sale of cars and trucks

EXISTING:

ZONING A

LAND USE Single family residence and shed

ROAD FRONTAGE Old St. Rt. 54 413' CONDITION OF PAVEMENT Good

STRUCTURE DESIGNED FOR Residence

CONDITION OF STRUCTURE Good

LOT AREA 5 acres (full parcel)  
.52 (variance)

FRONT YARD Varied

SIDE YARDS Varied

REAR YARD Varied



Would the proposed zoning be spot zoning? NA

**PLANNING COMMISSION STAFF RECOMMENDATION: Recommend denial. The standards for variation are not met. Allowing an autobody repair shop would be detrimental to the area, particularly the residence directly to the east.**

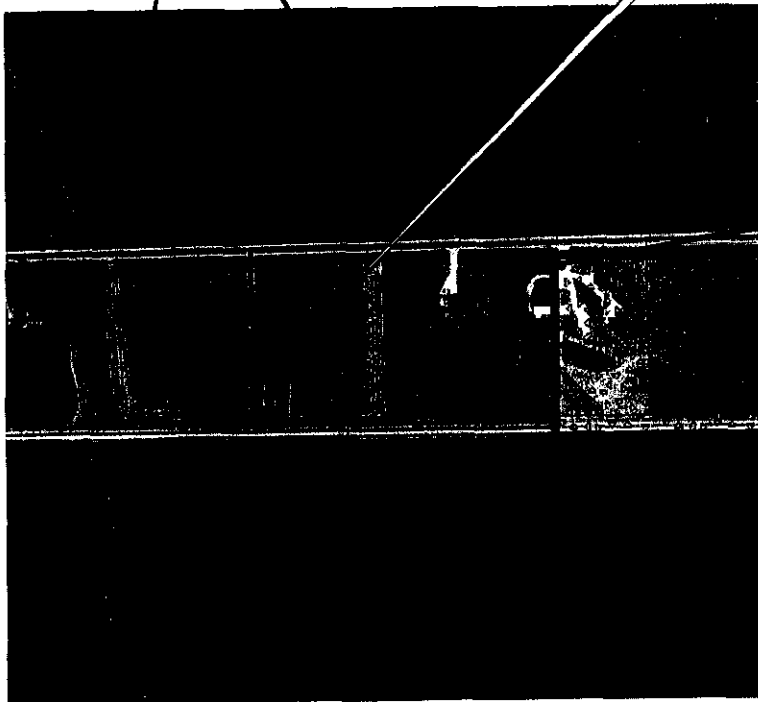
6-10

# County Zoning

## Case# 2007-19

Cropland

Requested:  
Use Variance



Single Family Residence

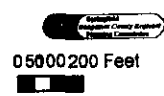
Cropland

### County Zoning

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

### City Zoning

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





RECOMMENDED STANDARDS FOR USE VARIATIONS

Case #: 2007-19

Address: 15236 Old St. Rt. 54

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. The property has been utilized with a single family home and is similar to other property in the area.**

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

**The area has remained agricultural in character. There are no businesses nearby. A single family residence sits directly east.**

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

**There would be no particular benefit to the community to having an autobody rebuilding business at this location. In fact, with the proximity of the residence to the east, it could be a detriment.**

(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 with the impact the noise and activity of repairing/rebuilding automobiles would have on the residence to the east.**