

CASE # 2007-62
RESOLUTION NUMBER 5-1

DENYING A USE VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
3304 SOUTH DOUGLAS, 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 **deny a use variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

Lots A and B Harmony City Subdivision

WHEREAS, the Petitioner, **Jay Harmony**, has petitioned the Sangamon County Board for a **use variance to allow for a landscaping company**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **October 18, 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

NOV 02 2007

Joe Aiello
Sangamon County Clerk

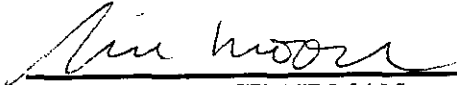
NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 13th day of November that the request for a use variance to allow for a landscaping company on the above described property is hereby denied.

Signed and passed by the Sangamon County Board in session on this 13th day of November, 2007.

Resolution adopted to grant a Use Variance.

Respectfully submitted,

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



TIM MOORE, CHAIRMAN

ABE FORSYTH, VICE CHAIRMAN

JENNIFER DILLMAN

DAVID MENDENHALL

GEORGE PRECKWINKLE

SAM SNELL

DON STEPHENS

LINDA DOUGLAS WILLIAMS

ATTEST:



SANGAMON COUNTY CLERK



COUNTY BOARD CHAIRMAN

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 12 NAME: **Linda Fulgenzi**

DOCKET NUMBER: **2007-62**

ADDRESS: **3304 South Douglas, Springfield**

PETITIONER: **Jay Harmony**

PRESENT ZONING CLASSIFICATION: **"R-1" Single Family Residence District**

REQUESTED ZONING CLASSIFICATION: **"R-1" Single Family Residence District with a use variance to allow for a landscaping company**

AREA: **1.13 acres**

COMMENTS: **None**

OBJECTORS: **Yes**

PLANNING COMMISSION RECOMMENDATION: **Recommend denial. The standards for use variations are not met. Allowing a landscaping company would be detrimental to the residential neighborhood.**

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



RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2007-62
Jay Harmony)	
)	PROPERTY LOCATED AT:
)	3304 South Douglas
)	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 **October 18, 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 **3304 South Douglas, Springfield** and more particularly described as:

Lots A and B Harmony City Subdivision

Page 2

- 3. That the present zoning of said property is **"R-1" Single Family Residence District.**
- 4. That the present land use of said property is **residential and vacant lot.**
- 5. That the proposed land use of said property is **landscaping company.**
- 6. That the requested **use variance** of said property is: **to allow for a landscaping company.**
- 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 **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 **Judith Johnson.**

The vote of the Board was as follows:

YES: **Charles Chimento, Byron Deaner, Peggy Egizii, Judith Johnson, Marvin Traylor**

NO:

ABSENT:


 RECORDING SECRETARY

5-6

22-08
427-007

22-08
427-008

22-08
426-034

22-08
427-009

22-08
426-035

22-08
427-010

22-08
427-011

office 3304
22-08
427-066

plant material

3305

lot B SUBJECT

22-08
427-067

lot A

Property

3321
22-08
426-026

22-08
427-014

22-08
427-033

St. DOUGLAS AVE

SUBURBAN CT

22-08
426-027

22-08
426-028

22-08
427-062

3328

22-08
427-016

22-08
426-029

22-08
427-061

22-08
427-060

22-08
427-059

22-08
427-041

22-08
426-030

22-08
427-036

22-08
427-038

22-08
427-039

22-08
427-042

22-08
427-037

CENTRE ST

22-08
478-001

22-08
478-002

22-08
478-003

SSCRPC Springfield Sangamon County Regional Planning Commission

Staff Findings and Recommendation
 (inspected 10/1/07 by AJ)

SANGAMON COUNTY ZONING CASE # 2007-62
 ADDRESS 3304 South Douglas
 Property Index # 22-08-427-066 and 067

PETITIONER Harmony, Jay

REQUESTED ZONING A use variance to allow landscaping company with office and plant material area.

PROPOSED LAND USE Landscaping company

EXISTING:

ZONING R-1

LAND USE Residential and vacant lot

ROAD FRONTAGE South Douglas 121' CONDITION OF PAVEMENT Good

STRUCTURE DESIGNED FOR Residence

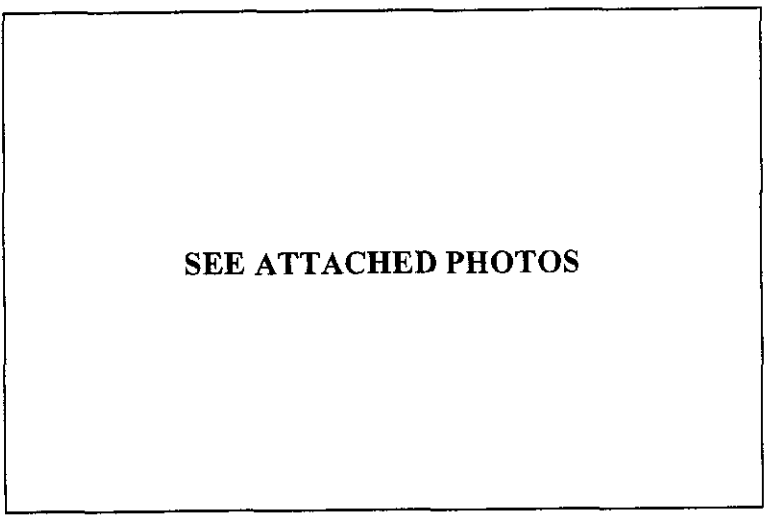
CONDITION OF STRUCTURE Fair

LOT AREA 1.13 acres

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 use variations are not met. Allowing a landscaping company would be detrimental to this residential neighborhood.

Case #: 2007-62

Address: 3304 South Douglas



North Side of Property



South Side of Property

County Zoning

Case# 2007-62

Mobile Home Park

Single Family Residences

Cabinet Business/Manufacturer



Requested:
Use Variance

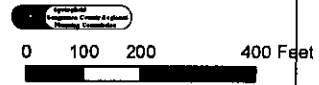
Single Family Residences

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 #: **2007-62**

Address: **3304 South Douglas**

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 is residential in character with no businesses in the immediate vicinity. Residences surround the subject property.

- (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 a landscaping company at this location.

- (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 on the character of the area and traffic congestion this landscaping company will have in this residential neighborhood.