

CASE # 2007-66
RESOLUTION NUMBER 8-1
GRANTING A REZONING AND VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
2831 S. WHITTIER, 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 **grant an amendment and variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

Lots 190, 191 & 192 of the Highlands.

WHEREAS, the Petitioner, **Darren Burris Inc.**, has petitioned the Sangamon County Board for a **rezoning from "A" Agricultural District to "B-3" General Business District with a variance of the rear transitional yard requirement from 25' to 3.0'**; 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 **grant the rezoning and variance**; and

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

FILED

NOV 02 2007

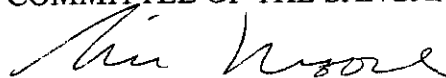

Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 13th day of November, 2007 that the request to rezone the above described property from "R-2" Single and Two Family Residence District to "B-3" General Business District with a variance of the rear transitional yard requirement from 25' to 3.0' is hereby approved.

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

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

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

Case #: **2007-66**
Address: **2831 S. Whittier**

- (i) Existing uses of property within the general area of the property in question.
There are business to the south and scattered throughout the neighborhood. To the immediate north, west and east are residences.
- (ii) The zoning classification of property within the general area of the property in question.
To the south is B-1 and I-1. In other directions is R-2. To the northwest a block is B-3.
- (iii) The suitability of the property in question to the uses permitted under the existing zoning classification.
The property has been used for a business for many years and is suited to business use. Covering the storage will improve the area.
- (iv) The trend of development, within the vicinity since the property was originally classified.
Business zoning has been granted in the area.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 21 NAME: **Clyde Bunch**

DOCKET NUMBER: **2007-66**

ADDRESS: **2831 S. Whittier, Springfield, Il 62704**

PETITIONER: **Darren Burris Inc.**

PRESENT ZONING CLASSIFICATION: **"R-2" Single and Two Family Residence District**

REQUESTED ZONING CLASSIFICATION: **"B-3" General Business District with a variance of the rear transitional yard requirement from 25' to 3.0'**

AREA: **.39 acre**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION RECOMMENDATION: **Recommend denial. The requested B-3 allows the most intensive commercial uses which are not appropriate adjacent to a residential area.**

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: 2007-66
Darren Burris Inc.)	
)	PROPERTY LOCATED AT:
)	2831 S. Whittier
)	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 an **amendment and 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 **2831 S. Whittier, Springfield, Il 62704** and more particularly described as:

Lots 190, 191 & 192 of the Highlands.

- 3. That the present zoning of said property is: **“R-2” Single and Two Family Residence District.**
- 4. That the present land use of said property is **Burriss Trucking.**
- 5. That the proposed land use of said property is the **use continued with a structure being placed to cover topsoil storage area.**
- 6. That the requested **rezoning** of said property is: **from “R-2” Single and Two Family Residence District to “B-3” General Business District with a variance of the rear transitional yard requirement from 25’ to 3.0’.**
- 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 and 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 **rezoning and variance** be **approved.**

Charles Chimento
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Charles Chimento** to concur with the amended findings of fact 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, Byron Deaner, Peggy Egizii, Judith Johnson, Marvin Traylor

NO:

ABSENT:

Bob Amptey
RECORDING SECRETARY

8-1

22-09
139-003

22-09
139-013

22-09
140-003

22-09
139-025

22-09
139-004

22-09
140-004

22-09
139-005

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139-026

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140-007

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139-023

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139-024

22-09
139-019

22-09
140-008

22-09
139-020

MAPLE AVE.

WHITIER AVE.

PROPERTY

22-09
178-002

22-09
178-001

NORTH ST.

22-09
179-050

SSCRPC Springfield Sangamon County Regional Planning Commission

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

SANGAMON COUNTY ZONING CASE # 2007-66
 ADDRESS 2831 S. Whittier
 Property Index # 22-09-139-018, 019, 020

PETITIONER Darren Burris Inc.
 REQUESTED ZONING B-3 with a variance of the rear transitional yard requirement from 25' to 3.0'.
 PROPOSED LAND USE Trucking business with additional building

EXISTING:

ZONING R-2

LAND USE Trucking business

ROAD FRONTAGE	<u>Whittier</u>	<u>120'</u>	CONDITION OF PAVEMENT	<u>Good</u>
	<u>Maple</u>	<u>140'</u>		<u>Good</u>

STRUCTURE DESIGNED FOR Business

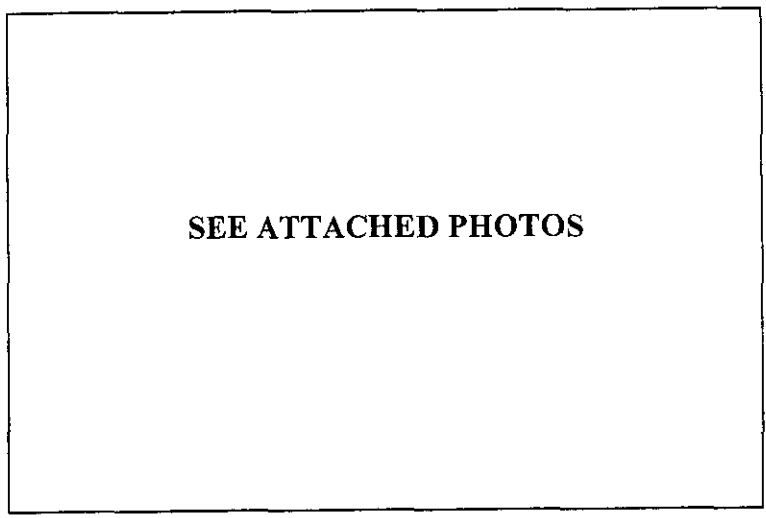
CONDITION OF STRUCTURE Good

LOT AREA .39 acre

FRONT YARD Varied

SIDE YARDS Varied

REAR YARD Varied



Would the proposed zoning be spot zoning? Yes

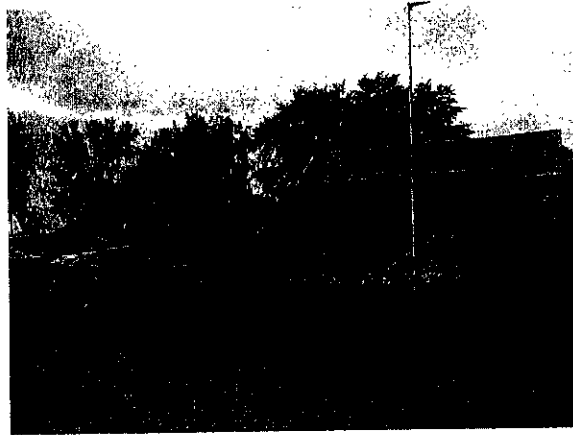
PLANNING COMMISSION STAFF RECOMMENDATION: Recommend denial. The requested B-3 allows the most intensive commercial uses which are not appropriate adjacent to a residential area.

Case #: 2007-66

Address: 2831 S. Whittier



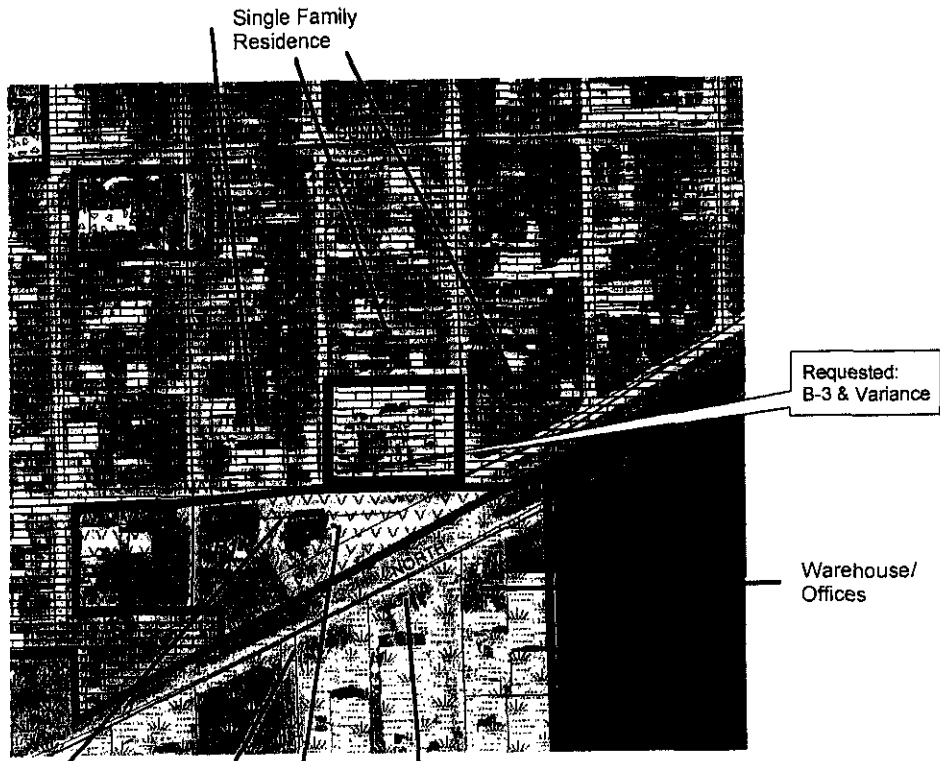
South Side of Property



North Side of Property

County Zoning

Case# 2007-66



Tavern

Warehouse

Contractor's Yard

Autobody Shop

Requested: B-3 & Variance

Warehouse/ Offices

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



**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: **2007-66**

Address: **2831 S. Whittier**

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

To the west, north and east there are single family residences. To the south, across Maple Street, is a tavern, warehouses, an auto body shop, offices and a contractor's yard.

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

To the west, north and east there is R-2 zoning. To the south is B-1.

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

Although a trucking business has been operated on this property since prior to the zoning regulations, it is surrounded by residential uses and the least intensive business zoning. The proposed B-3 zoning at this location is too intense for this residential neighborhood.

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

Property to the south were rezoned to B-1 in 2001. In 1988 property further north on the same block was granted a use variance for a landscaping business. In 1999 property directly to the east was denied I-1 zoning.

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: 2007-66

Address: 2831 S. Whittier

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 petitioner states that allowing a pole barn to be constructed will protect the topsoil that is stored on the property. The proposed structure will likely add to the utility of the property.

- (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.

The available area of the property limits placement of the structure.

- (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.

No. The new structure will hopefully clean up the use of this property which was grandfathered in as a trucking business.