

CASE # 2007-49
RESOLUTION NUMBER 11-1

GRANTING A USE VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
2701 LOWELL AVENUE, 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 a use variance to** the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

The west 72 feet of lot 235 of the Highlands.

WHEREAS, the Petitioners, **James R. McAfee and Raymond K. McAfee**, have petitioned the Sangamon County Board for a **use variance to allow off-site parking for a business across the alley to the west;** and

WHEREAS, a public hearing was held at the Sangamon County Building on **August 16, 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 use variance;** and

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

APPROVED
AUG 24 2007
Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 11th day of September, 2007 that the request for a use variance to allow for a parking area for a business across the alley to the west on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 11th day of September, 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 - STANDARDS FOR USE VARIATIONS
▶ As Recommended by the Board of Appeals ◀**

Case #: 2007-49

Address: 2701 Lowell Avenue

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.

There are special circumstances as the property has commercial uses on 2 sides.

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

There have been numerous rezonings for business granted in the area and some use variances have been granted.

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

The variance will provide more off-street parking and reduce on-street parking

- (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.

No. The parking lot should lessen congestion on the street and the property is adjacent to commercial uses on 2 sides.

22-09
128-008

22-09
128-009

22-09
128-010

22-09
128-011

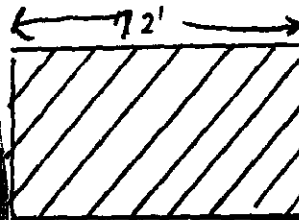
HIGHLAND AVE.

22-09
128-019

22-09
128-020

22-09
128-021

LOWELL AVE.



22-09
133-007

22-09
133-008

22-09
133-009

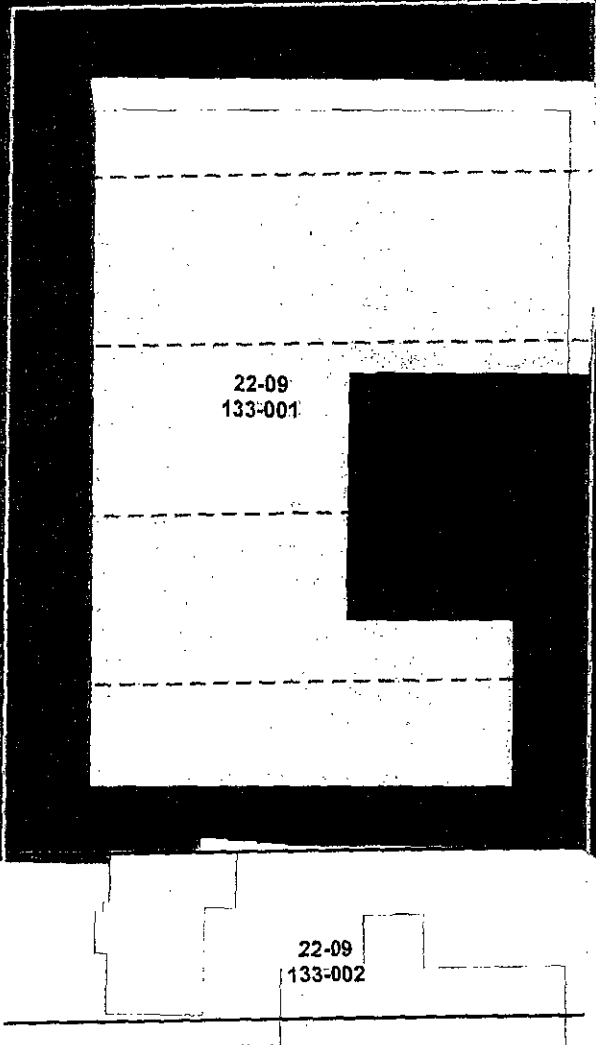
22-09
133-010

22-09
133-011

22-09
133-012

22-09
133-001

22-09
133-002



RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 21 NAME: Clyde Bunch

DOCKET NUMBER: 2007-49

ADDRESS: 2701 Lowell Avenue, Springfield, IL 62704

PETITIONER: James R. McAfee and Raymond K. McAfee

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

REQUESTED ZONING CLASSIFICATION: "R-2" Single Family and Two Family Residence District with a use variance to allow for a parking area for a business across the alley to the west

AREA: .07 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: **Recommend denial. There are no special circumstances related to the property to support a use variance to provide off-site parking for an unrelated use in the rear yard of this residence.**

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: 2007-49
James R. McAfee and Raymond K. McAfee)	
)	PROPERTY LOCATED AT:
)	2701 Lowell Avenue
)	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 **August 16, 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 **2701 Lowell Avenue, Springfield, IL 62704** and more particularly described as:

The west 72 feet of lot 235 of the Highlands

- 3. That the present zoning of said property is **"R-2" Single Family and Two Family Residence District.**
- 4. That the present land use of said property is **rear yard for residence**
- 5. That the proposed land use of said property is **parking area for a business across the alley to the west.**
- 6. That the requested **use variance** of said property is: **to allow for a parking area for a business across the alley to the west.**
- 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 **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 **approved.**



 CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

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

The vote of the Board was as follows:

YES: **Charles Chimento, Peggy Egizii, Patrick Somers, Marvin Traylor**

NO: **Barbara Braner**

ABSENT: **Judith Johnson**



 RECORDING SECRETARY

11-8

SSCRPC

Springfield
Sangamon County Regional
Planning Commission

SANGAMON COUNTY ZONING CASE # 2007-49

Staff Findings and Recommendation

ADDRESS 2701 Lowell Avenue

(inspected 7/31/07 by LW & AJ)

Property Index # Pt. 22-09-133-007

PETITIONER McAfee, James R. and Raymond K.

REQUESTED ZONING A use variance to provide parking for property across the alley to the west.

PROPOSED LAND USE Off-site parking for a business across the alley.

EXISTING:

ZONING R-2

LAND USE Rear yard for residence

ROAD FRONTAGE Highland 70'

CONDITION OF PAVEMENT Good

Lowell 0'

STRUCTURE DESIGNED FOR NA

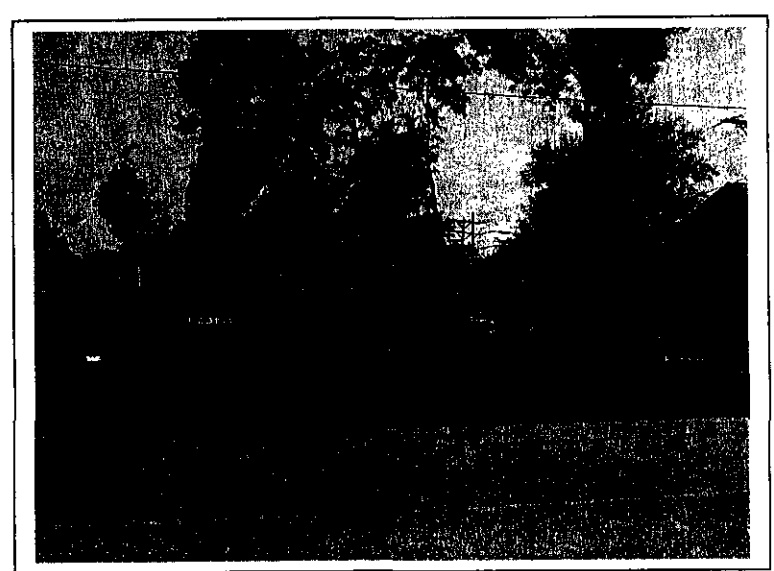
CONDITION OF STRUCTURE NA

LOT AREA .07 acre

FRONT YARD —

SIDE YARDS —

REAR YARD —



Would the proposed zoning be spot zoning? NA

PLANNING COMMISSION STAFF RECOMMENDATION: Recommend denial. There are no special circumstances related to the property to support a use variance to provide off-site parking for an unrelated use in the rear yard of this residence.

County Zoning

Case# 2007-49

Single Family Residences

Requested:
B-3

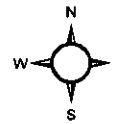
Commercial/
Office Building

Paper
Distributor

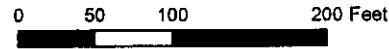
Mobile
Home



Single Family Residences



Springfield
Sangamon County Regional
Planning Commission



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 #: 2007-49

Address: 2701 Lowell Avenue

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 as a rear yard to a single family residence 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 residential in character. Although there are commercial uses to the north and west, there are single family residences to the east and south. Allowing parking in a residential yard would not be in line with the character of the area.

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

There is no particular benefit to the community in having a parking lot 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 allowing a parking area in the rear yard of a single family residence in this residential area.