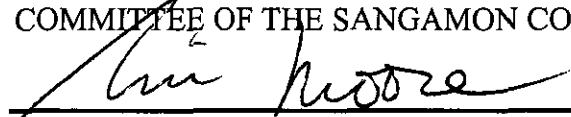


NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 11th day of September, 2007 that the requested use variance to allow for a small engine repair shop on the above described property is hereby approved subject to restricting the use variance to the existing 30' X 60" shed with no outside storage.

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 #: **2007-50**

Address: **1715 Tozer Road**

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.

The building and property are well suited to the proposed use and the "A" district does allow many non-residential uses

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

There is a trend toward home-based business.

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

Yes, there is a demand for repair services in the county

- (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 use will be contained in the building and will draw very little traffic.

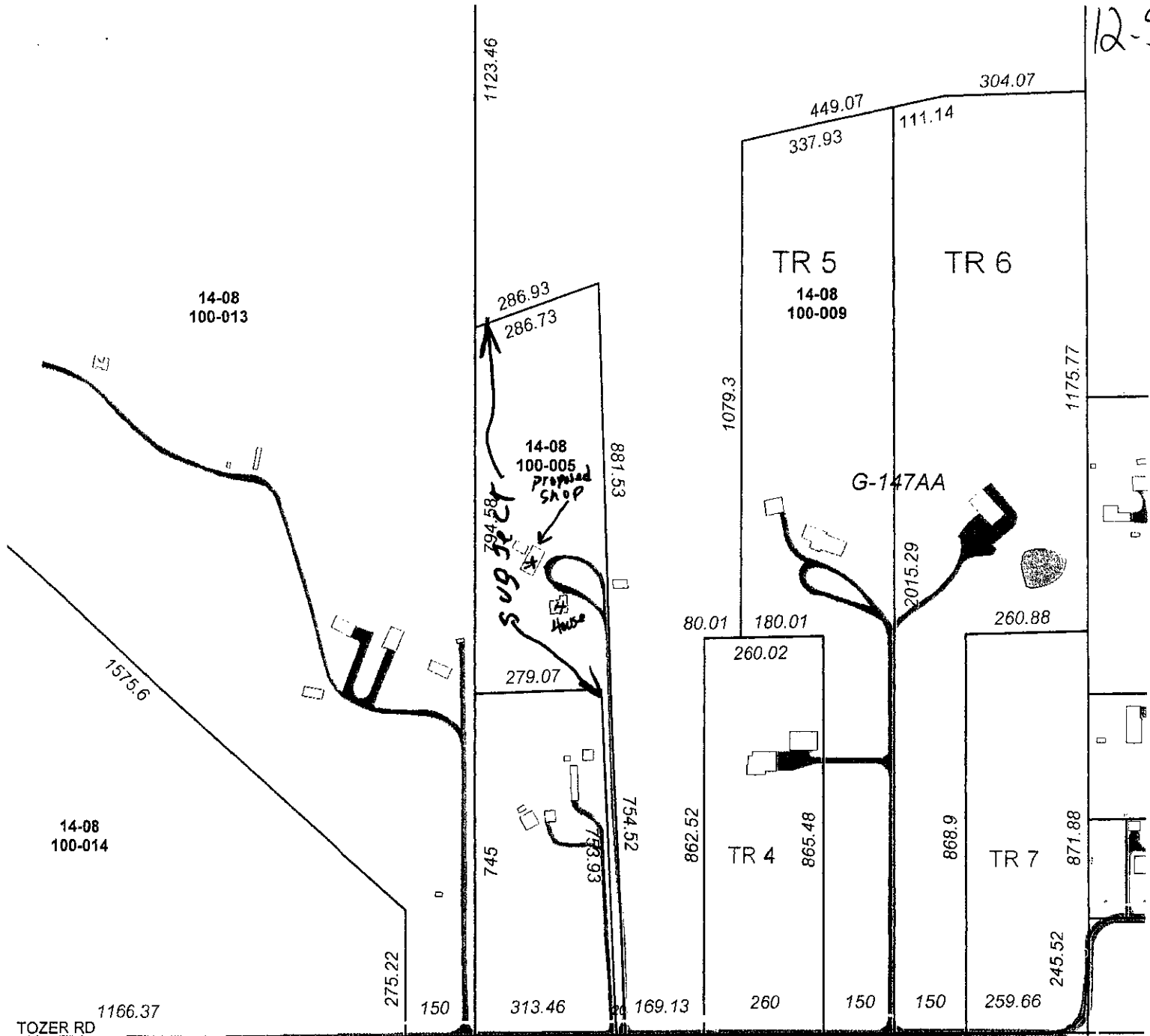
12-4

Exhibit "A"

Part of the Northwest Quarter of Section 8, Township 16 North, Range 5 West of the Third Principal Meridian, described as follows:

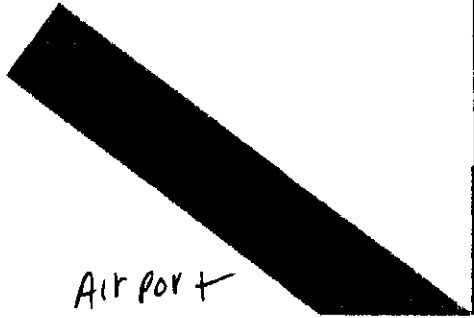
Commencing at an iron pin marking the Southwest corner of the East Half of said Northwest Quarter; thence North 0 degrees 39 minutes 05 seconds West along the West line of the East Half of said Northwest Quarter 745.00 feet to the point of beginning; thence continuing along said West line North 0 degrees 39 minutes 05 seconds West 794.58 feet to an iron pin; thence North 60 degrees 54 minutes 58 seconds East 286.93 feet to an iron pin; thence South 2 degrees 29 minutes 40 seconds East 881.53 feet to an iron pin; thence South 3 degrees 16 minutes 29 seconds East 754.52 feet to an iron pin; thence South 89 degrees 18 minutes 33 seconds West 20.00 feet to an iron pin; thence North 3 degrees 16 minutes 32 seconds West 753.93 feet to an iron pin; thence South 87 degrees 37 minutes 56 seconds West 279.07 feet to the point of beginning.

12-5



SPRINGFIELD TWP.

CAPITAL TWP.



Air port

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 17 NAME: John Fulgenzi

DOCKET NUMBER: 2007-50

ADDRESS: 1715 Tozer Road, Springfield, IL 62707

PETITIONER: Wayne and Sandra Mogle

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: "A" Agricultural District with a use variance to allow for a small engine repair shop restricted to only the existing 30' X 60' shed and no outside storage.

AREA: 5.8 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: **Recommend denial. The standards of variation are not met. Allowing a small engine repair shop at this location could be detrimental to the residences in the area.**

SANGAMON COUNTY BOARD OF APPEALS RECOMMENDATION: **Approval subject to restricting the use variance to the existing 30' X 60' shed with no outside storage.**



RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2007-50
Wayne and Sandra Mogle)	
)	PROPERTY LOCATED AT:
)	1715 Tozer Road
)	Springfield, Il 62707
)	

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 **1715 Tozer Road, Springfield, Il 62707** 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 **residential and small engine repair shop.**
- 5. That the proposed land use of said property is **residential and the operation of a small engine repair shop.**
- 6. That the requested **use variance** of said property is: **to allow for a small engine repair shop.**
- 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 restricted to the existing 30' X 60' shed with no outside storage** 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 restricted to the existing 30' X 60' shed with no outside storage be approved.**

Charlie Chimento
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, Barbara Braner**

NO:

ABSENT: **Judith Johnson**

B. J. Armstrong
RECORDING SECRETARY

Exhibit "A"

Part of the Northwest Quarter of Section 8, Township 16 North, Range 5 West of the Third Principal Meridian, described as follows:

Commencing at an iron pin marking the Southwest corner of the East Half of said Northwest Quarter; thence North 0 degrees 39 minutes 05 seconds West along the West line of the East Half of said Northwest Quarter 745.00 feet to the point of beginning; thence continuing along said West line North 0 degrees 39 minutes 05 seconds West 794.58 feet to an iron pin; thence North 60 degrees 54 minutes 58 seconds East 286.93 feet to an iron pin; thence South 2 degrees 29 minutes 40 seconds East 881.53 feet to an iron pin; thence South 3 degrees 16 minutes 29 seconds East 754.52 feet to an iron pin; thence South 89 degrees 18 minutes 33 seconds West 20.00 feet to an iron pin; thence North 3 degrees 16 minutes 32 seconds West 753.93 feet to an iron pin; thence South 87 degrees 37 minutes 56 seconds West 279.07 feet to the point of beginning.

12-10

SSCRPC Springfield Sangamon County Regional Planning Commission

Staff Findings and Recommendation
 (inspected 8/2/07 by LW & AJ)

SANGAMON COUNTY ZONING CASE # 2007-50
 ADDRESS 1715 Tozer Road
 Property Index # 14-08-100-005

PETITIONER Mogle, Wayne and Sandra

REQUESTED ZONING Use variance for a small engine repair shop

PROPOSED LAND USE Single family residence and small engine repair shop

EXISTING:

ZONING A

LAND USE Single family residence and small engine repair shop

ROAD FRONTAGE Tozer Road 20' CONDITION OF PAVEMENT Good

STRUCTURE DESIGNED FOR Residence

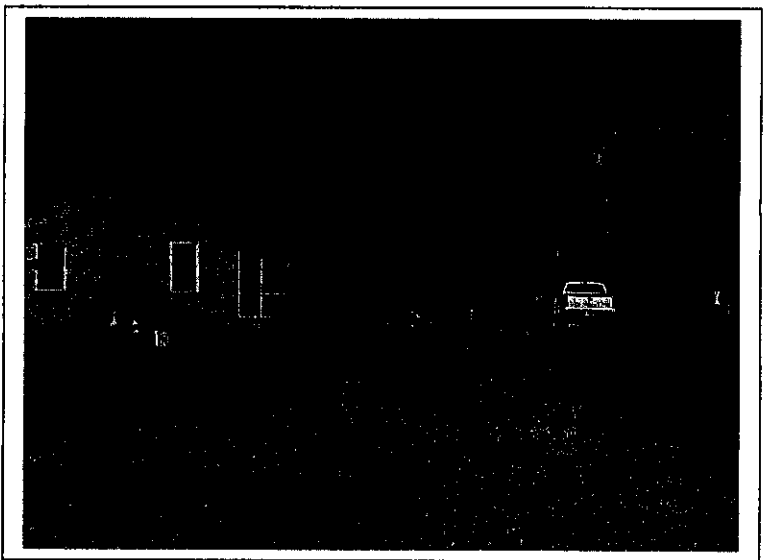
CONDITION OF STRUCTURE Good

LOT AREA 5.8 acres

FRONT YARD 265'

SIDE YARDS 85'/130'

REAR YARD 525'



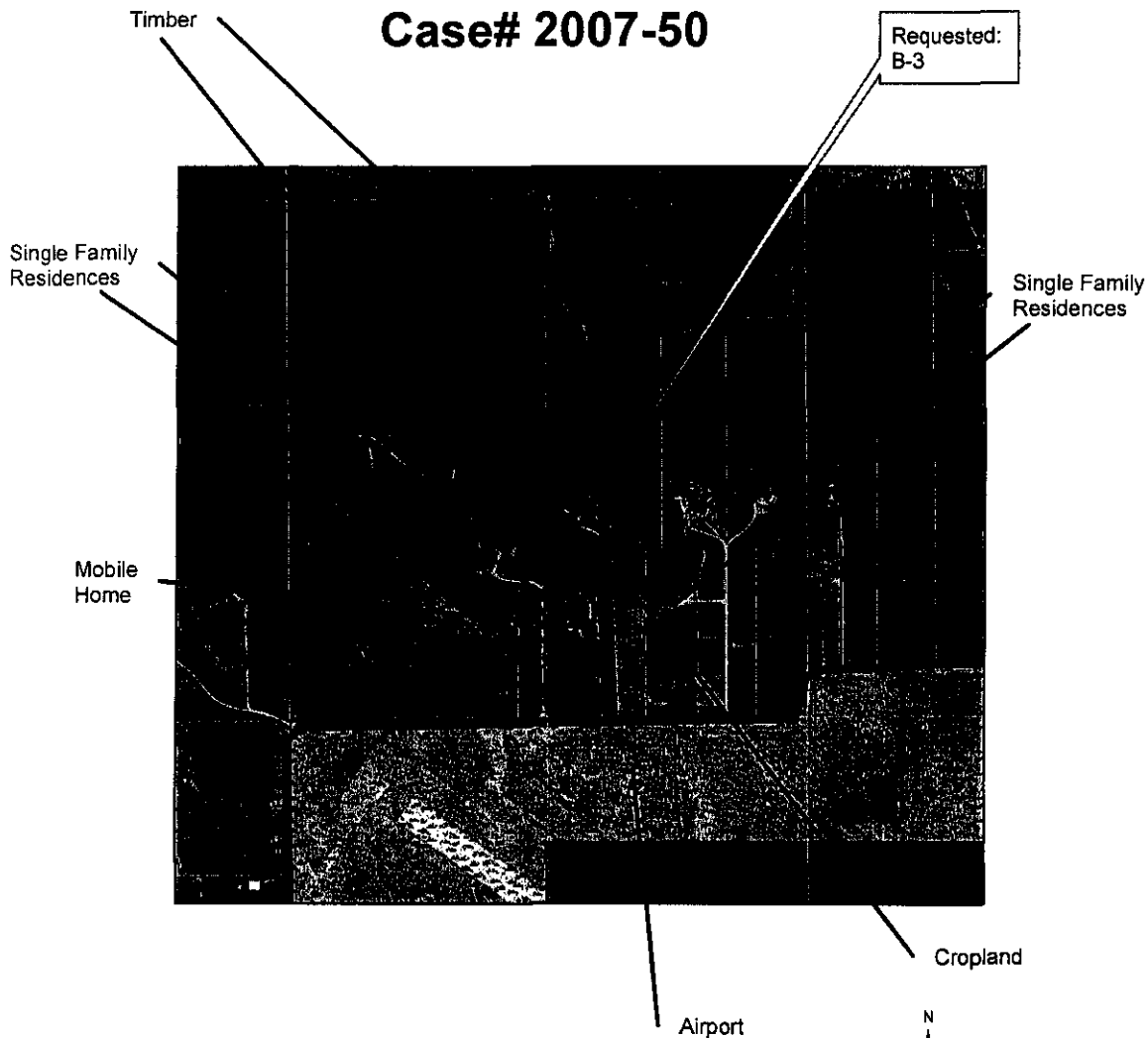
Would the proposed zoning be spot zoning? NA

PLANNING COMMISSION STAFF RECOMMENDATION: Recommend denial. The standards for variation are not met. Allowing a small engine repair shop at this location could be detrimental to the residences in the area.

County Zoning

Case# 2007-50

Requested:
B-3

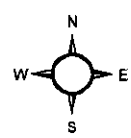


County Zoning

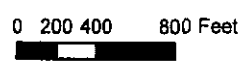
	RM-4		I1
	R3		I2
	R2		B3
	R1a		B2
	R1		B1
	OFF		A

City Zoning

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



Springfield
Langston County Regional
Planning Commission



RECOMMENDED STANDARDS FOR USE VARIATIONS

Case #: 2007-50

Address: 1715 Tozer Road

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 agricultural in character with several residences constructed. There are no businesses nearby, however an airport sits further south of 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 small engine repair shop at this location. In fact with the proximity of residences to the west and south, 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.

The potential noise and activity associated with a repair shop could negatively impact the residences that sit directly west, south and east.