

CASE # 2008-41
RESOLUTION NUMBER 9-1

TEXT AMENDMENT TO SANGAMON COUNTY ZONING ORDINANCE
REGARDING

WHEREAS, the Sangamon County Board, pursuant to AN ACT IN RELATION TO COUNTY ZONING of the State of Illinois (Illinois Revised Statutes 1967, Chapter 34, Paragraphs 3151 through 3162) adopted a zoning ordinance in April of 1969; and

WHEREAS, in order to make the regulations more effective, it is necessary from time to time to consider amendments that correct deficiencies or that relate to current development circumstances; and

WHEREAS, it is desirable to enact new procedures for applying for and granting use variances; and

WHEREAS, the Public Health, Safety & Zoning committee of the Sangamon County Board has reviewed the proposed text amendment and recommends approval; and

WHEREAS, in accordance with State Statutes, the Sangamon County Zoning Board of Appeals conducted a public hearing on **June 19, 2008** in order to seek public comment on the draft revision of the Zoning Ordinance; and

WHEREAS, the Sangamon County Zoning Board of Appeals recommended approval of the proposed text amendments to the Sangamon County Zoning Ordinance as Exhibit A attached hereto and made a part of this resolution.

FILED

JUN 27 2008

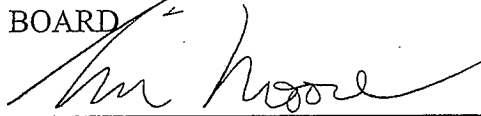
Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED, by the Members of the Board of Sangamon County, Illinois, in session this **8th day of July, 2008** that the request to amend the text of the Sangamon County Zoning Ordinance as proposed in the attached Exhibit A is hereby approved.

Signed and passed by the Sangamon County Board in session on this **8th day of July, 2008**.

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

Exhibit A

New text is indicated by underlined and bold typeface

Code Amendment

17.66.020 Initiation – Petition required.

- A. A petition for a variation may be filed by any interested property owner or contract purchaser or their agent. In cases where a contract purchaser is the petitioner, the contract purchaser shall provide a letter from the owner which states that the owner is aware of the petition and the request(s) contained therein, that the petitioner is indeed a contract purchaser and that the owner approves the action. Such petitions for a variation shall be filed in writing and shall contain such information as the Zoning Board of Appeals may require by rule. (Res. 12-1, 11/12/03)
- B. A petition for a use variation may be filed ONLY IF:
 - 1. A petition for an amendment is recommended for denial by the Zoning Board of Appeals; or
 - 2. A petition for an amendment is denied by the County Board.
 - 3. A fee of \$50.00 must accompany the petition. (Res. 12-1, 11/12/03)
- C. **A separate petition for a use variation is not required if the exception provided in 17.68.050 (d) applies. In such cases the Zoning Board of Appeals may recommend to the County Board that a use variance be granted.**

17.68.050 Proposed amendment – Review and report by regional planning commission staff. Prior to a public hearing to be held before the Zoning Board of Appeals on each and every proposed amendment to the regulations and the districts created by this ordinance, the staff of the Regional Planning Commission shall study the proposed amendment and transmit to the Zoning Board of Appeals a written report setting forth pertinent planning facts and summary statements of the anticipated effect the proposed amendment may have on the particular locality and the region. The report will be of an advisory nature and may suggest any one of the following conclusions: (a) that the proposed amendment is advantageous to the immediate vicinity, the community or the region; or (b) that the proposed amendment with modification would be advantageous to the immediate vicinity, the community or the region; or (c) that the proposed amendment would be disadvantageous to the immediate vicinity, the community or the region; **or (d) that the proposed amendment would be disadvantageous to the immediate vicinity, the community or the region, however, because of special circumstances related to the property, the Regional Planning Commission may in its written report suggest a use variance upon finding the standards for use variations have been met, in which case the Zoning Board of Appeals may recommend this use variance to the County Board and the petitioner is not required to file a petition for a use variance as required under Section 17.66.020 (C).**

Commentary

Under current County law, in reviewing a petition for a rezoning the Zoning Board may recommend a less intense zoning than the petitioner requests and submit that recommendation on to the County Board for final action. The Zoning Board may not, however, recommend a use variance along with or in lieu of less intense zoning and send that recommendation to the County Board for action. In cases where a use variance would be more appropriate than the rezoning the petitioner requests, the Zoning Board often suggests that the petitioner resubmit the petition for the variance, requiring the petitioner to come back to the Zoning Board for another hearing at a later date before the County Board can consider it for action. This process creates what may in some cases be an unnecessary delay in the process since the Zoning Board has already indicated to the petitioner that it would consider a variance positively. It is also somewhat in conflict with the Zoning Board's ability to send an entire rezoning that is less intense than the petitioner requested on to the County Board.

RECAP
(FOR COUNTY USE ONLY)

DOCKET NUMBER: 2008-41

ADDRESS: N/A

PETITIONER: Tim Moore

PRESENT ZONING CLASSIFICATION: N/A

REQUESTED ZONING CLASSIFICATION: N/A

AREA: N/A

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: Approval

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:)
Tim Moore)
)
)
)
)
)

DOCKET NO: 2008-41

PROPERTY LOCATED AT:
N/A

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 **text amendment** 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 **June 19, 2008** 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 proposed changes are more particularly described in EXHIBIT A attached hereto and make a part hereof.
3. That required finding and standards of the Sangamon County Board of Appeals are accurately stated on the attached exhibit (s).
4. The evidence adduced at the hearing **does** support the proposition that the adoption of the proposed **text amendment** 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 **text amendment** be **approved**.

Charles Chimenti

CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Don Wulf** to recommend **approval** of this petition, which was duly seconded by **Judith Johnson**.

The vote of the Board was as follows:

YES: Charles Chimento, Byron Deaner, Marvin Traylor, Judith Johnson, Don Wulf

NO:

ABSENT: Peggy Egizii



RECORDING SECRETARY