

CASE # 2008-31
RESOLUTION NUMBER 4-1

**GRANTING A USE VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
1499 W. STATE ROUTE 29, ATHENS
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:

See Exhibit A

WHEREAS, the Petitioner, **Jerry Judd**, has petitioned the Sangamon County Board for a **use variance to allow a plumbing, HVAC & Electrical Contracting Business with inside storage**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **May 15, 2008**, 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.

FILED

MAY 22 2008

Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 2nd day of June, 2008 that the request for a use variance to allow a plumbing, HVAC & Electrical Contracting Business with inside storage on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 2nd day of June, 2008.

Respectfully submitted,

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

TIM MOORE, CHAIRMAN

Abe Forsyth

ABE FORSYTH, VICE CHAIRMAN

JENNIFER DILLMAN

DAVID MENDENHALL

GEORGE PRECKWINKLE

SAM SNELL

DON STEPHENS

LINDA DOUGLAS WILLIAMS

ATTEST:

Joe Qualls

SANGAMON COUNTY CLERK

A. V. Williams

COUNTY BOARD CHAIRMAN

EXHIBIT A

A part of the Southeast Quarter of the Southwest Quarter and a part of the Southwest Quarter of the Southeast Quarter of Section 32, Township 18 North, Range 5 West of the Third Principal Meridian, Sangamon County, Illinois, Described as Follows:

Commencing at a disc at the Southeast corner of said Section 32; thence along the South line of said Section 32, South 89 degrees 00 minutes 56 seconds West, 97.68 feet to the Northeast corner of Section 5, Township 17 North, Range 5 West of the Third Principal Meridian; Thence North 00 degrees 02 minutes 00 seconds West; 29.90 feet to the centerline extension of Illinois Route 29 as shown on the right of way plat dated August 17, 1956 and recorded in book 517, page 216; thence along the centerline extension, South 88 degrees 36 minutes 00 seconds West, 3003.90 feet; thence North 01 degree 24 minutes 00 seconds West, 60.00 feet to the North existing right of way line of Illinois Route 29; thence along said right of way line, North 88 degrees 36 minutes 00 seconds East, 375.00 feet to a pin marking the point of beginning; thence North 01 degree 24 minutes 00 seconds West, 306.24 feet to a pin; thence North 88 degrees 36 minutes 00 seconds East, 379.43 feet to a pin, thence South 01 degree 24 minutes 00 seconds East, 324.47 feet to the aforesaid Northerly existing right of way line; thence Westerly along said right of way line on a curve to the left having a radius of 2447.50 feet a distance of 148.90 feet to a pin; thence continuing along said right of way line, south 88 degrees 36 minutes 00 seconds West, 231.80 feet to the point of beginning, containing 2.698 acres, more or less.

44

2008-31 Judd
1499 W. St Rt. 29
01-32-400-012

01-32
300-015

01-32
400-011

370.43
306.28
01-32
400-012
324.47
Subject

250
1135

325

STATE RT 29

2611.62

STATE RT 124

06-05
100-005

G.L. 2

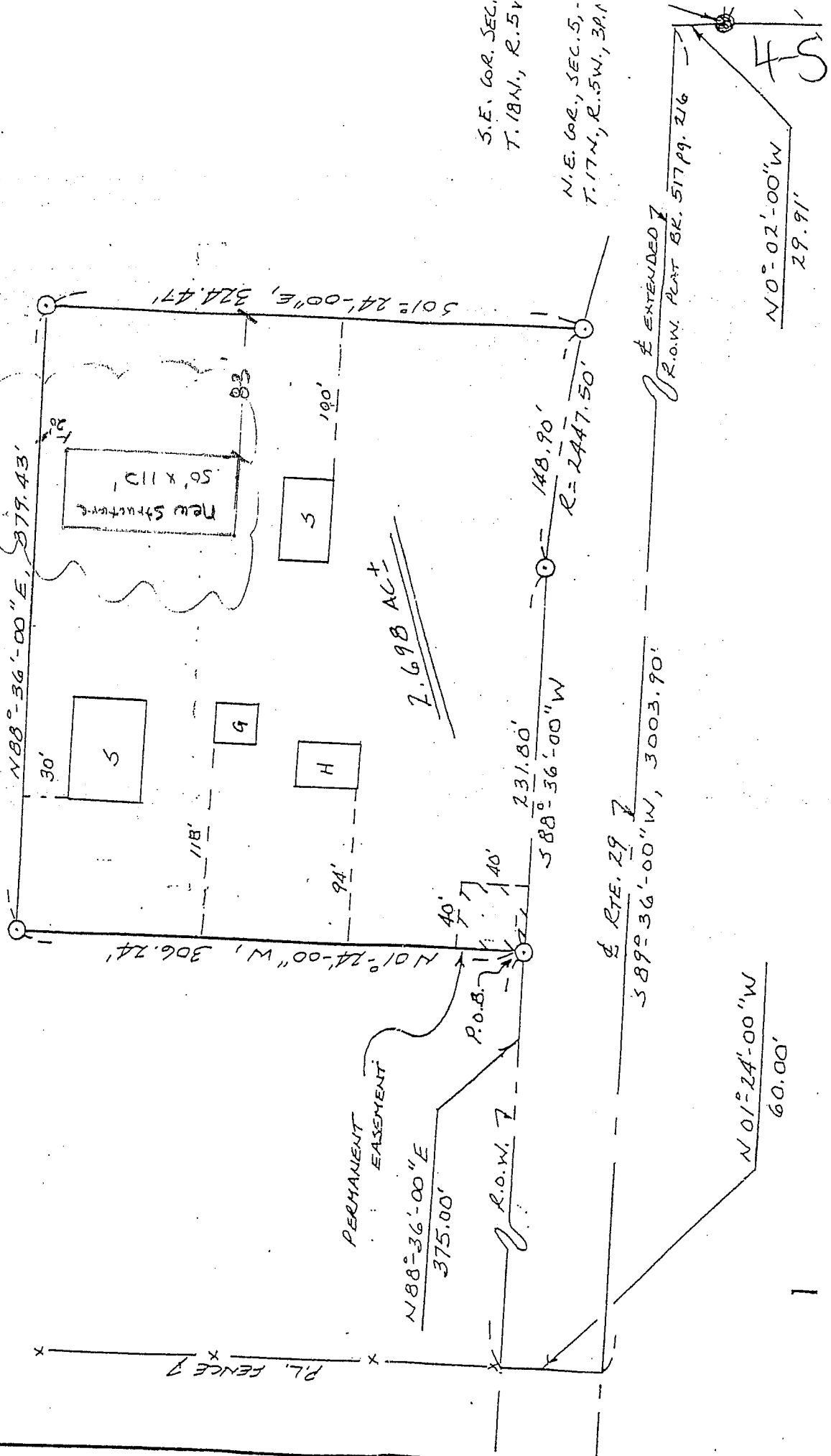
2

06-05
200-001

N
+
E
W
+
S

EAST, 379.43 FEET TO A PIN; THENCE SOUTH 01 DEGREE 24 MINUTES 00 SECONDS EAST, 324.47 FEET TO THE AFORESAID NORTHERLY EXISTING RIGHT OF WAY LINE; THENCE WESTERLY ALONG SAID RIGHT OF WAY LINE ON A CURVE TO THE LEFT HAVING A RADIUS OF 2447.50 FEET A DISTANCE OF 148.90 FEET TO A PIN; THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE, SOUTH 88 DEGREES 36 MINUTES 00 SECONDS WEST, 231.80 FEET TO THE POINT OF BEGINNING, CONTAINING 2.698 ACRES, MORE OR LESS.

New Structures



46

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 11 NAME: Mike Sullivan

DOCKET NUMBER: 2008-31

ADDRESS: 1499 W. State Route 29, Athens, IL 62613

PETITIONER: Jerry Judd

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: "A" Agricultural District with a use variance to allow a plumbing, HVAC & Electrical Contracting Business with inside storage

AREA: 2.7 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: **Recommend approval of the request for a use variance to allow a plumbing, HVAC and electrical contracting business with all storage inside. The property is currently developed to a business use and there is no foreseen impact on neighboring single family 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: **2008-31**
 Jerry Judd)
)
) PROPERTY LOCATED AT:
) **1499 W. State Route 29**
) **Athens, IL 62613**
)

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 **May 15, 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 above-captioned petitioner(s) is the owner(s) and/or has a beneficial interest in or contract to purchase the property commonly known as **1499 W. State Route 29, Athens, IL 62613** 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 **Single Family Residence with Plumbing, HVAC & Electrical Contracting Business.**
5. That the proposed land use of said property is **Single Family Residence with Plumbing, HVAC & Electrical Contracting Business.**
6. That the requested **use variance** of said property is to allow a **plumbing, HVAC & Electrical Contracting Business with inside storage.**
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 **Peggy Egizii** to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **approved** 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

EXHIBIT A

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4-10

SSCRPC Springfield Sangamon County Regional Planning Commission

Staff Findings and Recommendation
 (inspected 4/30/08 by MB & AJ)

SANGAMON COUNTY ZONING CASE # 2008-31
 ADDRESS 1499 W. State Route 29
 Property Index # 01-32-400-012

PETITIONER Judd, Jerry

REQUESTED ZONING A Use Variance to allow a plumbing, HVAC & electrical contracting business with inside storage.

PROPOSED LAND USE Single family residence with a plumbing, HVAC & electrical business

EXISTING:

ZONING A

LAND USE Single family residence with a plumbing, HVAC & electrical business

ROAD FRONTAGE W. St. Route 29 - 370' CONDITION OF PAVEMENT Good

STRUCTURE DESIGNED FOR Residence

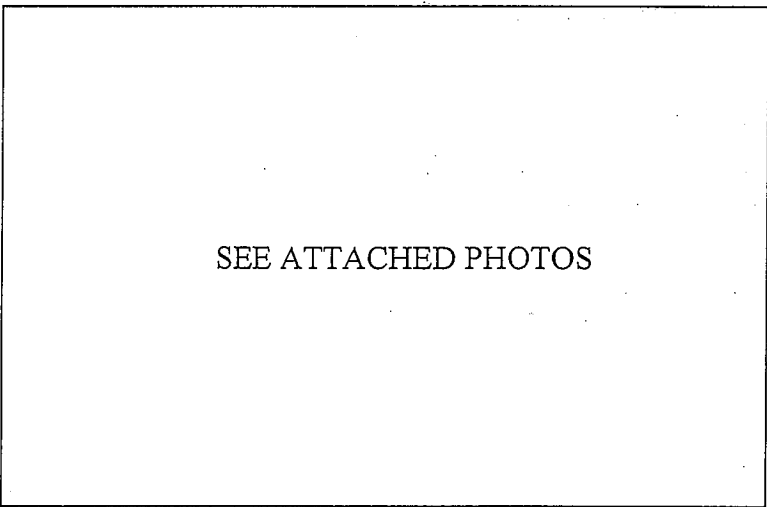
CONDITION OF STRUCTURE Good

LOT AREA 2.7 acres

FRONT YARD 105'

SIDE YARDS 146' / 190'

REAR YARD 157'



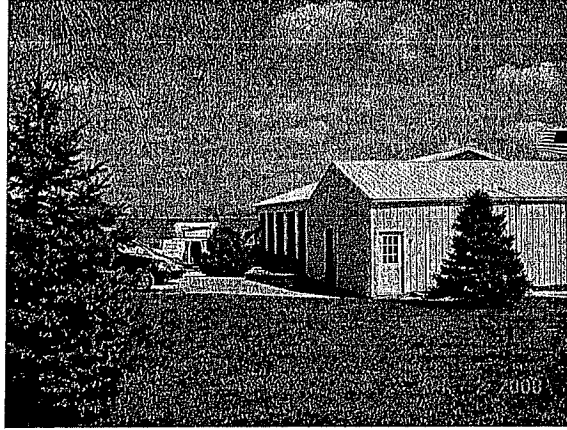
Would the proposed zoning be spot zoning? N/A

PLANNING COMMISSION STAFF RECOMMENDATION: Recommend approval of the request for a use variance to allow a plumbing, HVAC and electrical contracting business with all storage inside. The property is currently developed to a business use and there is no foreseen impact on neighboring single family residences.

4-11

Case #: 2008-31

Address: 1499 W. State Route 29



1499 W. State Route 29



2008-31b

County Zoning

Case# 2008-31

Requested:
Use Variance

Single Family
Residence

Cropland

Single Family
Residence



Cropland

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



SRPC
Springfield
Spartanburg County Regional
Planning Commission

0 200 400 800 Feet



RECOMMENDED STANDARDS FOR USE VARIATIONS

Case #: 2008-31

Address: 1499 W. State Route 29

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 potential for development under agricultural zoning is questionable given the property is currently developed with a single family residence and a business use.

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

The area is agricultural in character with some single family residences constructed in 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 in having a plumbing, HVAC and electrical business 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.

No negative impact is anticipated.