

CASE # 2008-48
RESOLUTION NUMBER 7-1

GRANTING A USE VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
2717 S. SPRING, 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:

Lots 40, 41 & 42 The Highlands

WHEREAS, the Petitioners, **Robert & Mary Ann Salefski**, have petitioned the Sangamon County Board for a **rezoning from "R-2" Single & Two Family Residence District to "A" Agricultural District with a Conditional Permitted Use to allow a Landscaping Business**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **August 21, 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 **deny the rezoning and conditional permitted use but in the alternative grant a use variance for a landscaping business**; and

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

FILED

AUG 29 2008

Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 9th day of September, 2008 that the request to rezone the above described property from "R-2" Single & Two Family Residence District to "A" Agricultural District with a Conditional Permitted Use to allow a Landscaping Business be denied but in the alternative, a use variance is approved for a landscaping business.

Signed and passed by the Sangamon County Board in session on this 9th day of September, 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 Aiello

SANGAMON COUNTY CLERK

A. B. Williams

COUNTY BOARD CHAIRMAN

SPRING STREET

MAPLE STREET



NORTH

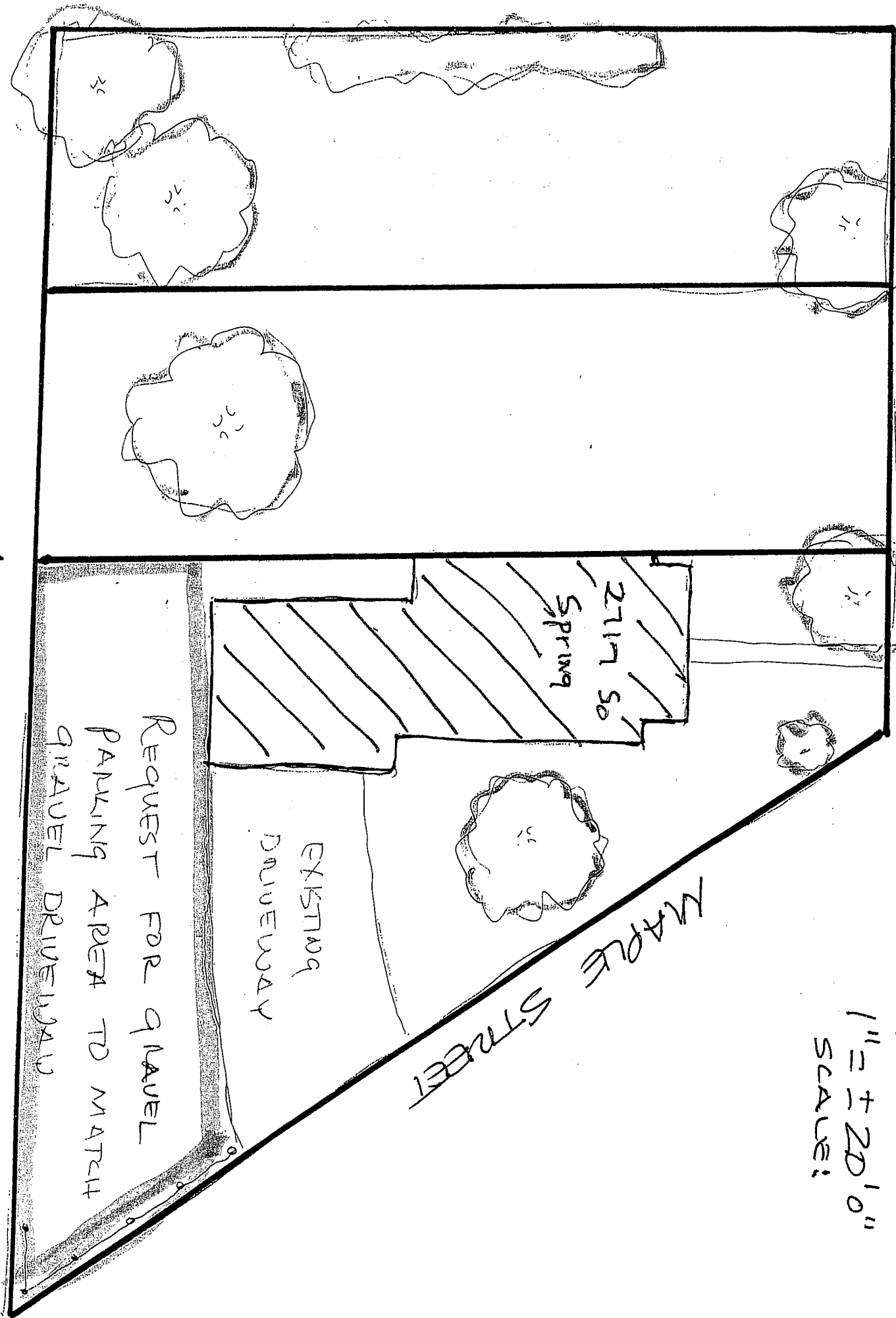
1" = ± 20' 0"
SCALE!

2717 50
Spring

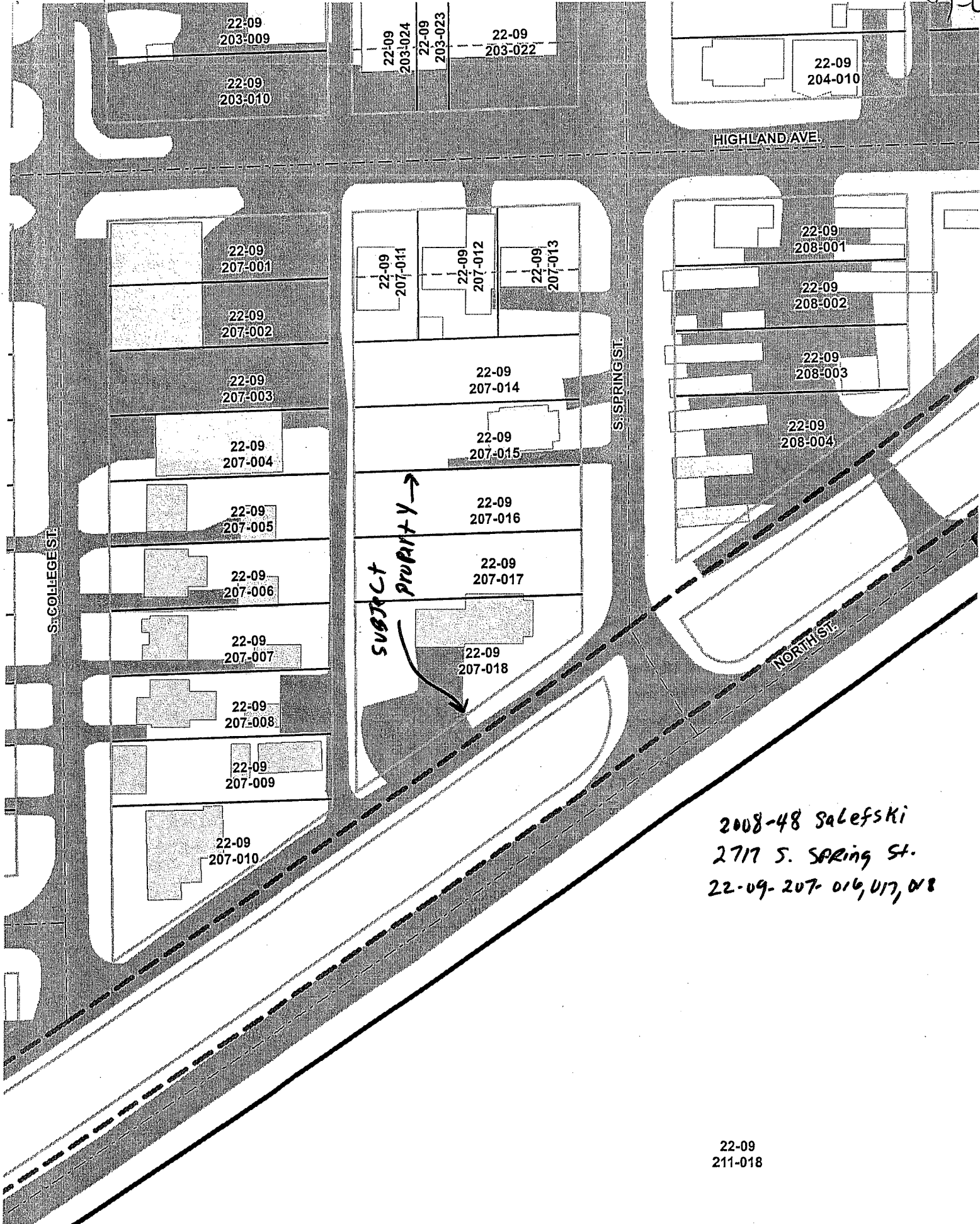
EXISTING
DRIVEWAY

REQUEST FOR GRAVEL
PARKING AREA TO MATCH
GRAVEL DRIVEWAY

ALIBU



7-4



SUBJECT
PROPERTY →

2008-48 Salefski
2717 S. Spring St.
22-09-207-016, 017, 018

22-09
211-018

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: **2008-48**
 Robert & Mary Ann Salefski)
) PROPERTY LOCATED AT:
) **2717 So. Spring**
) **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 with a Conditional Permitted use** 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 21, 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 **2717 So. Spring, Springfield, IL. 62704** and more particularly described as:

Lots 40, 41 & 42 The Highlands

- 3. That the present zoning of said property is **R-2” Single & Two Family Residence District.**
- 4. That the present land use of said property **Single Family Residence and 2 vacant lots.**
- 5. That the proposed land use of said property is **Landscaping Business.**
- 6. That the requested **rezoning** of said property is from **“R-2” Single & Two Family Residence District to “A” Agricultural District with a Conditional Permitted Use to allow a Landscaping Business.**
- 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 not** support the proposition that the adoption of the proposed **rezoning and CPU** 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 CPU** be **denied but in the alternative, recommend approval of a use variance.**

Charles 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 findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **denied but in the alternative, approve a use variance** which was duly seconded by **Peggy Egizii**.

The vote of the Board was as follows:

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

NO:

ABSENT:

Bob Armstrong
RECORDING SECRETARY

7-8

SSCRPC

Springfield
Sangamon County Regional
Planning Commission

Staff Findings and Recommendation

(inspected 8/4/08 by MB & AJ)

SANGAMON COUNTY ZONING CASE # 2008-48

ADDRESS 2717 South Spring

Property Index # 22-09-207-016, -017, -018

PETITIONER Robert & Mary Ann Salefski

REQUESTED ZONING A with a CPU to allow for a landscaping business.

PROPOSED LAND USE Expansion of existing landscaping business.

EXISTING:

ZONING R-2

LAND USE Single family residence

ROAD FRONTAGE S. Spring - 104'

CONDITION OF PAVEMENT Good

Maple - 168"

Good

STRUCTURE DESIGNED FOR Residence

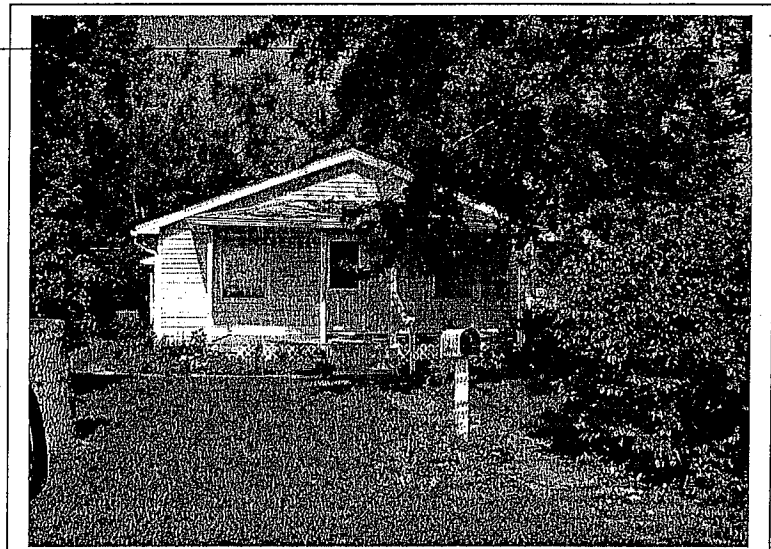
CONDITION OF STRUCTURE Good

LOT AREA .6 acre

FRONT YARD 34'

SIDE YARDS 6' / 10'

REAR YARD 60'



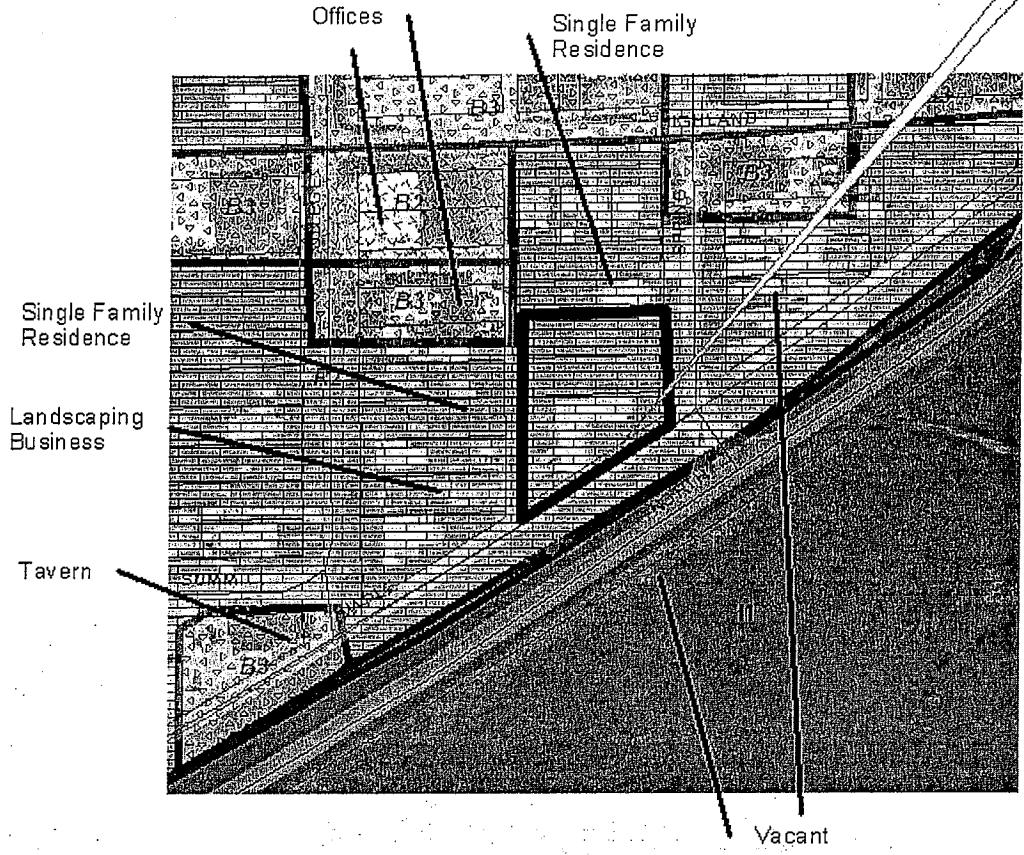
Would the proposed zoning be spot zoning? Yes

PLANNING COMMISSION STAFF RECOMMENDATION: Recommend denial of requested zoning and conditional permitted use. Agricultural zoning is not appropriate in this residential neighborhood because it would allow inappropriate uses among residences (i.e. livestock, manufactured homes, etc.) and would exist on the property forever. Although a conditional permitted use is appropriate, it is not an option under the existing R-2 zoning. Section 17.68.050 of the zoning ordinance states that the Regional Planning Commission may suggest a use variance upon finding the standards for the use variance has been met. Staff recommends approval of a use variance to allow for expansion of a landscaping business onto subject property. The standards for variation for this use variance are met.

County Zoning

Case# 2008-48

Requested:
A &
CPU

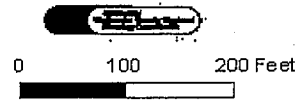


County Zoning

	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 #: 2008-48

Address: 2717 South Spring

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

To the north are single family residences. To the east and south is vacant. To the southwest is a tavern. To the west is a landscaping business and single family residences. To the northwest are offices.

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

To the north and east is R-2. To the south is I-1. To the west is R-2. Further southwest northwest and northeast is B-2 and B-3.

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

Due to the nearby residences, the existing classification is appropriate.

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

Property to the northeast was rezoned to B-3 in 1987. Property to the southwest was rezoned to B-3 in 1982. Property to the northwest was rezoned to B-3 in 1972 and 1974.

**SANGAMON COUNTY - RECOMMENDED FINDINGS OF FACT
FOR CONDITIONAL PERMITTED USES**

Case #: 2008-48

Address: 2717 S. Spring

No conditional permitted uses shall be granted by the County Board unless the conditional permitted use:

- (i) Is so proposed that the proposed location, design and method of operation of such use will minimize the adjacent effects on the character of the surrounding area.

Yes.

- (ii) Is so proposed to be operated, designed and located so that the public health, safety, and welfare will be protected.

Yes.

- (iii) Will not cause substantial injury to the value of other property in the vicinity in which it is located.

There is no foreseen impact.

- (iv) In addition to the above general standards for all conditional permitted uses that may be allowed, no conditional permitted use listed below shall be granted unless the proposed use can meet the standards as noted:

- (a) Fairgrounds, public or private outdoor recreation centers – that the principal vehicle access for such use is located on a major thoroughfare or a secondary thoroughfare or within one-quarter mile of a major thoroughfare, that such use is so located as to draw a minimum of vehicular traffic to and through minor and collector streets in residential areas.

N/A

- (b) Mobile home parks - must meet the requirements of Section III(R) Large Scale Development.

N/A

- (c) Tourist home, motels, hotels - that the proposed use must be located on or within 400 feet of a major thoroughfare.

N/A

- (d) Taverns and liquor stores - that the following distances be maintained: (1) schools - 100' from the property line of the school to the property line of the tavern or liquor store; (2) churches - 100' from the church building to the tavern or liquor store building; and (3) residences - 100' from the tavern or liquor store property line to the residential structure or institutional care facility.

N/A

RECOMMENDED STANDARDS FOR USE VARIATIONS

Case #: **2008-48**

Address: **2717 South Spring**

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 proposed use is similar to activity adjacent to the west and although a conditional permitted use would be appropriate, it is not an option under the current zoning.

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

There is a landscaping business adjacent to the west.

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

Although there does not appear to be a direct benefit to the community, the proposed use would not be a detriment and would be in harmony with the intent and purpose of the zoning regulations.

- (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.