

CASE# 2013-048
RESOLUTION NUMBER 12-1

GRANTING A USE VARIANCE AND VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
26 AMBERLEY RD., 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 and variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See EXHIBIT A

WHEREAS, the Petitioner, **George Backstein**, has petitioned the Sangamon County Board for a **rezoning from "R-1" Single-Family Residence District to "B-2" Retail Business District with a variance of Section 17.36.010C to allow an accessory structure to have a height of twenty-six (26) feet instead of the required eighteen (18) feet and a variance to allow two (2) principal uses on one (1) parcel to allow a single-family residence and bounce house rental business within a pole barn; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **October 17, 2013** 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 but, in the alternative, grant a use variance and variances; and**

FILED

OCT 30 2013

Joe Aiello
Sangamon County Clerk

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

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 12th day of November, 2013 that the request for a rezoning from "R-1" Single-Family Residence District to "B-2" Retail Business District be denied but, in the alternative, a use variance to allow the storage of trailers and bounce houses within the proposed pole barn, a variance of Section 17.36.010C to allow an accessory structure to have a maximum height of twenty-three (23) feet instead of the allowed eighteen (18) feet and a variance to allow two (2) principal uses on one (1) parcel to allow a single-family residence and bounce house rental business within a pole barn on the above referenced property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 12th day of November, 2013.

Respectfully submitted,

PUBLIC HEALTH, SOLID WASTE & ZONING
COMMITTEE OF THE SANGAMON COUNTY BOARD



GREG STUMPF, CHAIRMAN

DAVID MENDENHALL, VICE CHAIRMAN

JOHN FULGENZI

CRAIG HALL

SAM SNELL

ABE FORSYTH

JASON RATTTS

12-3

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

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EXHIBIT A

Part of the East Half of the Northeast Quarter of Section 35, Township 16 North, Range 4 West of the Third Principal Meridian, Sangamon County, Illinois, more particularly described as follows:

Beginning at a stone at the Southwest corner of the East Half of the Northeast Quarter of said Section 35; thence Northerly along the West line of said East Half of the Northeast Quarter a distance of 1366.64 feet to an iron pin, said iron pin being the point of beginning; thence Northerly along the West line of said East Half of the Northeast Quarter a distance of 561.84 feet to an iron pin; thence South 80 degrees 34 minutes 51 seconds East a distance of 155.33 feet to an iron pin on the Westerly right of way line of Amberley Road; thence South 49 degrees 56 minutes 52 seconds East a distance of 61.04 feet to an iron pin on the Easterly right of way line of Amberley Road; thence North 89 degrees 57 minutes 07 seconds East a distance of 190.01 feet to an iron pin; thence South 07 degrees 34 minutes 41 seconds East a distance of 377.30 feet to an iron pin; thence South 48 degrees 48 minutes 32 seconds East a distance of 60.14 feet to an iron pin; thence South 41 degrees 24 minutes 55 seconds West a distance of 111.53 feet to an iron pin; thence North 90 degrees 00 minutes 00 seconds West a distance of 411.20 feet to the point of beginning.

Except that part described as follows:

Part of the East Half of the Northeast Quarter of Section 35, Township 16 North, Range 4 West of the Third Principal Meridian, Sangamon County, Illinois, further described as commencing at a stone at the Southwest corner of the East Half of the Northeast Quarter of Section 35; thence North 0 degrees 00 minutes 00 seconds East on the West line of the East Half of the Northeast Quarter of Section 35, a distance of 1742.69 feet to an iron pin, the true point of beginning; thence continue North 0 degrees 00 minutes 00 seconds East on the West line of the East Half of the Northeast Quarter of Section 35 a distance of 185.79 feet to an iron pin at the Southwest corner of Lot Forty (40) of "Country Towne First Addition"; thence South 80 degrees 32 minutes 17 seconds East on the South line of Lot Forty (40) of "Country Towne First Addition", a distance of 155.29 feet to an iron pin at the Southeast corner of Lot Forty (40) of "Country Towne First Addition;" thence South 4 degrees 20 minutes 12 seconds West a distance of 30.43 feet to an iron pin; thence South 61 degrees 27 minutes 26 seconds West a distance of 167.45 feet to the point of beginning.

Subject to taxes for the year 1995 and subsequent years.

Subject to easements, covenants and restrictions of record.

Situated in Sangamon County, Illinois.

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RECAP

(For County Board Use)

COUNTY BOARD MEMBER: # 3 NAME: David Mendenhall

DOCKET NUMBER: 2013-048

ADDRESS: 26 Amberley Rd., Springfield, IL. 62712

PETITIONER: George Backstein

PRESENT ZONING CLASSIFICATION: "R-1" Single-Family Residence District

REQUESTED ZONING CLASSIFICATION: A rezoning from "R-1" Single-Family Residence District to "B-2" Retail Business District with a variance of Section 17.36.010C to allow an accessory structure to have a height of twenty-six (26) feet instead of the required eighteen (18) feet and a variance to allow two (2) principal uses on one (1) parcel to allow a single-family residence and bounce house rental business within a pole barn.

AREA: 4.59 acres

COMMENTS: None

OBJECTORS: Yes

PLANNING COMMISSION RECOMMENDATION: Recommend denial of the requested B-2 zoning as it is seen as spot zoning and too intense for the immediate area. Recommend denial of the variance request to allow an accessory structure to be 26 feet instead of the required 18 feet. There do not appear to be circumstances unique to the property to justify allowing the property owner to construct a building that exceeds the maximum 18 feet height requirement in a residential subdivision. Staff did not address the variance request for two principal uses on one parcel since it is the opinion that B-2 zoning is not appropriate.

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AMENDED: Recommend to deny the B-2 zoning, but in the alternative, grant a use variance to allow storage of trailers and bounce houses within the constructed pole barn having a height restriction of 23' to the highest pitch and a variance to allow 2 principal uses on 1 parcel.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:


Cyndi Knowles
RECORDING SECRETARY

Approval as amended on record by staff.

SANGAMON COUNTY ZONING BOARD OF APPEALS
SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: **2013-048**
George Backstein)
)
) PROPERTY LOCATED AT:
) **26 Amberley Rd.**
) **Springfield, IL. 62712**

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 and variances** 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 **October 17, 2013** 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, contract to purchase, or is the County Board Member representing the property commonly known as: **26 Amberley Rd., Springfield, IL.** and more particularly described as:

See **EXHIBIT A**

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3. That the present zoning of said property is **“R-1” Single-Family Residence District.**
4. That the present land use of said property is a **single-family residence, detached garage and trailers that house the bounce house business.**
5. That the proposed land use of said property is a **single-family residence, detached garage and pole barn to house the bounce house equipment and trailers.**
6. That the requested **rezoning and variances** of said property are a **rezoning from “R-1” Single-Family Residence District to “B-2” Retail Business District with a variance of Section 17.36.010C to allow an accessory structure to have a height of twenty-six (26) feet instead of the required eighteen (18) feet and a variance to allow two (2) principal uses on one (1) parcel to allow a single-family residence and bounce house rental business within a pole barn.**
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 but does support a use variance and variances** are 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 be denied but, in the alternative, grant a use variance to allow the storage of trailers and bounce houses within the constructed pole barn having a height restriction of twenty three (23)’ to the highest pitch and the variance to allow two (2) principal uses on one (1) parcel.**

CHAIRMAN

MINUTES OF THE

SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **John Lucchesi**, to concur with the amended findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **denial of the B-2 zoning but, in the alternative, grant a use variance to allow the storage of trailers and bounce houses within the constructed pole barn, restricted to a height of twenty three (23) feet to the highest pitch and the variance to allow two (2) principal uses on one (1) parcel**, which was duly seconded by **Charles Chimento**.

The vote of the Board was as follows:

YES: **Charles Chimento, Peggy Egizii, Judith Johnson, John Lucchesi**

NO:

PRESENT: **Don Wulf**

ABSENT: **Byron Deaner, Janet Dobrinsky**

RECORDING SECRETARY

SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT

Case #: 2013-048

Address: 26 Amberley Road, Springfield

- (i) Existing uses of property within the general area of the property in question.
The property is surrounded by single-family residences. There is cropland to the southwest and timber further west.
- (ii) The zoning classification of property within the general area of the property in question.
To the north, east and south is R-1 zoning. To the west is Agricultural zoning.
- (iii) The suitability of the property in question to the uses permitted under the existing zoning classification.
There is a single-family residence on the property and is suited to the current R-1 zoning.
- (iv) The trend of development, within the vicinity since the property was originally classified.
The area has been stable with single-family residences built in the area.

RECOMMENDED STANDARDS FOR USE VARIATIONS

Case #: 2013-048

Address: 26 Amberley Rd., Springfield

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 petitioners will be using this structure for storage of their equipment and need the additional height to service this equipment that will be stored inside the building to be constructed on the property.

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

There are a number of comparable structures that are utilized for storage of personal items in the immediate area. Some of the structures are larger in height than a regular two car garage that would be considered to be standard in a subdivision.

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

Having a business in the area to provide bounce house entertainment can be a benefit to the community to the extent that there is a demand for such a service.

- (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.

If the trailers associated with the bounce house business are stored inside at all times. There should not be a negative impact on the area.

SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS

Case #: 2013-048

Address: 26 Amberley Road, Springfield

The Zoning Board of Appeals shall not recommend to the Sangamon County Board that the regulations of this ordinance be varied as authorized in F. (1) hereof, unless it shall make findings of fact based upon the evidence presented to it in each specified case:

- (i) that the property in question cannot be economically used or yield a reasonable return, if permitted to be used only for the conditions allowed by the regulations.

It appears the property can currently be economically used with a single-family residence.

- (ii) that the plight of the owner is due to circumstances unique to the property and not generally applicable to other property in the area.

There do not appear to be circumstances unique to this property that is unlike other property in the area.

- (iii) that the variation, if granted, 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.