

GRANTING A REZONING AND VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
2925 PEORIA ROAD, 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 an amendment and variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioners, **Steven T. Dunker & Ricky N. McKee**, has petitioned the Sangamon County Board for a **rezoning from "B-2" Retail Business District to "B-3" General Business District to allow a pet crematory, boarding and grooming facilities, self service pet wash, retail shop for pet supplies and an apartment with a variance to allow five (5) principal uses on one (1) parcel and a variance to allow an apartment on the first floor in the "B-3" zoning district.**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **September 15, 2011** 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 rezoning and variances**; and

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

FILED

SEP 29 2011

Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 11th day of October, 2011 that the request for a rezoning from "B-2" Retail Business District to "B-3" General Business District to allow a pet crematory, boarding and grooming facilities, self service pet wash, retail shop for pet supplies and an apartment with a variance to allow five (5) principal uses on one (1) parcel providing that there is no overnight storage/boarding of live pets and that all pets at the location for grooming be kept inside and a variance to allow an apartment on the first floor in the "B-3" zoning district on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 11th day of October, 2011.

Respectfully submitted,

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

Tim Moore / cx
TIM MOORE, CHAIRMAN

ABE FORSYTH, VICE CHAIRMAN

JOHN FULGENZI

DAVID MENDENHALL

SAM SNELL

DON STEPHENS

GREG STUMPF

LINDA DOUGLAS WILLIAMS

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

Exhibit A

The North 399.26 feet of all that part of lot Four (4) of William and Gershom Jayne's Subdivision part of the Southwest Quarter of the Northwest Quarter of Section Fourteen (14), Township Sixteen (16) North, Range Five (5) West of the Third Principal Meridian that lies West of Peoria Road;

Except and reserving the South 40 feet thereof; also, Excepting and reserving the West 80 feet of the North 150 feet thereof; also, Excepting that part deed for highway purposes; also, Excepting all coal and minerals underlying same.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #17 NAME: John Fulgenzi

DOCKET NUMBER: 2011-041

ADDRESS: 2925 Peoria Road, Springfield, IL 62702

PETITIONER: Steven T. Dunker & Ricky N. McKee

PRESENT ZONING CLASSIFICATION: "B-2" Retail Business District.

REQUESTED ZONING CLASSIFICATION: "B-3" General Business District to allow a pet crematory, boarding and grooming facilities, self service pet wash, retail shop for pet supplies and an apartment with a variance to allow five (5) principal uses on one (1) parcel and a variance to allow an apartment on the first floor in the B-3 zoning district.

AREA: Approximately 1.3 acres

COMMENTS: None

OBJECTORS: Yes

PLANNING COMMISSION RECOMMENDATION: Recommend approval of the B-3 zoning to allow for a pet crematory in conjunction with boarding/grooming facilities, a self service pet wash, a retail pet supply shop and a one-bedroom apartment on the first floor to be limited to use by a staff person while crematory is in use, as stated in the petition. The proposed zoning seems appropriate given the commercial nature of the location and the B-3 zoning immediately adjacent south of the subject property. Recommend approval of the requested variance to allow a dwelling unit on the first floor instead of the required second floor in the B-3 zoning district and the variance to allow five (5)

principal uses on one (1) parcel. Allowing the proposed uses are seen as similar in nature and there is no foreseen negative effect on the immediate area. Also, it is unclear of the regulations related to the proximity of a pet crematory to a residence and more information regarding this issue should be addressed.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval providing that there is no overnight storage/boarding of live pets and that all pets at the location for grooming be kept inside.

Cyndi Knowles
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: **2011-041**
 Steven T. Dunker & Ricky N. McKee)
)
) PROPERTY LOCATED AT:
) **2925 Peoria Road**
) **Springfield, IL 62702**

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 **September 15, 2011** 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: **2925 Peoria Road, Springfield, IL.** and more particularly described as:

See Exhibit A

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3. That the present zoning of said property is **"B-2" Retail Business District.**
4. That the present land use of said property is **a vacant lot.**
5. That the proposed land use of said property is **a pet crematory, boarding and grooming facilities, self service pet wash, retail shop for pet supplies and an apartment on the first floor.**
6. That the requested **rezoning and variances** of said property is **"B-3" General Business District to allow a pet crematory, boarding and grooming facilities, self service pet wash, retail shop for pet supplies and an apartment a variance to allow five (5) principal uses on one (1) parcel and a variance to allow an apartment on the first floor in the B-3 zoning district.**
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 **rezoning and variances** 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 variances providing that there is no overnight storage/boarding of live pets and that all pets at the location for grooming be kept inside be approved.**

Charles Chimento/ck
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 **approved providing that no overnight storage for pets be allowed and while all pets there for grooming be kept inside**, which was duly seconded by **Peggy Egizii**.

The vote of the Board was as follows:

YES: **Charles Chimento, Byron Deaner, Peggy Egizii, Marvin Traylor**

NO: **Judith Johnson**

ABSENT:

Cyndi Knowlton
RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: 2011-041

Address: 2925 Peoria Road

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

To the north is timber. To the east is a church. To the south is a single family residence and two motels. To the west are the State Fairgrounds. Further northeast is a tavern.

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

To the north is Agricultural. To the east is R-1. To the south is B-3. To the west is I-1. Further northeast is B-3.

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

The property is currently vacant and is zoned B-2 Retail Business District. The proposed uses are allowed under the current zoning except for the pet crematory, which is allowed under the B-3 General Business District.

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

The subject property was rezoned to B-2 in 1972. Property to the east was rezoned to R-1 in 1976.

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: 2011-041

Address: 2925 Peoria 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.

The request is made to allow five (5) principal uses on one property. Four (4) of the five (5) proposed uses are similar in nature, which could have a positive economic effect on the property. The request is also made to allow an apartment on the first floor instead of the required second floor. The proposed building is one-story which makes this variance necessary.

- (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.

The property has been vacant for approximately 15-20 years with no development.

- (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 in allowing a pet crematory in conjunction with a one-bedroom apartment, dog boarding and grooming facilities, a self service pet wash, and a retail shop for pet supplies. Also, there is no negative impact anticipated in allowing the one-bedroom apartment on the first floor.