

CASE# 2018-039  
RESOLUTION NUMBER 1-1

**GRANTING A CONDITIONAL PERMITTED USE AND VARIANCES**  
FOR CERTAIN PROPERTY LOCATED AT  
**3204 BISSELL 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 a Conditional Permitted Use and variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

**See Exhibit A**

WHEREAS, the Petitioner, **Jacob Godar**, has petitioned the Sangamon County Board for **a Conditional Permitted Use for a landscaping company with a greenhouse (approximately 400 square feet), a variance to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat, and a variance to allow the side yard setback to be zero (0) feet instead of the required ten (10) feet; and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **September 20, 2018** 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 Conditional Permitted Use and variances; and,**

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

**FILED**

SEP 26 2018

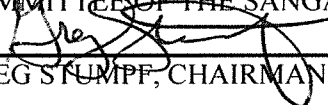
*Don J. King*  
Sangamon County Clerk

**NOW, THEREFORE, BE IT RESOLVED** by the County Board of Sangamon County, Illinois, in session assembled this **9<sup>th</sup> Day of October, 2018** that the requests for a **Conditional Permitted Use for a landscaping company with a greenhouse (limited to 400 square feet), a variance to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat, and a variance to allow the side yard setback to be zero (0) feet instead of the required ten (10) feet on the above described property are hereby approved.**

Signed and passed by the Sangamon County Board in session on this **9<sup>th</sup> day of October, 2018.**

Respectfully submitted,

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

  
\_\_\_\_\_  
GREG STUMPF, CHAIRMAN

\_\_\_\_\_  
DAVID MENDENHALL, VICE CHAIRMAN

\_\_\_\_\_  
CRAIG HALL

\_\_\_\_\_  
SAM SNELL

\_\_\_\_\_  
ABE FORSYTH

\_\_\_\_\_  
JASON RATTS

\_\_\_\_\_  
LINDA DOUGLAS WILLIAMS

\_\_\_\_\_  
ANNETTE FULGENZI

\_\_\_\_\_  
LINDA FULGENZI

\_\_\_\_\_  
LISA HILLS

\_\_\_\_\_  
MIKE SULLIVAN

\_\_\_\_\_  
ROSE RUZIC

**ATTEST:**

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

**EXHIBIT A**

Part of the Northwest Quarter of Section 18, Township 16 North, Range 4 West of the Third Principal Meridian, Sangamon County, Illinois, more particularly described in a warranty deed recorded as document 2016R28249 in the Sangamon County Recorder's Office as follows:

Commencing at the Northwest corner of the Northeast Quarter of the Northwest Quarter of said Section 18; thence Easterly along the North line of said Section 18, a distance of 99.00 feet, thence deflecting to the right 90 degrees 27 minutes 33 seconds a distance of 59.72 feet to the true point of beginning; thence continuing in the same direction, a distance of 352.48; thence deflecting to the right 89 degrees 31 minutes 59 seconds a distance of 341.15; thence deflecting to the right 90 degrees 00 minutes 00 seconds a distance of 274.82 feet; thence deflecting to the right 77 degrees 19 minutes 08 seconds, a distance of 352.68 feet to the true point of beginning.

EXCLUDING the East 109.00 feet thereof.

Containing 70, 308.263 square feet (1.614 acres), more or less.

Parcel Number: 15-18.0-100-026

FS

**RECAP**

(For County Board Use)

COUNTY BOARD MEMBER: #8 NAME: Lori Williams

DOCKET NUMBER: 2018-039

ADDRESS: 3204 Bissell Road, Springfield, IL 62707

PETITIONER: Jacob Godar

PRESENT ZONING CLASSIFICATION: "A" Agricultural District.

REQUESTED ZONING CLASSIFICATION: **Conditional Permitted Use (CPU) for a landscaping company with a greenhouse (approximately 400 square feet), a variance to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat, and a variance to allow the side yard setback to be zero (0) feet instead of the required ten (10) feet.**

AREA: 1.6 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: **Recommend approval of the requested Conditional Permitted Use to allow a landscaping company with a greenhouse limited to 400 square feet. Several other businesses are located in the immediate area and the trees located along the road, overpass, and existing structures on the subject property all minimize the effects the landscaping business will have on the surrounding area. Recommend approval of the requested variances to allow the parking to remain unpaved and the side yard setback to be zero feet. The weight of the tree removal equipment which could tear up a paved surface versus an unpaved surface provides a unique**

circumstance to allow the petitioner to have an unpaved access way and parking. The subject property is also unique in that the parcel to the east of the subject property of what one would assume to be a part of the subject property is located in the City of Springfield, and the existing shop/office building was built on this parcel line so granting the side yard setback variance would bring the existing building into compliance. The Standards for Variation are met.

SANGAMON COUNTY BOARD OF APPEALS  
RECOMMENDATION:

**Approval of Staff Recommendation.**

  
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

|                                     |                              |
|-------------------------------------|------------------------------|
| IN THE MATTER OF THE PETITION OF: ) | DOCKET NO: <b>2018-039</b>   |
| <b>Jacob Godar</b> )                |                              |
| )                                   | PROPERTY LOCATED AT:         |
| )                                   | <b>3204 Bissell Road</b>     |
| )                                   | <b>Springfield, IL 62707</b> |

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 **Conditional Permitted Use 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 20, 2018** 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: **3204 Bissell Road, Springfield, IL 62707** and more particularly described as:

**See Exhibit A**

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- 3. That the present zoning of said property is **“A” Agricultural District.**
- 4. That the present land use of said property is **agricultural ground used for farm storage.**
- 5. That the proposed land use of said property is a **landscaping company with a greenhouse.**
- 6. That the requested **Conditional Permitted Use and variances** of said property is **for a Conditional Permitted Use for a landscaping company with a greenhouse (limited to 400 square feet), a variance to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat, and a variance to allow the side yard setback to be zero (0) feet instead of the required ten (10) feet.**
- 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 **Conditional Permitted Use 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 **Conditional Permitted Use and variances** be **approved.**

  
 CHAIRMAN



MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Larry Beaty**, 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 **Don Wulf**.

The vote of the Board was as follows:

YES: **Charlie Chimento, Tony Mares, Don Wulf, JD Sudeth, Larry Beaty**

NO:

PRESENT:

ABSENT: **Andrew Spiro, Gina Lathan**

  
RECORDING SECRETARY

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

Case #: **2018-039**

Address: **3204 Bissell Road, Springfield**

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.

**A condition is suggested to limit the size of the greenhouse to minimize potential impacts on the character of the surrounding area. The trees located along the road, overpass, and existing structures on the subject property all minimize the effects the landscaping business will have on the character of the surrounding area.**

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

**Yes. A condition has been suggested to limit the size of the greenhouse.**

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

**Negative impacts are not anticipated.**

- (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**

**SANGAMON COUNTY  
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2018-039**

Address: **3204 Bissell 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 petitioner will have tree removal equipment utilizing the access way. If paving is required, continuous damage to the access way and parking could result, thereby reducing the yield of reasonable return the petitioner might expect from the subject property. Granting the variance to allow the side yard setback to be zero feet will bring the existing shop/office building into compliance.**

- (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 weight of the tree removal equipment which could tear up a paved surface versus an unpaved surface provides a unique circumstance to allow the petitioner to have an unpaved access way and parking. The subject property is also unique in that the parcel to the east of the subject property of what one would assume to be a part of the subject property is located in the City of Springfield, and the existing shop/office building was built on this parcel line so granting the side yard setback variance would bring the existing building into compliance.**

- (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.

**Negative impacts are not anticipated in granting the requested variances.**