

CASE# 2009-064
RESOLUTION NUMBER 2-1

GRANTING A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
3000 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 a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **James Ley / Ley Metals Recycling**, has petitioned the Sangamon County Board for a **variance that the County not require the installation of a solid eight (8) foot fence (1167 yards) around the property according to Section 17.38.040 of the County Ordinance;** and

WHEREAS, a public hearing was held at the Sangamon County Building on **May 20, 2010** 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 variance;** and

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

FILED

MAY 26 2010

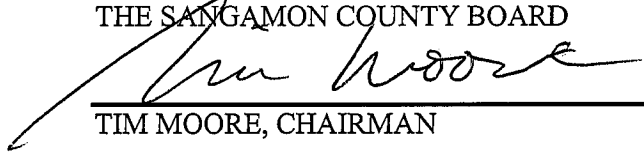
Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 8th day of June, 2010 that the request for a variance that the County not require the installation of a solid eight (8) foot fence (1167 yards) around the property according to Section 17.38.040 of the County Zoning Ordinance on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 8th day of June, 2010.

Respectfully submitted,

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



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

A strip of land located in the Southwest Quarter of the Northwest Quarter of Section 14, Township 16 North, Range 5 West of the Third principal Meridian and particularly described as follows:

Commencing at a steel axle marking the Northeast corner of the Southwest Quarter of the Northwest Quarter of said Section 14; thence West 360.76 feet along the North line of the Southwest Quarter of the Northwest Quarter of said Section 14 to the place of beginning, thence southwardly 445 feet to a point on the North line of Lot 3 of William and Gersham Jayne's Plat of the Southwest Quarter of the Northwest Quarter of Section 14, Township 16 North, Range 5 West of the Third Principal Meridian, which plat is recorded in Deed Record Book 177 at page 260 in the Recorder's Office of Sangamon County, Illinois, as Document No. 116687, the point on the North line of said Lot 3 being 50.15 feet East of the intersection of the North line of said Lot 3 with the centerline of the main track, as now located, of Illinois & Midland Railroad, inc., thence southwardly 445 feet to a point on the South line of said Lot 3 of said William and Gersham Jayne's Plat, said point being 50 feet East of the intersection of the South line of said Lot 3 with the centerline of the main track, as now located, of Illinois & Midland Railroad, Inc., thence eastward 58 feet along the South line of said Lot 3, thence southwardly 444.85 feet to a point on the South line of Lot 2 of William and Gersham Jayne's Plat, thence westward 50 feet along said South line of Lot w, to a point 25 feet East of the intersection of said South line of Lot 2 with the centerline of the main track, as now located, of Illinois & Midland Railroad, Inc., thence northward 443.63 feet to a point on the South line of said Lot 3, said point being 25 feet East of the intersection of the South line of Lot 3 and the centerline of the main track, as now located, of Illinois & Midland Railroad, Inc., thence northward 445 feet, more or less, to a point on the North line of said Lot 3, said point being 25 feet East of the intersection of the North line of Lot 3 with the centerline of the main track, as now located, of Illinois & Midland Railroad, Inc., thence northward 445 feet, more or less, to a point on the North line of the Southwest Quarter of said Section 14, said point being 25 feet East of the intersection of the North line of the Southwest Quarter of the Northwest Quarter of said Section 14 and the centerline of the main track, as now located, of Illinois & Midland Railroad, Inc., thence East 25.15 feet along said North line of the Southwest Quarter of the Northwest Quarter of said Section 14, to the point of beginning.

Subject to any easements and restrictions of record.

Excepting the coal and mineral rights heretofore conveyed away.

Situated in Sangamon County, Illinois.

2-4

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 8 NAME: Jim Good

DOCKET NUMBER: 2009-064

ADDRESS: 3000 Peoria Road, Springfield, IL. 62702

PETITIONER: James Ley / Ley Metals Recycling

PRESENT ZONING CLASSIFICATION: "I-2" General Industrial District

REQUESTED ZONING CLASSIFICATION: "I-2" General Industrial District with a variance that the County not require the installation of a solid eight (8) foot fence (1167 yards) around the property according to Section 17.38.040 of the County Zoning Ordinance.

AREA: 9.09 acres

COMMENTS: None

OBJECTORS: Yes

PLANNING COMMISSION RECOMMENDATION: **Recommend denial of requested variance. Allowing the recycling facility to continue operating while in violation of Sangamon County Ordinance Section 17.38.040 could negatively impact the safety of the surrounding area. The variation, if granted, would negatively impact the visual character of the area and would not protect the residents from highly intensive use as it is intended to do.**

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval


Cyndi Knowles
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS
SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: 2009-064
James Ley / Ley Metals Recycling)
) PROPERTY LOCATED AT:
) 3000 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 a **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 20, 2010** 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: **3000 Peoria Rd., Springfield, IL.** and more particularly described as:

See Exhibit A

- 3. That the present zoning of said property is **"I-2" General Industrial District.**
- 4. That the present land use of said property is **Metal Recycling.**
- 5. That the proposed land use of said property is **"I-2" General Industrial District.**
- 6. That the requested **variance** of said property is that the County not require the installation of a solid eight (8) foot fence (1167 yards) around the property according to **Section 17.38.040 of the County Zoning Ordinance.**
- 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 **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 **variance** 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**, does not 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 **Peggy Egizii**.

The vote of the Board was as follows:

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

NO:

ABSENT:

Cyndi Knowles
RECORDING SECRETARY