

CASE# 2010-039 2-1
RESOLUTION NUMBER

GRANTING A USE VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
1850 S. CAMP BUTLER 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 use variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Elden Clouse**, has petitioned the Sangamon County Board for a **use variance to allow for a mobile home and concrete pumping truck business**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **September 23, 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 use variance**; and

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

FILED

OCT 01 2010

Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 12th day of October, 2010 that the request for a use variance to allow for a mobile home and concrete pumping truck business on the above described property is hereby approved with restrictions (See Exhibit B).

Signed and passed by the Sangamon County Board in session on this 12th day of October 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

Lot Three of the Phillip Ridgeway Estate, being part of the West part of the Northwest Quarter of Section 21, Township 16 North, Range 4 West of the Third Principal Meridian. Reference being had to the Plat of the Estate as recorded in Chancery Record "M", Page 601, Except those portions dedicated or used for public highways.

Except part of Lot 3 in Phillip Ridgeway Estate of the West half of the Northwest Quarter Section 21, Township 16 North, Range 4 West, Third Principal Meridian, Sangamon County, Illinois, described as follows: Commencing at a found disk marking the Northwest corner of said Northwest Quarter; thence South 01 degrees 03 minutes 51 seconds East on the West line of said Northwest Quarter, a distance of 627.33 feet to a point marking the Northwest corner of said Lot 3; thence North 89 degrees 13 minutes 11 seconds East on the North Line of said Lot 3, a distance of 25.00 feet to the point of beginning. From said point of beginning; thence continuing North 89 degrees 13 minutes 11 seconds East, 208.71 feet; thence South 01 degrees 03 minutes 51 seconds East, 208.71 feet to a to a set iron pin; thence South 89 degrees 13 minutes 11 seconds West, 208.71 feet to a set railroad spike; thence North 01 degrees 03 minutes 51 seconds West, 208.71 feet to the point of beginning. As per survey by Hans B. Distlehorst, PLS # 3271, dated January 16, 2009.

And further excepting the following described land Right of way Dedication. Part of Lot 3 in Phillip Ridgeway Estate of the West Half of the Northwest Quarter Section 21, Township 16 North, Range 4 West, Third Principal Meridian, Sangamon County, Illinois, described as follows: Commencing at a found Disk marking the Northwest corner of said Northwest Quarter; thence South 01 degrees 03 minutes 51 seconds East on the west line of said Northwest Quarter, a distance of 627.33 feet to the point of beginning. From said point of beginning; thence North 89 degrees 13 minutes 11 seconds East on the North line of said Lot 3, a distance of 25.00 feet to a set iron pin; thence South 01 degrees 03 minutes 51 seconds East, 208.71 feet; thence South 89 degrees 13 minutes 11 seconds West, 25.00 feet to a point on said West line; thence North 01 degrees 03 minutes 51 seconds west, 208.71 feet to the point of beginning, as per survey by Hans B. Distlehorst, PLS # 3271, dated January 16, 2009.

All except the coal and other minerals underlying the surface of said land and all rights and easements in favor of the estate of said coal and minerals. Situated in Sangamon County, Illinois.

Exhibit B (Part 1)

Recommend approval with restrictions:

- 1) No equipment, trucks or other business equipment remain on the first 436 feet part of the property.**
- 2) Within one (1) year, a building is available to house all the equipment.**
- 3) Building is a maximum to house only what they have now, no additional trucks.**

Exhibit B (Part 2)

RECOMMENDED STANDARDS FOR USE VARIATIONS

Case #: 2010-039

Address: 1850 South camp Butler Road, Springfield, IL. 62707

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.

He has been there for seventeen (17) years, to uproot him and move him out could cause people to be unemployed, and would be a hardship.

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

By moving him to the East he is away from residential area which is on Camp Butler Road, and he is blending in with the trend on the east side of the property.

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

I think we have protected the community on following by putting the restrictions that he has to be 436 feet back and that he has to be within a building.

- (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.

Well, it has been there for seventeen (17) years so I do not know how to answer that question. I think we have taken care of the community by moving the business more adjacent to the trend along US 36.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #9 NAME: Sara Musgrave

DOCKET NUMBER: 2010-39

ADDRESS: 1850 S. Camp Butler Road, Springfield, IL. 62707

PETITIONER: Elden Clouse

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: "A" Agricultural District with a use variance
to allow a mobile home and concrete
pumping truck business.

AREA: 5.26 acres

COMMENTS: Yes

OBJECTORS: Yes

PLANNING COMMISSION RECOMMENDATION: See Exhibit C

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION: Approval/with restrictions.
(See Exhibit B)

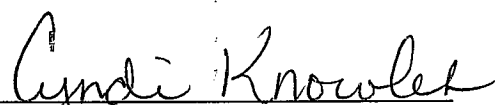

RECORDING SECRETARY

Exhibit C

Staff does not recommend a use variance at this location. While the trend of development along Old Route 36 has seen a commercial trend, the trend of development along Camp Butler Road is residential and the subject property is located directly across the street from cemetery. The standards for use variations have not been met regarding the trend of development in the area and potential negative impact(s) to the area.

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2010-39
Elden Clouse)	
)	PROPERTY LOCATED AT:
)	1850 S. Camp Butler Road,
)	Springfield, IL. 62707

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 **use 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 **September 23, 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: **1850 S. Camp Butler Road, Springfield, IL.** and more particularly described as:

See Exhibit A

- 3. That the present zoning of said property is "A" Agricultural District.
- 4. That the present land use of said property is a mobile home and concrete pumping truck business.
- 5. That the proposed land use of said property is a mobile home and concrete pumping truck business.
- 6. That the requested use variance of said property is to allow for a mobile home and concrete pumping truck 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** support the proposition that the adoption of the proposed use 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 use variance be approved with restrictions (See Exhibit B).

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 with restrictions**, 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