

CASE# 2011-042 2-1
RESOLUTION NUMBER

GRANTING A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
423 NORTH STEPHENS, 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:

Lots 164 & 165 Spaulding Capital Park Addition

WHEREAS, the Petitioner, **Neil Brown**, has petitioned the Sangamon County Board for **a variance to allow two (2) principal uses on one (1) parcel; 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 variance; 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 variance to allow two (2) principal uses on one (1) parcel 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

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #19 NAME: **Rose Ruzic**

DOCKET NUMBER: **2011-042**

ADDRESS: **423 North Stephens, Springfield, IL. 62702**

PETITIONER: **Neil Brown**

PRESENT ZONING CLASSIFICATION: **"R-2" Single Family and Two Family Residence District.**

REQUESTED ZONING CLASSIFICATION: **"R-2" Single Family and Two Family Residence District with a variance to allow two (2) principal uses on one (1) parcel.**

AREA: **9,600 square feet**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION RECOMMENDATION: **Recommend approval of the requested variance. The subject property was originally platted as two separate lots, but was combined, and now contains two principal residential structures. If the parcel was split again back to its original state, then variances would be necessary as it appears that one of the residential structures encroaches over the original lot line. Granting the variance will not alter the character of the area, impair an adequate supply of light and air to adjacent properties, increase traffic, or impair property values.**

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Cyndi Knowles
RECORDING SECRETARY

Approval

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: 2011-042
Neil Brown

)
) PROPERTY LOCATED AT:
) 423 North Stephens
) 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 **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: **423 North Stephens, Springfield, IL.** and more particularly described as:

Lots 164 & 165 Spaulding Capital Park Addition

3. That the present zoning of said property is "**R-2**" **Single Family and Two Family Residence District.**
4. That the present land use of said property is **a duplex and a single family residence with a three (3) car garage.**
5. That the proposed land use of said property is **a duplex and a single family residence with a three (3) car garage.**
6. That the requested **variance** of said property is **a variance to allow two (2) principal uses on one (1) parcel.**
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 /cx
 CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Peggy Egizii**, 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 **Byron Deaner**.

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

SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS

Case #: 2011-042

Address: 423 North Stephens, 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 two principal uses on one property. The property is being used economically as one structure is located on each original platted lot.

- (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 subject property used to be two separate lots when the neighborhood was originally platted, however, it was since combined and cannot be split again without necessary variances because it appears that one of the buildings encroaches over the original lot line.

- (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. Essentially, there is one structure per lot, but since the two original lots were combined, this variance is necessary.