

CASE# 2012-022
RESOLUTION NUMBER 2-1

GRANTING A REZONING AND VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
3210 SANGAMON AVENUE, 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 variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

Lot four (4) in Wanless Ridgewood Addition, except that portion deeded to the State of Illinois in Warranty Deed recorded February 20, 1961 as Document No. 287439. Except all coal and the right to mine and remove same. Situated in Sangamon County, Illinois.

WHEREAS, the Petitioner, **Joe Carter**, has petitioned the Sangamon County Board for a rezoning from **“R-1” Single-Family Residence District and “A” Agricultural District to “B-2” Retail Business District with 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 **June 21, 2012** 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 variance;** and

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

FILED

JUN 28 2012

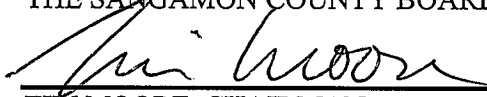
Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 10th day of July, 2012 that the request to rezone from "R-1" Single-Family Residence District and "A" Agricultural District to "B-2" Retail Business District with a variance to allow two (2) principal uses on one (1) parcel on the above referenced property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 10th day of July, 2012.

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

GREG STUMPF

JASON RATTI

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 10 NAME: Jason Ratts

DOCKET NUMBER: 2012-022

ADDRESS: 3210 Sangamon Avenue, Springfield, IL. 62702

PETITIONER: Joe Carter

PRESENT ZONING CLASSIFICATION: "R-1" Single-Family Residence District and "A" Agricultural District.

REQUESTED ZONING CLASSIFICATION: "B-2" Retail Business District with a variance to allow two (2) principal uses on one (1) parcel.
THE PETITIONER AMENDED ON RECORD: The residence will be removed and wishes to continue with the open-air flea market, the back building used as an office for the flea market and retail sales of small portable sheds.

AREA: 7.08 acres

COMMENTS: none

OBJECTORS: none

PLANNING COMMISSION RECOMMENDATION: Recommend denial of the B-2 zoning as it is seen as too intense. Staff believes that a use variance to allow for the flea market may be appropriate at this location as long as the flea market is only open for business on Saturdays and Sundays from 7 am – 3 pm, as stated in the petition. There is a concern with the amount of traffic generated from the proposed use, however, with limited hours the traffic would be minimized. There are currently two single-family residential structures on the property. One is used as an office to the flea market

and one is vacant. The petition states that neither structure can be utilized as a residence due to the poor septic system and non-usable water, however the variance is being requested if septic problem is resolved in the future. Recommend approval of the variance to allow two (2) principal uses, a single-family residence and a flea market on the subject parcel providing that any issues related to the septic and water are repaired prior to the residential structures becoming inhabited.

AMENDED: Due to testimony given, staff recommends approval of the B-2 zoning for this parcel given the fact that he is changing the nature of this property from residential to more B-2 business uses that will continue with the trend of development in the area and that makes the findings of fact having been met in this particular case and approval of the variance for two (2) principal uses.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval of amended petitioner's request and staff's amended recommendation.

Cyndi Knowles
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2012-022
Joe Carter))
)	PROPERTY LOCATED AT:
)	3210 Sangamon Ave.
)	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 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 **June 21, 2012** 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: **3210 Sangamon Ave., Springfield, IL., 62702** and more particularly described as:

Lot four (4) in Wanless Ridgewood Addition, except that portion deeded to the State of Illinois in Warranty Deed recorded February 20, 1961 as Document No. 287439. Except all coal and the right to mine and remove same. Situated in Sangamon County, Illinois.

- 3. That the present zoning of said property is **“R-1” Single-Family Residence District and “A” Agricultural District.**
- 4. That the present land use of said property is **2 single-family residences (1 being used as an office for the flea market), farming and an open-air flea market.**
- 5. That the proposed land use of said property is **an open-air flea market, an office for the flea market and retail sales of small portable buildings.**
- 6. That the requested **rezoning and variance** of said property are **from “R-1” Single-Family Residence District and “A” Agricultural District to “B-2” Retail Business District with 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 **rezoning and 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 **rezoning and variance** be **approved.**

Charles Chimento/cx
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **John Lucchesi**, to concur with the amended findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **approved as amended**, which was duly seconded by **Peggy Egizii**.

The vote of the Board was as follows:

YES: **Charles Chimento, Peggy Egizii, Judith Johnson, John Lucchesi & Don Wulf**

NO:

ABSENT: **Byron Deaner**

Cyndi Knowles

SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS

Case #: 2012-022

Address: 3210 Sangamon Avenue, 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.

There are currently two single-family residential structures on the property and one is vacant, The petition states that neither structure can be utilized as a residence due to the poor septic system and non-usable water. Allowing the flea market could increase the economic yield on the property.

- (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 is 7.08 acres and has two residential structures that cannot be utilized as such due to the septic system and poor water quality. The parcel is large enough to accommodate an open air flea market and single family residence, if the septic system issue is resolved in the future.

- (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 associated with the character of the area or supply of light and air to adjacent property, however there is a concern with the traffic that could be generated in allowing the flea market. Restricting the hours of the flea market to Saturdays and Sundays from 7am-3pm will minimize the traffic impact.

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: 2012-021

Address: 3210 Sangamon Avenue, Springfield

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

To the north is a bowling alley and restaurant. To the west are two single family residences. To the east is a single-family residence. To the south is timber. Further east is a gas station and two restaurants.

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

To the north is I-1 and B-3. To the east and south is R-1. To the west is B-2, B-3 and I-1.

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

The Land Evaluation and Site Assessment score of 153 indicates the property is considered marginal requiring mitigating factors for non-agricultural development.

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

Property to the southwest was rezoned to B-2 in 1992. Property to the west was rezoned to B-3 in 1989. The areas to the west and north have remained commercial in character.

RECOMMENDED STANDARDS FOR USE VARIATIONS

Case #: 2012-022

Address: 3210 Sangamon Avenue, Springfield

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.

The property is zoned residential, however the residential structures located on the property are inhabitable due to a poor septic system.

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

The subject property is located in the vicinity of commercial uses, specifically to the west and north.

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

Allowing an open air flea market at this location could benefit the community, especially given the size of the parcel and location.

- (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.

No negative impacts are anticipated in allowing the proposed use, however there is a concern with the amount of traffic that could be generated with a flea market. Restricting the hours of the flea market to Saturdays and Sundays from 7am-3pm will minimize the traffic impact.

LAND EVALUATION AND SITE ASSESSMENT

Part 1: Site Assessment

Available
Points PointsAGRICULTURAL/RURAL LAND WITHIN .5 MILE

90% or more	20	
75-89%	10	0
50-74%	5	
Under 50%	0	

CONTIGUOUS AGRICULTURAL/RURAL LAND

90% or more	20	
75-89%	10	0
50-74%	5	
Under 50%	0	

PERCENTAGE OF SITE AGRICULTURAL/RURAL

75-100%	10	
50-74%	5	5
Under 50%	0	

COUNTY SECTOR

Rural	20	
0.5 mile from incorporated area	10	0
Incorporated area	0	

SOIL WITH SEVERE RESTRICTIONS FOR ON-SITE WASTE DISPOSAL

75% or more	20	
50-74%	10	20
25-49%	5	
Less than 25% or sewer available	0	

ENVIRONMENTAL IMPACT OF PROPOSED USE

Negative impact	15	
Little or none with protective measures	5	0
Little or none	0	

IMPACT ON UNIQUE HISTORICAL/CULTURAL FEATURES

Negative impact	10	0
No impact	0	

CONDITION OF ROAD

unpaved, <40' ROW, or < 16' pavement	20	
16'-18' pavement, 40' ROW	15	0
18'-20' pavement, 40' ROW	10	
> 20' pavement, 40' ROW or County or State Highway	0	

<u>AVAILABILITY OF PUBLIC SEWER</u>		
Not available	15	
Sewer over 600'-1200' away	8	15
Private central sewage system	5	
Sewer 600' or less away and available	0	

<u>AVAILABILITY OF PUBLIC WATER</u>		
Not available	20	
1,000-1,500' away	15	20
Less than 1,000' away	5	
Public water available at site	0	

<u>DISTANCE FROM RESPONDING FIREHOUSE</u>		
Not in fire protection district	20	
More than 5 miles or fire protection by assignment	10	0
2.6-5 miles	5	
0-2.5 miles	0	

<u>DRIVING TIME TO HIGH SCHOOL</u>		
Over 30 minutes	10	
15-30 minutes	5	0
Less than 15 minutes	0	

SITE ASSESSMENT TOTAL	60
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Part 2: Agricultural Land Evaluation (Based on Sangamon County Soil Survey)

<u>Soil</u>	<u>Name</u>	<u>Type</u>	<u>%</u>	<u>Relative Value</u>	<u>Points</u>
198A	Elburn	P		100	
199A	Plano	P		100	
43A	Ipava	P		100	
7148A	Proctor	P		100	
46A	Herrick	P		100	
7037A	Worthen	P		100	
705A	Buckhart	P		98	
199B	Plano	P		98	
36B	Tama	P		98	
244A	Hartsburg	P2	95	98	93
257A	Clarksdale	P2		98	
68A	Sable	P2		87	
679B	Blackberry	P		87	
705B	Buckhart	P		87	
86B	Oscos	P		87	
684B	Broadwell	P		87	
50A	Virden	P2		87	
712A	Spaulding	P2		87	
127B	Harrison	P		87	

Parcel # 14-24-203-006

Case # 2012-022 _____

3077A	Huntsville	P3	87
138A	Shiloh	P2	87
249A	Edinburg	P2	87
242A	Kendall	P2	87
7242A	Kendall	P2	87
134A	Camden	P	87
17A	Keomah	P2	87
3451A	Lawson	P3	75
3107A	Sawmill	P5	75
7075B	Drury	P	75
8396A	Vesser	P2	75
3074A	Radford	P3	75
3073A	Ross	P3	75
3284A	Tice	P3	75
279B	Rozetta	P	75
45A	Denny	P2	75
134B	Camden	P	75
112A	Cowden	P2	75
685B	Middletown	P	75
3405A	Zook	P5	75
131C2	Alvin	P	75
86C2	Osco	I	74
36C2	Tama	I	74
684C2	Broadwell	I	74
119C2	Elco	I	74
119D	Elco	I	74
127C2	Harrison	I	74
119D2	Elco	I	74
567C2	Elkhart	I	74
134C2	Camden	I	74
259C2	Assumption	I	74
685C2	Middletown	I	74
280D2	Fayette	I	74
280C2	Fayette	I	72
119D3	Elco	N	74
259D2	Assumption	I	74
212C2	Thebes	I	74
630C2	Navlys	I	74
630D2	Navlys	I	74
630D3	Navlys	I	57
131D2	Alvin	I	57
8D	Hickory	I	50
8D2	Hickory	I	50
280D3	Fayette	I	44
8D3	Hickory	I	44
8F	Hickory	N	44
549G	Marseilles	N	0
533	Urban Land	N	
536	Dumps	N	
830	Orthents, Land	N	
862	Pits, Sand	N	
864	Pits, Quarries	N	
801C	Orthents, Silty	N	
W	Water		

Parcel # 14-24-203-006

Case # 2012-022 _____

Prime/Important Farmlands Designations:

P: Prime farmland

P2: Prime where drained

P3: Prime where protected from flooding or flooding is less often than once in two years during the growing season.

P5: Prime where drained and either protected from flooding or flooding is less often than once in two years during the growing season.

I: Important farmland

N: Not Prime/Important Farmland

AGRICULTURAL LAND EVALUATION TOTAL	93
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GRAND TOTAL	153
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Fewer than 150 points shall be deemed acceptable for non-agricultural development.

From 150 - 175 points is considered marginal requiring mitigating factors for non-ag development.

Greater than 175 points shall be considered suitable for agricultural use only.