

CASE# 2012-056
RESOLUTION NUMBER 2-1

GRANTING A USE VARIANCE AND VARIANCE

FOR CERTAIN PROPERTY LOCATED AT

3298 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 use variance and variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See **EXHIBIT A**

WHEREAS, the Petitioner, **Patrick W. Knox**, has petitioned the Sangamon County Board for a **rezoning from "A" Agricultural District to "B-3" General 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 **December 20, 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 **deny the rezoning, but in the alternative, grant a use variance to allow the Auto Detail Shop and a variance to allow two (2) principle uses of single-family residence and auto detail shop on the parcel, providing that there are no additional non-owner employees, hours of operation are limited to 7:00 A.M. to 6:00 P.M. daily and there be no sign larger than the existing sign already on the property; and**

FILED

DEC 27 2012

Jae Aiello
Sangamon County Clerk

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

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 8th day of January, 2013 that the request to rezone from "A" Agricultural District to "B-3" General Business District is hereby denied, but in the alternative, a use variance to allow the Auto Detail Shop and a variance to allow two (2) principle uses of a single-family residence and auto detail shop on the parcel, providing that there are no additional non-owner employees, hours of operation are limited to 7:00 A.M. to 6:00 P.M. and there be no sign larger than the existing sign already on the property on the above referenced property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 8th day of January, 2013.

Respectfully submitted,

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

GREG STUMPF, CHAIRMAN



DAVID MENDENHALL, VICE CHAIRMAN

JOHN FULGENZI

LINDA FULGENZI

SAM SNELL

ABE FORSYTH

JASON RATTS

LINDA DOUGLAS WILLIAMS

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

Part of the Northeast Quarter of the Northwest Quarter of Section 18, Township 16 North, Range 4 West of the Third Principal Meridian, more particularly described as follows: Commencing at the Northeast corner of the Northwest Quarter of said Section 18, thence West 901.83 feet to an iron pin being the point of beginning; thence South 20 feet to an iron pin, thence continuing South 120 feet to an iron pin; thence West 150 feet to an iron pin; thence North 120 feet to an iron pin; thence continuing North 20 feet to an iron pin; thence East 150 feet to the point of beginning.

Except all coal, minerals and mining rights heretofore conveyed or reserved of record.

Situated in Sangamon County, Illinois.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 8 NAME: **Jim Good**

DOCKET NUMBER: **2012-056**

ADDRESS: **3298 Bissell Road, Springfield, IL 62707**

PETITIONER: **Patrick W. Knox**

PRESENT ZONING CLASSIFICATION: **"A" Agricultural District**

REQUESTED ZONING CLASSIFICATION: **A rezoning from "A" Agricultural District to "B-3" General Business District with a variance to allow two (2) principal uses on one (1) parcel.**

AREA: **.48 acre**

COMMENTS: **None**

OBJECTORS: **1 written objection**

PLANNING COMMISSION RECOMMENDATION: **Recommend denial of the requested B-3 zoning as it is seen as too intense and commercial zoning would not be consistent with the immediate area. The Land Evaluation and Site Assessment score of the 138 indicates the property is deemed acceptable for non-agricultural development, which supports the current use, however, staff recognizes that agricultural zoning is not seen as acceptable on this particular parcel and rezoning to R-1 Single-Family Residence District is recommended for future consideration. Staff does recommend that a use variance be appropriate for the subject parcel to allow the existing auto detailing shop to continue operating, with the stipulation that there are no additional non-owner employees and the hours remain 7 A.M. to 6 P.M. daily, as stated in the petition.**

Furthermore, staff does not recommend a sign be constructed on the property due to the precedent that has been set by the County Board regarding signage. Recommended approval of the requested variance. The standards for variation have been met.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Cyndi Knowles
RECORDING SECRETARY

Approval as staff recommended.

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: **2012-056**
 Patrick W. Knox)
)
) PROPERTY LOCATED AT:
) **3298 Bissell Rd.**
) **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 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 **December 20, 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: **3298 Bissell Rd., Springfield, IL** 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 a **single-family residence, auto detail shop and two by two (2x2) sign.**
5. That the proposed land use of said property is a **single-family residence, auto detail shop and four by eight (4x8) sign.**
6. That the requested **rezoning** of said property is from "A" Agricultural District to "B-3" General Business District with a variance to allow two (2) principal uses on one (1) parcel to allow for a **single-family residence and auto detail shop.**
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 not** 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 **denial of rezoning; but in the alternative, a use variance and the variance be approved provided there are no additional non-owner employees, the hours of operation are limited to 7A.M. to 6 P.M. daily and that there be no sign any larger than the existing sign on the property.**

Charles Chimento/ce
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Bryon Deaner**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **denial of rezoning; but in the alternative, a use variance and the variance be approved provided there are no additional non-owner employees, the hours of operation are limited to 7A.M. to 6 P.M. daily and that there be no sign any larger than the existing sign on the property, which was duly seconded by John Lucchesi.**

The vote of the Board was as follows:

YES: **Charles Chimento, Byron Deaner, Peggy Egizii, John Lucchesi**

NO:

ABSENT: **Judith Johnson, Don Wulf, Janet Dobrinsky**

Cyndi Knowles
RECORDING SECRETARY