

CASE# 2011-029
RESOLUTION NUMBER 3-1

DENYING A VARIANCE
GRANTING A USE VARIANCE AND VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
5380 W. WASHINGTON, 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 **deny an amendment, 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, **Peter C. Houser**, has petitioned the Sangamon County Board for a rezoning from "A" Agricultural District to "I-1" Restricted Industrial District to allow for a single family residence, farmland, and a contractor's office, shop and yard to include outside storage with a variance to allow two (2) principal uses on one (1) parcel and a variance to allow a residence in the "I-1" Restricted Industrial District; and

WHEREAS, a public hearing was held at the Sangamon County Building on **June 16, 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 **deny the rezoning but, in the alternative, grant a use variance and variance to allow a contractor's office, shop and yard with inside storage of the contractors equipment and materials, as well as, a variance to allow two (2) principal uses on one (1) parcel; and**

FILED

JUN 29 2011

Joe 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 12th day of July, 2011 that the request for a rezoning from "A" Agricultural District to "I-1" Restricted Industrial District to allow for a single family residence, farmland, and a contractors office, shop and yard to include outside storage be denied, but in the alternative, a use variance to allow a contractor's office, shop and yard with inside storage of the contractor's equipment and materials and 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 12th day of July, 2011.

Respectfully submitted,

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

Tim Moore by CK
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 6 of the Northeast Quarter of Section 34, Township 16 North,
Range 6**

West of the Third Principal Meridian, Excepting therefrom that part described as: Commencing at the Northeast corner of Lot 6, then Southerly 350 feet to the point of beginning, thence Westerly on a line parallel to the North line of said Lot 6 a distance of 100 feet, thence Southerly on a line parallel to the east line of said Lot 6 to the South line of Lot 6, thence Easterly 100 feet to the East line of said Lot 6, thence North on the East line of said Lot 6 to the point of beginning.

Except all coal and mining rights, and reserving one-half of all oil and gas (as excepted and reserved by Grantors in Warranty Deed dated May 24, 1945, and recorded June 12, 1945, as Document 209622, in which Charles Maynard Bandy and Evelyn Bandy were Grantees). For further description of said Lots reference is hereby made to the Plat in the partition of the estate of Johnson Baldwin, deceased, recorded in the Circuit Clerk's Office of Sangamon County, Illinois in Chancery Record 5, Page 533.

Situated in Sangamon County, Illinois

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #27 NAME: Abe Forsyth

DOCKET NUMBER: 2011-029

ADDRESS: 5380 W. Washington, Springfield, IL 62707

PETITIONER: Peter C. Houser

PRESENT ZONING CLASSIFICATION: "A" Agricultural District.

REQUESTED ZONING CLASSIFICATION: "I-1" Restricted Industrial District to allow for a single family residence, farmland, and a contractors office, shop and yard to include outside storage with a variance to allow two (2) principal uses on one (1) parcel and a variance to allow a residence in the "I-1" Restricted Industrial District.

AREA: 9.56 acres

COMMENTS: None

OBJECTORS: Yes

PLANNING COMMISSION RECOMMENDATION: Recommend denial of the spot I-1 zoning. Although the LESA score of 131 indicates the property is acceptable for non-agricultural development, I-1 zoning is seen as too intense in the immediate area. Staff does not recommend a use variance for a contractor's office, shop and yard with outside storage of heavy material and equipment as it could have a negative visual effect to the surrounding area. However, to be consistent with previous cases, a use variance for a contractor's office, shop and yard with inside storage is recommended. Staff recommends denial of the variance request to allow a residence in the "I-1" Restricted Industrial district as it is not needed if the recommendation of a use variance is approved. Staff

recommends approval of the variance request to allow two (2) uses on one (1) parcel to allow the single-family residence and the contractor's office, shop and yard with inside storage if the recommendation of the use variance is approved.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Deny the I-1 zoning, but in the alternative, grant a use variance to allow a contractor's office, shop and yard with inside storage of the contractor's equipment and materials and a variance to allow two (2) principal uses on one (1) parcel.



RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2011-029
Peter C. Houser)	
)	PROPERTY LOCATED AT:
)	5380 W. Washington,
)	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 **June 16, 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: **5380 W. Washington, 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 **single family residence and farmland.**
- 5. That the proposed land use of said property is **single family residence, farmland, and a contractor's office, shop and yard to include outside storage.**
- 6. That the requested rezoning of said property is "I-1" Restricted Industrial District **to allow for a single family residence, farmland, and a contractor's office, shop and yard to include outside storage.**
- 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 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 be **denied, but in the alternative, a use variance to allow a contractor's office, shop and yard with inside storage of the contractor's equipment and materials, and a variance to allow two (2) principal uses on one (1) parcel be approved as staff recommended.**

Charles Chimento /ck
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Byron 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 **denied, but in the alternative, a use variance to allow a contractor's office, shop and yard with inside storage of the contractor's equipment and materials, and a variance to allow two (2) principal uses on one (1) parcel be approved as staff recommended** which was duly seconded by **John Luchessi**.

The vote of the Board was as follows:

YES: **Charles Chimento, Byron Deaner, John Luchessi**

NO: **Judith Johnson, Marvin Traylor**

ABSENT: **Peggy Egizii**

Cyndi Knowles
RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: 2011-029

Address: 5380 W. Washington

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

The area is surrounded by single family residences, pasture and cropland.

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

The property is surrounded by agricultural zoning.

- (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 131 indicates the property is deemed acceptable for non-agricultural development.

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

The area has remained agricultural in character with single family residences built in the immediate area.

RECOMMENDED STANDARDS FOR USE VARIATIONS

Case #: 2011-029

Address: 5380 W. Washington

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.

There does not appear to be hardship regarding the use of this property since a single family residence is being constructed in this agricultural district.

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

The area has remained agricultural in character and there have been numerous single family residences constructed in the area.

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

There does not appear to be a benefit to the community in having a contractor's office, shop and yard with outside storage at this location. However, the parcel is large enough to have a single family residence and contractor's office, shop and yard with inside storage only.

- (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.

There is a concern with the essential character of the locality to allow outside storage of contractor's heavy equipment. Therefore, inside storage is strongly recommended at this location.

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: 2011-029

Address: 5380 W. Washington

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 is a single family residence being constructed on the property thus being used economically.

- (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.

There do not appear to be any unique circumstances to this property as compared to other property in the immediate area.

- (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.

There is a concern in allowing a contractor's office, shop and yard with outside storage and the general aesthetics of the surrounding area. Storing equipment and materials inside only would address this concern.

LAND EVALUATION AND SITE ASSESSMENT

Part 1: Site Assessment

	Available Points	Points
<u>AGRICULTURAL/RURAL LAND WITHIN .5 MILE</u>		
90% or more	20	
75-89%	10	5
50-74%	5	
Under 50%	0	
<u>CONTIGUOUS AGRICULTURAL/RURAL LAND</u>		
90% or more	20	
75-89%	10	0
50-74%	5	
Under 50%	0	
<u>PERCENTAGE OF SITE AGRICULTURAL/RURAL</u>		
75-100%	10	
50-74%	5	5
Under 50%	0	
<u>COUNTY SECTOR</u>		
Rural	20	
0.5 mile from incorporated area	10	10
Incorporated area	0	
<u>SOIL WITH SEVERE RESTRICTIONS FOR ON-SITE WASTE DISPOSAL</u>		
75% or more	20	
50-74%	10	5
25-49%	5	
Less than 25% or sewer available	0	
<u>ENVIRONMENTAL IMPACT OF PROPOSED USE</u>		
Negative impact	15	
Little or none with protective measures	5	0
Little or none	0	
<u>IMPACT ON UNIQUE HISTORICAL/CULTURAL FEATURES</u>		
Negative impact	10	
No impact	0	0
<u>CONDITION OF ROAD</u>		
unpaved, <40' ROW, or < 16' pavement	20	
16'-18' pavement, 40' ROW	15	15
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	15
Sewer over 600'-1200' away	8	
Private central sewage system	5	
Sewer 600' or less away and available	0	

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

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

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

SITE ASSESSMENT TOTAL	55
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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		98	
257A	Clarksdale	P2		98	
68A	Sable	P2		87	
679B	Blackberry	P		87	
705B	Buckhart	P		87	
86B	Osco	P		87	
684B	Broadwell	P		87	
50A	Virden	P2		87	
712A	Spaulding	P2		87	
127B	Harrison	P		87	
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	20	87	17
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	47	75	35
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	32	74	24
134C2	Camden	I		74	
259C2	Assumption	I		74	
685C2	Middletown	I		74	
280D2	Fayette	I		74	
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				

Prime/Important Farmlands Designations:

P: Prime farmland

P2: Prime where drained

Parcel # 13-34-200-050

Zoning Case # 2011-029

314

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

76

GRAND TOTAL

131

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.