

CASE# 2012-039
RESOLUTION NUMBER 3-1

GRANTING A REZONING
FOR CERTAIN PROPERTY LOCATED AT
2348 SANDHILL RD., 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** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See **EXHIBIT A**

WHEREAS, the Petitioner, **Joseph Chernis**, has petitioned the Sangamon County Board for a **rezoning from "A" Agricultural District to "B-3" General Business District**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **September 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 **grant an amendment**; and

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

FILED

SEP 26 2012


Joe Diello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 9th day of October, 2012 that the request to rezone from "A" Agricultural District to "B-3" General Business District on the above referenced property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 9th day of October, 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 RATTS

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

Parcel 1

PART OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 16 NORTH, RANGE 5 WEST OF THE THIRD PRINCIPAL MERIDIAN IN SANGAMON COUNTY ILLINOIS, DESCRIBED MORE PARTICULARLY AS FOLLOWS: COMMENCING AT AN IRON PIN MARKING THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE AFOREMENTIONED SECTION 12, THENCE SOUTH 89 DEGREES 59 MINUTES 58 SECONDS WEST ALONG THE SECTION LINE A DISTANCE OF 296.78 FEET MEASURED, (300.00 FEET DEED) TO THE FORMER EAST RIGHT OF WAY LINE OF THE CHICAGO AND ALTON RAILROAD, THENCE SOUTH 27 DEGREES 14 MINUTES 12 SECONDS WEST ALONG SAID FORMER EAST RIGHT OF WAY LINE A DISTANCE OF 300.00 FEET TO AN IRON PIPE MARKING THE TRUE POINT OF BEGINNING, THENCE CONTINUING SOUTH 27 DEGREES 14 MINUTES 12 SECONDS WEST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 541.50 FEET TO AN IRON PIPE, THENCE SOUTH 89 DEGREES 59 MINUTES 58 SECONDS WEST 282.25 FEET TO AN IRON PIPE ON THE EAST RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD, SAID PIPE MARKS THE BEGINNING OF A 5779.65 FOOT RADIUS, NON-TANGENT CURVE TO THE LEFT, THENCE NORTHEASTERLY 724.86 FEET ALONG SAID RIGHT OF WAY WITH SAID CURVE HAVING A LONG CHORD THAT BEARS NORTH 11 DEGREES 08 MINUTES 08 SECONDS EAST FOR A DISTANCE OF 724.39 FEET TO AN IRON PIPE ON THE SOUTH RIGHT OF WAY LINE OF SANDHILL ROAD, THENCE NORTH 88 DEGREES 16 MINUTES 52 SECONDS EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 54.86 FEET, THENCE SOUTH 82 DEGREES 16 MINUTES 19 SECONDS EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 166.13 FEET TO AN IRON PIPE, THENCE SOUTH 27 DEGREES 14 MINUTES 12 SECONDS WEST 177.33 FEET TO AN IRON PIPE, THENCE SOUTH 62 DEGREES 45 MINUTES 48 SECONDS EAST 247.25 FEET MEASURED, (255 FEET DEED) TO THE TRUE POINT OF BEGINNING. SAID PARCEL CONTAINS 5.183 ACRES, MORE OR LESS.

PARCEL 2

PART OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 16 NORTH, RANGE 5 WEST OF THE THIRD PRINCIPAL MERIDIAN IN SANGAMON COUNTY ILLINOIS, DESCRIBED MORE PARTICULARLY AS FOLLOWS: COMMENCING AT AN IRON PIN MARKING THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE AFOREMENTIONED SECTION 12, THENCE SOUTH 89 DEGREES 59 MINUTES 58 SECONDS WEST ALONG THE SECTION LINE A DISTANCE OF 296.78 FEET MEASURED, (300.00 FEET DEED) TO THE FORMER EAST RIGHT OF WAY LINE OF THE CHICAGO AND ALTON RAILROAD, THENCE SOUTH 27 DEGREES 14 MINUTES 12 SECONDS WEST ALONG SAID FORMER EAST RIGHT OF WAY

LINE A DISTANCE OF 841.50 FEET TO AN IRON PIPE MARKING THE TRUE POINT BEGINNING, THENCE CONTINUING SOUTH 27 DEGREES 14 MINUTES 12 SECONDS WEST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 920.59 FEET TO AN IRON PIPE, THENCE SOUTH 12 DEGREES 37 MINUTES 49 SECONDS WEST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 400.62 FEET TO AN IRON PIN ON THE NORTHEASTERLY RIGHT OF WAY LINE OF DIRKSEN PARKWAY, THENCE NORTH 56 DEGREES 07 MINUTES 44 SECONDS WEST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 161.87 FEET TO AN IRON PIPE ON THE EASTERLY RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD, THENCE NORTH 12 DEGREES 37 MINUTES 49 SECONDS EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 253.01 FEET TO AN IRON PIPE MARKING THE BEGINNING OF A 5779.65 FOOT RADIUS, NON-TANGENT CURVE TO THE LEFT, THENCE NORTHEASTERLY 925.36 FEET ALONG SAID RIGHT OF WAY LINE WITH SAID CURVE HAVING A LONG CHORD THAT BEARS NORTH 19 DEGREES 18 MINUTES 55 SECONDS EAST FOR A DISTANCE OF 924.38 FEET TO AN IRON PIPE, THENCE NORTH 89 DEGREES 59 MINUTES 58 SECONDS EAST 282.25 FEET TO THE TRUE POINT OF BEGINNING. SAID PARCEL CONTAINS 5.002 ACRES, MORE OR LESS.

RECAP

(For County Board Use)

COUNTY BOARD MEMBER: # 08 NAME: **Jim Good**

DOCKET NUMBER: 2012-039

ADDRESS: 2348 Sandhill Rd., Springfield, IL. 62707

PETITIONER: **Joseph Chernis**

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

REQUESTED ZONING CLASSIFICATION: **"B-3" General Business District for proposed Parcel One (1) to allow a division of approximately five (5) plus acres off the existing parcel to be combined with an adjacent parcel, and a variance of proposed Parcel Two (2) to allow the lot depth to be greater than two and one-half (2 ½) the lot width.**

AMENDED BY PETITIONER: No longer wishes to divide the parcel, wants to combine entire parcel with adjacent parcel, amendment still required.

AREA: **8.8 acres**

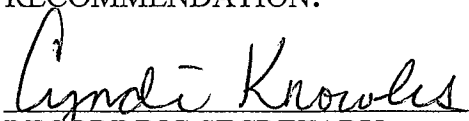
COMMENTS: **None**

OBJECTORS: **No**

PLANNING COMMISSION RECOMMENDATION: **Recommend approval of the requested zoning. Due to nature of the trend of development in the area and the "B-3" zoning to the west, is seen as an appropriate request.**

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval as amended.


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS
SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: **2012-039**
Joseph Chernis)
)
) PROPERTY LOCATED AT:
) **2348 Sandhill Rd.,**
) **Springfield, IL. 62707**

RECOMMENDATION OF THE BOARD OF APPEALS

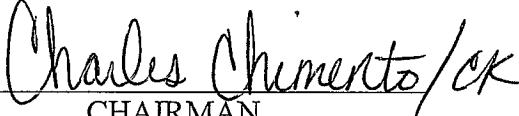
THIS MATTER, Coming on for a hearing before the Sangamon County Zoning Board of Appeals of Sangamon County, Illinois, and it appearing to said Board that a petition for an **amendment** of the Zoning Regulations of said County has been filed herein by the above captioned petitioner (s); that legal publication has been made pursuant to law; and that a public hearing was held on **September 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: **2348 Sandhill Rd., Springfield, IL. 62707** and more particularly described as:

See **EXHIBIT A**

- 3. That the present zoning of said property is "**A**" **Agricultural**.
- 4. That the present land use of said property is a **shop building**.
- 5. That the proposed land use of said property is a **shop building**.
- 6. That the requested **amendment** of said property is **from "A" Agricultural District to "B-3" General Business District**.
- 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 **amendment** 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 **amendment** be **granted**.


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 **Janet Dobrinsky**.

The vote of the Board was as follows:

YES: **Charles Chimento, Peggy Egizii, Judith Johnson, John Lucchesi, Janet Dobrinsky**

NO:

ABSENT: **Byron Deaner, Don Wulf**


RECORDING SECRETARY

SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT

Case #: 2012-039

Address: 2348 Sandhill Road, Springfield

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

To the north is a single family residence and a trailer repair business. To the east is vacant and a commercial business. To the south is a storage facility. To the west is a fuel station, concrete recycling business and a contractor's storage building.

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

To the north is I-1 and R-1. To the east is Agricultural and I-1. To the west is City R-1. To the south is R-1.

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

The property the petitioner is requesting to rezone has a storage building that is under construction that was built inadvertently across the adjacent property line. The parcel is located in an urbanized area and Agricultural zoning is not seen as suitable.

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

Property to the north was rezoned to I-1 in 2007. Property to the south was rezoned to I-1 in 1988. Property to the west was rezoned to B-3 in 1997. Property to the northeast was rezoned to I-1 in 2008.

SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS

Case #: 2012-039

Address: 2348 Sandhill Road, 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 variance request applies to the parcel to the south that will be created as a result of the division. Creating the new parcel will maximize the economic return on both parcels.

- (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 parcel has an odd configuration in relation to other property in the area and the petitioner is requesting to combine the remainder of the parcel with an adjacent parcel to the west.

- (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 in allowing the requested division.