

FILED

DEC 27 2012

Joe Aiello
Sangamon County Clerk

CASE# 2012-057
RESOLUTION NUMBER 3-1

GRANTING A USE VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
729 EAST ANDREW RD., ANDREW
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** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See **EXHIBIT A**

WHEREAS, the Petitioner, **Nicholas Randall Skaggs II, Rev Trust- Nicholas R. Skaggs II, Trustee**, has petitioned the Sangamon County Board for a **rezoning from "R-1" Single-family Residence District to "B-2" Retail Business District and a Conditional Permitted Use to allow for public and private storage to allow the two garages to be used for rental storage of vehicles; 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 limited to the two (2) existing structures to allow rental storage of vehicles with hours not to exceed 8 A.M. to 5 P.M. daily; employees limited to the owner and his son; all storage would be inside except the outside storage of no more than one (1) vehicle for a period of**

not greater than a (24) hour time period , no signage and, that screening requirements of Section 17.51 of the Sangamon County Zoning Ordinance be met at time of the issuance of an occupancy permit for a single-family residence on the adjacent parcel to the west; and

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

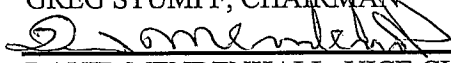
NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 8th day of January, 2013 that the request to rezone the property from "R-1" Single-Family Residence District to "B-2" Retail Business District be denied, but in the alternative, a use variance limited to the two (2) existing structures to allow rental storage of vehicles with hours not to exceed 8 A.M. to 5 P.M. daily; employees limited to the owner and his son; all storage would be inside except the outside storage of no more than one (1) vehicle for a period of not greater than a twenty-four (24) hour time period , no signage and that screening requirements of Section 17.51 of the Sangamon County Zoning Ordinance be met at time of the issuance of an occupancy permit for a single-family residence on the adjacent parcel to the west 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

The south $\frac{1}{2}$ of the east 102.94 feet of the west 1235.28 feet of the south 423.16 feet of the southwest quarter or the northeast quarter of section 27 township 17 n range 5 west of the 3rd principle meridian except the south 30 feet thereof.

Except all mining rights hereto convey or reserved of record.

Situated in Sangamon, County.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 2 NAME: Todd Smith

DOCKET NUMBER: 2012-057

ADDRESS: 729 East Andrew Rd., Andrew, IL 62707

PETITIONER: Nicholas Randall Skaggs II, REV Trust, Nicholas R. Skaggs, II Trustee

PRESENT ZONING CLASSIFICATION: "R-1" Single-Family Residence District

REQUESTED ZONING CLASSIFICATION: "B-2" Retail Business District with a
Conditional Permitted Use to allow for
public and private storage of vehicles.

AREA: .5 acre

COMMENTS: 1 written support petition

OBJECTORS: Yes and 1 written objection letter

PLANNING COMMISSION RECOMMENDATION: **Recommend denial of the requested B-2 zoning as it is seen as too intense for the immediate area. Allowing a spot of commercial zoning in this residential area is not recommended. Staff recommends a use variance, limited to the two existing structures, to allow rental storage of vehicles is appropriate given the current use of the property is two garage structures and it is unlikely the property will be developed as single-family residential. There are no negative impacts anticipated related to the character of the area, light and air to adjacent properties, impaired property values or traffic congestion, however, it is recommended that restrictions be placed on the request that hours are 8 A.M. – 5 P.M. daily, employees are limited to the owner and his son, and all storage will be inside with the exception of an**

occasional truck or trailer, as stated in the petition. Additionally, no signage is recommended given the precedent the County Board has set regarding signage.

AMENDED: Denial of rezoning but, in the alternative, grant a use variance limited to the 2 existing structures to allow rental storage of vehicles with hours not to exceed 8 A.M. – 5 P.M. daily, employees limited to the owner and his son, all storage would be inside except outside storage of 1 vehicle not to exceed a 24 hour time period and no signage.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Adopt staff recommendation as amended and, in addition, that screening requirements of Section 17.51 of the Sangamon County Zoning Ordinance be provided at the time of issuance of an occupancy permit for a single-family residence on the adjacent property to the west.


Cyndie Knowles
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

| | |
|-------------------------------------------------|----------------------------|
| IN THE MATTER OF THE PETITION OF:) | DOCKET NO: 2012-057 |
| Nicholas Randall Skaggs, II, REV Trust) | |
| Nicholas R. Skaggs, II Trustee) | PROPERTY LOCATED AT: |
|) | 729 East Andrew Rd. |
|) | Andrew, 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 conditional permitted use** 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: **729 East Andrew Rd., Andrew, IL** and more particularly described as:

See **EXHIBIT A**

- 3. That the present zoning of said property is **"R-1" Single-Family Residence District.**
- 4. That the present land use of said property is **2 garages.**
- 5. That the proposed land use of said property is **2 garages to be used for rental storage of vehicles.**
- 6. That the requested **rezoning and Conditional Permitted Use** of said property are from **"R-1" Single-Family Residence District to "B-2" Retail Business District and a Conditional Permitted Use to allow for public and private storage to allow the two garages to be used for rental storage of vehicles.**
- 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 Conditional Permitted Use** 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 Conditional Permitted Use** be **denied but, in the alternative, a use variance limited to the 2 existing structures to allow rental storage of vehicles with hours not to exceed 8 A.M. to 5 P.M. daily, employees limited to the owner and his son, all storage would be inside except outside storage of 1 vehicle not to exceed a 24 hour time period, no signage and the screening requirements of Section 17.51 of the Sangamon County Zoning Ordinance be provided at time of issuance of an occupancy permit for a Single-Family Residence on the adjacent property to the west.**

Charles Chimento/ck
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **John Lucchesi**, 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 limited to the 2 existing structures to allow rental storage of vehicles with hours not to exceed 8 A.M. to 5 P.M. daily, employees limited to the owner and his son, all storage would be inside except outside storage of 1 vehicle not to exceed a 24 hour time period, no signage and the screening requirements of Section 17.51 of the Sangamon County Zoning Ordinance be provided at time of issuance of an occupancy permit for a Single-Family Residence on the adjacent property to the west, which was duly seconded by Peggy Egizii.**

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**


RECORDING SECRETARY