

CASE# 2017-045
RESOLUTION NUMBER 3-1

DENYING A REZONING AND GRANTING A USE VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
2727 S. PASFIELD STREET, 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 a rezoning and grant a Use Variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

Lots 126 and 127 of The Highlands

WHEREAS, the Petitioner, **Dennis Branner**, has petitioned the Sangamon County Board for a **rezoning from “R-2” Single-Family and Two-Family Residence District to “B-3” General Business District**; and,

WHEREAS, a public hearing was held at the Sangamon County Building on **October 19, 2017** 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,

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

FILED

OCT 25 2017

Dennis Branner
Sangamon County Clerk

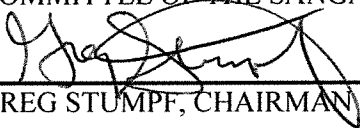
NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 14th Day of November, 2017 that the request for a rezoning from “R-2” Single-Family and Two-Family Residence District to “B-3” General Business District is denied, but in the alternative, a Use Variance to allow a glazier contractor’s business on the above described property is hereby approved provided that:

- (1) there is no outside storage of materials;
- (2) outside equipment storage is limited to the two enclosed trailers requested in the petition, to be completely surrounded by a solid fence in compliance with the Zoning Ordinance; and,
- (3) the business is not open to the public.

Signed and passed by the Sangamon County Board in session on this 14th day of November, 2017.

Respectfully submitted,

PUBLIC HEALTH, SOLID WASTE & ZONING
COMMITTEE OF THE SANGAMON COUNTY BOARD



GREG STUMPF, CHAIRMAN

DAVID MENDENHALL, VICE CHAIRMAN

CRAIG HALL

SAM SNELL

ABE FORSYTH

JASON RATTS

LINDA DOUGLAS WILLIAMS

ANNETTE FULGENZI

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ROSE RUZIC

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

RECAP

(For County Board Use)

COUNTY BOARD MEMBER: #21 NAME: Clyde Bunch

DOCKET NUMBER: 2017-045

ADDRESS: 2727 S. Pasfield Street, Springfield, IL 62704

PETITIONER: Dennis Branner

PRESENT ZONING CLASSIFICATION: "R-2" Single-Family and Two-Family Residence District.

REQUESTED ZONING CLASSIFICATION: "B-3" General Business District.

AREA: 11,200 sq. ft.

COMMENTS: None

OBJECTORS: Yes

PLANNING COMMISSION RECOMMENDATION: **Recommend denial of the requested B-3 zoning. The list of uses permitted in the B-3 district is too intense. However, due to the commercial nature of the building and the number of rezonings in the area, it is felt that a use variance is appropriate. Therefore, staff recommends approval of a use variance to allow a glazier contractor's business provided: (1) there is no outside storage of materials; (2) outside equipment storage is limited to the two enclosed trailers requested in the petition, to be completely surrounded by a solid fence in compliance with the Zoning Ordinance; and, (3) the business is not open to the public.**

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval of Staff Recommendation.


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2017-045
Dennis Branner)	
)	PROPERTY LOCATED AT:
)	2727 S. Pasfield Street
)	Springfield, IL 62704

RECOMMENDATION OF THE BOARD OF APPEALS

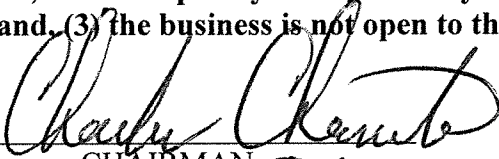
THIS MATTER, Coming on for a hearing before the Sangamon County Zoning Board of Appeals of Sangamon County, Illinois, and it appearing to said Board that a petition for an **amendment** of the Zoning Regulations of said County has been filed herein by the above captioned petitioner (s); that legal publication has been made pursuant to law; and that a public hearing was held on **October 19, 2017** 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: **2727 S. Pasfield Street, Springfield, IL 62704** and more particularly described as:

See Exhibit A

- 3. That the present zoning of said property is **“R-2” Single-Family and Two-Family Residence District.**
- 4. That the present land use of said property is **a glazing shop making windows, two (2) enclosed trailers.**
- 5. That the proposed land use of said property is **a glazing shop making windows, two (2) enclosed trailers.**
- 6. That the requested **rezoning** of said property is **a rezoning from “R-2” Single-Family and Two-Family Residence 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 not** 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), **but in the alternative, does** support the proposed **Use Variance to allow a glazier contractor’s business provided: (1) there is no outside storage of materials; (2) outside equipment storage is limited to the two enclosed trailers requested in the petition, to be completely surrounded by a solid fence in compliance with the Zoning Ordinance; and, (3) the business is not open to the public.**

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, grant a Use Variance to allow a glazier contractor’s business provided: (1) there is no outside storage of materials; (2) outside equipment storage is limited to the two enclosed trailers requested in the petition, to be completely surrounded by a solid fence in compliance with the Zoning Ordinance; and, (3) the business is not open to the public.**


 CHAIRMAN 7/6

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Andrew Spiro**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition for **rezoning be denied, but in the alternative, grant a Use Variance to allow a glazier contractor's business provided: (1) there is no outside storage of materials; (2) outside equipment storage is limited to the two enclosed trailers requested in the petition, to be completely surrounded by a solid fence in compliance with the Zoning Ordinance; and, (3) the business is not open to the public** which was duly seconded by **Don Wulf**.

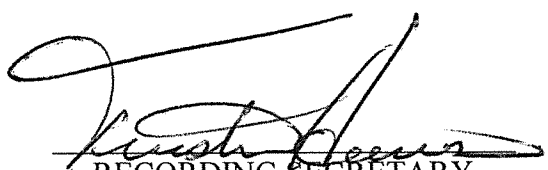
The vote of the Board was as follows:

YES: **Charles Chimento, Don Wulf, Andrew Spiro, Gina Lathan, Tony Mares**

NO:

PRESENT:

ABSENT:


RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: **2017-045**

Address: **2727 S. Pasfield, Springfield**

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

The surrounding uses are all residences.

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

North, South, East & West: R-2.

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

The building was constructed for a non-residential purpose. It was previously a dancing school. It appears to be the only commercial building on its block.

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

The area between MacArthur and North south of Lenox has a wide mix of uses as the petition's exhibit notes, but is largely residential. There have been a number of commercial rezonings in the specific area near the subject property. Several properties along Summit and Highland were rezoned in the 1970's and 1980's to business classifications. Properties along Maple were rezoned to business districts in 1982 and 2001.

It is felt the underlying residential zoning is more appropriate than commercial zoning. However, due to the commercial nature of the building and the number of rezonings in the area, it is felt that a use variance is appropriate.

RECOMMENDED STANDARDS FOR USE VARIATIONS

Case #: **2017-045**

Address: **2727 S. Pasfield, 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 building was constructed for a commercial purpose. This is an adaptive re-use of a solid older commercial building that will provide a service that some businesses in the area might use.

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

Due to the commercial nature of the building and the number of rezonings in the area, it is felt a use variance is compatible with the trend of development in the area as opposed to a rezoning.

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

To the extent the community could use a commercial building on the subject property, the proposed use is acceptable provided there is no outside material storage, limited outside equipment storage, and the business is not open to the public.

- (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.

Minimal impacts are anticipated provided the recommended conditions are adopted.