

CASE# 2011-004 4-1  
RESOLUTION NUMBER

**DENYING A REZONING AND GRANTING A USE VARIANCE**  
FOR CERTAIN PROPERTY LOCATED AT  
**386 KOKE MILL 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 **deny a rezoning and granting a use variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

**See Exhibit A**

WHEREAS, the Petitioner, **Weihmeir Family LP**, has petitioned the Sangamon County Board for a rezoning from "A" Agricultural District to "B-1" Neighborhood Business District; and

WHEREAS, a public hearing was held at the Sangamon County Building on **January 20, 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

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

**FILED**

JAN 27 2011

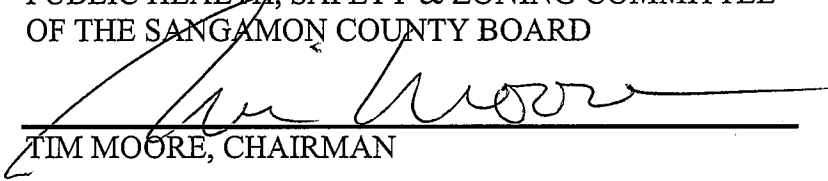
*Joe Diello*  
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 8<sup>th</sup> day of February, 2011 that the request for a rezoning from "A" Agricultural District to "B-1" Neighborhood Business District is hereby denied but, in the alternative, a use variance to allow a real estate and rental business as well as storage related to the business and a second story apartment on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 8<sup>th</sup> day of February, 2011.

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

DON STEPHENS

GREG STUMPF

LINDA DOUGLAS WILLIAMS

**ATTEST:**

\_\_\_\_\_  
SANGAMON COUNTY CLERK

\_\_\_\_\_  
COUNTY BOARD CHAIRMAN

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**Exhibit A**

**Part of Lots 14 and 15 of the Lewis E. Wood Plat, a Subdivision of the South Half of the East Half of the Northeast Quarter and the North Three Quarters of the East Half of the Southeast Quarter of Section 36, Township 16 North, Range 6 West of the Third Principal Meridian, More Particularly Described as follows:**

**Beginning in the Northwest Corner of said Lot 15; Thence south 89 Degrees 16 Minutes 49 Seconds East, Along the North Line of Said Lot 15, a Distance of 375.50 Feet to the Northwest Corner of Woodcreek Estates, Second Addition; Thence South 0 Degrees 00 Minutes 35 Seconds West Along the West Line of Woodcreek Estates, Second Addition, a Distance of 330.00 Feet to a Point on the Southwest Corner of Woodcreek Estates, Second Addition, Said Point Also Being on the South Line of Said Lot 14; Thence 89 Degrees 16 Minutes 48 Seconds West Along the South Line of Said Lot 14 a Distance of 375.44 Feet to the Southwest Corner of Said Lot 14; Thence North 0 Degrees 00 Minutes 00 Seconds East Along the West Line of Lots 14 and 15, a Distance of 330.00 Feet to the Point of Beginning, Except the North 120.00 Feet Thereof. Also Except the South 100 Feet of the west 200 feet of Said Lot 14.**

**Except All Coal And Other Minerals, Underlying Said Lands, Together With The Right To Mine And Remove Same.**

**Situated in Sangamon County, Illinois.**

RECAP  
(For County Board Use)

COUNTY BOARD MEMBER: #27                      NAME: Abe Forsyth

DOCKET NUMBER: 2011-004

ADDRESS: 386 Koke Mill Road, Springfield, IL. 62707

PETITIONER: Weihmeir Family LP

PRESENT ZONING CLASSIFICATION: "A" Agricultural District.

REQUESTED ZONING CLASSIFICATION: "B-1" Neighborhood Business District for a real estate rental business with accessory storage incidental to the rental business and a second story apartment.

AREA: 1.37 acres

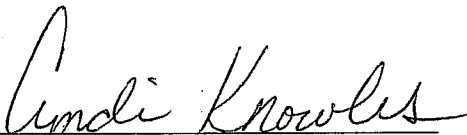
COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: **Recommend denial of the requested B-1 zoning. Although the LESA score of 113 indicates the property is acceptable for non-agricultural development, encroachment of B-1 zoning would not be appropriate with the residences immediately adjacent to the north, south and east. The proposed B-1 zoning also permits other intense uses which are inappropriate for a stable, residential area. Staff finds the request to be spot zoning, and other requests for commercial zoning have been denied in the past. Staff feels a use variance to allow a rental/real estate business, storage related to the business and a second story apartment is appropriate. The County Board granted a use variance to allow construction and**

business offices, storage related to the construction business and print shop at this location in 1994. Since its closing the structure has remained vacant making use of this property economically difficult given the large structure that once housed multiple commercial uses. Staff recommends approval of the requested variance to allow two (2) uses on one zoning lot. The parcel is 1.37 acres and the current structure is large enough to accommodate the real estate/rental business and second story apartment. Staff is concerned with the lack of septic system on this property and this will need to be addressed by the Sangamon County Department of Public Health.

SANGAMON COUNTY BOARD OF APPEALS  
RECOMMENDATION:

  
RECORDING SECRETARY

Denial of the rezoning but, in the alternative, grant a use variance.

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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 real estate and rental business with accessory storage incidental to the rental business and a second story apartment.
5. That the proposed land use of said property is a real estate and rental business as well storage related to the business and a second story apartment.
6. That the requested rezoning of said property is denied but, in the alternative, grant a use variance.
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, grant a use variance.

*Charles Chimento*  
 CHAIRMAN

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Marvin Traylor**, 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, grant a use variance**, which was duly seconded by **Charles Chimento**.

The vote of the Board was as follows:

YES: **Charles Chimento, Byron Deaner, Peggy Egizii, Marvin Traylor, John Luchessi.**

NO:

ABSENT: **Judith Johnson, Don Wulf**

*Ayndi Knowles*  
 RECORDING SECRETARY