

CASE# 2012-040 4-1  
RESOLUTION NUMBER \_\_\_\_\_

**GRANTING A REZONING**  
FOR CERTAIN PROPERTY LOCATED AT  
**5937 ASH STREET, ROCHESTER**  
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 rezoning** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

**Lots 9, 10, 11, 12, 13, 14, 15 and 16 in Block 5 of Berry's Addition to the Town of Clarksville, Now Berry, Sangamon County, Illinois**

WHEREAS, the Petitioner, **Charles Curtis Strode**, has petitioned the Sangamon County Board for a **rezoning from "R-1" Single-family Residence District to "I-1" Restricted Industrial District to allow bulk storage for gasoline and diesel fuels;** 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 a rezoning;** and

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

**FILED**

SEP 26 2012

*Joe Aiello*  
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 9<sup>th</sup> day of October, 2012 that the request for rezoning from "R-1" Single-family Residence District to "I-1" Restricted Industrial District to allow bulk storage for gasoline and diesel fuels on the above referenced property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 9<sup>th</sup> 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 RATTI

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

**ATTEST:**

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

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

**RECAP**  
(For County Board Use)

COUNTY BOARD MEMBER: # 03                      NAME: David Mendenhall

DOCKET NUMBER: 2012-040

ADDRESS: 5937 Ash Street, Rochester, IL. 62563

PETITIONER: Charles Curtis Strode

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

REQUESTED ZONING CLASSIFICATION: "I-1" Restricted Industrial District

AREA: 1.1 acres

COMMENTS: None

OBJECTORS: No

PLANNING COMMISSION RECOMMENDATION:

**Recommended approval of the requested "I-1" zoning. The area is a mix of industrial, commercial, and residential uses and zoning. The owner seeks to demolish the single-family residence on the subject property to provide additional space to expand the fuel distribution center which is operating to the south of the subject property. The fuel distribution center has been operating for approximately fifty-eight (58) years and there has been no adverse impact on the immediate area. Given the mix of legal non-conforming uses in the area it may be appropriate for the County Board to consider rezoning the immediate area to bring the zoning in compliance with the regulations.**

SANGAMON COUNTY BOARD OF APPEALS  
RECOMMENDATION:

Approval

  
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF: )	DOCKET NO: <b>2012-040</b>
<b>Charles Curtis Strode</b> )	
)	PROPERTY LOCATED AT:
)	<b>5937 Ash Street</b>
)	<b>Rochester, IL. 62563</b>

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: **5937 Ash Street, Rochester, IL. 62563** and more particularly described as:

**Lots 9, 10, 11, 12, 13, 14, 15 and 16 in Block 5 of Berry's Addition to the Town of Clarksville, Now Berry, Sangamon County, Illinois**

- 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 a **single-family residence**.
- 5. That the proposed land use of said property is **to allow bulk storage of gasoline and diesel fuels**.
- 6. That the requested rezoning of said property is "**I-1**" **Restricted Industrial 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 **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 **granted**.

*Charles Chimento/cx*  
 CHAIRMAN

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Judith Johnson**, 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 **Peggy Egizii**.

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**

*Cindi Knowles*  
 RECORDING SECRETARY

SANGAMON COUNTY  
RECOMMENDED - FINDINGS OF FACT

Case #: 2012-040

Address: 5937 Ash Street, Rochester

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

To the north is cropland. To the east is a single family residence and a vacant single family residence. To the south is a fuel distribution center. To the west is a truck service company and a fire station. Further southeast is a fertilizer plant and further southwest is a grain elevator. There is a single family residence further south as well as a storage building.

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

To the east is I-1. To the south is R-1. To the north is Agricultural. To the west is B-2 and B-3.

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

There is a single family residence on the property, however, the owner wishes to demolish the home and extend the existing business for the bulk storage of gasoline and diesel fuels. The existing business has been operated for approximately 58 years.

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

Property to the west was rezoned to B-3 in 1998, otherwise the area has remained stable with primarily industrial and commercial uses that are legal non-conforming uses.