

CASE# 2013-040
RESOLUTION NUMBER 4-1

GRANTING A USE VARIANCE AND VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
4885 & 4887 MECHANICSBURG 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 a use variance and variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See **EXHIBIT A**

WHEREAS, the Petitioner, **Quinten Fugnitti**, has petitioned the Sangamon County Board for a **rezoning from "A" Agricultural District to "I-1" Restricted Industrial District with a variance to allow three (3) principal uses on one (1) parcel; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **October 17, 2013** 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 grant the variance; and**

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

FILED


OCT 30 2013

Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 12th day of November, 2013 that the request to rezone the above referenced property from "A" Agricultural District to "I-1" Restricted Industrial District is denied but, in the alternative, a use variance to allow outside storage of commercial construction equipment and a variance to allow three (3) principal uses on one (1) parcel is hereby approved with the stipulation that the storage remain behind the northernmost residential structure on the property.

Signed and passed by the Sangamon County Board in session on this 12th day of November, 2013.

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



GREG STUMPF, CHAIRMAN

DAVID MENDENHALL, VICE CHAIRMAN

JOHN FULGENZI

CRAIG HALL

SAM SNELL

ABE FORSYTH

JASON RATTTS

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

Part of the East Half of the East Half of the Southeast Quarter of Section 29, Township 16 North, Range 4 West of the 3rd Principal Meridian, further described as follows:

Commencing at a stone marking the Southeast corner of said Section 29; thence N 89 58' 09" W, 503.60 feet along the south line of the Southeast Quarter of said Section 29 to the Point of Beginning; thence N 89 58' 09" W, 130.00 feet along said south line; thence N 00 09' 54" W, 1675.39 feet; thence S 89 58' 09" E, 130.00 feet; thence S 00 09' 54" E, 1675.39 feet to the Point of Beginning.

Containing 5.000 acres, more or less.

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RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 9 NAME: Sarah Musgrave

DOCKET NUMBER: 2013-040

ADDRESS: 4885 & 4887 Mechanicsburg Rd., Springfield, IL. 62712

PETITIONER: Quinten Fugnitti

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: "I-1" Restricted Industrial District with a variance to allow three (3) principal uses on one (1) parcel to allow for outside storage of commercial construction equipment and two (2) single-family residences.

AREA: 5 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: **Recommend denial of the requested I-1 zoning as it is seen as spot zoning and too intense for the area. Staff supports a recommendation for a use variance for the outside storage of construction equipment, with the stipulation that the storage remain behind the northernmost residential structure on the property. The location of the equipment sits approximately 1,250' off the road and over 800' from the nearest adjacent residential structure. Staff recommends approval of the requested variance to allow three principal uses on one parcel. The residences are in existence and are considered to be legal non-conforming. Removing one to come into compliance with the regulations could result in financial hardship to the property owner.**

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Denial of the rezoning but, in the alternative, grant a use variance and the variance as staff recommended.

Cyndi Knowles
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

| | |
|-------------------------------------|--|
| IN THE MATTER OF THE PETITION OF:) | DOCKET NO: 2013-040 |
| Quinten Fugnitti) | |
|) | PROPERTY LOCATED AT: |
|) | 4885 & 4887 Mechanicsburg Rd. |
|) | Springfield, IL. 62712 |

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 variance** 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 17, 2013** 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: **4885 & 4887 Mechanicsburg Rd., Springfield, IL.** and more particularly described as:

See EXHIBIT A

- 3. That the present zoning of said property is **"A" Agricultural District.**
- 4. That the present land use of said property is **2 single-family residences.**
- 5. That the proposed land use of said property is **2 single-family residences and outside storage of commercial construction equipment.**
- 6. That the requested **rezoning and variance** of said property are **from "A" Agricultural District to "I-1" Restricted Industrial District with a variance to allow three (3) principal uses on one (1) parcel.**
- 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 but does support a use variance and a variance** 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, a use variance and the variance be granted.**

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 **denial of the rezoning from "A" Agricultural District to "I-1" Restricted Industrial District but, in the alternative, grant a use variance for the outside storage of commercial construction equipment and the variance to allow three (3) principal uses on one (1) parcel**, which was duly seconded by **Peggy Egizii**.

The vote of the Board was as follows:

YES: **Charles Chimento, Peggy Egizii, Judith Johnson, Don Wulf, John Lucchesi**

NO:

PRESENT:

ABSENT: **Byron Deaner, Janet Dobrinsky**

Cyndi Knowles
 RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: 2013-040

Address: 4885 & 4887 Mechanicsburg Road, Springfield

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

The property is surrounded by some single-family residences, cropland and timber.

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

The property is surrounded by Agricultural zoning.

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

The Land Evaluation and Site Assessment score of 126 indicates the property is deemed acceptable for non-agricultural development.

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

The area has remained agricultural in character with single-family residences built in the area. Further south, a Use Variance was granted in 2007 for an auto repair shop that included spray painting.

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: 2013-040

Address: 4885 & 4887 Mechanicsburg 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 residential structures currently exist on the parcel and have for quite some time. The existence of the structures makes it impossible to come into compliance and making the owner remove a residence would result in a financial hardship.

- (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 been divided resulting in a very narrow parcel. It would not be good planning practices for the parcel to be divided to separate the residences. This results in unique circumstances to the parcel owner.

- (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 impact is anticipated. The uses on the property sit at least 500 feet and further off the road. There is not a concern with altering the character of the area, traffic congestion, light and air supply or property values.

RECOMMENDED STANDARDS FOR USE VARIATIONS

Case #: 2013-040

Address: 4885 & 4887 Mechanicsburg Road, 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 property is zoned agricultural and is being used for residences and storage of equipment. It is unlikely the property will be converted to an agricultural use.

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

There was a use variance granted in 2007 on property to the south for an auto body repair shop.

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

Although the proposed use will not be a direct benefit to the community since the petitioner will be storing equipment on the parcel, the business may benefit other portions of the County.

- (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.

No negative impact is anticipated. The proposed use will be approximately 1,250 feet off the road and over 800 feet from the nearest residential adjacent structure.

LAND EVALUATION AND SITE ASSESSMENT

Part 1: Site Assessment

| | Available Points | Points |
|---|------------------|-----------|
| <u>AGRICULTURAL/RURAL LAND WITHIN .5 MILE</u> | | |
| 90% or more | 20 | |
| 75-89% | 10 | 5 |
| 50-74% | 5 | |
| Under 50% | 0 | |
| <u>CONTIGUOUS AGRICULTURAL/RURAL LAND</u> | | |
| 90% or more | 20 | |
| 75-89% | 10 | 5 |
| 50-74% | 5 | |
| Under 50% | 0 | |
| <u>PERCENTAGE OF SITE AGRICULTURAL/RURAL</u> | | |
| 75-100% | 10 | |
| 50-74% | 5 | 0 |
| Under 50% | 0 | |
| <u>COUNTY SECTOR</u> | | |
| Rural | 20 | |
| 0.5 mile from incorporated area | 10 | 10 |
| Incorporated area | 0 | |
| <u>SOIL WITH SEVERE RESTRICTIONS FOR ON-SITE WASTE DISPOSAL</u> | | |
| 75% or more | 20 | |
| 50-74% | 10 | 0 |
| 25-49% | 5 | |
| Less than 25% or sewer available | 0 | |
| <u>ENVIRONMENTAL IMPACT OF PROPOSED USE</u> | | |
| Negative impact | 15 | |
| Little or none with protective measures | 5 | 0 |
| Little or none | 0 | |
| <u>IMPACT ON UNIQUE HISTORICAL/CULTURAL FEATURES</u> | | |
| Negative impact | 10 | |
| No impact | 0 | 0 |
| <u>CONDITION OF ROAD</u> | | |
| unpaved, <40' ROW, or < 16' pavement | 20 | |
| 16'-18' pavement, 40' ROW | 15 | 0 |
| 18'-20' pavement, 40' ROW | 10 | |
| > 20' pavement, 40' ROW or County or State Highway | 0 | |

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Parcel # 15-29-400-027

Zoning Case # 2013-040

| <u>AVAILABILITY OF PUBLIC SEWER</u> | | |
|---------------------------------------|----|-----------|
| Not available | 15 | 15 |
| Sewer over 600'-1200' away | 8 | |
| Private central sewage system | 5 | |
| Sewer 600' or less away and available | 0 | |
| | | |

| <u>AVAILABILITY OF PUBLIC WATER</u> | | |
|-------------------------------------|----|-----------|
| Not available | 20 | 20 |
| 1,000-1,500' away | 15 | |
| Less than 1,000' away | 5 | |
| Public water available at site | 0 | |
| | | |

| <u>DISTANCE FROM RESPONDING FIREHOUSE</u> | | |
|--|----|----------|
| Not in fire protection district | 20 | 0 |
| More than 5 miles or fire protection by assignment | 10 | |
| 2.6-5 miles | 5 | |
| 0-2.5 miles | 0 | |
| | | |

| <u>DRIVING TIME TO HIGH SCHOOL</u> | | |
|------------------------------------|----|----------|
| Over 30 minutes | 10 | 0 |
| 15-30 minutes | 5 | |
| Less than 15 minutes | 0 | |

| | |
|------------------------------|-----------|
| SITE ASSESSMENT TOTAL | 55 |
|------------------------------|-----------|

Part 2: Agricultural Land Evaluation (Based on Sangamon County Soil Survey)

| <u>Soil</u> | <u>Name</u> | <u>Type</u> | <u>%</u> | <u>Relative Value</u> | <u>Points</u> |
|-------------|-------------|-------------|----------|-----------------------|---------------|
| 198A | Elburn | P | | 100 | |
| 199A | Plano | P | | 100 | |
| 43A | Ipava | P | | 100 | |
| 7148A | Proctor | P | | 100 | |
| 46A | Herrick | P | | 100 | |
| 7037A | Worthen | P | | 100 | |
| 705A | Buckhart | P | | 98 | |
| 199B | Plano | P | | 98 | |
| 36B | Tama | P | | 98 | |
| 244A | Hartsburg | P2 | | 98 | |
| 257A | Clarksdale | P2 | | 98 | |
| 68A | Sable | P2 | | 87 | |
| 679B | Blackberry | P | | 87 | |
| 705B | Buckhart | P | | 87 | |
| 86B | Osco | P | | 87 | |
| 684B | Broadwell | P | | 87 | |
| 50A | Virden | P2 | | 87 | |
| 712A | Spaulding | P2 | | 87 | |
| 127B | Harrison | P | | 87 | |

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| | | | | | |
|-------|-----------------|----|----|----|----|
| 3077A | Huntsville | P3 | | 87 | |
| 138A | Shiloh | P2 | | 87 | |
| 249A | Edinburg | P2 | | 87 | |
| 242A | Kendall | P2 | | 87 | |
| 7242A | Kendall | P2 | | 87 | |
| 134A | Camden | P | | 87 | |
| 17A | Keomah | P2 | 5 | 87 | 4 |
| 3451A | Lawson | P3 | | 75 | |
| 3107A | Sawmill | P5 | | 75 | |
| 7075B | Drury | P | | 75 | |
| 8396A | Vesser | P2 | | 75 | |
| 3074A | Radford | P3 | | 75 | |
| 3073A | Ross | P3 | | 75 | |
| 3284A | Tice | P3 | | 75 | |
| 279B | Rozetta | P | 75 | 75 | 56 |
| 45A | Denny | P2 | | 75 | |
| 134B | Camden | P | | 75 | |
| 112A | Cowden | P2 | | 75 | |
| 685B | Middletown | P | | 75 | |
| 3405A | Zook | P5 | | 75 | |
| 131C2 | Alvin | P | | 75 | |
| 86C2 | Osco | I | | 74 | |
| 36C2 | Tama | I | | 74 | |
| 684C2 | Broadwell | I | | 74 | |
| 119C2 | Elco | I | | 74 | |
| 119D | Elco | I | | 74 | |
| 127C2 | Harrison | I | | 74 | |
| 119D2 | Elco | I | | 74 | |
| 567C2 | Elkhart | I | | 74 | |
| 134C2 | Camden | I | | 74 | |
| 259C2 | Assumption | I | | 74 | |
| 685C2 | Middletown | I | | 74 | |
| 280D2 | Fayette | I | 5 | 74 | 4 |
| 119D3 | Elco | N | 10 | 74 | 7 |
| 259D2 | Assumption | I | | 74 | |
| 212C2 | Thebes | I | | 74 | |
| 630C2 | Navlys | I | | 74 | |
| 630D2 | Navlys | I | | 74 | |
| 630D3 | Navlys | I | | 57 | |
| 131D2 | Alvin | I | | 57 | |
| 8D | Hickory | I | | 50 | |
| 8D2 | Hickory | I | | 50 | |
| 280D3 | Fayette | I | | 44 | |
| 8D3 | Hickory | I | | 44 | |
| 8F | Hickory | N | | 44 | |
| 549G | Marseilles | N | | 0 | |
| 533 | Urban Land | N | | | |
| 536 | Dumps | N | | | |
| 830 | Orthents, Land | N | | | |
| 862 | Pits, Sand | N | | | |
| 864 | Pits, Quarries | N | | | |
| 801C | Orthents, Silty | N | | | |
| W | Water | | | | |

Parcel # 15-29-400-027

Zoning Case # 2013-040

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Prime/Important Farmlands Designations:

P: Prime farmland

P2: Prime where drained

P3: Prime where protected from flooding or flooding is less often than once in two years during the growing season.

P5: Prime where drained and either protected from flooding or flooding is less often than once in two years during the growing season.

I: Important farmland

N: Not Prime/Important Farmland

| | |
|------------------------------------|----|
| AGRICULTURAL LAND EVALUATION TOTAL | 71 |
|------------------------------------|----|

| | |
|-------------|-----|
| GRAND TOTAL | 126 |
|-------------|-----|

Fewer than 150 points shall be deemed acceptable for non-agricultural development.
From 150 - 175 points is considered marginal requiring mitigating factors for non-ag development.
Greater than 175 points shall be considered suitable for agricultural use only.