

CASE# 2015-022 4-1  
RESOLUTION NUMBER \_\_\_\_\_

**GRANTING A USE VARIANCE AND VARIANCE**  
FOR CERTAIN PROPERTY LOCATED AT  
**1401 EAST COTTONWOOD 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 **grant a use variance and variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

**Lots 1, 2, 11 and 12 in Block 11 of Belmont Park Gardens, a Subdivision in Section 10 and 11 Township 15 North, Range 5 West of the Third Principle Meridian, Sangamon County, Illinois.**

WHEREAS, the Petitioner, **Janet Cripe**, has petitioned the Sangamon County Board for **a rezoning from "R-2" Single-Family and Two-Family Residence District to "B-2" Retail Business District and a variance to allow two (2) principal uses on one (1) parcel;** and

WHEREAS, a public hearing was held at the Sangamon County Building on **July 16, 2015** 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 the use variance and variance;** and

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

**FILED**

JUL 29 2015

*Dr. Khan*

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**NOW, THEREFORE, BE IT RESOLVED** by the County Board of Sangamon County, Illinois, in session assembled this 11<sup>th</sup> Day of August, 2015 that the request for rezoning from “R-2” Single-Family and Two-Family Residence District to “B-2” Retail Business District is hereby denied, but in the alternative, a Use Variance to allow a dance studio is hereby approved and the request for a variance to allow two (2) principal uses (a church and a dance studio) on one (1) parcel on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 11<sup>th</sup> day of August, 2015.

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 RATTTS

\_\_\_\_\_  
LINDA DOUGLAS WILLIAMS

\_\_\_\_\_  
LINDA FULGENZI

\_\_\_\_\_  
LISA HILLS

\_\_\_\_\_  
MIKE SULLIVAN

**ATTEST:**

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

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

**RECAP**  
(For County Board Use)

COUNTY BOARD MEMBER: 14 NAME: Joel Tjelmeland, Jr.

DOCKET NUMBER: 2015-022

ADDRESS: 1401 East Cottonwood Street, Springfield, IL 62703

PETITIONER: Janet Cripe

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

REQUESTED ZONING CLASSIFICATION: "B-2" Retail Business District and a variance to allow two (2) principal uses on one (1) parcel.

AREA: 1.6 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: Staff recommends denial of the requested rezoning to B-2. The amendment is seen as spot zoning and is not appropriate given the residential nature of the area. However, a use variance was granted by the County Board in 1995 for a dance studio (Case 1995-05) creating an historical precedence for the subject property and indicating that the County Board thought this to be an appropriate second use for the property, and as such staff believes that this precedent warrants a use variance. Therefore, recommend approval of a use variance to allow a dance studio. Recommend approval of the variance request to allow two (2) principal uses on one (1) parcel with those being a church and a dance studio. The variance request is necessary to support the requested variance to allow the

**dance studio. The standards for variation are met.**

SANGAMON COUNTY BOARD OF APPEALS  
RECOMMENDATION:

**Approved as staff recommended.**

  
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF: ) DOCKET NO: **2015-022**  
**Janet Cripe** )  
) )  
) ) **PROPERTY LOCATED AT:**  
) ) **1401 East Cottonwood Street**  
) ) **Springfield, IL 62703**

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 **July 16, 2015** 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: **1401 East Cottonwood Street, Springfield, IL 62703** and more particularly described as:

**Lots 1, 2, 11 and 12 in Block 11 of Belmont Park Gardens, a Subdivision in Section 10 and 11 Township 15 North, Range 5 West of the Third Principle Meridian, Sangamon County, Illinois.**

- 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 church.**
- 5. That the proposed land use of said property is **a church and a dance studio.**
- 6. That the requested **rezoning and variance** of said property are **a rezoning from “R-2” Single-Family and Two-Family Residence District to “B-2” Retail Business District and a variance to allow two (2) 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 **amendment** 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 to allow a dance studio and a variance to allow for two (2) principal uses (a church and dance studio).**

*Charles Chimento/CC*  
 \_\_\_\_\_  
 CHAIRMAN

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Don Wulf**, 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 to rezone to “B-2” but, in the alternative, grant a Use Variance to allow a dance studio and a variance to allow for two (2) principal uses (a church and dance studio)**, which was duly seconded by **Anthony Mares**.

The vote of the Board was as follows:

YES: **Charles Chimento, Anthony Mares, Don Wulf, Andrew Spiro & Marilyn Herbert**

NO:

PRESENT:

ABSENT:

*Cyndi Knowles*  
 \_\_\_\_\_  
 RECORDING SECRETARY

SANGAMON COUNTY  
RECOMMENDED - FINDINGS OF FACT

Case #: 2015-022

Address: 1401 E. Cottonwood, Springfield

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

To the north is a school. To the east, south, and west are single-family residential.

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

The property is zoned R-2 Single-Family and Two-Family Residence District.

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

The R-2 zoning classification does not allow for a dance school. The R-2 district does allow churches.

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

The property in the area has remained primarily residential with a school to the north of the subject property and a church on the subject property.

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## RECOMMENDED STANDARDS FOR USE VARIATIONS

Case #: 2015-022

Address: 1401 E. Cottonwood St., 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.

**In 1995, the subject property was granted a use variance to allow a dance studio (Case # 1995-05). While prior approval does not necessarily justify the variance request, it does indicate the County Board thought this to be an appropriate use for the subject property. The property also appears to be underutilized. The addendum to the petition indicates seating for 50-75 worshipers in the church with current membership at approximately 30. The dance studio could be an adaptive re-use for this property.**

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

**Adding the dance school could have an impact on streets in the area. However, the impact may not be any more than what one would expect at first bell and dismissal time for the public school to the north on a school day.**

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

**There could be a community benefit in having a dance studio available, to the extent there are people willing to use such a business.**

- (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.

**As mentioned above, there could be a slight traffic impact on the area from arrivals and departures for dance lessons. However, this impact should not be larger than a school day.**