

DENYING A REZONING, GRANTING A USE VARIANCE AND VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
3456 BRICKLER 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 the amendment and grant a Use Variance and variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

Lot Two (2) of the Farrel D. Williams Minor Subdivision, as shown on Survey recorded on October 8, 2002, as Document No. 2002R54892 in the Office of the Recorder of Deeds for Sangamon County, Illinois.

WHEREAS, the Petitioner, **Kenneth J. Vose**, has petitioned the Sangamon County Board for a **rezoning from "R-1" Single-Family Residence District to "B-3" General Business District, a variance to allow two (2) uses (single-family residence and garage for personal and commercial storage) on one (1) parcel, a variance to allow a single-family residence in the "B-3" General Business District, and a variance to allow an accessory structure height of twenty-five (25) feet instead of the maximum eighteen (18) feet; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **February 18, 2016** 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

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Don J. Hayes
SANGAMON COUNTY CLERK

the Sangamon County Board **deny the rezoning but, in the alternative, grant a Use Variance and variances;** and

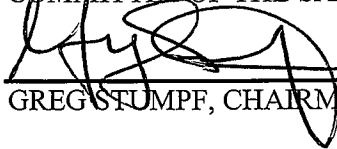
WHEREAS, the Sangamon County Board does hereby adopt the recommendation of the Sangamon County Zoning Board of Appeals.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **8th Day of March, 2016** that the request for a rezoning from **“R-1” Single-Family Residence District to “B-3” General Business District, is hereby denied; but, in the alternative, a Use Variance to allow two principal uses, (a single-family residence and a garage for personal and commercial storage) with the following conditions: (1) all trailer and concession stand storage shall occur inside; and, (2) no other business operations or any employees will be located on the subject property; and, a variance to allow an accessory structure height of twenty-five (25) feet instead of the maximum eighteen (18) feet on the above described property is hereby approved.**

Signed and passed by the Sangamon County Board in session on this **8th day of March, 2016.**

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

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

RECAP

(For County Board Use)

COUNTY BOARD MEMBER: #8 NAME: Vacant

DOCKET NUMBER: 2016-005

ADDRESS: 3456 Brickler Road, Springfield, IL 62707

PETITIONER: Kenneth J. Vose

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

REQUESTED ZONING CLASSIFICATION: "B-3" General Business District, a variance to allow two (2) uses (single-family residence and garage for personal and commercial storage) on one (1) parcel, a variance to allow a single-family residence in the "B-3" General Business District, and a variance to allow an accessory structure height of twenty-five (25) feet instead of the maximum eighteen (18) feet.

AREA: 3.12 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: Recommend denial of the requested B-3 zoning. It is seen as spot zoning and the list of uses permitted in the B-3 district is too intense for the residential area. In the alternative, staff recommends approval of a variance to allow two principal uses, i.e. a single-family residence and a garage for personal and commercial storage, with the following conditions: (1) all trailer and concession stand storage shall occur inside; and, (2) no other business operations or any employees will be located on the subject property. Given the staff recommendation to deny the B-3 zoning, the variance request to allow a residence in the B-3 district is not needed. Recommend

approval of the requested variance to allow an accessory structure with a height of twenty-five (25) feet instead of the required eighteen (18) feet. The height requested is consistent with other personal accessory storage structures for which the County Board granted relief in the last few years. The Standards for Variation are met.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval 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: 2016-005
Kenneth J. Vose)	
)	PROPERTY LOCATED AT:
)	3456 Brickler Road
)	Springfield, IL 62707

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 variances** 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 **February 18, 2016** 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: **3456 Brickler Road, Springfield, IL 62707** and more particularly described as:

Lot Two (2) of the Farrel D. Williams Minor Subdivision, as shown on Survey recorded on October 8, 2002, as Document No. 2002R54892 in the Office of the Recorder of Deeds for 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 **a single-family residence and a garage for personal and commercial storage.**
- 6. That the requested **rezoning and variances** of said property is **a rezoning from “R-1” Single-Family Residence District to “B-3” General Business District, a variance to allow two (2) uses (single-family residence and garage for personal and commercial storage) on one (1) parcel, a variance to allow a single-family residence in the “B-3” General Business District, and a variance to allow an accessory structure height of twenty-five (25) feet instead of the maximum eighteen (18) feet.**
- 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); but **does** support the proposition that the adoption of the proposed **variances** 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 two principal uses, (a single-family residence and a garage for personal and commercial storage) with the following conditions: (1) all trailer and concession stand storage shall occur inside; and, (2) no other business operations or any employees will be located on the subject property; and, approve the requested variance to allow an accessory structure with a height of twenty-five (25) feet instead of the required eighteen (18) feet.**

Charles Chimento/ck
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Merilyn Herbert**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition to **rezone** be **denied, but in the alternative, grant a Use Variance to allow two principal uses, (a single-family residence and a garage for personal and commercial storage) with the following conditions: (1) all trailer and concession stand storage shall occur inside; and, (2) no other business operations or any employees will be**

located on the subject property; and, approve the requested variance to allow an accessory structure with a height of twenty-five (25) feet instead of the required eighteen (18) feet; which was duly seconded by **John Lucchesi**.

The vote of the Board was as follows:

YES: **Charles Chimento, Anthony Mares, Andrew Spiro, Merilyn Herbert, and John Lucchesi**

NO:

PRESENT:

ABSENT: **Don Wulf**


RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: **2016-005**

Address: **3456 Brickler Road, Springfield**

- (i) Existing uses of property within the general area of the property in question.
To the north, east, and south are residences. To the west is cropland.
- (ii) The zoning classification of property within the general area of the property in question.
The zoning classification in the general area is a mixture of Agricultural and R-1. There is some I-1 zoning to the south near the intersection of Brickler with Route 54.
- (iii) The suitability of the property in question to the uses permitted under the existing zoning classification.
The R-1 classification does not allow for commercial uses.
- (iv) The trend of development, within the vicinity since the property was originally classified.
The subject property and the near vicinity were rezoned to R-1 in 2002. Variances were granted for the property immediately to the south in 2007.

**RECOMMENDED STANDARDS FOR USE VARIATIONS
TO ALLOW TWO (2) PRINCIPAL USES (A RESIDENCE AND
COMMERCIAL STORAGE)**

Case #: 2016-005

Address: 3456 Brickler 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 contemplated use is not allowed in the R-1 district and staff finds that B-3 is too intense for the area.

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

There was at least one accessory structure that would be considered taller and larger than a standard two-car residential garage of a comparable size and height to what the petitioner proposes already in the vicinity.

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

It is likely to benefit the community more to grant a use variance than to grant B-3.

- (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.

The effect on the character of the area should be minimal if all storage is kept inside. To the extent no other business operations or any employees will be located on the subject property, vehicular impacts should not be much more than one might expect with a residence and a large garage. Negative impacts pertaining to the other factors are not anticipated.

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2016-005**

Address: **3456 Brickler 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 petitioners will use the additional storage building for trailers and concession stands. The proposed building will help the petitioners yield a reasonable return on the subject property.

- (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 property is a long narrow lot and the proposed building will be located a fair distance from the highway.

- (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 negative impacts are anticipated.