

CASE# 2017-001
RESOLUTION NUMBER 4-1

DENYING A USE VARIANCE AND VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
409 & 413 N. WESLEY 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 **deny a Use Variance and variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

Lot 116 and Lot 117 in Spaulding's Capital Park Addition to the City of Springfield, Township of Springfield, County of Sangamon, State of Illinois.

WHEREAS, the Petitioners, **Jeffrey & Pamela Leka**, have petitioned the Sangamon County Board for **a Use Variance to allow a tree service business; a variance to allow the parking lot to remain unpaved (rock) instead of the required minimum bituminous seal coat limited to one (1) year; and, a variance to allow for outside storage limited to one (1) year until construction of a building; and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **January 19, 2017** 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 Use Variance and variances;** and,

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

FILED

JAN 25 2017


Don J. King
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 7th Day of February, 2017 that the request for a Use Variance to allow a tree service business; a variance to allow the parking lot to remain unpaved (rock) instead of the required minimum bituminous seal coat limited to one (1) year; and, a variance to allow for outside storage limited to one (1) year until construction of a building on the above described property is hereby denied.

Signed and passed by the Sangamon County Board in session on this 7th day of February, 2017.

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

ROSE RUZIC

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

RECAP

(For County Board Use)

COUNTY BOARD MEMBER: #18 NAME: **Rose Ruzic**

DOCKET NUMBER: **2017-001**

ADDRESS: **409 & 413 N. Wesley Street, Springfield, IL 62702**

PETITIONER: **Jeffrey & Pamela Leka**

PRESENT ZONING CLASSIFICATION: **“R-2” Single-Family and Two-Family Residence District**

REQUESTED ZONING CLASSIFICATION: **“R-2” Single-Family and Two-Family Residence District with a Use Variance to allow a tree service business; a variance to allow the parking lot to remain unpaved (rock) instead of the required minimum bituminous seal coat limited to one (1) year; and, a variance to allow for outside storage limited to one (1) year until construction of a building.**

AREA: **9,600 sq. ft.**

COMMENTS: **None**

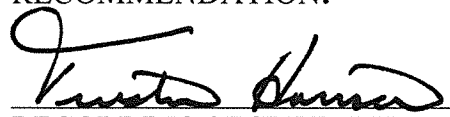
OBJECTORS: **None**

PLANNING COMMISSION RECOMMENDATION: **Recommend denial. The petitioner is requesting a Use Variance to allow a business for tree service and truck parking within the R-2 zoning district along with variances for outside storage and unpaved parking for one year. A business for tree service and truck parking in a residential area is not in harmony with the general purpose and intent of the Zoning Regulations. The subject property can be used economically as a residential lot. Outside storage and unpaved parking for a business use could alter the essential residential character of the area. As staff has recommended denial of the Use Variance, the**

variance requests to allow the parking lot to remain unpaved limited to one (1) year and to allow outside storage limited to one (1) year are unnecessary.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval of staff recommendation



RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2017-001
Jeffrey & Pamela Leka))
)	PROPERTY LOCATED AT:
)	409 & 413 N. Wesley Street
)	Springfield, IL 62702

RECOMMENDATION OF THE BOARD OF APPEALS

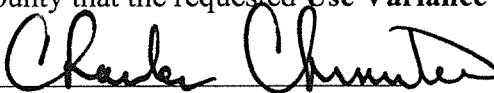
THIS MATTER, Coming on for a hearing before the Sangamon County Zoning Board of Appeals of Sangamon County, Illinois, and it appearing to said Board that a petition for a **Use Variance and variances** of the Zoning Regulations of said County has been filed herein by the above captioned petitioner (s); that legal publication has been made pursuant to law; and that a public hearing was held on **January 19, 2017** 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: **409 & 413 N. Wesley Street, Springfield, IL 62702** and more particularly described as:

Lot 116 and Lot 117 in Spaulding's Capital Park Addition to the City of Springfield, Township of Springfield, County of Sangamon, State of 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 vacant lot.**
- 5. That the proposed land use of said property is **a business (tree service with truck parking).**
- 6. That the requested **Use Variance and variances** of said property are **a Use Variance to allow a tree service business; a variance to allow the parking lot to remain unpaved (rock) instead of the required minimum bituminous seal coat limited to one (1) year; and, a variance to allow for outside storage limited to one (1) year until construction of a building.**
- 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 **Use Variance and 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 **Use Variance and variances** be **denied**.


CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Andrew Spiro**, 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** which was duly seconded by **Anthony Mares**.

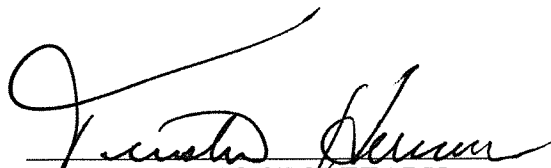
The vote of the Board was as follows:

YES: **Anthony Mares, Marilyn Herbert and Andrew Spiro**

NO: **Charles Chimento & Don Wulf**

PRESENT:

ABSENT:


RECORDING SECRETARY

RECOMMENDED STANDARDS FOR USE VARIATIONS

Case #: **2017-001**

Address: **409 & 413 N. Wesley Street, 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.

No particularly unique hardship was mentioned in the petition.

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

A business of this nature is not compatible with the trend of development in the area which has remained residential.

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

A business for tree service and truck parking in a residential area is not in harmony with the general purpose and intent of the Zoning Regulations.

- (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.

Outside storage and unpaved parking for a business use could alter the essential residential character of the area.

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**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2017-001**

Address: **409 & 413 N. Wesley Street, 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 subject property can be used economically as a residential lot.

- (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.

No particularly unique circumstances were mentioned in the petition.

- (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.

Outside storage and unpaved parking for a business use could alter the essential residential character of the area.