

CASE# 2010-25 5-1
RESOLUTION NUMBER

DENYING A REZONING & GRANTING A USE VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
3020 HOOVER AVE., (REAR PARCEL) 3024 HOOVER AVE., AND A PARCEL IN THE
3000 BLOCK OF HOOVER AVE., 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 an amendment and grant a use variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Jay Shirley**, has petitioned the Sangamon County Board for **a rezoning from "R-2" Single Family and Two Family Residence District & "RM-4" Manufactured Home District to "I-1" Restricted Industrial District; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **June 17, 2010** 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

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

FILED

JUL 01 2010

Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 13th day of July, 2010 that the request for a rezoning from "R-2 " Single Family and Two Family Residence District & "RM-4" Manufactured Home District to "I-1" Restricted Industrial District to allow parking for a construction, demolition, and sewer business on the above described property is hereby denied but, in the alternative, a use variance be granted.

Signed and passed by the Sangamon County Board in session on this 13th day of July, 2010.

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

DON STEPHENS

GREG STUMPF

LINDA DOUGLAS WILLIAMS

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

Exhibit A

Parcel 2: (22-11-0-351-009)

Lot Six (6), Except the South Eighty (80) Feet of the West One Hundred Twenty Five (125) Feet Thereof, In Block Two (2) of Belmont Park Gardens. Except the Coal and Minerals Underlying Said Land.

Parcel 3: (22-11-0-351-012)

Lot Seven (7) in Block Two (2), Except the South Thirty (30) Feet Thereof, of Belmont Park Gardens. Except the Coal and Minerals Underlying Said Land. Situated in Sangamon County, Illinois.

Parcel: (22-11-0-351-030)

The South Half of Lot Four (4) in Block Two (2) of Belmont Park Gardens, A Subdivision in Section 10 & 11, Township Fifteen (15) North, Range Five (5) West of the Third Principal Meridian. Except the Coal and Minerals Underlying Said Land and All Rights and Easements in Favor of the Estate of Said Coal and Minerals.

RECAP
(For County Board Use)

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

DOCKET NUMBER: 2010-25

ADDRESS: 3020 HOOVER AVE., (REAR PARCEL) 3024 HOOVER AVE., AND A
PARCEL IN THE 3000 BLOCK OF HOOVER AVE., SPRINGFIELD

PETITIONER: Jay Shirley

PRESENT ZONING CLASSIFICATION: "R-2 " Single Family and Two Family Residence
District & "RM-4" Manufactured Home District

REQUESTED ZONING CLASSIFICATION: "I-1" Restricted Industrial District to allow
parking for a construction, demolition, and
sewer business.

AREA: Approx .72 acres

COMMENTS: None

OBJECTORS: YES

PLANNING COMMISSION RECOMMENDATION: See Exhibit B

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Deny rezoning to "I-1" but, in the
alternative, grant a use variance.


Cyndi Knowles
RECORDING SECRETARY

Exhibit B

Planning Commission Staff Recommendation: Recommend denial of the requested "I-1" zoning however, staff recommends a use variance to allow for parking on the three subject parcels to support the existing business. Although Hoover Avenue was once primarily a residential street, the trend of development has seen a rise in use variances for commercial uses. For example, just south of the subject property there is a use variance for an auto body shop and just south of that is a use variance that allows for a tree removal service. The petitioner was granted a use variance in 2002 on part of the subject property and adjacent property to allow for a construction, demolition and sewer business. Allowing a use variance for parking to support this business is in line with the trend that has been created. However, there is some concern related to the hours of operation, size and number of vehicles to be parked on the parcels, and amount and frequency of additional traffic. The petitioner should address these issues in testimony to more fully determine the overall impact of the area.

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: **2010-25**
 Jay Shirley)
)
) PROPERTY LOCATED AT:
) **3020 HOOVER AVE., (REAR**
) **PARCEL) 3024 HOOVER**
) **AVE., AND A PARCEL IN**
) **THE 3000 BLOCK OF**
) **HOOVER AVE.,**
) **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** 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 **June 17, 2010** 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: **3020 HOOVER AVE., (REAR PARCEL) 3024 HOOVER AVE., AND A PARCEL IN THE 3000 BLOCK OF HOOVER AVE., Springfield, IL.** and more particularly described as:

See Exhibit A

- 3. That the present zoning of said property is **"R-2 " Single Family and Two Family Residence District & "RM-4" Manufactured Home District.**
- 4. That the present land use of said property is **vacant lots.**
- 5. That the proposed land use of said property is **parking for a construction, demolition, and sewer business.**
- 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 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).

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 parking for a construction, demolition, and sewer business.**

Charles Chimento/cx
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Byron Deaner**, 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 but, in the alternative, grant a use variance**, which was duly seconded by **Marvin Traylor**.

The vote of the Board was as follows:

YES: **Charles Chimento, Byron Deaner, Peggy Egizii, Marvin Traylor**

NO: **Judith Johnson**

ABSENT:

Cyndi Knowles
RECORDING SECRETARY