

GRANTING A REZONING AND DENYING A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
2925 S. HOLMES 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 **grant an amendment and deny a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Pete Meeker**, has petitioned the Sangamon County Board for a **rezoning from "R-2" Single Family and Two Family Residence District to "B-1" Neighborhood Business District and a variance of the off street parking requirements to permit two (2) off street parking spaces, with no handicapped spaces, instead of the required six (6) parking spaces that include one (1) being handicapped; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **November 18, 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 **grant the rezoning and deny the variance; and**

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

FILED

DEC 02 2010

Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 14th day of December, 2010 that the request for a rezoning from "R-2" Single Family and Two Family Residence District to "B-1" Neighborhood Business District on the above described property is hereby approved and a variance of the off street parking requirements to permit two (2) off street parking spaces, with no handicapped spaces, instead of the required six (6) parking spaces that include one (1) being handicapped is hereby denied.

Signed and passed by the Sangamon County Board in session on this 14th day of December, 2010.

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

TIM MOORE, CHAIRMAN

Tim Moore /ck

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

The South 2 ½ Feet of Lot 329 and All Of Lot 330 of “The Highlands” A Subdivision Of Part of the North Half of Section 9, Township 15 North, Range 5 West of the Third Principal Meridian, According to the Plat Thereof Recorded in Recorder’s Office of the Sangamon County, Illinois, in Book 4 of Plats, Page 9. Except the Coal and Other Minerals Underlying the Surface of Said Land and all Rights and Easements in favor of the Estate of Said Coal and Minerals.

Situated in Sangamon County, Illinois.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 23 NAME: Jennifer Dillman

DOCKET NUMBER: 2010-038

ADDRESS: 2925 S. Holmes Ave., Springfield, IL. 62704

PETITIONER: Pete Meeker

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

REQUESTED ZONING CLASSIFICATION: "B-1" Neighborhood Business District with a variance of the off street parking requirements to permit only two (2) off street parking spaces, with no handicapped spaces, instead of the required six (6) parking spaces that include one (1) being handicapped.

AREA: .22

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: Staff recommends approval of the requested B-1 zoning. There has been a trend along North Street towards commercial uses and precedent has been set for many similar commercial properties in the area. "B-1" zoning is not seen as spot zoning since the subject property sits adjacent to more intense industrial zoning. Recommend denial of the variance request to allow for two (2) off-street parking spaces with no handicapped spaces instead of the required six (6) that include one (1) being handicapped. The parking plan that was submitted indicates that four (4) spaces will go on the south side of the

building and two (2) spaces will go on the east side of the building, so it is unclear why the variance is being requested, since six (6) are required. However, the parking plan indicates that the flow of traffic to the four (4) spots on the south side of the building will be accessed by the alley, which is currently not being utilized to through traffic, due to overgrown shrubs and other debris. It is unlikely that patrons and/or employees will use this alley since access from North Street appears much more accessible. The access from North Street is owned by the Norfolk Southern Railroad and, as stated in the previous recommendation, a variance to allow parking to be on a separate lot that the use served must be sought and documentation of permission from Norfolk Southern Railroad must be filed with that petition.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approve the rezoning and deny the variance.


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: **2010-038**
 Pete Meeker)
)
) PROPERTY LOCATED AT:
) **2925 S. Holmes Ave.,**
) **Springfield, IL. 62704**

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 **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 **November 18, 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: **2925 S. Holmes 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.**
4. That the present land use of said property is **a telemarketing business and pizza sales (carryout & delivery only).**
5. That the proposed land use of said property is **a telemarketing business and pizza sales (carryout & delivery only).**
6. That the requested **rezoning** of said property is **“B-1” Neighborhood Business District with a variance of the off street parking requirements to permit only two (2) off street parking spaces, with no handicapped spaces, instead of the required six (6) parking spaces that include one (1) being handicapped.**
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** 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 approved.

Charles Chimento/ck
 CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **John Luchessi**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the **rezoning be approved, but that the request for a variance of the off street parking requirements be denied as the request is no longer needed based on the parking plan as submitted**, which was duly seconded by **Charles Chimento**.

The vote of the Board was as follows:

YES: **Charles Chimento, Byron Deaner, John Luchessi, Judith Johnson, Don Wulf**

NO:

ABSENT: **Peggy Egizii, Marvin Traylor.**

Lyndi Knowles
 RECORDING SECRETARY

SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT

Case #: 2010-038

Address: 2325 South Holmes

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

To the north and west are single family residences. Also to the west is a pet grooming business and a construction company. To the east is vacant I-1. To the south are multiple business offices, a counter top company, two auto body repair shops and a restaurant.

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

To the west and north is R-2 zoning. To the east and south is I-1 zoning. Further west is B-3 zoning and further northeast is B-1 zoning.

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

It is unlikely the property will be developed primarily as a single family residential site since the property also consists of a large commercial/retail building.

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

To the north property was rezoned to B-1 in 1971 and B-3 in 1977. Also to the north a use variance for an auto repair shop was granted in 2009. To the west property was rezoned to B-3 in 1970 and 1974. To the south property was granted a CPU in 1992 for an auto body repair shop and property next to that was granted a CPU in 1998 for an auto body repair shop and paint shop. Also, another property to the south was granted a CPU in 2007 to allow for an auto body shop to include spray painting. To the east property was rezoned to B-1 in 1982. Also to the east, property was rezoned to B-1 with a CPU to allow for a tavern with the sale of packaged liquor. Property to the east was rezoned to B-3 in 2007. The subject property was denied B-2 zoning in 1988 and was granted a use variance for a bicycle repair shop.

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: 2010-038

Address: 2925 S. Holmes

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 property is currently being used as a telemarketing business and pizza sales without adequate parking.

- (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 existing building was built over the property line and is grandfathered in as such. There appears to be adequate space for parking to the south of the existing building, however, this area is owned by the Norfolk Southern Railroad and the petitioner would need to seek a variance to allow the parking spaces to be on a separate lot then than use served.

- (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.

It appears that currently, employees and/or patrons are using the area to the south of the existing building, which is owned by the Norfolk Southern Railroad. If parking is desired at this location, a variance must be sought. There is room on the east side of the building for two (2) off-street parking spots. The petitioner did not indicate in the petition how many employees each business will have, the hours of operation of each business, the location of deliveries for the eating establishment as well as how often these deliveries will take place. The parking plan the petitioner submitted indicates that there is room for six spaces so it is unclear why this variance is needed. Additionally, the parking plan shows the flow of traffic to the four spaces on the south side of the building to be coming from the alley, which is not currently accessible to through traffic. It is unlikely that patrons and employees will utilize this alley since access from North Street appears much more accessible and, as stated above, this area is owned by the railroad and a variance must be sought to use this area for parking.