

**DENYING A REZONING**  
**GRANTING A USE VARIANCE**  
FOR CERTAIN PROPERTY LOCATED AT  
**4526 OLD SALEM LANE, 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, **Christopher L. Maurer**, has petitioned the Sangamon County Board for a **rezoning from "A" Agricultural District to "O" Office And College District to allow for a dental clinic; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **June 16, 2011** 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**

JUN 29 2011

*Joe Aiello*  
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 12<sup>th</sup> day of July, 2011 that the request for a rezoning from "A" Agricultural District to "O" Office And College District be denied but, in the alternative, grant a use variance to allow a dental clinic contingent upon approval of an acceptable parking plan that is in accordance with the regulations and that the sign regulations for the Office and College zoning district be followed on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 12<sup>th</sup> day of July, 2011.

Respectfully submitted,

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

Tim Moore by CK  
TIM MOORE, CHAIRMAN

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ABE FORSYTH, VICE CHAIRMAN

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JOHN FULGENZI

\_\_\_\_\_  
DAVID MENDENHALL

\_\_\_\_\_  
SAM SNELL

\_\_\_\_\_  
DON STEPHENS

\_\_\_\_\_  
GREG STUMPF

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

ATTEST:

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

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

## EXHIBIT A

The part of the Northeast Quarter of the Southwest Quarter of Section 35, Township 16 North, Range 6 West of the Third Principal Meridian, described as follows: Beginning at the Northeast corner of the Southwest Quarter of Section 35 aforesaid, thence West 457 feet, thence South 212 feet, thence East 457 feet, thence North 212 feet, to the place of beginning, except the West 200 feet thereof.

EXCEPT that part of the Northeast Quarter of the Southwest Quarter of Section 35, Township 16 north, Range 6 West of the Third Principal Meridian, in the County of Sangamon, State of Illinois, more particularly described as follows:

Commencing at an iron pin being the center of said Section 35; thence South 00 degrees 27 minutes 03 seconds East 25.00 feet, along the East line of the said Quarter Section to the point of beginning of the hereinafter described parcel; thence continuing along said East line South 00 degrees 27 minutes 03 seconds East 187.00 feet to the South property line; thence South 89 degrees 48 minutes 52 seconds West 49.06 feet, along the South property line; thence North 00 degrees 22 minutes 19 seconds East 187.01 feet, to a point on the existing Southern right of way line for Old Salem Road; thence North 89 degrees 48 minutes 52 seconds East 46.37 feet, along said right of way line to the point of beginning.

Situated in Sangamon County, Illinois

RECAP  
(For County Board Use)

COUNTY BOARD MEMBER: #27                      NAME: Abe Forsyth

DOCKET NUMBER: 2011-031

ADDRESS: 4526 Old Salem Lane, Springfield, IL 62711

PETITIONER: Christopher L. Maurer

PRESENT ZONING CLASSIFICATION: "A" Agricultural District.

REQUESTED ZONING CLASSIFICATION: "O" Office And College District to allow for a dental clinic.

AREA: 1.04 acres

COMMENTS: None

OBJECTORS: Yes

PLANNING COMMISSION RECOMMENDATION:      **Recommend denial of the Office zoning. While this area is beginning to see a trend of mixed-use growth, especially to the north of this property along Bradfordton Road, and the LESA score of 113 indicates the property is deemed acceptable for non-agricultural development, a spot of Office zoning is not seen as appropriate at this time. Staff believes a use variance for a dental clinic is appropriate at this location providing that the approval of such use variance is contingent on the approval of an acceptable parking plan in accordance with regulations. In addition, the use variance should require that all sign regulations applicable to the "Office District" (Section 17.62.110) be followed. This action would be consistent with proactive**

commercial development. In 2007, a parcel to the north and east was rezoned to Office for development, and a Use Variance for a photography studio was granted in 2009 for a property to the south and east.

SANGAMON COUNTY BOARD OF APPEALS  
RECOMMENDATION:

Deny the rezoning to "O" Office and College District but, in the alternative, grant a use variance to allow a dental clinic contingent upon approval of an acceptable parking plan that is in accordance with the regulations and that the sign regulations for the office and college district be followed.

Cyndi Knowles  
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:	)	DOCKET NO: 2011-031
<b>Christopher L. Maurer</b>	)	
	)	PROPERTY LOCATED AT:
	)	<b>4526 Old Salem Lane,</b>
	)	<b>Springfield, IL 62711</b>

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 16, 2011** 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: **4526 Old Salem Lane, Springfield, IL.** and more particularly described as:

**See Exhibit A**

- 3. That the present zoning of said property is **"A" Agricultural 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 dental clinic.**
- 6. That the requested **rezoning** of said property is **"O" Office And College District to allow for a dental clinic.**
- 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 a dental clinic contingent upon approval of an acceptable parking plan that is in accordance with the regulations and that the sign regulations for the Office and College zoning district be followed.**

Charles Chimento/cck  
CHAIRMAN

MINUTES OF THE

SANGAMON COUNTY ZONING BOARD OF APPEALS

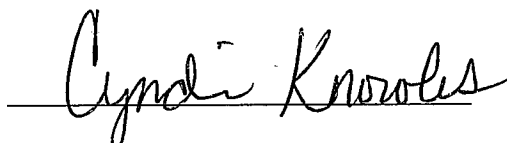
There was a motion by Zoning Board Member, **Byron Deaner**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **denied, but in the alternative, grant a use variance to allow a dental clinic contingent upon approval of an acceptable parking plan that is in accordance with the regulations and that the sign regulations for the Office and College zoning district be followed** which was duly seconded by **Marvin Traylor**.

The vote of the Board was as follows:

YES: Charles Chimento, Byron Deaner, Judith Johnson, Marvin Traylor, John Luchessi

NO:

ABSENT: Peggy Egizii

A handwritten signature in cursive script that reads "Cyndi Knowles". The signature is written in black ink and is positioned above a horizontal line.

RECORDING SECRETARY



SANGAMON COUNTY  
RECOMMENDED - FINDINGS OF FACT

Case #: 2011-031

Address: 4526 Old Salem Lane

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

**The subject property is surrounded by single family residences to the east, west and south. To the north is cropland.**

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

**To the north and east is City R-1. To the south and west is Agricultural and further south is R-2.**

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

**The Land Evaluation and Site Assessment score of 113 indicates that the property is deemed acceptable for non-agricultural development. Furthermore, there is a single family residence on the property with no agricultural use.**

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

**East: Use variance granted in 2009 for a photography studio. Use variance granted in 1997 for a catering business. Conditional permitted use was denied in 2004 for a tree service business. Further east a conditional permitted use for a private outdoor recreation area was granted in 1995. North: Use variance for a contractor's office, shop and yard with no outside storage in 1998 and in 2011 this use was varied granting the continued contractor's office, shop and yard to include outside storage. Use variance for an office building in 2000 and the same property was rezoned to "Office" in 2007. There is a home daycare further south. Areas to the west have remained stable residential and agricultural.**

RECOMMENDED STANDARDS FOR USE VARIATIONS

Case #: 2011-031

Address: 4526 Old Salem Lane

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 property is currently zoned agricultural and is currently not being used as such.**

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

**There have been several use variance granted in the area so a dental office seems appropriate.**

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

**This area of the County has seen intense growth in the past 10 years and a dental office at this location seems appropriate.**

- (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.

**No negative impact is anticipated. There is a concern with parking on the subject property and a parking plan should be submitted outlining number and location of parking spaces.**

LAND EVALUATION AND SITE ASSESSMENT

## Part 1: Site Assessment

Available  
Points      Points

<u>AGRICULTURAL/RURAL LAND WITHIN .5 MILE</u>		
90% or more	20	
75-89%	10	<b>0</b>
50-74%	5	
Under 50%	0	

<u>CONTIGUOUS AGRICULTURAL/RURAL LAND</u>		
90% or more	20	
75-89%	10	<b>0</b>
50-74%	5	
Under 50%	0	

<u>PERCENTAGE OF SITE AGRICULTURAL/RURAL</u>		
75-100%	10	
50-74%	5	<b>0</b>
Under 50%	0	

<u>COUNTY SECTOR</u>		
Rural	20	
0.5 mile from incorporated area	10	<b>10</b>
Incorporated area	0	

<u>SOIL WITH SEVERE RESTRICTIONS FOR ON-SITE WASTE DISPOSAL</u>		
75% or more	20	
50-74%	10	<b>0</b>
25-49%	5	
Less than 25% or sewer available	0	

<u>ENVIRONMENTAL IMPACT OF PROPOSED USE</u>		
Negative impact	15	
Little or none with protective measures	5	<b>0</b>
Little or none	0	

<u>IMPACT ON UNIQUE HISTORICAL/CULTURAL FEATURES</u>		
Negative impact	10	<b>0</b>
No impact	0	

<u>CONDITION OF ROAD</u>		
unpaved, <40' ROW, or < 16' pavement	20	
16'-18' pavement, 40' ROW	15	<b>0</b>
18'-20' pavement, 40' ROW	10	
> 20' pavement, 40' ROW or County or State Highway	0	

512

<u>AVAILABILITY OF PUBLIC SEWER</u>		
Not available	15	<b>15</b>
Sewer over 600'-1200' away	8	
Private central sewage system	5	
Sewer 600' or less away and available	0	

<u>AVAILABILITY OF PUBLIC WATER</u>		
Not available	20	<b>0</b>
1,000-1,500' away	15	
Less than 1,000' away	5	
Public water available at site	0	

<u>DISTANCE FROM RESPONDING FIREHOUSE</u>		
Not in fire protection district	20	<b>5</b>
More than 5 miles or fire protection by assignment	10	
2.6-5 miles	5	
0-2.5 miles	0	

<u>DRIVING TIME TO HIGH SCHOOL</u>		
Over 30 minutes	10	<b>0</b>
15-30 minutes	5	
Less than 15 minutes	0	

<b>SITE ASSESSMENT TOTAL</b>	<b>30</b>
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**Part 2: Agricultural Land Evaluation (Based on Sangamon County Soil Survey)**

<u>Soil</u>	<u>Name</u>	<u>Type</u>	<u>%</u>	<u>Relative Value</u>	<u>Points</u>
198A	Elburn	P		100	
199A	Plano	P		100	
43A	Ipava	P		100	
7148A	Proctor	P		100	
46A	Herrick	P		100	
7037A	Worthen	P		100	
705A	Buckhart	P		98	
199B	Plano	P		98	
36B	Tama	P		98	
244A	Hartsburg	P2		98	
257A	Clarksdale	P2		98	
68A	Sable	P2		87	
679B	Blackberry	P		87	
705B	Buckhart	P		87	
86B	Osco	P	<b>95</b>	87	<b>83</b>
684B	Broadwell	P		87	
50A	Viriden	P2		87	
712A	Spaulding	P2		87	
127B	Harrison	P		87	
3077A	Huntsville	P3		87	
138A	Shiloh	P2		87	

249A	Edinburg	P2	87
242A	Kendall	P2	87
7242A	Kendall	P2	87
134A	Camden	P	87
17A	Keomah	P2	87
3451A	Lawson	P3	75
3107A	Sawmill	P5	75
7075B	Drury	P	75
8396A	Vesser	P2	75
3074A	Radford	P3	75
3073A	Ross	P3	75
3284A	Tice	P3	75
279B	Rozetta	P	75
45A	Denny	P2	75
134B	Camden	P	75
112A	Cowden	P2	75
685B	Middletown	P	75
3405A	Zook	P5	75
131C2	Alvin	P	75
86C2	Oscos	I	74
36C2	Tama	I	74
684C2	Broadwell	I	74
119C2	Elco	I	74
119D	Elco	I	74
127C2	Harrison	I	74
119D2	Elco	I	74
567C2	Elkhart	I	74
134C2	Camden	I	74
259C2	Assumption	I	74
685C2	Middletown	I	74
280D2	Fayette	I	74
119D3	Elco	N	74
259D2	Assumption	I	74
212C2	Thebes	I	74
630C2	Navlys	I	74
630D2	Navlys	I	74
630D3	Navlys	I	57
131D2	Alvin	I	57
8D	Hickory	I	50
8D2	Hickory	I	50
280D3	Fayette	I	44
8D3	Hickory	I	44
8F	Hickory	N	44
549G	Marseilles	N	0
533	Urban Land	N	
536	Dumps	N	
830	Orthents, Land	N	
862	Pits, Sand	N	
864	Pits, Quarries	N	
801C	Orthents, Silty	N	
W	Water		

## Prime/Important Farmlands Designations:

P: Prime farmland

P2: Prime where drained

514

Parcel # 13-35-326-011

Zoning Case # 2011-031

P3: Prime where protected from flooding or flooding is less often than once in two years during the growing season.

P5: Prime where drained and either protected from flooding or flooding is less often than once in two years during the growing season.

I: Important farmland

N: Not Prime/Important Farmland

AGRICULTURAL LAND EVALUATION TOTAL	83
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GRAND TOTAL	113
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**Fewer than 150 points shall be deemed acceptable for non-agricultural development.**

From 150 - 175 points is considered marginal requiring mitigating factors for non-ag development.

Greater than 175 points shall be considered suitable for agricultural use only.