

CASE# 2013-049
RESOLUTION NUMBER 5-1

GRANTING A USE VARIANCE AND VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
3524 PET CEMETARY 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 **grant a use variance and variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See **EXHIBIT A**

WHEREAS, the Petitioners, **Chris and Breanna VanHuss**, have petitioned the Sangamon County Board **for a rezoning from "A" Agricultural District to "I-1" Restricted Industrial District with a variance to allow two (2) principal uses on one (1) parcel to allow a single-family residence and a contractor's office, shop & yard; and**

WHEREAS, a public hearing was held at the Sangamon County Building **on November 21, 2013** 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 variance; and**

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

FILED

NOV 25 2013

Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 10th day of December 2013 that the request for a rezoning from "A" Agricultural District to "I-1" Restricted Industrial District be denied but, in the alternative, a use variance with a variance to allow two (2) principal uses on one (1) parcel to allow a single-family residence and a contractor's office, shop & yard providing that the employees work off-site, there is minimum storage outside, and the hours are Monday-Friday 6am-5pm and Saturday 6am-1pm and that there is no signage be approved.

Signed and passed by the Sangamon County Board in session on this 10th day of December, 2013.

Respectfully submitted,

PUBLIC HEALTH, SOLID WASTE & ZONING COMMITTEE
OF THE SANGAMON COUNTY BOARD

GREG STUMPF, CHAIRMAN


DAVID MENDENHALL, VICE CHAIRMAN

JOHN FULGENZI

CRAIG HALL

SAM SNELL

ABE FORSYTH

JASON RATTS

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

Legal Description

File Number: 03-IL20170

Part of the West Half of the Southeast Quarter Section 30, Township 16 North, Range 4 West of the Third Principal Meridian, described more particularly as follows: Commencing at a stone marking the center of the aforementioned Section 30, thence South 00 Degrees 33' 49" East along the Quarter Section line a distance of 1324.24 feet to a point in the centerline of U.S. Route 36, said point marks the true point of beginning, thence North 44 degrees 03' 11" East along the centerline of U.S. Route 36 a distance of 190.46 feet, thence South 23 degrees 43' 04" East distance of 620.69 feet to an iron pin on the Northwest Right-of-way line of FAL-72, thence South 56 degrees 58' 27" West along said Right-of-way line a distance of 44.40 feet to an iron pin, thence South 56 degrees 48' 40" West along said Right-of-way line a distance of 7.42 feet to a point on the quarter section line, thence North 00 degrees 33' 49" West along the quarter section line a distance of 675.51 feet to the true point of beginning. Said tract contains 4.186 acres more or less, all in the County of Sangamon and State of Illinois. Basis of bearing is South 00 degrees 33' 49" East along quarter section line. (except all mineral rights thereunder lying)

Being the same property conveyed to William J. Kink and Tina M. Kink by deed dated November 30, 1987 in Volume Number 89545, in the Office of the SANGAMON County, Illinois Recorder.

Parcel Number: 15-30-402.008

Address: 3524 Pet Cemetary Road, Springfield, IL 62707

000377

RECAP

(For County Board Use)

COUNTY BOARD MEMBER: # 9 NAME: Sarah Musgrave

DOCKET NUMBER: 2013-049

ADDRESS: 3524 Pet Cemetery Rd, Springfield, IL 62707

PETITIONER: Chris & Breanna VanHuss

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: "I-1" Restricted Industrial District with a variance to allow two (2) principal uses on one (1) parcel to allow a single-family residence and a contractor's office, shop & yard.

AREA: 3.95 acres

COMMENTS: None

OBJECTORS: Yes

PLANNING COMMISSION RECOMMENDATION: **Recommend denial of the requested I-1 zoning as it is seen as too intense and industrial zoning would not be consistent with the immediate area. The Land Evaluation and Site Assessment score of 130 indicates the property is deemed acceptable for non-agricultural development, which supports the current use as a single family residence and pole barn that is being used for a concrete flat work business. Staff does recommend that a use variance is appropriate for the subject parcel to allow the existing concrete flat work business to continue operating, providing that the employees work off-site, there is minimum storage outside, and the hours are Monday-Friday 6am-5pm and Saturday 6am-1pm. Furthermore, staff does not recommend that a sign be constructed on the property due to the precedent that has been set by the County Board regarding signage. Recommend approval of the requested variance. The standards for variation have been met.**

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

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


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2013-049
Chris & Breanna VanHuss)	
)	PROPERTY LOCATED AT:
)	3524 Pet Cemetery 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 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 21, 2013** 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: **3524 Pet Cemetery Road, 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 & concrete flat work business within an accessory building.**
- 5. That the proposed land use of said property is a **single-family residence & concrete flat work business within an accessory building.**
- 6. That the requested **rezoning and variance** of said property are a **rezoning from "A" Agricultural District to "I-1" Restricted Industrial District with a variance to allow two (2) principal uses on one (1) parcel to allow a single-family residence and a contractor's office, shop & yard.**
- 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 but, in the alternative, does support a use variance and a variance to allow two (2) principal uses on one (1) parcel to allow a single-family residence and a contractor's office, shop & yard providing that the employees work off-site, there is minimum storage outside, and the hours are Monday-Friday 6am-5pm and Saturday 6am-1pm and that there is no signage** 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, a use variance and variance to allow two (2) principal uses on one (1) parcel to allow a single-family residence and a contractor's office, shop & yard providing that the employees work off-site, there is minimum storage outside, and the hours are Monday-Friday 6am-5pm and Saturday 6am-1pm and that there is no signage** be approved.

Charles Chimento /ck
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Judith Johnson**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **approved as staff recommended**, which was duly seconded by **Don Wulf**.

The vote of the Board was as follows:

YES: **Charles Chimento, Byron Deaner, Don Wulf, Peggy Egizii, Judith Johnson**

NO:

PRESENT:

ABSENT:

Cyndi Knowles
RECORDING SECRETARY

RECOMMENDED STANDARDS FOR USE VARIATIONS
(Two Uses on One Parcel)

Case #: 2013-49

Address: 3524 Pet Cemetery 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 property is zoned agricultural and is currently being used for a single-family residence and concrete flat work business. The likelihood of the property being used for an agricultural use is highly unlikely.

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

There are parcels in the area that are similar in nature to the subject parcel and contain a single-family residence and large outbuildings.

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

Although the two proposed uses might not have a direct benefit to the immediate vicinity, the uses might benefit other areas of the county.

- (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.

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: 2013-049

Address: 3524 Pet Cemetery Road, Springfield

- (i) Existing uses of property within the general area of the property in question.
To the west, north and east are single-family residences. To the south is vacant land and an interstate.
- (ii) The zoning classification of property within the general area of the property in question.
The property is surrounded by Agricultural zoning. There is B-3 zoning further west.
- (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 130 indicates the property is deemed acceptable for non-agricultural development.
- (iv) The trend of development, within the vicinity since the property was originally classified.
The area has remained stable with some single-family residences built in the vicinity.

**RECOMMENDED STANDARDS FOR USE VARIATIONS
(Single-Family Residence & Concrete Flat Work Business)**

Case #: 2013-049

Address: 3524 Pet Cemetery 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 property is zoned agricultural and is being used for residences and a concrete flat work business. It is unlikely the property will be converted to an agricultural use.

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

There are parcels in the area that are similar in nature to the subject parcel and contain a single-family residence and large outbuildings.

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

Although the proposed use may not be a direct benefit to the immediate community since the petitioner will be doing the majority of work off-site, the business may benefit other portions of the County.

- (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, as the petitioner indicated