

CASE# 2016-006
RESOLUTION NUMBER 5-1

DENYING A REZONING AND GRANTING A USE VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
816 FORREST, 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 Petitioners, **George E. & Rose M. Ruzic and George J. Ruzic**, have petitioned the Sangamon County Board for a **rezoning from “R-2” Single-Family and Two-Family Residence District to “B-3” General Business District to allow a garage with the assembly of motor vehicle frames; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **February 18, 2016** 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

FEB 25 2016

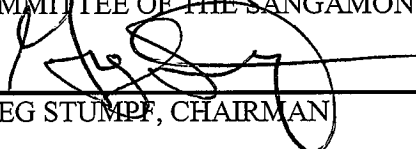
Don / Khay
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **8th Day of March, 2016** that the request for a rezoning from **“R-2” Single-Family and Two-Family Residence District to “B-3” General Business District** on the above described property is hereby denied, but in the alternative, grant a Use Variance to allow a garage with the assembly of motor vehicle frames in the **“R-2” Single-Family and Two-Family Residence District**.

Signed and passed by the Sangamon County Board in session on this **8th day of March, 2016**.

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 RATTTS

LINDA DOUGLAS WILLIAMS

ANNETTE FULGENZI

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

Parcel I: The South 25 feet of Lot 14 in Wanless' Capitol Place Addition to the City of Springfield. Except all coal, minerals and mining rights heretofore conveyed or reserved of record.

Parcel II: The North 36 feet of lot 15 and the West 100 feet of the South 14 feet of the North 50 feet of Lot 15 in Wanless' Capitol Place Addition to the City of Springfield. Except all coal, minerals and mining rights heretofore conveyed or reserved of record.

Both Parcels, Situated in SANGAMON COUNTY, ILLINOIS

RECAP
(For County Board Use)

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

DOCKET NUMBER: **2016-006**

ADDRESS: **816 Forrest, Springfield, IL 62702**

PETITIONER: **George E. & Rose M. Ruzic and George J. Ruzic**

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

REQUESTED ZONING CLASSIFICATION: **"B-3" General Business District**

AREA: **0.3 acre**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION RECOMMENDATION: **Recommend denial of the requested B-3 zoning. The requested classification is seen as too intense for the residential area. In the alternative, staff recommends a Use Variance to allow the assembly of motor vehicle frames. The petitioners want to construct a garage and move the existing motor vehicle frame business from the property to the north of the subject property. In 2003, the County Board granted a Use Variance to allow motor vehicle frame assembly on the property immediately to the north of the subject property. Given the precedent set by the County Board on the parcel to the north, a Use Variance is warranted.**

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION: **Approval as staff recommended.**


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITON OF:)	DOCKET NO: 2016-006
George E. & Rose M. Ruzic and)	
George J. Ruzic)	PROPERTY LOCATED AT:
)	816 Forrest
)	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 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 **February 18, 2016** 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: **816 Forrest, Springfield, IL 62702** 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 **vacant land.**
- 5. That the proposed land use of said property is **a garage with assembly motor vehicle frames.**
- 6. That the requested **rezoning** of said property is **a rezoning from “R-2” Single-Family and Two-Family Residence District to “B-3” General Business District to allow a garage with the assembly of motor vehicle frames.**
- 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 garage with the assembly of motor vehicle frames.**

Charles Chimento/cx
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **John Lucchesi**, 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 garage with the assembly of motor vehicle frames**, which was duly seconded by **Anthony Mares**.

The vote of the Board was as follows:

YES: **Charles Chimento, Anthony Mares, Andrew Spiro, Merilyn Herbert, and John Lucchesi**

NO:

PRESENT:

5-8

ABSENT: **Don Wulf**

Cyndi Knowles
RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: 2016-006

Address: 816 Forrest, Springfield

- (i) Existing uses of property within the general area of the property in question.
To the north, south, and west are residences. To the east are a residence and a mobile home.
- (ii) The zoning classification of property within the general area of the property in question.
To the north, south, and west are R-2. To the east are R-2 and RM-4.
- (iii) The suitability of the property in question to the uses permitted under the existing zoning classification.

The subject property is currently vacant with an asphalt drive, zoned R-2, and is located in a predominantly residential area. The subject property previously was improved with a residence and a garage that were demolished. The petitioners want to move their existing motor vehicle frame assembly business from the property immediately to the north into a garage on the subject property. The R-2 classification does not allow the requested use.

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

The area has remained residential, with a mixture of residences and mobile homes. In 1997, a rezoning to RM-4 was approved on Forrest (Zoning Case # 1997-17). In 2003, staff recommended denial and the County Board denied a request for B-3 zoning immediately to the north; but in the alternative, granted a Use Variance to allow the assembly of motor vehicle frames. Therefore, a precedent was set that warrants a Use Variance.

RECOMMENDED STANDARDS FOR USE VARIATIONS

Case #: 2016-006

Address: 816 Forrest, 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 subject property has remained vacant without a residence constructed upon it for several years. This could be indicative of difficulty in making a residential use work on the subject property.

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

The requested zoning would allow the petitioner to construct a new garage for the assembly of motor vehicle frames on the subject property. A Use Variance was granted in 2003 to allow this same business on the property immediately north of the subject property. The existing business does not appear to cause an undue amount of vehicular traffic. Also, the proposed use does not appear to have a negative visual impact on the area.

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

The subject property has remained vacant without a residence constructed upon it for several years. This could be indicative of a difficulty in making a residential use work on the subject property. It could be a benefit to the community for the subject property to have the requested use on it rather than a comparatively more intense use contemplated in the B-3 district. There is little to no visual impact from the business on the immediate area.

- (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.

The proposed use does not appear to have a negative visual or vehicular impact on the area. Other negative impacts are not anticipated.