

GRANTING A REZONING AND DENYING VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
2840 S. 11TH STREET, 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 variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

Lots Ten (10) and Eleven (11) of Miller's Bunn Park Addition, 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.

Parcel Number: 22-10.0-401-041

WHEREAS, the Petitioner, **Mei-Hsueh Pan**, has petitioned the Sangamon County Board for a **rezoning from "R-2" Single-Family and Two-Family Residence District to "B-3" General Business District; a variance to allow the over flow parking to the east to remain unpaved (rock) instead of the required bituminous seal coat; and, a variance to allow no transitional buffer yard on the north, south, and east property lines;** and,

WHEREAS, a public hearing was held at the Sangamon County Building on **May 16, 2019** 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 a rezoning and deny the variances;** and,

FILED

MAY 29 2019

Don Khay


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

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 11th Day of June, 2019 that the requests for a rezoning from “R-2” Single-Family and Two-Family Residence District to “B-3” General Business District; a variance to allow the over flow parking to the east to remain unpaved (rock) instead of the required bituminous seal coat; and, a variance to allow no transitional buffer yard on the north, south, and east property lines are denied, but in the alternative a rezoning to “B-1” Neighborhood Business District for a restaurant with no drive-thru on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 11th day of June, 2019.

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 RATTS

LINDA DOUGLAS WILLIAMS

ANNETTE FULGENZI

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ROSE RUZIC

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

RECAP
(For County Board Use)

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

DOCKET NUMBER: 2019-015

ADDRESS: 2840 S. 11th Street, Springfield, IL 62703

PETITIONER: Mei-Hsueh Pan

PRESENT ZONING CLASSIFICATION: **“R-2” Single-Family and Two-Family Residence District.**

REQUESTED ZONING CLASSIFICATION: **“B-3” General Business District; a variance to allow the overflow parking to the east to remain unpaved (rock) instead of the required bituminous seal coat; and, a variance to allow no transitional buffer yard on the north, south, and east property lines.**

AREA: 12,400 sq. ft.

COMMENTS: None

OBJECTORS: Yes

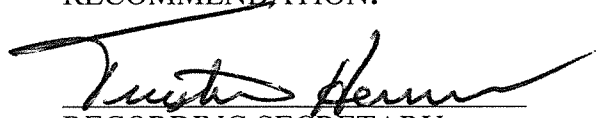
PLANNING COMMISSION RECOMMENDATION: **Recommend denial of the requested B-3 zoning. The petitioner is proposing to demolish the existing residence on the subject property and construct a restaurant with a drive-thru. Although the property is unincorporated, the Springfield Comprehensive Plan calls this part of the east side of 11th Street an Opportunity Area where a mix of uses (residential, office-service, commercial) are appropriate and that when redeveloped would complement and support the surrounding area. A restaurant provides an uncommon service along this segment of 11th Street that would complement and support the surrounding area, but allowing a drive-thru could negatively affect the residences in the area.**

Therefore, staff recommends approval of B-1 zoning for a restaurant with no drive-thru.

Recommend denial of the requested variance to allow the overflow parking to remain unpaved (rock). A commercial business, especially located adjacent to an incorporated city, should pave all the required parking spaces and any additional spaces the business may want to provide. Paving and striping the parking lot will help with internal vehicular circulation. Recommend denial of the requested transitional buffer yard (TBY) variance. No particularly unique circumstances were mentioned in the petition. The Standards for Variation are not met.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval of Staff Recommendation.


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2019-015
Mei-Hsueh Pan)	
)	PROPERTY LOCATED AT:
)	2840 S. 11th Street
)	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 and variances** 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 **May 16, 2019** 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: **2840 S. 11th Street, Springfield, IL 62703** and more particularly described as:

Lots Ten (10) and Eleven (11) of Miller’s Bunn Park Addition, 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. Parcel Number: 22-10.0-401-041

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 **single-family residence.**
5. That the proposed land use of said property is a **restaurant with a drive-thru.**
6. That the requested **rezoning and variances** of said property is a **rezoning from “R-2” Single-Family and Two-Family Residence District to “B-3” General Business District; a variance to allow the over flow parking to the east to remain unpaved (rock) instead of the required bituminous seal coat; and, a variance to allow no transitional buffer yard on the north, south, and east property lines.**
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 and variances** is in the public interest and is not solely in the interest of the petitioner(s) but, in the alternative **does** support the proposition that the adoption of a **rezoning to “B-1” Neighborhood Business District for a restaurant with no drive-thru** 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 and variances** be **denied, but in the alternative, a rezoning** be approved.


CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Andrew Spiro**, 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 a rezoning to "B-1" Neighborhood Business District for a restaurant with no drive-thru** be **approved** which was duly seconded by **Tony Mares**.

The vote of the Board was as follows:

YES: **Don Wulf, Andrew Spiro, Tony Mares, JD Sudeth**

NO:

PRESENT:

ABSENT: **Charlie Chimento**


RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: **2019-015**

Address: **2840 South 11th Street, Springfield**

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

North & East – Residences. South – Engineering consultant. West – Vacant.

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

North & East – R-2. South – RM-4. West – City B-1.

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

A restaurant is not an allowable use in the R-2 District. Although the property is unincorporated, the Springfield Comprehensive Plan calls this part of the east side of 11th Street an Opportunity Area where a mix of uses (residential, office-service, commercial) are appropriate and that when redeveloped would complement and support the surrounding area. A restaurant provides an uncommon service along this segment of 11th Street that would complement and support the surrounding area, but allowing a drive-thru could negatively affect the residences in the area.

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

In 2016, B-2 was approved but a variance to allow two uses and a paving variance were denied on property south of the subject property. In 2000, B-1 was approved for one lot and a Use Variance for a landscaping company was granted for two lots north of the subject property. In 1992, RM-4 was denied north of the subject property. In 1991, a variance was granted to waive all yard requirements north of the subject property. In 1979, B-3 was denied but a Use Variance for a medical lab was granted south of the subject property. In 1977, B-1 with a variance for the rear transitional buffer yard was granted south of the subject property. In 1976, B-3 was granted north of the subject property.

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2019-015**

Address: **2840 South 11th Street, Springfield**

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.
Paving Variance: A commercial business, especially located adjacent to an incorporated city, should pave all the required parking spaces and any additional spaces the business may want to provide. Paving and striping the parking lot will help with internal vehicular circulation.
TBY Variance: The property can continue to yield a reasonable return while being used in compliance with the ordinance.

- (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.
Paving Variance: No particularly unique circumstances were mentioned in the petition.
TBY Variance: No particularly unique circumstances were mentioned in the petition.

- (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.
Paving Variance: Paving and striping the entire parking lot could ease internal vehicular circulation on the subject property.
TBY Variance: The purpose of a transitional buffer yard is to make sure a more intense use like a business will not impair the adequate supply of light and air on adjacent residences.