

GRANTING A REZONING AND VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
4229 & 4301 PEORIA 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 an amendment and variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Ron Furman**, has petitioned the Sangamon County Board for a **rezoning for parcel one (1) from "B-3" General Business District to "R-1" Single Family Residence District and a variance for parcel one (1) of the bulk requirement to allow the lot to be less than one (1) acre in size. Petitioner also requests a variance for parcel two (2) to reduce the required front yard from fifteen (15) feet to five (5) feet and to allow for the existing single family residence to remain on the commercially zoned property ; 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 variances; and**

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

FILED

DEC 02 2010

Jae 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 parcel one (1) for a rezoning from "B-3" General Business District to "R-1" Single Family Residence District and a variance of the bulk requirement to allow the lot to be less than one (1) acre in size on parcel one (1) is approved. The petitioner's request for a variance for parcel two (2) to reduce the required front yard from fifteen (15) feet to five (5) feet and to allow the existing single family residence to remain on the commercially zoned property is also hereby approved.

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 /cx
TIM MOORE, CHAIRMAN

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

Parcel 1

Part of the East Half of the Northeast Quarter of Section 11, Township 16 North, Range 5 West of the Third Principal Meridian Described as Follows:

Beginning at the Northeast Corner of said Northeast Quarter Section 11, Township 16 North, Range 5 West of the Third Principal Meridian; Thence South 1832.2 Feet Along the East Line of said Section 11; Thence Westerly 662.6 Feet Parallel with the North Line of said Section 11 to the Westerly Right of Way Line of U.S. Route 66; Thence Northeasterly Along said Westerly Right of Way Line of 41.42 Feet to the Point of Beginning; Thence Northwesterly on Azimuth 245 Degrees 31 Minutes for a Distance of 117.1 Feet to an Axle on the East Line of Public Highway; Thence Northeasterly Along the Easterly Line of said Highway 423.85 Feet to an Axle; Thence Southeasterly on Azimuth 269 Degrees 09 Minutes for a Distance of 318.4 Feet to an Axle on the Westerly Right of Way Line of U.S. Route 66; Thence Southwesterly Along said Right of Way Line 470.9 Feet to the Point of Beginning. Also, Another Tract Described as follows:

Beginning at the Northwest Corner of the Tract of Land Conveyed by Ollie Poland, et al, to Nick Nicholas Kish and Jennie Josephine Kish by Deed dated March 29, 1946 and Recorded in Book 331 of Deeds, Page 125 in the Recorder's Office of Sangamon County, Illinois; Thence Northeasterly Along the Highway 150 Feet to the Southwest Corner of a Tract of Land Conveyed to Arthur E. Lewis and Bertha D. Lewis by Deed dated August 19, 1946 and Recorded in Book 340 of Deeds, page 485 in the Recorders Office of Sangamon County, Illinois; Thence Southeasterly 357.5 Feet with the South Line of said Lewis Tract to a Point on the West Line of U.S. Route 66, Which point is 150 Feet Northeast of the Northeast Corner of Kish's Tract; Thence Southwesterly Along the West Right of Way Line of U.S. Route 66 to the Northeast Corner of the Kish Tract; Thence Northwesterly 318.4 Feet to the Place of Beginning.

Excepting All Coal and Minerals Lying more than 60 Feet Below the Surface of the Above Described Real Estate.

Excepting Therefrom, that Part of the Premises in Question Described as follows:

That Part of the East Half of the Northeast Quarter of Section 11, Township 16 North, Range 5 West of the Third Principal Meridian, Described as follows, Towitt:

Commencing at an Axle in the Northwest Corner of a Tract of Land Conveyed by Ollie Poland, et al, to Nick Nicholas Kish and Jennie Josephine Kish by Deed dated March 29, 1946 and Recorded in Book 331 of Deeds, Page 125, in the Recorder's Office Sangamon County, Illinois; Thence South 65 Degrees 38 Minutes East 122 Feet to an Iron Pin Which is the Point of Beginning; Thence Continuing South 65 Degrees 38 Minutes East 135.6 Feet to an Iron Pin in the West Line of City U.S. Route 66; Thence in a Northeasterly Direction Along said West Right of Way Line of City U.S. Route 66, 151.75 Feet to an Iron Pin; Thence North 64 Degrees 03 Minutes West 174.5 Feet to an Iron Pin; Thence South 29 Degrees 36 Minutes West 147.3 Feet to the Place of Beginning.

Except the Coal and Other Minerals Underlying the Surface of said Coal and Minerals.

Parcel II

That Part of the East Half of the Northeast Quarter Section 11, Township 16 North, Range 5 West of the Third Principal Meridian, Described as Follows, towitt:

Commencing at an Axle in the Northwest Corner of a Tract of Land Conveyed by Ollie Poland, et al, to Nick Nicholas Kish and Jennie Josephine Kish by Deed dated March 29, 1946, and Recorded in Book 331 of Deeds, Page 125, in Recorder's Office of Sangamon County, Illinois; Thence South 65 Degrees 38 Minutes East 122 Feet to an Iron Pin which is the Point of Beginning; Thence Continuing South 65 Degrees 38 Minutes East 135.6 Feet to an Iron Point the West Line of City U.S. Route 66; Thence in a Northeasterly Direction Along said West Right of Way Line of City U.S. Route 66, 151.75 Feet to an Iron Pin; Thence North 64 Degrees 03 Minutes West 174.5 Feet to an Iron Pin; Thence South 29 Degrees 36 Minutes West 147.3 Feet to the Place of Beginning.

Excepting 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

RECAP
(For County Board Use)

65

COUNTY BOARD MEMBER: #8 NAME: Jim Good

DOCKET NUMBER: 2010-44

ADDRESS: 4229 & 4301 Peoria Road, Springfield, Il. 62702

PETITIONER: Ron Furman

PRESENT ZONING CLASSIFICATION: "B-3" General Business District

REQUESTED ZONING CLASSIFICATION: Parcel one (1) rezoning from "B-3" General Business District to "R-1" Single Family Residence District with a variance for parcel one (1) of the bulk requirement to allow the lot to be less than one (1) acre in size. Petitioner also requests a variance for parcel two (2) to reduce the required front yard from fifteen (15) feet to five (5) feet and to allow for the existing single family residence to remain on the commercially zoned property.

AREA: 2.11

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: Recommend approval of the requested R-1 zoning for parcel one. There is a single family residence on the property and it is unlikely the parcel will be utilized as a commercial use. Recommend approval of the requested variances for parcel one and parcel two. The standards for variation are met. Each resulting parcel is large enough to accommodate the current uses. There is not a concern with traffic congestion, the supply of light and air to adjacent properties, and property values. The proposed uses are consistent with the trend of development along the Peoria Road corridor which is a mixture of single family residences and commercial uses.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval

Cyndi Knowles
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITON OF:) DOCKET NO: **2010-44**
 Ron Furman)
)
) PROPERTY LOCATED AT:
) **4229 & 4301 Peoria Road**
) **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 a **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 **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: **4229 & 4301 Peoria Road, Springfield, IL.** and more particularly described as:

See Exhibit A

- 3. That the present zoning of said property is **"B-3" General Business District.**
- 4. That the present land use of said property is **a commercial sweeping and paving business and two single family residences.**
- 5. That the proposed land use of said property is **a commercial sweeping and paving business with a canopy to be used for parking and two single family residences.**
- 6. That the requested **rezoning and variances** of said property are **a rezoning for parcel one (1) from "B-3" General Business District to "R-1" Single Family Residence District and a variance for parcel one (1) of the bulk requirement to allow the lot to be less than one (1) acre in size. Petitioner also requests a variance for parcel two (2) to reduce the required front yard from fifteen (15) feet to five (5) feet and to allow for the existing single family residence to remain on the commercially zoned property.**
- 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 and variances** 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 **approved.**

Charles Chimento/ce
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Don Wulf**, 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**, which was duly seconded by **Judith Johnson**.

The vote of the Board was as follows:

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

NO:

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

Cyndi Kwoolts
RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: **2010-044**

Address: **4229 & 4301 Peoria Road**

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

To the north is a motel, carpet cleaning business and dog groomer. To the east is a cabinet business, gas station, two single family residences, and a vacant tavern. To the south is a tavern. To the west is a mobile home park.

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

To the north is B-3. Further north is R-1 and RM-4. To the east is B-1, B-3 and R-1. To the south is R-1 and B-3. To the west is City R-4.

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

There is a single family residence on Parcel One so the likelihood of this property to be used as a commercial use is highly unlikely.

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

The subject property was rezoned to B-3 in 1999. Property to the north was rezoned to B-3 in 2002. Property to the east was rezoned to B-3 in 1985.

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: 2010-044

Address: 4229 & 4301 Peoria Road

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 request is made to reconfigure parcel one for the purposes of building a canopy for the commercial business on parcel two.

- (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 subject property is over 2 acres in size and is large enough to accommodate two single family residences and a commercial business.

- (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.

No negative impacts are anticipated as the property has been utilized as a commercial business and two single family residences for quite some time. The Peoria Road corridor is a mixture of residential and commercial uses. The property is large at 2.11 acres and there is not a concern with the supply of light and air to adjacent properties.