

CASE# 2013-004  
RESOLUTION NUMBER 10-1

**GRANTING VARIANCES**  
FOR CERTAIN PROPERTY LOCATED AT  
**3037 SANGAMON AVENUE, 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 variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See **EXHIBIT A**

WHEREAS, the Petitioner, **The Heights, LLC**, has petitioned the Sangamon County Board for a **variance for proposed Parcel 1 of the front yard setback from twenty (20) feet to zero (0) feet, a variance of the rear yard setback from five (5) feet to zero (0) feet and a variance to allow an accessory structure zero (0) feet from the front property line; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **January 17, 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 **grant the variances; and**

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

**FILED**

JAN 24 2013

*Joe Aiello*  
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 13<sup>th</sup> day of February, 2013 that the request for a variance of proposed Parcel 1 of the front yard setback from twenty (20) feet to zero (0) feet, a variance of the rear yard setback from five (5) feet to zero (0) feet and a variance to allow an accessory structure zero (0) feet from the front property line on the above referenced property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 13<sup>th</sup> day of February, 2013.

Respectfully submitted,

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



GREG STUMPF, CHAIRMAN

DAVID MENDENHALL, VICE CHAIRMAN

JOHN FULGENZI

CRAIG HALL

SAM SNELL

ABE FORSYTH

JASON RATTI

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

**ATTEST:**

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

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

**EXHIBIT A**

Part of the Southwest Quarter of Section 13, Township 16 North, Range 5 West of the Third Principal Meridian, Sangamon County, Illinois, more particularly described as follows:

Beginning at the Southeast corner of the Southwest Quarter of said Section 13: thence North 0 degrees 23 minutes 41 seconds West, along the East line of the Southwest Quarter of said Section 13, 150.00 feet to the true point of beginning; thence continuing North 0 degrees 23 minutes 41 seconds West, along said East line, 403.70 feet; thence North 77 degrees 13 minutes 52 seconds West, 197.00 feet; thence South 0 degrees 23 minutes 41 seconds East, 87.43 feet; thence along the arc of a circle having a radius of 1,432.40 feet and chord bearing of South 23 degrees 52 minutes 04 seconds East, a chord length of 393.71 feet, thence North 89 degrees 36 minutes 19 seconds East, 35.00 feet to the true point of beginning.

EXCEPT, A tract of land that is part of the Southeast Quarter of the Southwest Quarter of Section 13, Township 16 North, Range 5 West of the Third Principal Meridian and is more particularly described as follows;

Beginning at a metal plug, in pavement, at the Southeast corner of the Southwest Quarter of Section 13, Township 16 North, Range 5 West of the Third Principal Meridian; thence North, along the one-half of Section line, 2.30 feet for a point of beginning; thence North 88 degrees 39 minutes West 30.01 feet; thence North 1316.99 feet; thence East 30.00 feet; thence South along the one-half Section line, 1317.70 feet to the point of beginning, excepting that part contained in existing highway.

64

**RECAP**

(For County Board Use)

COUNTY BOARD MEMBER: # 16                      NAME: Greg Stumpf

DOCKET NUMBER: 2013-004

ADDRESS: 3037 Sangamon Ave., Springfield, IL. 62702

PETITIONER: The Heights, LLC.

PRESENT ZONING CLASSIFICATION: "I-2" General Industrial District

REQUESTED ZONING CLASSIFICATION: "I-2" General Industrial District

AREA: .86 acre

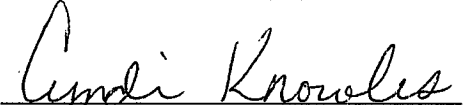
COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION:      **Recommend approval of the requested variances. The petitioner is requesting to divide and reconfigure the parcel so that the buildings are on separate parcels, while road access is maintained for the newly created parcels. The standards for variation are met.**

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 PETITION OF: )	DOCKET NO: <b>2013-004</b>
<b>The Heights, LLC.</b> )	)
)	PROPERTY LOCATED AT:
)	<b>3037 Sangamon Ave.</b>
)	<b>Springfield, IL. 62702</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 **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 **January 17, 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: **3037 Sangamon Ave., Springfield, IL.** and more particularly described as:

**See EXHIBIT A**

66

- 3. That the present zoning of said property is "I-2" General Industrial District.
- 4. That the present land use of said property is commercial buildings and grain bins.
- 5. That the proposed land use of said property is commercial buildings and grain bins.
- 6. That the requested variances of said property are a variance for proposed Parcel 1 of the front yard setback from twenty (20) feet to zero (0) feet, a variance of the rear yard setback from five (5) feet to zero (0) feet and a variance to allow an accessory structure zero (0) feet from the front property line.
- 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 variances are 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 variances be granted.

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**, which was duly seconded by **Peggy Egizii**.

The vote of the Board was as follows:

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

NO:

PRESENT:

ABSENT: **Janet Dobrinsky**

Cyndi Knowles  
RECORDING SECRETARY

6-7

SANGAMON COUNTY  
RECOMMENDED - STANDARDS FOR VARIATIONS

Case #: 2013-004

Address: 3037 Sangamon Avenue, 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.

The request is being made to facilitate division of the property in order to make the property usable and continue with restoration of the existing buildings.

- (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 buildings are especially unique to this area and in order to be put to use, the property must be split to separate the grain bins from the commercial building. The petition states that the occupancy of the restored east buildings requires the sale or lease of the east parcel, while still allowing access to the west parcel.

- (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 impact is anticipated as the use of the property is not changing, only the configuration of the lot lines to separate the buildings.