CASE# **2014-014**
RESOLUTION NUMBER 6-1

**GRANTING VARIANCES**
FOR CERTAIN PROPERTY LOCATED AT
**4047 & 4055 W. JEFFERSON 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 variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

**See EXHIBIT A**

WHEREAS, the Petitioner, **Phoenix Westside Properties, LLC,** has petitioned the Sangamon County Board for **Parcel 1: A variance to allow four (4) principal uses on one (1) parcel, a variance of Section 17.62.130B to allow two (2) freestanding signs, a variance of Section 17.62.130B to allow two (2) freestanding signs to have a total square footage of two hundred (200) square feet, a variance of Section 17.62.130F to allow two (2) freestanding signs zero (0) feet from a state right-of-way instead of the required ten (10) feet, and a variance of Section 17.62.130F to allow one (1) freestanding sign zero (0) feet from a vehicular area instead of the required ten (10) feet; Parcel 2: A variance of Section 17.62.130F to allow one (1) freestanding sign zero (0) feet from a State right-of-way instead of the required ten (10) feet** ; and

WHEREAS, a public hearing was held at the Sangamon County Building on **April 17, 2014** 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

FILED
MAY 0 1 2014
Joe Aiello
Sangamon County Clerk

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.

**NOW, THEREFORE, BE IT RESOLVED** by the County Board of Sangamon County, Illinois, in session assembled this **13th day of May, 2014 that the request for Parcel 1: A variance to allow four (4) principal uses on one (1) parcel, a variance of Section 17.62.130B to allow two (2) freestanding signs, a variance of Section 17.62.130B to allow two (2) freestanding signs to have a total square footage of two hundred (200) square feet, a variance of Section 17.62.130F to allow two (2) freestanding signs zero (0) feet from a state right-of-way instead of the required ten (10) feet, and a variance of Section 17.62.130F to allow one (1) freestanding sign zero (0) feet from a vehicular area instead of the required ten (10) feet; Parcel 2: A variance of Section 17.62.130F to allow one (1) freestanding sign zero (0) feet from a State right-of-way instead of the required ten (10) feet on the above described property is hereby approved.**

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Signed and passed by the Sangamon County Board in session on this **13th day of May, 2014.**

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

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# EXHIBIT A

Lot 1 of Phoenix-West Jeff minor subdivision as shown on the plat of survey recorded November 9, 2012 as Document No. 2012R43677

And

PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 16 NORTH, RANGE 6 WEST OF THE THIRD PRINCIPAL MERIDIAN, SANGAMON COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS;

BEGINNING AT A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF THE BALTIMORE AND OHIO SOUTHWESTERN RAILROAD AND 45.80 FEET SOUTH OF THE NORTHEAST CORNER OF AFORESAID QUARTER QUARTER SECTION; THENCE SOUTH ON THE EAST LINE OF AFORESAID QUARTER QUARTER SECTION, A DISTANCE OF 419.30 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF BEARDSTOWN ROAD, ILLINOIS ROUTE 125; THENCE DEFLECTING TO THE RIGHT 106 DEGREES 41 MINUTES 00 SECONDS, A DISTANCE OF 370.83 FEET; THENCE 316.46 FEET PARALLEL TO THE AFORESAID SECTION LINE TO THE AFORESAID RAILROAD RIGHT-OF-WAY LINE; THENCE EASTERLY ON SAID RIGHT-OF-WAY LINE 355.24 FEET TO THE POINT OF BEGINNING.

SITUATED IN SANGAMON COUNTY, ILLINOIS

**RECAP**
(For County Board Use)

COUNTY BOARD MEMBER: # 1 NAME: **Harry "Tom" Fraase, Jr.**

DOCKET NUMBER: **2014-014**

ADDRESS: **4047 & 4055 W. Jefferson St, Springfield, IL 62707**

PETITIONER: **Phoenix Westside Properties, LLC**

PRESENT ZONING CLASSIFICATION: **Parcel 1: "I-2" General Industrial District**
**Parcel 2: "I-2" General Industrial District with variances**

REQUESTED ZONING CLASSIFICATION: **Parcel 1: "I-2" General Industrial District with a variance to allow four (4) principal uses on one (1) parcel, a variance of Section 17.62.130B to allow two (2) freestanding signs, a variance of Section 17.62.130B to allow two (2) freestanding signs to have a total square footage of two hundred (200) square feet, a variance of Section 17.62.130F to allow two (2) freestanding signs zero (0) feet from a state right-of-way instead of the required ten (10) feet, and a variance of Section 17.62.130F to allow one (1) freestanding sign zero (0) feet from a vehicular area instead of the required ten (10) feet.**

**Parcel 2: "I-2" General Industrial District with variances and a variance of Section 17.62.130F to allow one (1) freestanding sign zero (0) feet from a State right-of-way instead of the required ten (10) feet.**

AREA: **2.89 acres**

COMMENTS: **None**

OBJECTORS: **Yes**

PLANNING COMMISSION RECOMMENDATION: **Recommend approval of the sign variances for Parcel 1 and Parcel 2. The standards for variation are met. The existing signs are currently zero feet from the right-of-way instead of the required ten (10) feet and do**

**interfere with traffic visibility when exiting onto Jefferson Street. Furthermore, if the signs were to comply with regulations, they would appear too close to the existing structures and would not be aesthetically in character with similar uses in the area. Recommend approval of the request to allow four (4) uses on Parcel 1. The two existing uses have had no negative affect on the character of the area, however, since it is difficult to determine if the additional two uses will negatively affect the area, staff recommends these future uses be limited to the existing building that has been subdivided for business uses.**

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

Cyndi Knowles

RECORDING SECRETARY

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SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

| | | |
|---|---|---|
| IN THE MATTER OF THE PETITON OF: | ) | DOCKET NO: **2014-014** |
| **Phoenix Westside Properties, LLC** | ) | |
| | ) | PROPERTY LOCATED AT: |
| | ) | **4047 & 4055 W. Jefferson St** |
| | ) | **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 **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 **April 17, 2014** 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: **4047 & 4055 W. Jefferson St, Springfield, IL 62707** and more particularly described as:

**See EXHIBIT A**

3. That the present zoning of said property is **for Parcel 1: "I-2" General Industrial District and for Parcel 2: "I-2" General Industrial District with variances.**

4. That the present land use of said property is **Parcel 1: Storage Units, Benmar Corporation, one sign (1) and two (2) business recently vacated; Parcel 2: Phoenix Collision and one (1) sign.**

5. That the proposed land use of said property is **for Parcel 1: Continue four (4) uses. Particular businesses may change in future and for two (2) signs and for Parcel 2: Phoenix Collision and one (1) sign.**

6. That the requested **variances** of said property are **for Parcel 1: A variance to allow four (4) principal uses on one (1) parcel, a variance of Section 17.62.130B to allow two (2) freestanding signs, a variance of Section 17.62.130B to allow two (2) freestanding signs to have a total square footage of two hundred (200) square feet, a variance of Section 17.62.130F to allow two (2) freestanding signs zero (0) feet from a state right-of-way instead of the required ten (10) feet, and a variance of Section 17.62.130F to allow one (1) freestanding sign zero (0) feet from a vehicular area instead of the required ten (10) feet; Parcel 2: A variance of Section 17.62.130F to allow one (1) freestanding sign zero (0) feet from a State right-of-way instead of the required ten (10) feet.**

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** 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 **variances** be **approved.**

Charles Chimento /ck
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Byron Deaner,** 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 **Don Wulf.**

The vote of the Board was as follows:

YES: **Charles Chimento, Byron Deaner, Don Wulf and John Lucchesi**

NO:

PRESENT:

ABSENT: **Janet Dobrinsky**

Cynthia Knowles
RECORDING SECRETARY

# SANGAMON COUNTY
# RECOMMENDED - STANDARDS FOR VARIATIONS

Case #: **2014-014**

Address: **4055 W. Jefferson 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.

**Allowing the businesses to place signs closer to Jefferson Street would allow more visibility for the business, which could increase the yield of the property. Additionally, allowing each business signage space would increase the yield for the existing businesses on the property.**

(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 businesses on the properties are situated so that if the signs were to comply with the regulations, they would appear too close to the existing structures and be aesthetically out of character.**

(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.

**Allowing the signage to be placed zero feet from the right-of-way poses no negative impact on the character of the surrounding area. The signs do not affect traffic visibility when exiting onto Jefferson Street.**

# RECOMMENDED STANDARDS FOR USE VARIATIONS
## (Parcel 1: Variance to allow four principal uses on one parcel.)

Case #: **2014-014**

Address: **4055 W. Jefferson, 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.

**There are multiple structures on the subject property and contain two uses of mini storage units and a sunroom, awning, deck and door business. There is an existing structure that is vacant and has been subdivided to fill two business uses.**

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

**This area along West Jefferson Street corridor contains parcels with similar uses and Parcel 2 in this petition currently has a variance for two uses on one parcel.**

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

**One of the intents of the Zoning Regulations is to keep like businesses together in an area that has seen trends of development consistent with similar uses. Granting the variance on the property would be in harmony with the zoning regulations.**

(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 two existing uses have had no negative impact on the immediate area. Since it is difficult to address this finding for the two future uses, it is recommended that those uses be limited to the existing smaller structure that is subdivided for businesses uses.**