

CASE# 2014-039
RESOLUTION NUMBER 6-1

GRANTING A USE VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
1103 W. CALHOUN 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 a Use Variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Anthony Curtis**, has petitioned the Sangamon County Board for a **rezoning from "R-2" Single-Family and Two-Family Residence District to "O" Office and College District to allow for a commercial daycare center; and**

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

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

SEP 23 2014

Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 14th day of October, 2014 that the request to rezone the above described property from "R-2" Single-Family and Two-Family Residence District to "O" Office and College District be denied but, in the alternative, a Use Variance to allow for a commercial daycare center is hereby approved.

Signed and passed by the Sangamon County Board in session on this 14th day of October, 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 RATTTS

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

Lots 30 and 31 except the East 10 feet of said Lot 31 and the East Half of Lot 29 in Block 12 of Payne and Jones' Addition to the City of Springfield. Together with all easements and appurtenances in favor of said above described property. Except all coal, minerals and mining rights heretofore conveyed of record. Subject to taxes for the year 2006 and subsequent years. Subject to easements, covenants, restrictions, reservations and assessments of record, if any. Which is situated in the County of Sangamon, State of Illinois.

6-4

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: 28 NAME: **Catie Sheehan**

DOCKET NUMBER: 2014-039

ADDRESS: 1103 W. Calhoun Avenue, Springfield, IL 62702

PETITIONER: **Anthony Curtis**

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

REQUESTED ZONING CLASSIFICATION: **"O" Office and College District**

AREA: 12,600 square feet

COMMENTS: **None**

OBJECTORS: **Yes**

PLANNING COMMISSION RECOMMENDATION: **Recommend denial of the requested Office zoning to allow for a commercial daycare center, as this is considered spot zoning in this R-2 zoning district. Staff does recommend a Use Variance is appropriate at this location, as the standards have been met. The building was originally built for a church and it is unlikely the property will be converted to a residential use. Furthermore, there is a trend in the immediate area as the property immediately to the east was granted a Use Variance in 1989 to allow a commercial daycare center. There are no negative impacts anticipated on the character of the surrounding neighborhood.**

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval as staff recommends.


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2014-039
Anthony Curtis)	
)	PROPERTY LOCATED AT:
)	1103 W. Calhoun Avenue
)	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 **September 18, 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: **1103 W. Calhoun Avenue, Springfield, IL 62702** and more particularly described as:

Lots 30 and 31 except the East 10 feet of said Lot 31 and the East Half of Lot 29 in Block 12 of Payne and Jones' Addition to the City of Springfield. Together with all easements and appurtenances in favor of said above described property. Except all coal, minerals and mining rights heretofore conveyed of record. Subject to taxes for the year 2006 and subsequent years. Subject to easements, covenants, restrictions, reservations and assessments of record, if any. Which is situated in the County of Sangamon, State of Illinois.

- 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 **a church.**
- 5. That the proposed land use of said property is **a commercial daycare center.**
- 6. That the requested **amendment** of said property is **rezoning from “R-2” Single-Family and Two-Family Residence District to “O” Office and College District to allow for a commercial daycare center.**
- 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 **amendment** 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 commercial daycare center.**

Charles Chimento/cx
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Merilyn Herbert**, 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 of the rezoning but approve a Use Variance to allow a commercial daycare center**, which was duly seconded by **John Lucchesi**.

The vote of the Board was as follows:

YES: **Charles Chimento, Merilyn Herbert, Andrew Spiro, John Lucchesi & Janet Dobrinsky**

NO:

PRESENT:

ABSENT: **Don Wulf**

Cynthia Knowles
RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: 2014-039

Address: 1103 W. Calhoun Avenue, Springfield

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

The property is surrounded by single-family residences.

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

The property is surrounded by R-2 zoning.

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

The property currently contains a church that was originally built for a single-family residence. The existing use is suitable under the current zoning classification.

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

The area has remained stable and residential in character.

RECOMMENDED STANDARDS FOR USE VARIATIONS

Case #: 2014-039

Address: 1103 W. Calhoun Avenue, 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 is zoned residential with a structure that was originally designed for use as a church. It is unlikely the property will be converted to a residential use.

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

There is a commercial daycare facility adjacent to the east and another commercial daycare facility approximately one block to the east.

- (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. In this case, commercial daycare facilities have seen a trend in this 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.

No negative impact is anticipated in allowing the proposed use.