

CASE# 2015-025
RESOLUTION NUMBER 6-1

GRANTING A USE VARIANCE AND VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
740 W. CAMP SANGAMO 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 a Use Variance and variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Sean C. Bandy**, has petitioned the Sangamon County Board for a **Use Variance to allow an automotive repair business in the "R-1" Single-Family Residence District, a variance to allow two (2) principal uses on one (1) parcel, and a variance to allow the parking area to remain dirt and gravel instead of being paved;** and

WHEREAS, a public hearing was held at the Sangamon County Building on **July 16, 2015** 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 Use Variance and variances;** and

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

FILED

JUL 29 2015


Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 11th Day of August, 2015 that the request for a Use Variance to allow an automotive repair business in the "R-1" Single-Family Residence District, a variance to allow two (2) principal uses on one (1) parcel (single-family residence and an automotive repair shop), and a variance to allow the parking area to remain dirt and gravel instead of being paved on the above described property is hereby approved with the following conditions:

1. That the petitioner will hook up to a public water supply with adequate fire suppression measures as quickly as possible;
2. That all work will be done inside the existing accessory three (3) bay garage building, limited to an approximately two thousand four hundred (2,400) square foot area of the existing building;
3. That there will be no outside storage anywhere on the subject property other than three (3) cars to be worked on at a time;
4. That the hours of operation will be Monday through Saturday from 7:00 AM to 5:00 PM; and
5. That the parking area is paved in a period not to exceed two (2) years.

Signed and passed by the Sangamon County Board in session on this 11th day of August, 2015.

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 RATTTS

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

That part of the Northeast Quarter of the Northwest Quarter of Section 9, Township 16 North, Range 5 West of the Third Principal Meridian, described as follows: Beginning at the Northwest corner of said Quarter Quarter Section, running thence East 8 rods; thence South 40 rods parallel with the West line of said Quarter Quarter Section; thence West 8 rods to a point in the West line of said Quarter Quarter Section; thence North 40 rods to the place of beginning. Excepting the South 20 feet thereof for road purposes; 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.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: 17 NAME: Annette Fulgenzi

DOCKET NUMBER: 2015-02

ADDRESS: 740 W. Camp Sangamo Road, Springfield, IL 62707

PETITIONER: Sean C. Bandy

PRESENT ZONING CLASSIFICATION: "R-1" Single-Family Residence District

REQUESTED ZONING CLASSIFICATION: "R-1" Single-Family Residence District with a Use Variance to allow an automotive repair business, a variance to allow two (2) principal uses on one (1) parcel, and a variance to allow the parking area to remain dirt and gravel instead of being paved.

AREA: 2 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION
RECOMMENDATION:

Recommend approval of the requested use variance. In 1975, the County Board granted a B-3 zoning classification on the property to the immediate south of the subject property after staff recommended denial. The City of Springfield has also granted a use variance to allow a motorcycle repair business on a residential property in the area. The City of Springfield 2020 Comprehensive Plan calls for the area to be industrial, given its proximity to the airport. Hence, as this area is also in the City's 1.5 mile extraterritorial jurisdiction, it could conceivably be annexed to the City in the future. In the absence of annexation to the City, and given that the City's comprehensive plan calls for the whole area to be industrial, and given that there is a slight trend toward business uses in the vicinity, staff sees the B-3 zoning classification to the immediate south as setting a precedent that could contemplate a use variance for the subject property. If the use variance is approved, staff recommends the following

conditions: that the petitioner will hook up to a public water supply with adequate fire suppression measures within two (2) years; that all work will be done inside the existing accessory three (3) bay garage building, limited to an approximately two thousand four hundred (2,400) square foot area of the existing building; that there will no outside storage anywhere on the subject property other than three (3) cars to be worked on at a time; and, that the hours of operation will be Monday through Saturday from 7:00 AM to 5:00 PM. Many of these conditions were granted in a similar use variance recommended in Case # 2014-026.

Recommend approval of the variance for two (2) principal uses on the subject property. Given the recommended approval of the use variance, the two (2) principal uses variance is necessary to complete the request.

Recommend denial of the requested variance from paved parking. The construction business at 719 Estill, i.e. the B-3 lot mentioned above, has paved its publicly accessible parking area, including the driveway apron. Also, the lack of pavement makes it difficult to determine how many parking spaces are provided, including handicap accessible spaces required under the law, i.e. the ADA.

AMENDED:

Recommend approval of the requested use variance. In 1975, the County Board granted a B-3 zoning classification on the property to the immediate south of the subject property after staff recommended denial. The City of Springfield has also granted a use variance to allow a motorcycle repair business on a residential property in the area. The City of Springfield 2020 Comprehensive Plan calls for the area to be industrial, given its proximity to the airport. Hence, as this area is also in the City's 1.5 mile extraterritorial jurisdiction, it could conceivably be annexed to the City in the future. In the absence of annexation to the City,

and given that the City's comprehensive plan calls for the whole area to be industrial, and given that there is a slight trend toward business uses in the vicinity, staff sees the B-3 zoning classification to the immediate south as setting a precedent that could contemplate a use variance for the subject property. If the use variance is approved, staff recommends the following conditions: that the petitioner will hook up to a public water supply with adequate fire suppression measures as quickly as possible; that all work will be done inside the existing accessory three (3) bay garage building, limited to an approximately two thousand four hundred (2,400) square foot area of the existing building; that there will no outside storage anywhere on the subject property other than three (3) cars to be worked on at a time; and, that the hours of operation will be Monday through Saturday from 7:00 AM to 5:00 PM. Many of these conditions were granted in a similar use variance recommended in Case # 2014-026.

Recommend approval of the variance for two (2) principal uses on the subject property. Given the recommended approval of the use variance, the two (2) principal uses variance is necessary to complete the request.

Recommend approval of the requested variance from paved parking for a period not to exceed two (2) years. The construction business at 719 Estill, i.e. the B-3 lot mentioned above, has paved its publicly accessible parking area, including the driveway apron. Allowing a two (2) year period to pave the parking area will not have any additional negative impact on the immediate area.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval of staff's amended recommendation.


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2015-025
Sean C. Bandy)	
)	PROPERTY LOCATED AT:
)	740 W. Camp Sangamo Road
)	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 a **Use Variance 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 **July 16, 2015** 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: **740 W. Camp Sangamo Road, Springfield, IL 62707** and more particularly described as:

See Exhibit A

3. That the present zoning of said property is **“R-1” Single-Family Residence District.**
4. That the present land use of said property is **a single-family residence and an automotive repair shop.**
5. That the proposed land use of said property is **a single-family residence and an automotive repair shop.**
6. That the requested **Use Variance and variances** of said property are **a Use Variance to allow an automotive repair business in the “R-1” Single-Family Residence District, a variance to allow two (2) principal uses on one (1) parcel, and a variance to allow the parking area to remain dirt and gravel instead of being paved.**
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 **Use Variance and variances** are in the public interest and are 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 **Use Variance and variances** be **approved with the conditions listed on page two (2) of this resolution.**

Charles Chimento/cs
 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 amended recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **approved with the conditions listed on page two (2) of this resolution**, which was duly seconded by **Anthony Mares**.

The vote of the Board was as follows:

YES: **Charles Chimento, Anthony Mares, Don Wulf, Andrew Spiro & Merilyn Herbert**

NO:

PRESENT:

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ABSENT:


RECORDING SECRETARY

RECOMMENDED STANDARDS FOR USE VARIATIONS

Case #: **2015-025**

Address: **740 West Camp Sangamo Road, 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 property contains several buildings, including a residence and a large three (3) bay garage. According to the petition, there is no public water available for fire suppression. However, there appears to be hydrants in the area. It seems to violate general planning principles to have an automotive repair business without a water connection for fire suppression in a building with flammable materials.

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

The use variance could be compatible since there is B-3 zoning located immediately to the south. Also, an argument could be made that since the City's comprehensive plan calls for the area to be industrial and that the City has allowed a use variance for a repair shop that there is a slight trend toward some business uses in the area.

- (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 purposes of the zoning ordinance is to keep like uses together. Adding this idea to the slight trend in the area toward business uses based on both City and County decisions, and given the City's comprehensive plan designation that the area be commercial, the requested use variance could be harmonious with the general purpose and intent of the zoning ordinance as it establishes parameters under which the County can set limits on business use of the subject property. The recommended two (2) year timeframe to connect to the public water supply is based on allowing ample time for the petitioner to request the extension and to work with the relevant authorities, e.g. the City of Springfield and the Springfield Airport Authority. Also, the work area, the outdoor storage, and the hours of operations conditions were based on a previous use variance recommendation and/or the zoning petition for the present case or Case #2015-017.

- (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.

It does not appear that this would be the case.

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**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2015-025**

Address: **740 West Camp Sangamo Road, 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 petition gave some evidence for this factor, i.e. distance from the road. The important question to consider regarding this finding is the relative cost to the public in not having certain members of the population, e.g. the disabled, be able to easily access the site versus the owner's cost to pave the area. Further, without pavement, it is difficult to determine what parking is on the site, especially as it relates to compliance with the ADA.

AMENDED: Staff finds that requiring paving and hooking up to public water immediately may result in economic difficulty resulting in a negative yield on the property. Allowing two (2) years for the paving of the parking lot would result in a reasonable return.

- (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.

No particularly unique circumstances were presented in the petition. While the garage is setback a distance from the road (300'), many buildings on Camp Sangamo are setback a fair distance from the road because they are long lots, i.e narrow frontages with deep depths. Other businesses in the area, e.g. the construction business on Estill and the motorcycle shop mentioned in the petition, have paved at least the parking spaces available to the public.

AMENDED: Based on testimony staff finds that the setback distance does pose circumstances unique to the property.

- (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.

It does not appear that this would be the case.

AMENDED: Staff finds that there will be no additional negative impact in allowing the paving requirement to be waived for a period not to exceed two (2) years.