

CASE# 2016-007
RESOLUTION NUMBER 4-1

DENY A REZONING AND GRANT A USE VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
3040 LINDEN 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 **deny an amendment and grant a Use Variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

The East 350.56 feet of Lot 113, Lot 114 and the East 389.4 feet of Lot 115 of Wanless Capital Heights Addition to the City of Springfield. Situated in Sangamon County Illinois.

WHEREAS, the Petitioner, **Central Illinois Sign Co**, has petitioned the Sangamon County Board for a **rezoning from "R-2" Single-Family and Two-Family Residence District to "B-3" General Business District to allow a sign shop where design, fabrication, assembly and storage will be done within the building;** and

WHEREAS, a public hearing was held at the Sangamon County Building on **February 18, 2016** 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

FEB 25 2016

Don / Kay

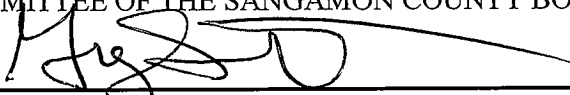
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NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 8th Day of March, 2016 that the request for a rezoning from “R-2” Single-Family and Two-Family Residence District to “B-3” General Business District on the above described property is hereby denied, but in the alternative, a Use Variance to allow a sign shop provided that the hours of operation are from 8:00 a.m. to 5:00 p.m. Monday through Saturday as stated in paragraph 7(a) of the petition dated January 20, 2016; that any outside storage is limited to an area starting at the southeast corner of the building south to the property line, west along the south property line then north to the southwest corner of the building located in the rear (south) yard behind the existing structure; and, that the area for outside storage is enclosed by a solid fence that is a minimum of six (6) feet in height but no greater than eight (8) feet in height on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 8th day of March, 2016.

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 RATTS

LINDA DOUGLAS WILLIAMS

ANNETTE FULGENZI

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

RECAP

(For County Board Use)

COUNTY BOARD MEMBER: #18 NAME: Rose Ruzic

DOCKET NUMBER: 2016-007

ADDRESS: 3040 Linden Avenue, Springfield, IL 62702

PETITIONER: Central Illinois Sign Co,

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

REQUESTED ZONING CLASSIFICATION: “B-3” General Business District

AREA: 3.19 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION
RECOMMENDATION:

Recommend denial of the requested B-3 zoning. The list of uses permitted in the B-3 District is too intense for what is still a primarily residential area. The petitioner would like to re-purpose an old school into a sign fabrication and sales shop. The school has been on the market a few years since closing in 2013. A proposal process through the district yielded only one (1) bidder. This could be indicative that adaptation of the school to a use permitted in the district could be difficult creating some special circumstances that could warrant a use variance. In the alternative, staff recommends approval of a Use Variance to allow a sign shop provided that: (1) all sign company operations including but not limited to design, fabrication, assembly, and storage are kept inside the existing structure; (2) adequate screening in compliance with the Zoning Ordinance is provided for the residences to the west and to the east of the subject property; and, (3) the hours of operation are from 8:00 AM to 5:00 PM on Monday through Saturday as stated in paragraph 7(a) of the petition dated January 20, 2016.

AMENDED:

Recommend denial of the requested B-3 zoning. The list of uses permitted in the B-3 District is too intense for what is still a primarily residential area. The petitioner would like to re-purpose an old school into a sign fabrication and sales shop. The school has been on the market a few years since closing in 2013. A proposal process through the district yielded only one (1) bidder. This could be indicative that adaptation of the school to a use permitted in the district could be difficult creating some special circumstances that could warrant a use variance. In the alternative staff recommends approval of a Use Variance to allow a sign shop provided that the hours of operation are from 8:00 a.m. to 5:00 p.m. Monday through Saturday as stated in paragraph 7(a) of the petition dated January 20, 2016; that any outside storage is limited to an area starting at the southeast corner of the building south to the property line, west along the south property line then north to the southwest corner of the building located in the rear (south) yard behind the existing structure; and, that the area for outside storage is enclosed by a solid fence that is a minimum of six (6) feet in height but no greater than eight (8) feet in height. The Standards for Variation are met providing the outside area is screened in accordance with the Use Variance.

SANGAMON COUNTY BOARD OF APPEALS

RECOMMENDATION:

Approval of amended staff recommendation.


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2016-007
Central Illinois Sign Co.)	
)	PROPERTY LOCATED AT:
)	3040 Linden 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 **February 18, 2016** 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: **3040 Linden Avenue, Springfield, IL 62702** and more particularly described as:

The East 350.56 feet of Lot 113, Lot 114 and the East 389.4 feet of Lot 115 of Wanless Capital Heights Addition to the City of Springfield. Situated in Sangamon County 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 vacant school.**
5. That the proposed land use of said property is **design, fabrication, assembly and storage of signs and component parts; repair and rebuilding of signs and electric sign components; retail sales of signs and related products; bookkeeping, and administrative functions.**
6. That the requested **rezoning** of said property is **from “R-2” Single-Family and Two-Family Residence District to “B-3” General Business District to allow a sign shop where design, fabrication, assembly and storage will be done within the building.**
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 **rezoning**, is in the public interest and is not solely in the interest of the petitioner(s). **But, in the alternative does** support the proposition that the adoption of the proposed **Use Variance to allow a sign shop provided that the hours of operation are from 8:00 a.m. to 5:00 p.m. Monday through Saturday as stated in paragraph 7(a) of the petition dated January 20, 2016; that any outside storage is limited to an area starting at the southeast corner of the building south to the property line, west along the south property line then north to the southwest corner of the building located in the rear (south) yard behind the existing structure; and, that the area for outside storage is enclosed by a solid fence that is a minimum of six (6) feet in height but no greater than eight (8) feet in height; 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, that a Use Variance to allow a sign shop provided that the hours of operation are from 8:00 a.m. to 5:00 p.m. Monday through Saturday as stated in paragraph 7(a) of the petition dated January 20, 2016; that any outside storage is limited to an area starting at the southeast corner of the building south to the property line, west along the south property line then north to the southwest corner of the building located in the rear (south) yard behind the existing structure; and, that the area for outside storage is enclosed by a solid fence that is a minimum of six (6) feet in height but no greater than eight (8) feet in height be approved.**

Charles Chimento /ck
 CHAIRMAN

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MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Andrew Spiro**, to concur with the amended findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **denied, but in the alternative, grant a Use Variance to allow a sign shop provided that the hours of operation are from 8:00 a.m. to 5:00 p.m. Monday through Saturday as stated in paragraph 7(a) of the petition dated January 20, 2016; that any outside storage is limited to an area starting at the southeast corner of the building south to the property line, west along the south property line then north to the southwest corner of the building located in the rear (south) yard behind the existing structure; and, that the area for outside storage is enclosed by a solid fence that is a minimum of six (6) feet in height but no greater than eight (8) feet in height;** which was duly seconded by **Anthony Mares**.

The vote of the Board was as follows:

YES: **Charles Chimento, Anthony Mares, Andrew Spiro, Merilyn Herbert, and John Lucchesi**

NO:

PRESENT:

ABSENT: **Don Wulf**



RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: **2016-007**

Address: **3040 Linden Avenue, Springfield**

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

To the north are residences and a mobile home park. To the east are residences. To the south is a commercial building which accesses only Clear Lake Avenue. To the west are residences.

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

To the north and east are R-2. To the south is B-2. To the west are R-2 and Springfield R-3(a) and R-3(b).

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

The R-2 district does not allow the proposed sign company use.

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

The general area has remained residential north of the Milton and Clear Lake intersection. In 1989, the County Board granted a rezoning to B-3 for four lots which front along Magnolia to the south and east of the subject property for the purpose of allowing a parking lot (Zoning Case # 1988-87). Staff recommended denial. Otherwise, rezoning to business districts has remained with properties which are further south and front along Milton and/or Clear Lake. The school has been on the market a few years. A proposal process through the district yielded only one (1) bidder. This could be indicative that adaptation of the school to a use permitted in the existing zoning district could be difficult, creating some special circumstances that could warrant a use variance.

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RECOMMENDED STANDARDS FOR USE VARIATIONS

Case #: **2016-007**

Address: **3040 Linden 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 school has been on the market a few years since closing in 2013. A proposal process through the district yielded only one (1) bidder. This could be indicative that adaptation of the school to a use permitted in the existing zoning district could be difficult, creating some special circumstances that could warrant a use variance.

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

The subject property was constructed as Pleasant Hill Elementary School. The school district decided to close the school in 2013. Thus, while the proposed sign business is not necessarily compatible with the surrounding residential uses, its usage by the petitioner as a sign company would be an adaptive re-use of a property that could be difficult to re-purpose into residences. Staff believes that if the sign company keeps its operations inside the existing structure and provides adequate screening, especially for the residences to the east and the west, the variance could be an acceptable use for the area.

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

To the extent the petitioner proposes to adaptively re-use a former school, there could be a benefit to the community. On the day staff visited the site, contractors were repairing broken windows. It seems more in purpose with the general intent of the Zoning Regulations to put the school back into productive use than to allow its further deterioration.

- (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 impacts are foreseen if the business operations are inside and adequately screened from adjacent residences.