

CASE # 2010-008

RESOLUTION NUMBER 7-1

DENYING A REZONING
FOR CERTAIN PROPERTY LOCATED AT
1210 EAST COTTONWOOD 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 **deny an amendment** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

Lot twenty nine (29) and thirty (30) in Block eleven (11) in the Town of Mildred 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.

WHEREAS, the Petitioner, **Gary Smith**, has petitioned the Sangamon County Board for a rezoning from **"R-2" Single & Two Family Residence District to "B-3" General Business District to allow the construction of a pole barn to house contractor's equipment, supplies and an office;** and

WHEREAS, a public hearing was held at the Sangamon County Building on **February 18, 2010**, 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 amendment;** and

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

FILED

FEB 25 2010

Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 9th day of March, 2010 that the request for a rezoning from "R-2" Single & Two Family Residence District to "B-3" General Business District to allow the construction of a pole barn to house contractor's equipment, supplies and an office on the above described property is hereby denied.

Signed and passed by the Sangamon County Board in session on this 9th day of March, 2010.

Respectfully submitted,

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

TIM MOORE, CHAIRMAN

ABE FORSYTH, VICE CHAIRMAN

JOHN FULGENZI

DAVID MENDENHALL

SAM SNELL

DON STEPHENS

GREG STUMPF

LINDA DOUGLAS WILLIAMS

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 21 NAME: Clyde Bunch

DOCKET NUMBER: 2010-008

ADDRESS: 1210 E. Cottonwood St., Springfield, IL. 62703

PETITIONER: Gary Smith

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

REQUESTED ZONING CLASSIFICATION: "B-3" General Business District

AREA: .31 acre

COMMENTS: None

OBJECTORS: Yes, by petition to the Zoning Office.

PLANNING COMMISSION RECOMMENDATION:

Denial of the requested spot B-3 zoning as it is too intense at this location. Although numerous properties have been rezoned to B-3 in the area, those properties were along the 11th Street corridor, which has seen a commercial trend. The trend of development in the immediate area of the subject property has remained stable residential. Staff does not recommend a use variance at this location for a contractor's office. There do not appear to be any special circumstances limiting the use of the property. The proposed use could negatively alter the general character of the area and begin a precedent in this residential neighborhood.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Denial

Cyndi Knowles
RECORDING SECRETARY

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SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: **2010-008**
Gary Smith)
)
) PROPERTY LOCATED AT:
) **1210 E. Cottonwood Street**
) **Springfield, IL. 62703**

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, 2010** 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: **1210 E. Cottonwood St., Springfield, IL.** and more particularly described as:

Lot twenty nine (29) and thirty (30) in Block eleven (11) in the Town of Mildred 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.

- 3. That the present zoning of said property is **"R-2" Single & Two Family Residence District.**
- 4. That the present land use of said property is a **manufactured home.**
- 5. That the proposed land use of said property is **construction of a pole barn to house contractor's equipment, supplies and an office.**
- 6. That the requested **rezoning** of said property is from **"R-2" Single & Two Family Residence District to "B-3" General Business District.**
- 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).

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**.

Marvin Traylor
 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 **denied**, which was duly seconded by **Judith Johnson**.

The vote of the Board was as follows:

YES: Byron Deaner, Peggy Egizii, Judith Johnson, Marvin Traylor & Don Wulf

NO:

ABSENT: Charles Chimento

Cyndi Knowles
 RECORDING SECRETARY