

CASE# 2012-002 7-1
RESOLUTION NUMBER _____

GRANTING A REZONING AND VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
140 W. LENOX AVE. & 2600 S. SPRING ST., 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 an amendment and variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

Lot twenty-five (25) of the Highlands. Except all coal and minerals underlying said lot. Situated in Sangamon County, Illinois.

WHEREAS, the Petitioner, **James Feagans**, has petitioned the Sangamon County Board for a **rezoning from "R-1" Single Family Residence District to "B-2" Retail Business District with a variance to allow two (2) principal uses on one (1) parcel; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **January 19, 2012** 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 rezoning and variance; and**

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

FILED

JAN 25 2012


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 February, 2012 that the request for a rezoning from "R-1" Single Family Residence District to "B-2" Retail Business District with a variance to allow two (2) principal uses on one (1) parcel on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 14th day of February, 2012.

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

GREG STUMPF

JASON RATTIS

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 21 NAME: Clyde Bunch

DOCKET NUMBER: 2012-002

ADDRESS: 140 W. Lenox Ave. & 2600 S. Spring St., Springfield, IL. 62704

PETITIONER: James Feagans

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

REQUESTED ZONING CLASSIFICATION: "B-2" Retail Business District with a variance to allow two (2) principal uses on one (1) parcel.

AREA: 5,600 square feet

COMMENTS: None

OBJECTORS: Yes

PLANNING COMMISSION RECOMMENDATION: Approval of the requested B-2 zoning and the variance to allow two (2) principal uses on one (1) parcel, subject to submittal of an acceptable parking plan that meets County zoning regulations. The current uses have been in operation for approximately twelve (12) years and allowing them to continue will not have a negative impact on the character of the surrounding area, which is a mix of single family residences and commercial uses. Furthermore, the property consists of a commercial building so B-2 zoning is seen as appropriate and it is unlikely the property will ever be a residential use.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approved

Cyndi Knowles
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: **2012-002**
James Feagans)
))
)) PROPERTY LOCATED AT:
)) **140 W. Lenox Ave. &**
)) **2600 S. Spring St.,**
)) **Springfield, IL. 62704**

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 and variance** 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 **January 19, 2012** 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: **140 W. Lenox Ave. & 2600 S. Spring St., Springfield, IL.** and more particularly described as:

Lot twenty-five (25) of the Highlands. Except all coal and minerals underlying said Lot. Situated in Sangamon County, Illinois.

- 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 commercial printing business and firearms sales.**
- 5. That the proposed land use of said property is **a commercial printing business and firearms sales.**
- 6. That the requested **rezoning and variance** of said property is **from “R-1” Single Family Residence District to “B-2” Retail Business District with a variance to allow two (2) principal uses on one (1) parcel.**
- 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 **rezoning and variance** 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 and variance** be **approved by a 3-2-vote.**

Charles Chimento/cx
 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**

NO: **Judith Johnson, John Lucchesi**

ABSENT: **Peggy Egizii, Marvin Traylor**

Cyndi Knowles
 RECORDING SECRETARY

SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS

Case #: 2012-002

Address: 140 W. Lenox Avenue, Springfield
2600 S. Spring 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.

The property contains a commercial building that has contained the two existing uses for approximately 12 years. Allowing these uses to continue will allow the owner to yield a reasonable return 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.

There is a commercial building on the subject property, which is located on a block of single family residences.

- (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.

The current uses have been in operation in the current structure for approximately twelve years. Allowing the uses to continue will not alter the character of the area, impair light and air to adjacent property, increase traffic or impair property values.

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: 2012-002

Address: 140 W. Lenox Avenue, Springfield
2600 S. Spring Street, Springfield

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

To the north is a school. To the east is a catering company, sign company, and publisher. To the south are single family residences and a restaurant equipment sales company. To the west are single family residences.

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

To the north is City R-1. To the east is City B-1 and City B-2. To the south is County R-2. To the southwest is County B-3.

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

There is a commercial building on the property that has contained a printing shop since 1994. The likelihood of the property converting to R-2 is unlikely.

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

Property to the east was rezoned to B-2 in 1973 and 1975. Property further south was rezoned to B-3 in 2008. Property further southwest was rezoned to B-3 in 1984.