

CASE# 2013-022
RESOLUTION NUMBER 7-1

GRANTING A REZONING AND VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
240 N. DIRKSEN PARKWAY, SPRINGFIELD, IL 62702
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:

See **EXHIBIT A**

WHEREAS, the Petitioner, **Janice Smith**, has petitioned the Sangamon County Board for a **rezoning from "B-2" Retail Business District to "B-3" General Business District with a variance to allow three (3) principal uses on one (1) parcel to allow for Capitol Trailer Repair, the Anything Store and an Auction House; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **May 16, 2013** 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 an amendment and variance; and**

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

FILED

MAY 29 2013

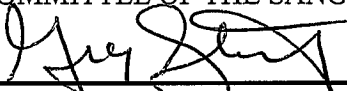
Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 11th day of June, 2013 that the request for a rezoning from "B-2" Retail Business District to "B-3" General Business District with a variance to allow three (3) principal uses on one (1) parcel to allow for the Capitol Trailer Repair, The Anything Store and an Auction House on the above referenced property is approved.

Signed and passed by the Sangamon County Board in session on this 11th day of June, 2013.

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 RATTS

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

Exhibit A

Tract A:

Part of the Southwest Quarter of the Southeast Quarter of Section 25, Township 16 North, Range 5 West of the Third Principal Meridian, described as follow:

Beginning at an iron pipe 857.98 feet West and 457.91 feet South of a stone located in the Northeast corner of said Quarter Quarter Section, thence South 221.24 feet; thence West 398.08 feet; thence North 221.37 feet; and thence East 398.44 feet to the place of beginning; containing 2 acres more or less.

Tract B:

That part of the Southwest Quarter of the Southeast Quarter of Section 25, Township 16 North, Range 5 West of the Third Principal Meridian, described as follows:

Beginning at an iron pin 857.98 feet West and 679.15 feet South of a stone located at the Northeast corner of said Quarter Quarter Section; running thence South 184 feet to a point; thence West 408.10 feet; thence in a Northerly direction 184.11 feet to a point located 398.08 feet West of the point of the beginning; thence East 398.08 feet to the point of beginning; containing 1.71 acres, more or less.

EXCEPT the following described portion of Tract B (which is hereinafter called Tract C):

Beginning at an iron pin 857.98 feet West and 713.15 South of a stone located at the Northeast corner of said Quarter Quarter Section; thence running South 150 feet to a point; thence West 408.10 feet to a point on the Easterly right of way line of U.S. Highway 66; thence in a Northerly direction on said East right of way line 150.09 feet to an iron pin located 398.08 feet more or less West of the point of beginning; thence East 398.08 feet more or less, to a point West of the point of beginning; thence East 398.08 feet, more or less to the point of beginning; containing 1.4 acres more or less.

EXCEPT the South 16 feet of that portion of Tract B which remained after Tract C was removed therefrom (Tracts C and this 16 feet being conveyed to Arrow Truck Sales in deeds dated August 23, 1978 by I.N.B. Trusts #13-04338-00 and #13-04339-0.)

EXCEPT all coal, and other minerals underlying said lands.

Subject to covenants, restrictions, reservations, and easements of record, if any.

Situated in Sangamon County, Illinois.

74

RECAP

(For County Board Use)

COUNTY BOARD MEMBER: # 18 NAME: Rose Ruzic

DOCKET NUMBER: 2013-022

ADDRESS: 240 N. Dirksen Pkwy., Springfield, IL 62702

PETITIONER: Janice Smith

PRESENT ZONING CLASSIFICATION: "B-2" Retail Business District

REQUESTED ZONING CLASSIFICATION: "B-3" General Business District with a variance to allow three (3) principal uses on one (1) parcel to allow for Capitol Trailer Repair, The Anything Store and an Auction House.

AREA: 2.16 acres

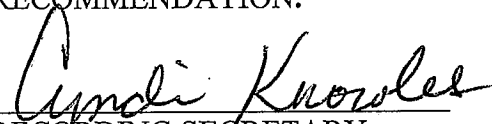
COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: Approval. The area is a mix of commercial uses and Zoning. In 2006, (Zoning Case 2006-010) the property to the north was rezoned from B-2 to B-3. The zoning request would not result in spot zoning. The property contains a large structure making it difficult for one use to be supported at the location. As such, allowing the third use on the parcel is appropriate and there will be no negative impact on the area providing that all required parking areas are paved in accordance with zoning regulations.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: **2013-022**
Janice Smith)
))
)) PROPERTY LOCATED AT:
)) **240 N. Dirksen Parkway.**
)) **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 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 **May 16, 2013** 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: **240 N. Dirksen Parkway., Springfield, IL 62702** and more particularly described as:

See **EXHIBIT A**

7-6

- 3. That the present zoning of said property is **“B-2” Retail Business District.**
- 4. That the present land use of said property is **Capitol Trailer Repair, The Anything Store and Anything Auction.**
- 5. That the proposed land use of said property is **The Anything Store, Anything Auction and Capitol Trailer Repair.**
- 6. That the requested **rezoning and variance** of said property are **a rezoning from “B-2” Retail Business District to “B-3” General Business District with a variance to allow three (3) principal uses on one (1) parcel to allow for Capitol Trailer Repair, The Anything Store and an Auction House.**
- 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** are 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.**

Charles Chimento
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Judith Johnson**, 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 **Janet Dobrinsky**.

The vote of the Board was as follows:

YES: **Charles Chimento, Bryon Deaner, Judith Johnson, Don Wulf, Janet Dobrinsky**

NO:

PRESENT:

ABSENT: **Peggy Egizii**

Cyndi Knowles
RECORDING SECRETARY

SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT

Case #: 2013-022

Address: 240 N. Dirksen Parkway, Springfield

- (i) Existing uses of property within the general area of the property in question.
North: Motel and window sales. South: Trailer sales and service. East: Undeveloped land being used for trailer storage. Southeast: Trailer storage. West: Tavern, auto sales and upholstery shop.
- (ii) The zoning classification of property within the general area of the property in question.
North: B-3. Further north: I-1. South and west: B-2. East: R-1. Southeast: B-2.
- (iii) The suitability of the property in question to the uses permitted under the existing zoning classification.
The property is suited to uses permitted under the existing zoning classification.
- (iv) The trend of development, within the vicinity since the property was originally classified.
This area of Dirksen Parkway has developed with a mix of commercial uses and is a mix of zoning classifications.

RECOMMENDED STANDARDS FOR USE VARIATIONS

Case #: 2013-022

Address: 240 N. Dirksen Parkway, 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 structure on the subject property is large and contains two uses of the trailer repair and a retail store. The owners are also operating an auction house and are seeking the variance to allow the continued operation of the third use. Because of the size of the structure on the parcel, it may be difficult to locate one business on the parcel with a use that is permitted under the existing B-2 zoning classification.

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

This area along the Dirksen Parkway corridor contains parcels with structures housing more than one business. Therefore the variance request would be compatible with other parcels 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 intents of the Zoning Regulations is to keep like businesses together in an area that has seen trends of development consistent with similar uses. Granting the variance to allow the third use on the property would be in harmony with the zoning regulations. To the extent that there is a need for an auction house, there will be a benefit to the community.

- (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 appears that there is ample parking available to support the three proposed uses. Furthermore, it does not appear that there will be an additional negative impact on the area.