

CASE# 2013-043 M-1
RESOLUTION NUMBER _____

DENYING A REZONING AND VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
312 EAST HOUSTON, 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 variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See **EXHIBIT A**

WHEREAS, the Petitioner, **Paula Weatherford**, has petitioned the Sangamon County Board for a **rezoning from "RM-4" Manufactured Home District to "B-1" Neighborhood Business District, a variance to allow two (2) principal uses on one (1) parcel and a variance to allow a residence not on the second floor in the "B-1" Neighborhood Business District to allow a single-family residence and a dog grooming business in the detached garage;** and

WHEREAS, a public hearing was held at the Sangamon County Building on **October 17, 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 **deny the rezoning and variances;** and

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

FILED


OCT 30 2013

Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 12th day of November, 2013 that the request for a rezoning from "RM-4" Manufactured Home District to "B-1" Neighborhood Business District, a variance to allow two (2) principal uses on one (1) parcel and a variance to allow a residence not on the second floor in the "B-1" Neighborhood Business District to allow a single-family residence and dog grooming business in the detached garage on the above referenced property is hereby denied.

Signed and passed by the Sangamon County Board in session on this 12th day of November, 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 RATTIS

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

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EXHIBIT A

Lots 5, 6, 7, 8 and 9 in Block 12 of Grandview Subdivision, a Subdivision of part of the East half of the Northwest Quarter and part of the West half of the Northeast Quarter of Section 29, Township 16 North, Range 4 West of the Third Principal Meridian.

Together with all easements and appurtenances in favor of said above described property.

Except all coal, minerals and mining rights heretofore conveyed of record.

Subject to taxes for the year 2012 and subsequent years.

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

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RECAP

(For County Board Use)

COUNTY BOARD MEMBER: # 9 NAME: Sarah Musgrave

DOCKET NUMBER: 2013-043

ADDRESS: 312 East Houston, Springfield, IL. 62707

PETITIONER: Paula Weatherford

PRESENT ZONING CLASSIFICATION: "RM-4" Manufactured Home District

REQUESTED ZONING CLASSIFICATION: "B-1" Neighborhood Business District, a variance to allow two (2) principal uses on one (1) parcel and a variance to allow a residence not on the second floor in the "B-1" Neighborhood Business District to allow a single-family residence and dog grooming business in the detached garage.

AREA: .60 acre

COMMENTS: None

OBJECTORS: Yes

PLANNING COMMISSION RECOMMENDATION: **Recommend denial of the requested B-1 zoning as it is seen as spot zoning and too intense for the immediate area. Allowing a business use in the middle of this residential neighborhood could have a negative effect on the character of the area and could be seen as a detriment. Recommend denial of the variances as the standards for variation are not met. There do not appear to be circumstances unique to the property that is unlike other property in the area.**

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Denial as staff recommended.

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: **2013-043**
Paula Weatherford)
)
) PROPERTY LOCATED AT:
) **312 East Houston**
) **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 an **amendment 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 **October 17, 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: **312 East Houston, Springfield, IL.** and more particularly described as:

See **EXHIBIT A**

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3. That the present zoning of said property is **“RM-4” Manufactured Home District.**
4. That the present land use of said property is a **single-family residence and detached garage.**
5. That the proposed land use of said property is a **single-family residence and dog grooming business in the detached garage.**
6. That the requested **rezoning and variances** of said property are a **rezoning from “RM-4” Manufactured Home District to “B-1” Neighborhood Business District, a variance to allow two (2) principal uses on one (1) parcel and a variance to allow a residence not on the second floor in the “B-1” Neighborhood 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 and variances** 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 variances** be **denied**.

Charles Chimento/ck
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 **denied**, which was duly seconded by **Don Wulf**.

The vote of the Board was as follows:

YES: **Charles Chimento, Peggy Egizii, Judith Johnson, Don Wulf, John Lucchesi**

NO:

PRESENT:

ABSENT: **Byron Deaner, Janet Dobrinsky**

Cyndi Knowles
RECORDING SECRETARY

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**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: 2013-043

Address: 312 East Houston, Springfield

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

The area is a mix of single-family residences and mobile homes.

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

The area is a mix of RM-4 and R-1 zoning.

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

There is a structure being used as a residence on the property, however RM-4 zoning is not seen as appropriate zoning for the subject property.

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

The area has remained residential in character with many parcels rezoned to RM-4.

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**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: 2013-043

Address: 312 E. Houston, 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.

It appears the property can continue to be used economically.

- (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 do not appear to be circumstances unique to this property that is unlike property in the immediate area.

- (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.

There is a concern with allowing a business in the middle of a residential neighborhood and the effect it could have on the character of the area.