

CASE# 2017-054  
RESOLUTION NUMBER 7-1

**GRANTING VARIANCES**  
FOR CERTAIN PROPERTY LOCATED AT  
**2801 S. COLLEGE 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 **grant the variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

**Lot Eighty-three (83) of The Highlands**

WHEREAS, the Petitioners, **Ronald & Catherine McAtee**, have petitioned the Sangamon County Board for **a variance to allow two (2) principal uses on one (1) parcel: (a) single-family residence and (b) "B-3" business; a variance to allow a single-family residence in the "B-3" General Business District; a variance to allow the side yard setback to be zero (0) feet instead of the required seven and one-half (7 ½) feet on a corner lot; a variance to allow the front yard setback to be ten (10) feet instead of the required fifteen (15) feet; and, a variance to allow the rear yard setback to be zero (0) feet instead of the required twenty (20) feet; and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **November 16, 2017** 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 variances**; and,

**FILED**

NOV 29 2017

*Don King*  
Sangamon County Clerk

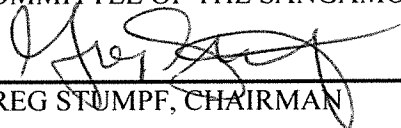
WHEREAS, the Sangamon County Board does hereby adopt the recommendation of the Sangamon County Zoning Board of Appeals.

**NOW, THEREFORE, BE IT RESOLVED** by the County Board of Sangamon County, Illinois, in session assembled this **12<sup>th</sup> Day of December, 2017** that the request for a variance to allow two (2) principal uses on one (1) parcel: (a) single-family residence and (b) "B-3" business; a variance to allow a single-family residence in the "B-3" General Business District; a variance to allow the side yard setback to be zero (0) feet instead of the required seven and one-half (7 1/2) feet on a corner lot; a variance to allow the front yard setback to be ten (10) feet instead of the required fifteen (15) feet; and, a variance to allow the rear yard setback to be zero (0) feet instead of the required twenty (20) feet on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this **12<sup>th</sup> day of December, 2017.**

Respectfully submitted,

PUBLIC HEALTH, SOLID WASTE & ZONING  
COMMITTEE OF THE SANGAMON COUNTY BOARD



\_\_\_\_\_  
GREG STUMPF, CHAIRMAN

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DAVID MENDENHALL, VICE CHAIRMAN

\_\_\_\_\_  
CRAIG HALL

\_\_\_\_\_  
SAM SNELL

\_\_\_\_\_  
ABE FORSYTH

\_\_\_\_\_  
JASON RATTS

\_\_\_\_\_  
LINDA DOUGLAS WILLIAMS

\_\_\_\_\_  
ANNETTE FULGENZI

\_\_\_\_\_  
LINDA FULGENZI

\_\_\_\_\_  
LISA HILLS

\_\_\_\_\_  
MIKE SULLIVAN

\_\_\_\_\_  
ROSE RUZIC

**ATTEST:**

\_\_\_\_\_  
SANGAMON COUNTY CLERK

\_\_\_\_\_  
COUNTY BOARD CHAIRMAN

**RECAP**

(For County Board Use)

COUNTY BOARD MEMBER: # 21                      NAME: **Clyde Bunch**

DOCKET NUMBER: **2017-054**

ADDRESS: **2801 S. College Street, Springfield, IL 62704**

PETITIONER: **Ronald & Catherine McAtee**

PRESENT ZONING CLASSIFICATION: **“B-3” General Business District.**

REQUESTED ZONING CLASSIFICATION: **A variance to allow two (2) principal uses on one (1) parcel: (a) single-family residence and (b) “B-3” business; a variance to allow a single-family residence in the “B-3” General Business District; a variance to allow the side yard setback to be zero (0) feet instead of the required seven and one-half (7 ½) feet on a corner lot; a variance to allow the front yard setback to be ten (10) feet instead of the required fifteen (15) feet; and, a variance to allow the rear yard setback to be zero (0) feet instead of the required twenty (20) feet.**

AREA: **10,320 sq. ft. (approx.)**

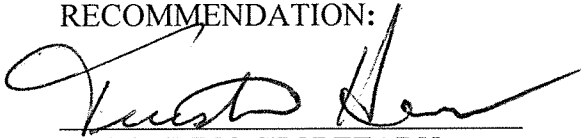
COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION RECOMMENDATION: **Recommend approval. The property was rezoned in 1982 to B-3. However, the property is surrounded on three sides by property that is used and zoned residential. Allowing part of the subject property to be used for a residence is seen as keeping with the trend toward residences surrounding the subject property. Regarding the requested setback variances, the buildings were present in 1969, so there is a good chance they pre-date the Zoning Ordinance. The presence of the alley also provides some separation between the garage and the residences to the west.**

SANGAMON COUNTY BOARD OF APPEALS  
RECOMMENDATION:

**Approval of Staff Recommendation.**



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RECORDING SECRETARY

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SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF: )	DOCKET NO: <b>2017-054</b>
<b>Ronald &amp; Catherine McAtee</b> )	
)	PROPERTY LOCATED AT:
)	<b>2801 S. College Street</b>
)	<b>Springfield, IL 62704</b>

RECOMMENDATION OF THE BOARD OF APPEALS

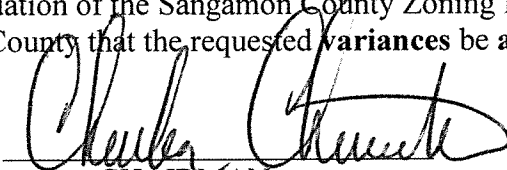
THIS MATTER, Coming on for a hearing before the Sangamon County Zoning Board of Appeals of Sangamon County, Illinois, and it appearing to said Board that a petition for **variances** of the Zoning Regulations of said County has been filed herein by the above captioned petitioner (s); that legal publication has been made pursuant to law; and that a public hearing was held on **November 16, 2017** 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: **2801 S. College Street, Springfield, IL 62704** and more particularly described as:

**Lot Eighty-three (83) of The Highlands**

3. That the present zoning of said property is **“B-3” General Business District.**
4. That the present land use of said property is a **vacant commercial building.**
5. That the proposed land use of said property is a **single-family residence and B-3 business.**
6. That the requested **variances** of said property are **for a variance to allow two (2) principal uses on one (1) parcel: (a) single-family residence and (b) “B-3” business; a variance to allow a single-family residence in the “B-3” General Business District; a variance to allow the side yard setback to be zero (0) feet instead of the required seven and one-half (7 ½) feet on a corner lot; a variance to allow the front yard setback to be ten (10) feet instead of the required fifteen (15) feet; and, a variance to allow the rear yard setback to be zero (0) feet instead of the required twenty (20) feet.**
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 **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 **variances** be **approved.**

  
 CHAIRMAN  
 TC

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **JD Sudeth**, 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 **Tony Mares**.

The vote of the Board was as follows:

YES: **Charles Chimento, Tony Mares, Don Wulf, JD Sudeth, Larry Beaty**

NO:

PRESENT:

ABSENT: **Andrew Spiro, Gina Lathan**

  
RECORDING SECRETARY



**RECOMMENDED STANDARDS FOR USE VARIATIONS  
[MULTIPLE USES & RESIDENCE IN "B-3"]**

Case #: **2017-054**

Address: **2801 S. College, 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.

**There is a hardship because it would be uneconomical to construct a second story for the principal building on the subject property.**

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

**The property was rezoned in 1982 to B-3. However, the property is surrounded on three sides by property that is used and zoned residential. Allowing part of the subject property to be used for a residence is seen as keeping with the trend toward residences surrounding the subject property.**

- (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 community benefits from mixed usage on the commercially zoned subject property, the proposed uses meet the general intent of the Zoning Ordinance.**

- (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.

**Negative impacts over existing conditions are not anticipated.**

**SANGAMON COUNTY  
RECOMMENDED - STANDARDS FOR VARIATIONS  
[SETBACK VARIANCES]**

Case #: **2017-054**

Address: **2801 S. College, 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 principal building and the garage are older structures that likely predate the zoning ordinance. It would reduce the expectation of a reasonable return on the subject property if the owner were required to demolish the existing structures.**

- (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.

**The buildings were present in 1969, so there is a good chance they pre-date the Zoning Ordinance. The presence of the alley also provides some separation between the garage and the residences to the west.**

- (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.

**Negative impacts are not anticipated in granting these variances.**