

CASE# 2016-025
RESOLUTION NUMBER 8-1

DENYING A REZONING AND GRANTING A USE VARIANCE AND VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
3609 S. DOUGLAS, 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 a rezoning and grant a use variance with conditions and a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **John Ridings Plumbing**, has petitioned the Sangamon County Board for a **rezoning from "B-3" General Business District to "I-1" Restricted Industrial District to allow for two (2) principal uses on one (1) parcel (plumbing contractor and lawn care business);** and,

WHEREAS, a public hearing was held at the Sangamon County Building on **July 21, 2016** 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 but, in the alternative, grant a Use Variance with conditions and a variance;** and,

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

FILED

JUL 29 2016

Don J. May
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 9th Day of August, 2016 that the request for rezoning from “B-3” General Business District to “I-1” Restricted Industrial District be denied but, in the alternative, a Use Variance to allow outside storage in the “B-3” General Business District with the following conditions: (1) no more than four (4) trailers shall be allowed to be contained in an area in the rear (west) end of the subject property limited to eight hundred (800) square feet; and, (2) no outside storage of landscape waste, mulch, or other organic materials; and, a variance to allow two (2) principal uses (plumbing contractor and lawn care business) is hereby approved on the above described property.

Signed and passed by the Sangamon County Board in session on this 9th day of August, 2016.

Respectfully submitted,

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



GREG STUMPF, CHAIRMAN

DAVID MENDENHALL, VICE CHAIRMAN

CRAIG HALL

SAM SNELL

ABE FORSYTH

JASON RATTS

LINDA DOUGLAS WILLIAMS

ANNETTE FULGENZI

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

Lot 67 of Pierik Place a subdivision of part of the Northeast Quarter of Section 8, and part of the Southeast Quarter of said Section 8, Township 15 North, Range 5 West of the Third Principal Meridian. Situated in Sangamon County, Illinois.

8-5

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #12 NAME: Linda Fulgenzi

DOCKET NUMBER: 2016-025

ADDRESS: 3609 S. Douglas, Springfield, IL 62704

PETITIONER: John Ridings Plumbing

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

REQUESTED ZONING CLASSIFICATION: "I-1" Restricted Industrial District

AREA: 2 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: **Recommend denial of the requested I-1 zoning. The petitioner requests I-1 zoning to allow outside storage of trailers in conjunction with the landscape business on the subject property. However, I-1 is seen as too intense for the area. In the alternative, staff recommends a use variance in the B-3 district to allow outside storage with the following conditions: (1) no more than four (4) trailers shall be allowed to be contained in an area in the rear (west) end of the subject property limited to eight hundred (800) square feet; and, (2) no outside storage of landscape waste, mulch, or other organic materials is allowed.**

Recommend approval of a variance to allow two (2) principal uses (plumbing contractor and lawn care business) on the subject property. The requested variance is necessary to bring the subject property into compliance with the Zoning

Ordinance. Given the mixed uses in the area that are a result of a history of granting use variances, including another landscape business, the request will not likely alter the essential character of the area. The Standards for Variation are met.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval of Staff Recommendation


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2016-025
John Ridings Plumbing)	
)	PROPERTY LOCATED AT:
)	3609 S. Douglas
)	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 **July 21, 2016** 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: **3609 S. Douglas, Springfield, IL 62704** and more particularly described as:

See Exhibit A

- 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 warehouse/office for plumbing contractor and warehouse/office for landscaping business.**
- 5. That the proposed land use of said property is **warehouse/office for plumbing contractor, warehouse/office for landscaping business and another garage for storage.**
- 6. That the requested **rezoning and variance** of said property is **rezoning from “B-3” General Business District to “I-1” Restricted Industrial District and a variance to allow two (2) principal uses on one (1) parcel (plumbing contractor and lawn care business).**
- 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 **amendment** is in the public interest and is not solely in the interest of the petitioner(s). **But, in the alternative does support the proposed Use Variance in the “B-3” General Business District to allow outside storage with the following conditions: (1) no more than four (4) trailers shall be allowed to be contained in an area in the rear (west) end of the subject property limited to eight hundred (800) square feet; and, (2) no outside storage of landscape waste, mulch, or other organic materials; and, a variance to allow two (2) principal uses (plumbing contractor and lawn care business) 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 but, in the alternative a Use Variance be approved with the following conditions: (1) no more than four (4) trailers shall be allowed to be contained in an area in the rear (west) end of the subject property limited to eight hundred (800) square feet; and, (2) no outside storage of landscape waste, mulch, or other organic materials; and, a variance to allow two (2) principal uses (plumbing contractor and lawn care business).**


CHAIRMAN K6

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Andrew Spiro**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition for **rezoning be denied but, in the alternative grant a use variance**

with the following conditions (1) no more than four (4) trailers shall be allowed to be contained in an area in the rear (west) end of the subject property limited to eight hundred (800) square feet; and, (2) no outside storage of landscape waste, mulch, or other organic materials; and, a variance to allow two (2) principal uses (plumbing contractor and lawn care business) which was duly seconded by John Lucchesi.

The vote of the Board was as follows:

YES: Charles Chimento, Don Wulf, Andrew Spiro, Merilyn Herbert and John Lucchesi

NO:

PRESENT:

ABSENT: Anthony Mares and Janet Dobrinsky


RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: **2016-025**

Address: **3609 S. Douglas, Springfield**

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

To the north is a contractor's yard. To the east and west are residential. To the south is a mobile home park.

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

To the north is Agricultural. To the east and west are R-1. To the south is R-3.

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

The existing zoning classification does not allow outside storage in conjunction with the landscape business.

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

There is a mixed trend of development in the area. In 1991, a use variance to permit a warehouse for the cleaning and storing of rental materials was granted for property north of the subject property. This same property was rezoned to B-3 in 2008. In 1986, a re-zone from R-1 to Agriculture with a condition restricting outside storage material and equipment and excluding sales from the premises was granted for the property immediately north of the subject property. The property immediately north of the subject property was then granted a use variance in 1996 for a construction office for a homebuilder. The subject property was granted a use variance for a plumbing office in 2000 and B-3 zoning in 2004. The mixed trend could justify granting a use variance.

**RECOMMENDED STANDARDS FOR USE VARIATIONS
[TWO (2) PRINCIPAL USES AND OUTSIDE STORAGE IN
THE B-3 DISTRICT]**

Case #: 2016-025

Address: 3609 S. Douglas, 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.

Given the mixed uses in the area, it does not appear that the requested variance will greatly change the area more than currently exists.

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

Given the mixed uses in the area, including another landscape business, the requested variances appear to be compatible with the trend of development 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.

There is a history of rezoning actions and use variances granted along Douglas that have changed the area from residential to mixed usage. To the extent the community can benefit from another landscape business in the area, the requested variance appears to be in harmony with the general purpose of the B-3 zoning district. The recommended conditions for the recommended use variance will help ensure the subject property is in harmony with surrounding businesses and minimize adjacent effects on nearby residences.

- (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.

As the two businesses are already in existence in a mixed-use area, it is unlikely the variance request will generate more traffic than already exists in the area. Negative impacts pertaining to the other factors are not anticipated.