

CASE# 2017-065
RESOLUTION NUMBER 8-1

GRANTING A REZONING, CONDITIONAL PERMITTED USE, AND VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
2807 E. COOK 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 an amendment, Conditional Permitted Use, and variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **A to Z Radiator & Air Conditioning**, has petitioned the Sangamon County Board for a **rezoning from “B-3” General Business District and “RM-4” Manufactured Home District to “I-1” Restricted Industrial District; a Conditional Permitted Use for auto body repair with spray painting; a variance to allow three (3) uses on one (1) parcel: a) radiator repair, b) auto repair, and c) auto body repair with auto sales; a variance to allow the front yard setback for building four (4) to be approximately ten (10) feet instead of the required twenty (20) feet; and, a variance to allow the transitional side yard to be zero (0) feet instead of the required fifteen (15) feet; and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **December 21, 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

FILED

DEC 28 2017

Don H. Kay
Sangamon County Clerk

Sangamon County Board **grant the rezoning, the Conditional Permitted Use with the following conditions:**

- a. all painting shall be conducted inside a paint booth enclosed in a building;**
- b. all wrecked cars are stored on the subject property behind the buildings and screened by a solid fence in compliance with the Zoning Ordinance;**

and, the variances; and,

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 **9th Day of January, 2018** that the requests for:

- 1. A rezoning from “B-3” General Business District and “RM-4” Manufactured Home District to “I-1” Restricted Industrial District;**
- 2. A Conditional Permitted Use (CPU) for auto body repair with spray painting with the following conditions:**
 - a. all painting shall be conducted inside a paint booth enclosed in a building**
 - b. all wrecked cars are stored on the subject property behind the buildings and screened by a solid fence in compliance with the Zoning Ordinance; and,**
- 3. A variance to allow three (3) uses on one (1) parcel: a) radiator repair, b) auto repair, and c) auto body repair with auto sales; a variance to allow the front yard setback for building four (4) to be approximately ten (10) feet instead of the required twenty (20) feet; and, a variance to allow the transitional side yard to be zero (0) feet instead of the required fifteen (15) feet;**

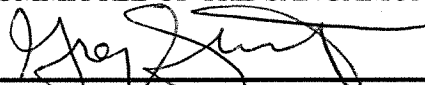
on the above described property are hereby approved.

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Signed and passed by the Sangamon County Board in session on this 9th day of January, 2018.

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

ROSE RUZIC

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

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EXHIBIT A

A PART OF THE EAST 7/8 (SEVEN-EIGHTHS) OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 16 NORTH, RANGE 5 WEST OF THE THIRD PRINCIPAL MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST LINE OF EASTDALE AVENUE, 927.20 FEET SOUTH OF THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 36 AND RUNNING THENCE WESTERLY ALONG A LINE PARALLEL WITH SAID NORTH LINE 121.74 FEET TO AN IRON PIN, BEING THE TRUE PLACE OF BEGINNING; THENCE CONTINUING WEST PARALLEL WITH THE NORTH LINE OF SAID QUARTER QUARTER SECTION 198 FEET, MORE OR LESS, TO A POINT IN THE EAST LINE OF WANLESS' BERGEN PARK ADDITION, SECOND PLAT; THENCE SOUTH ALONG SAID EAST LINE 343.21 FEET, MORE OR LESS, TO A STEEL AXLE IN THE NORTHERLY LINE OF THE RIGHT OF WAY OF THE PUBLIC HIGHWAY FORMERLY DESIGNATED AS U.S. ROUTE 36; THENCE NORTHEASTERLY ALONG SAID RIGHT-OF-WAY LINE TO A POINT 198 FEET EAST OF THE AFORESAID SUBDIVISION EAST LINE THENCE NORTH 295.80 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

EXCEPT THE COAL AND OTHER MINERALS UNDERLYING THE SURFACE OF SAID LAND AND ALL RIGHTS AND EASEMENTS IN FAVOR OF THE ESTATE OF SAID COAL AND MINERALS.

RECAP
(For County Board Use)

COUNTY BOARD
MEMBER:

#18

NAME: **Rose Ruzic**

DOCKET NUMBER: **2017-065**

ADDRESS: **2807 E. Cook Street, Springfield, IL 62703**

PETITIONER: **A to Z Radiator & Air Conditioning**

PRESENT ZONING
CLASSIFICATION:

**“B-3” General Business District and “RM-4”
Manufactured Home District.**

REQUESTED ZONING
CLASSIFICATION:

**A rezoning from “B-3” General Business
District and “RM-4” Manufactured Home
District to “I-1” Restricted Industrial
District; a Conditional Permitted Use (CPU)
for auto body repair with spray painting; a
variance to allow three (3) uses on one (1)
parcel: a) radiator repair, b) auto repair,
and c) auto body repair with auto sales; a
variance to allow the front yard setback for
building four (4) to be approximately ten
(10) feet instead of the required twenty (20)
feet; and, a variance to allow the
transitional side yard to be zero (0) feet
instead of the required fifteen (15) feet.**

AREA: **1.5 acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION
RECOMMENDATION:

**Recommend approval of the
requested I-1 zoning. The uses on
the blockface on the north side of
Cook between Eastdale and Wesley
have been light industrial for many
years; and therefore, the existing R-
2 and B-3 classifications are
inappropriate. Thus, the proposed
I-1 is not seen as spot zoning.
Recommend approval of the
Conditional Permitted Use with the
following conditions: (1) all painting**

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shall be conducted inside a paint booth enclosed in a building; and, (2) all wrecked cars are stored on the subject property behind the buildings and screened by a solid fence in compliance with the Zoning Ordinance. Recommend approval of the requested variances. The variance to allow multiple uses is appropriate because the uses work in conjunction with one another. The variances to allow the reduced setbacks are also seen as appropriate as they will correct discrepancies with the existing buildings (which were granted building permits in the past). 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: **2017-065**
A to Z Radiator & Air Conditioning)
) PROPERTY LOCATED AT:
) **2807 E. Cook Street**
) **Springfield, IL 62703**

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, Conditional Permitted Use 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 **December 21, 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: **2807 E. Cook Street, Springfield, IL 62703** and more particularly described as:

See Exhibit A

3. That the present zoning of said property is **“B-3” General Business District and “RM-4” Manufactured Home District.**
4. That the present land use of said property is **radiator repair, auto repair, and auto body repair with auto sales.**
5. That the proposed land use of said property is **radiator repair, auto repair, and auto body repair with auto sales.**
6. That the requested **rezoning, Conditional Permitted Use, and variances** of said property are for **a rezoning from “B-3” General Business District and “RM-4” Manufactured Home District to “I-1” Restricted Industrial District; a Conditional Permitted Use for auto body repair with spray painting; a variance to allow three (3) uses on one (1) parcel: a) radiator repair, b) auto repair, and c) auto body repair with auto sales; a variance to allow the front yard setback for building four (4) to be approximately ten (10) feet instead of the required twenty (20) feet; and, a variance to allow the transitional side yard to be zero (0) feet instead of the required fifteen (15) 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 **rezoning, Conditional Permitted Use with the following conditions:**
 - a. **all painting shall be conducted inside a paint booth enclosed in a building**
 - b. **all wrecked cars are stored on the subject property behind the buildings and screened by a solid fence in compliance with the Zoning Ordinance;**

and variances 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, Conditional Permitted Use with the above noted conditions, and variances** be approved.


 CHAIRMAN

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 be **approved with the following conditions on the Conditional Permitted Use:**

- a. all painting shall be conducted inside a paint booth enclosed in a building**
- b. all wrecked cars are stored on the subject property behind the buildings and screened by a solid fence in compliance with the Zoning Ordinance**

which was duly seconded by **Larry Beaty**.

The vote of the Board was as follows:

YES: **Tony Mares, Don Wulf, Andrew Spiro, Gina Lathan, Larry Beaty**

NO:

PRESENT:

ABSENT: **Charles Chimento**


 RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: **2017-065**

Address: **2807 E. Cook St., Springfield**

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

North & East: IDOT test garage. South: Vacant. West: Flooring contractor & mixed residential.

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

North & East: R-2. South: Springfield B-1 and Springfield I-1. West: B-3, R-2, & RM-4.

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

The B-3 classification does not allow auto body repairs with spray painting. The RM-4 on the subject property is inappropriate as the parcel is landlocked and the mobile home is gone.

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

The uses on the blockface on the north side of Cook between Eastdale and Wesley have been light industrial for many years; and therefore, the existing R-2 and B-3 classifications are inappropriate. The subject property was rezoned from to RM-4 and B-3 in 1974. Property in the immediate area was rezoned to RM-4 in 1988, 1989, and 1994. Property in the immediate area was rezoned to B-3 in 1974 and 2004. There is I-1 zoning slightly west of the subject property at the northwest corner of Livingston and Cook. There is also I-1 zoning slightly east of the subject property on the north side of Cook closer to Dirksen.

**SANGAMON COUNTY - RECOMMENDED FINDINGS OF FACT
FOR CONDITIONAL PERMITTED USES**

Case #: 2017-065

Address: 2807 E. Cook St., Springfield

No conditional permitted uses shall be granted by the County Board unless the conditional permitted use:

- (i) Is so proposed that the proposed location, design and method of operation of such use will minimize the adjacent effects on the character of the surrounding area.

The auto body repair with spray paint business has been in operation since 2003 with no negative effects on the area. Conditions are suggested regarding painting and storing wrecked cars on the subject property.

- (ii) Is so proposed to be operated, designed and located so that the public health, safety, and welfare will be protected.

The property is in an area where the uses on the blockface on the north side of Cook have been light industrial for many years. The hours of operation suggested in the business plan are reasonable and the number of employees suggests a small operation.

- (iii) Will not cause substantial injury to the value of other property in the vicinity in which it is located.

Negative impacts are not anticipated.

- (iv) In addition to the above general standards for all conditional permitted uses that may be allowed, no conditional permitted use listed below shall be granted unless the proposed use can meet the standards as noted:

- (a) Fairgrounds, public or private outdoor recreation centers - that the principal vehicle access for such use is located on a major thoroughfare or a secondary thoroughfare or within one-quarter mile of a major thoroughfare, that such use is so located as to draw a minimum of vehicular traffic to and through minor and collector streets in residential areas.

N/A

- (b) Mobile home parks - must meet the requirements of Section III(R) Large Scale Development.

N/A

- (c) Tourist home, motels, hotels - that the proposed use must be located on or within 400 feet of a major thoroughfare.

N/A

- (d) Taverns and liquor stores - that the following distances be maintained: (1) schools - 100' from the property line of the school to the property line of the tavern or liquor store; (2) churches - 100' from the church building to the tavern or liquor store building; and (3) residences - 100' from the tavern or liquor store property line to the residential structure or institutional care facility.

N/A

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS
[SETBACKS]**

Case #: **2017-065**

Address: **2807 E. Cook, 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 variances are necessary to bring the property into compliance with zoning ordinance, thereby increasing the economic return of the subject 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.

For the front yard setback, the curvature of the lot and the placement of the power pole reduces the available space for placement of the building without a variance. For the transitional (side) setbacks, the usage of the property is non-residential to the east and faces a rear yard for the property to the west. Granting the variance will have little effect on these uses.

- (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.

**RECOMMENDED STANDARDS FOR USE VARIATIONS
[MULTIPLE USES]**

Case #: **2017-065**

Address: **2807 E. Cook, 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.

Clustering of like uses is appropriate in this case because the uses complement one another.

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

There have been multiple uses on the subject property for approximately forty years with no apparent negative effects on the immediate area.

- (iii) that the variance will benefit the community and be in harmony with the general purpose and intent of the Zoning Regulations.

The variance appears to be in harmony with the general purpose of the zoning ordinance. The nature of the I-1 zoning district contemplates the types of uses proposed as it calls for a “compatible mixture of selected industrial uses and commercial uses.” These types of businesses could be expected to locate along the north side of Cook Street in this area as the blockface has been light industrial for many years.

- (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 are not anticipated.