

CASE # 2010-004

RESOLUTION NUMBER 9-1

GRANTING A USE VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
4044 BRICKLER ROAD, 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 a use variance** the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Patrick Churchill**, has petitioned the Sangamon County Board for a **use variance to allow for a small engine repair shop in the existing garage**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **January 21, 2010**, 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 use variance**; and

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

FILED

JAN 28 2010

Joe Aiello
Sangamon County Clerk

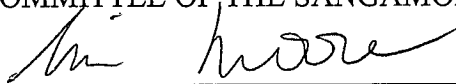
9-2

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 9th day of February, 2010 that the request for a use variance to allow a small engine repair shop in the existing garage on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 9th day of February, 2010.

Respectfully submitted,

PUBLIC HEALTH, SAFETY & ZONING
COMMITTEE OF THE SANGAMON COUNTY BOARD



TIM MOORE, CHAIRMAN

ABE FORSYTH, VICE CHAIRMAN

JOHN FULGENZI

DAVID MENDENHALL

SAM SNELL

DON STEPHENS

GREG STUMPF

LINDA DOUGLAS WILLIAMS

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

9-3

EXHIBIT A

Part of the Southeast Quarter of the Southeast Quarter of Section 6, Township 16 North, Range 4 West in the Third Principal Meridian, described more particularly as follows:

Commencing at a stone marking the Southeast corner of the aforementioned Section 6, thence South 89 degrees 59 minutes 27 seconds West along the Section line a distance of 561.07 feet to an iron pin, thence North 00 degrees 00 minutes 40 seconds East a distance of 165.30 feet measured to a found iron pipe marking the true point of beginning, thence continuing North 00 degrees 00 minutes 40 seconds East a distance of 165.00 feet to a found iron pipe, thence South 89 degrees 56 minutes 33 seconds East a distance of 263.91 feet to a found iron pipe, thence South 00 degrees 00 minutes 40 seconds West a distance of 165.00 feet to an iron pipe, thence North 89 degrees 56 minutes 33 seconds West a distance of 263.91 feet to the true point of beginning.

94

RECAP

(For County Board Use)

COUNTY BOARD MEMBER: # 8 NAME: **Jim Good**

DOCKET NUMBER: 2010-004

ADDRESS: 4044 Brickler Road, Springfield, IL. 62707

PETITIONER: **Patrick Churchill**

PRESENT ZONING CLASSIFICATION: "A" Agricultural District.

REQUESTED ZONING CLASSIFICATION: "A" Agricultural District with a use variance to allow for a small engine repair shop in the existing garage.

AREA: 1 acre

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: **Recommend denial of a use variance. There is no particular benefit to the community in having a small engine repair shop at this location and there is a concern with noise and activity associated with the proposed use on nearby residences given the parcel is small and the building, which would house the proposed use, is immediately adjacent to a residential property. The standards for variation are not met.**

SANGAMON COUNTY BOARD OF APPEALS

RECOMMENDATION: **Approval**


RECORDING SECRETARY

95

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2010-004
Patrick Churchill)	
)	PROPERTY LOCATED AT:
)	4044 Brickler Road,
)	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 a **use 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 **January 21, 2010** 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: **4044 Brickler Road, Springfield, IL.** and more particularly described as:

See Exhibit A

9-6

3. That the present zoning of said property is "A" Agricultural District.
4. That the present land use of said property is a single family residence.
5. That the proposed land use of said property is a single family residence with a small engine repair shop in the existing garage.
6. That the requested use variance of said property is to allow for small engine repair shop in the existing garage.
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 use variance 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 use variance be approved.

Charles Chimento/ck
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Byron Deaner**, not 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 **Peggy Egizii**.

The vote of the Board was as follows:

YES: **Charles Chimento, Peggy Egizii, Judith Johnson, Byron Deaner, John Luchessi.**

NO:

ABSENT: **Marvin Traylor, Don Wulf.**

Molly Bens
RECORDING SECRETARY

A-7

EXHIBIT A

Part of the Southeast Quarter of the Southeast Quarter of Section 6, Township 16 North, Range 4 West in the Third Principal Meridian, described more particularly as follows:

Commencing at a stone marking the Southeast corner of the aforementioned Section 6, thence South 89 degrees 59 minutes 27 seconds West along the Section line a distance of 561.07 feet to an iron pin, thence North 00 degrees 00 minutes 40 seconds East a distance of 165.30 feet measured to a found iron pipe marking the true point of beginning, thence continuing North 00 degrees 00 minutes 40 seconds East a distance of 165.00 feet to a found iron pipe, thence South 89 degrees 56 minutes 33 seconds East a distance of 263.91 feet to a found iron pipe, thence South 00 degrees 00 minutes 40 seconds West a distance of 165.00 feet to an iron pipe, thence North 89 degrees 56 minutes 33 seconds West a distance of 263.91 feet to the true point of beginning.