

**GRANTING A USE VARIANCE**  
FOR CERTAIN PROPERTY LOCATED AT  
**3950 N. DIRKSEN PARKWAY, 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** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Meyer Roofing Inc., Carlyne Meyer**, has petitioned the Sangamon County Board for a **rezoning from "B-1" Neighborhood Business District with a conditional permitted use to "I-1" Restricted Industrial District to allow for a contractor's office, shop and yard with outside storage of supplies, equipment and vehicle parking;** and

WHEREAS, a public hearing was held at the Sangamon County Building on **November 18, 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 a use variance;** and

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

**FILED**

DEC 02 2010

*Joe Aiello*  
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 14<sup>th</sup> day of December, 2010 that the request for a rezoning from B-1" Neighborhood Business District with a conditional permitted use to "I-1" Restricted Industrial District to allow for a contractor's office, shop and yard with outside storage of supplies, equipment and vehicle parking is denied. However, a use variance to operate a contractor's office, shop and yard with outside storage of supplies, equipment and vehicle parking on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 14<sup>th</sup> day of December, 2010.

Respectfully submitted,

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

*Tim Moore /ck*

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

**Exhibit A**

Part of the Northwest Quarter of Section Twelve (12), Township sixteen (16) North, Range Five (5) West of the Third Principal Meridian in Sangamon County, Illinois, Being Described as Follows: Commencing at a Stone in the Northwest Corner of Section 12; Thence South 0 Degrees 10 Minutes 00 Seconds East, 1025.63 Feet Along the West Line of the Northwest Quarter of Section 12; Thence South 88 Degrees 08 Minutes 32 Seconds East, 598.74 Feet to an Iron Pin; Thence South 51 Degrees 07 Minutes 42 Seconds East, 150.00 Feet to an Iron Pipe at the Point of Beginning; Thence Continuing South 51 Degrees 07 Minutes 42 Seconds east 140.00 Feet to an Iron Pin; Thence South 35 Degrees 38 Minutes 14 Seconds West, 300.00 Feet to an Iron Pin on the Northerly Right of Way Line of Dirksen Parkway (US Route 66); Thence North 51 Degrees 07 Minutes 42 Seconds West Along the Said Northerly Right of way Line 140.00 Feet to an Iron Pipe; Thence North 35 Degrees 38 Minutes 14 Seconds East, 300 Feet to the Point of Beginning, Containing 0.964 Acres More or Less. Situated in Sangamon County, Illinois.

Subject to Restrictions & Reservations of Record, if any.

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RECAP  
(For County Board Use)

COUNTY BOARD MEMBER: #8                      NAME: Jim Good

DOCKET NUMBER: 2010-47

ADDRESS: 3950 N. Dirksen Parkway, Springfield, IL. 62707

PETITIONER: Meyer Roofing Inc., Carlyne Meyer

PRESENT ZONING CLASSIFICATION: "B-1" Neighborhood Business District with a conditional permitted use.

REQUESTED ZONING CLASSIFICATION: "I-1" Restricted Industrial District to allow for a contractor's office, shop and yard with outside storage of supplies, equipment and vehicle parking

AREA: .96 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: Staff recommends denial of the requested spot I-1 zoning. Although there are industrial uses in the area, the corridor along Dirksen Parkway is light to heavy commercial and rezoning this parcel to I-1 is inconsistent with the area. This business is long established, has been a benefit to the community and is almost 1 acre in size therefore not creating a negative impact of light and air to adjacent properties. It is the opinion of the staff that a use variance to operate a contractor's office, shop and yard is appropriate at this location and is consistent with the trend of the surrounding area and similar nearby uses.

SANGAMON COUNTY BOARD OF APPEALS  
RECOMMENDATION:

Approval as staff recommended

Cyndi Knowles  
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:	)	DOCKET NO: <b>2010-47</b>
<b>Meyer Roofing Inc., Carlyne Meyer</b>	)	
	)	PROPERTY LOCATED AT:
	)	<b>3950 N. Dirksen Parkway</b>
	)	<b>Springfield, IL. 62707</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 an **amendment** 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 18, 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: **3950 N. Dirksen Parkway, Springfield, IL.** and more particularly described as:

**See Exhibit A**

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3. That the present zoning of said property is **"B-1" Neighborhood Business District with a conditional permitted use.**
4. That the present land use of said property is **a contractor's office, shop and yard.**
5. That the proposed land use of said property is **a contractor's office, shop and yard with outside storage of supplies, equipment and vehicle parking.**
6. That the requested **rezoning** of said property is **"I-1" Restricted Industrial District to allow for a contractor's office, shop and yard with outside storage of supplies, equipment and vehicle parking.**
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** 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, grant the use variance as staff recommended.**

*Charles Chimento/cx*  
CHAIRMAN

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Byron Deaner**, 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, but a use variance be approved as staff recommended**, which was duly seconded by **John Luchessi**.

The vote of the Board was as follows:

YES: **Charles Chimento, Byron Deaner, John Luchessi, Judith Johnson, Don Wulf**

NO:

ABSENT: **Peggy Egizii, Marvin Traylor**

*Cecilia Knowles*  
RECORDING SECRETARY

**SANGAMON COUNTY  
RECOMMENDED - FINDINGS OF FACT**

Case #: 2010-047

Address: 3950 North Dirksen Parkway

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

To the north is a concrete batch plant. To the east is a mobile home and a cable television business. To the south is a vacant commercial building and property. Also to the south is a cabinet business. To the west is a single family residence and gas station.

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

To the north is City R-1 that contains an industrial use. This property was annexed into the city, which automatically deems the property R-1, however the current use is legal non-conforming. To the east is B-1. To the south is B-3. To the west is B-3 and further west is B-1.

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

The property is currently being used as a contractor's office, shop and yard.

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

The subject property was rezoned to B-1 and granted a CPU for a tavern and a use variance for furniture sales in 1982. In 1980, property to the east was rezoned to B-1 and granted a CPU for a mobile home park. To the south, property was rezoned to B-3 in 1988. Property to the west was rezoned to B-3 in 1983 & 1990. Property further west was rezoned to B-3 in 1987. Also, property further west was granted a use variance for a contractor's office & shop with outside storage of trailer, trencher and trucks.

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## RECOMMENDED STANDARDS FOR USE VARIATIONS

Case #: 2010-047

Address: 3950 North Dirksen Parkway

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.

**The property has been established as a contractor's office, shop and yard. Operating as a light commercial use is unlikely.**

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

**The area is a mixture of light commercial, heavy commercial and industrial. The corridor along Dirksen parkway has seen a commercial trend, while properties to the north have been long established as industrial.**

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

**The business has been established for over 10 years and has obviously been a benefit to the community.**

- (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.

**This roofing business has been long established and has not created a negative impact on the area and has not altered the general character of the area. The subject property is approximately 1 acre in size and is large enough to not impair light and air to adjacent properties.**