

**GRANTING A REZONING AND A VARIANCE**  
**FOR CERTAIN PROPERTY LOCATED AT**  
**4000 N. PEORIA 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 rezoning and a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

**L 23 and S 60' L 24 EX ROAD JAMES F. BROOKS SUBDIVISION.**  
**PARCEL NUMBER: 14-11.0-402-040.**

WHEREAS, the Petitioner, **Harvey Horton**, has petitioned the Sangamon County Board requesting pursuant to Chapters 17.68 and 17.26, a rezoning from “B-2” Retail Business District to “B-3” General Business District; and, pursuant to Chapter 17.66, a variance of Chapter 17.04 (Cargo Container) to allow no more than one hundred (100) cargo containers to be used as mobile and valet storage instead of the permitted one (1) container on a parcel that is between one (1) acre and five (5) acres in size; and,

WHEREAS, a public hearing was held at the Sangamon County Building on **January 16, 2020** 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 rezoning and a variance**; and,

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

**FILED**

JAN 23 2020

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*Don J. Hays*

**NOW, THEREFORE, BE IT RESOLVED** by the County Board of Sangamon County, Illinois, in session assembled this **11<sup>th</sup> Day of February, 2020** that the following request(s) on the above described property are hereby approved:

- Pursuant to Chapters 17.68 and 17.26, a rezoning from “B-2” Retail Business District to “B-3” General Business District; and,
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Cargo Container) to allow no more than one hundred (100) cargo containers to be used as mobile and valet storage instead of the permitted one (1) container on a parcel that is between one (1) acre and five (5) acres in size.

Signed and passed by the Sangamon County Board in session on this **11<sup>th</sup> day of February, 2020**.

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

**ATTEST:**

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

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**RECAP**  
(For County Board Use)

COUNTY BOARD MEMBER: #16 NAME: **Greg Stumpf**

DOCKET NUMBER: **2020-003**

ADDRESS: **4000 N. Peoria Road, Springfield, IL 62702**

PETITIONER: **Harvey Horton**

PRESENT ZONING CLASSIFICATION: **“B-2” Retail Business District.**

REQUESTED ZONING CLASSIFICATION: **Pursuant to Chapters 17.68 and 17.26, a rezoning from “B-2” Retail Business District to “B-3” General Business District; and, pursuant to Chapter 17.66, a variance of Chapter 17.04 (Cargo Container) to allow no more than one hundred (100) cargo containers to be used as mobile and valet storage instead of the permitted one (1) container on a parcel that is between one (1) acre and five (5) acres in size.**

AREA: **1.4 acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION STAFF RECOMMENDATION: **Recommend approval. The proposed B-3 zoning is acceptable as the subject property is adjacent to B-3 zoning to the west and east, and there is a commercial trend along Peoria Road. The petitioner is proposing to develop a mobile and valet storage business on the parcel. However, rather than building a structure to be used for storage units, which is a permitted use in the B-3 zoning district, the petitioner is proposing to utilize cargo containers to be transported to customers, filled, and then returned to the subject property for storage. Staff finds that this business model is consistent with other permitted uses in the requested zoning district. The Standards for Variation are met.**

SANGAMON COUNTY ZONING 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: **2020-003**  
**Harvey Horton** )  
) )  
) ) PROPERTY LOCATED AT:  
) ) **4000 N. Peoria Road**  
) ) **Springfield, IL 62702**

RECOMMENDATION OF THE ZONING 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 **rezoning and a 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 16, 2020** 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: **4000 N. Peoria Road, Springfield, IL 62702** and more particularly described as:

**L 23 and S 60' L 24 EX ROAD JAMES F. BROOKS SUBDIVISION.  
PARCEL NUMBER: 14-11.0-402-040.**

- 3. That the present zoning of said property is **“B-2” Retail Business District.**
- 4. That the present land use of said property is **Illinois State Police Museum.**
- 5. That the proposed land use of said property is **pack and ship retail center and mobile storage.**
- 6. That the request(s) for the subject property **are pursuant to Chapters 17.68 and 17.26, a rezoning from “B-2” Retail Business District to “B-3” General Business District; and, pursuant to Chapter 17.66, a variance of Chapter 17.04 (Cargo Container) to allow no more than one hundred (100) cargo containers to be used as mobile and valet storage instead of the permitted one (1) container on a parcel that is between one (1) acre and five (5) acres in size.**
- 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 and a variance** 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 following request(s) **are hereby approved:**

- **Pursuant to Chapters 17.68 and 17.26, a rezoning from “B-2” Retail Business District to “B-3” General Business District; and,**
- **Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Cargo Container) to allow no more than one hundred (100) cargo containers to be used as mobile and valet storage instead of the permitted one (1) container on a parcel that is between one (1) acre and five (5) acres in size.**

  
 CHAIRMAN *CC*

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MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Don Wulf**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the following request(s) **are hereby approved:**

- Pursuant to Chapters 17.68 and 17.26, a rezoning from “B-2” Retail Business District to “B-3” General Business District; and,
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Cargo Container) to allow no more than one hundred (100) cargo containers to be used as mobile and valet storage instead of the permitted one (1) container on a parcel that is between one (1) acre and five (5) acres in size

which was duly seconded by **Andrew Spiro**.

The vote of the Board was as follows:

YES: **Charlie Chimento, Tony Mares, Andrew Spiro, Don Wulf**

NO:

PRESENT:

ABSENT:

  
 \_\_\_\_\_  
 RECORDING SECRETARY

**SANGAMON COUNTY  
RECOMMENDED - FINDINGS OF FACT**

Case #: **2020-003**

Address: **4000 North Peoria Road, Springfield**

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

**North – Residence and gas station. East – Residence. South – Residence and manufactured home. West – Plumbing, electrical, heating & cooling company.**

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

**North – City R-2 and City B-2. East & West – B-3. South – City R-1 and City I-1.**

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

**The proposed B-3 zoning is acceptable as the subject property is adjacent to B-3 zoning to the west and east. The proposed pack and ship retail center and mobile storage is not a permitted use in the B-2 District.**

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

**There is a commercial trend along Peoria Road. The subject property was rezoned from R-1 to B-2 in 2008 and 2004. In 2002, B-3 was granted east of the subject property.**

**SANGAMON COUNTY  
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2020-003**

Address: **4000 North Peoria Road, 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 petitioner is proposing to develop a mobile and valet storage business on the parcel. However, rather than building a structure to be used for storage units, which is a permitted use in the B-3 zoning district, the petitioner is proposing to utilize cargo containers to be transported to customers, filled, and then returned to the subject property for storage. Staff finds that this business model is consistent with other permitted uses in the requested zoning district.**

- (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 petitioner is proposing to use the cargo containers like self-service storage facilities, which is a permitted use in the B-3 District. The cargo containers have the ability to be transported to customers' houses to fill and then be located on the subject property as indicated in the petition. The regulations restricting the number of cargo containers per parcel failed to contemplate cargo containers being used in this manner. The limitations in the ordinance have a negative impact on the petitioner resulting in some plight.**

- (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.**