

CASE # 2009-05 8-1
RESOLUTION NUMBER _____

GRANTING A USE VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
5201 LEACH ROAD, ROCHESTER
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:

The East 259' of the south 358.52' of the Northeast Quarter of the Northeast Quarter of Section 25, Township 15 north, Range 4 West of the Third Principal Meridian.

WHEREAS, the Petitioners, **Michael & Bonita Mory**, have petitioned the Sangamon County Board for a **rezoning from "A" Agricultural District to "B-2" Retail Business District to allow for a repair shop;** and

WHEREAS, a public hearing was held at the Sangamon County Building on **January 15, 2009**, 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;** and

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

FILED

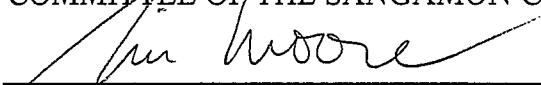
JAN 28 2009

Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 10th day of February, 2009 that the request for rezoning the above described property from "A" Agricultural District to "B-2" Retail Business District to allow for a repair shop is hereby denied but in the alternative and in accord with the amended staff report, approval of a use variance for a repair shop for boats, vehicles and farm equipment subject to providing a buffer to the south.

Signed and passed by the Sangamon County Board in session on this 10th day of February, 2009.

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

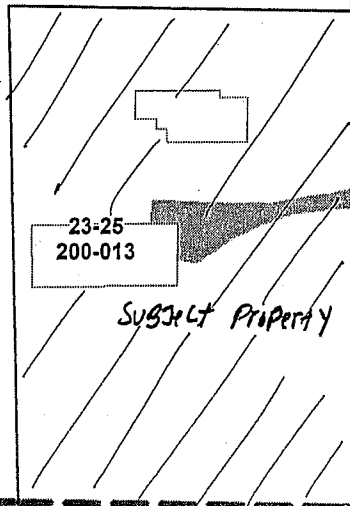


COUNTY BOARD CHAIRMAN

2009-05
MORAY - TURASKY
5201 Leach Rd
23-25-200-013

23-25-200-012

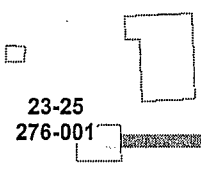
24-03-100-001



LEACH RD

23-25-200-019

24-30-100-003



23-25
276-001

23-25
276-002

23-25
276-003

8-4

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 4 NAME: Andy Goleman

DOCKET NUMBER: 2009-05

ADDRESS: 5201 Leach Road, Rochester, IL 62563

PETITIONER: Michael & Bonita Mory

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: "B-2" Retail Business District to allow for a repair shop.

AREA: 2.13 Acres

COMMENTS: None

OBJECTORS: Yes

PLANNING COMMISSION RECOMMENDATION: Based on evidence presented at the hearing, staff hereby amends the analysis to recommend that a use variance with appropriate screening along the south property line is appropriate. Based on testimony presented at the hearing, the standards for use variations are met.

SANGAMON COUNTY BOARD OF APPEALS

RECOMMENDATION: Denial of B-2 but in the alternative and in accord with the amended staff report, approval of a use variance for a repair shop for boats, vehicles and farm equipment subject to providing a buffer to the south.


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2009-05
Michael & Bonita Mory))
)	PROPERTY LOCATED AT:
)	5201 Leach Road
)	Rochester, IL 62563
))

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 **January 15, 2009** 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 **5201 Leach Road, Rochester, IL 62563** and more particularly described as:

The East 259' of the south 358.52' of the Northeast Quarter of the Northeast Quarter of Section 25, Township 15 north, Range 4 West of the Third Principal Meridian.

3. That the present zoning of said property is **"A" Agricultural District.**
4. That the present land use of said property is **a residence and repair shop (boats, auto, farm).**
5. That the proposed land use of said property is **existing use continued.**
6. That the requested **rezoning** of said property is **from "A" Agricultural District to "B-2" Retail Business District to allow for a repair shop.**
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 of B-2 but in the alternative and in accord with the amended staff report, approval of a use variance for a repair shop for boats, vehicles and farm equipment subject to providing a buffer to the south.**



 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 of B-2 but in the alternative and in accord with the amended staff report, approval of a use variance for a repair shop for boats, vehicles and farm equipment subject to providing a buffer to the south** which was duly seconded by **Peggy Egizii**.

The vote of the Board was as follows:

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

NO:

ABSENT: **Marvin Traylor**



 RECORDING SECRETARY

8-1

SSCRPC

Springfield
Sangamon County Regional
Planning Commission

Staff Findings and Recommendation

(inspected 1/2/2009 by MB & AJ)

SANGAMON COUNTY ZONING CASE # 2009-05

ADDRESS 5201 Leach Road

Property Index # 23-25-200-013

PETITIONER Michael and Bonita Mory

REQUESTED ZONING B-2

PROPOSED LAND USE Single family residence and repair shop

EXISTING:

ZONING Agricultural

LAND USE Single family residence and repair shop

ROAD FRONTAGE Leach Road - 358.52' CONDITION OF PAVEMENT Good

STRUCTURE DESIGNED FOR Residence

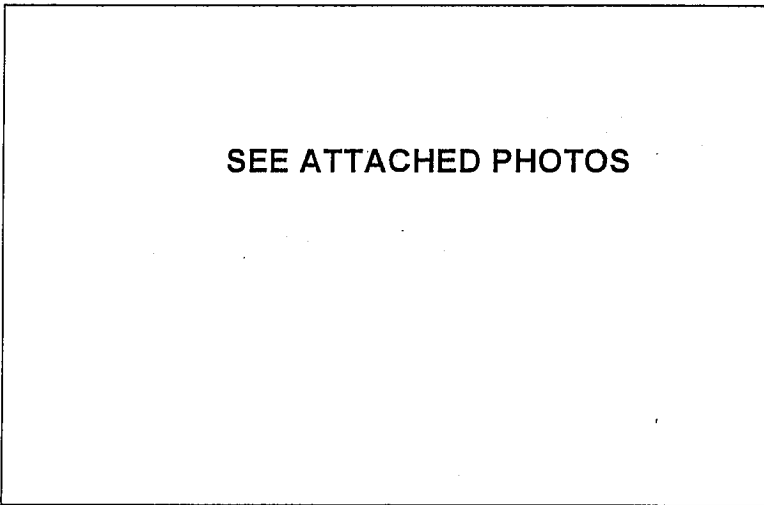
CONDITION OF STRUCTURE Good

LOT AREA 2.13 acres

FRONT YARD 76'

SIDE YARDS 260'/55'

REAR YARD 87'



Would the proposed zoning be spot zoning? Yes

PLANNING COMMISSION STAFF RECOMMENDATION: Recommend denial of requested B-2 zoning. The subject property sits in an agricultural area and a spot of B-2 zoning is seen as too intense at this location. A use variance is not recommended at this location because the standards for variation are not met in that there does not appear to be any special circumstances related to the property, there is no benefit to the community in having a repair shop at this location, and the property is aesthetically out of character with the surrounding area.

Based on evidence presented at the hearing, staff hereby amends the analysis to recommend that a use variance with appropriate screening along the south property line is appropriate. Based on testimony presented at the hearing, the standards for use variations are met.

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Case #: 2009-05

Address: 5201 Leach Road



2009-05



2009-05B

849

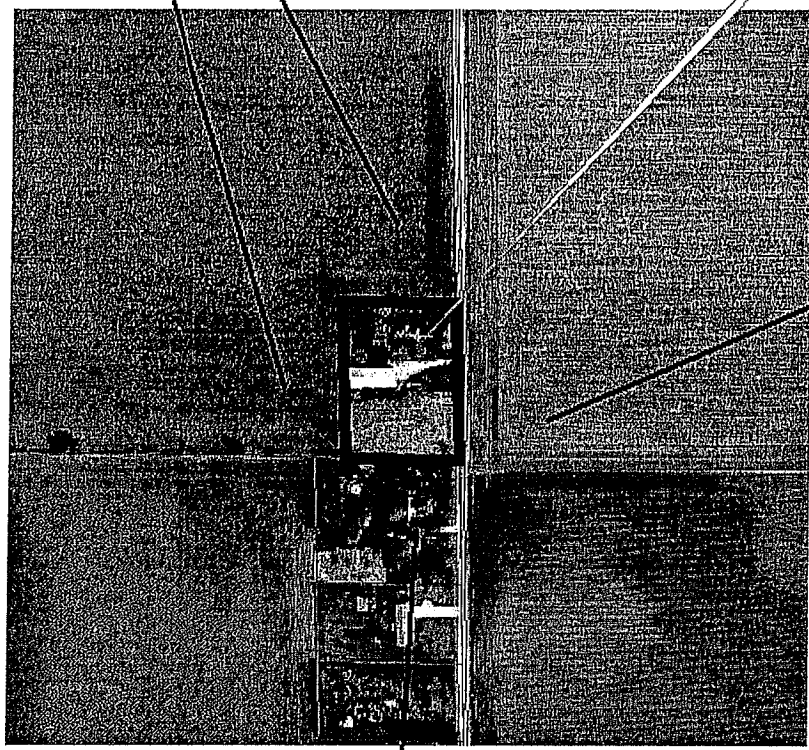
County Zoning

Case# 2009-05

Requested:
B-2

Cropland

Cropland



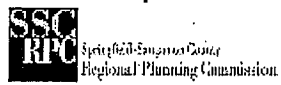
Single Family
Residence

County Zoning

	RM-4		I1
	R3		I2
	R2		B3
	R1a		B2
	R1		B1
	OFF		A

City Zoning

	R5		H1		OFF
	R1		H2		PUD
	R2		H3		B1
	R3a		S1		B2
	R3b		S2		I1
	R4		S3		I2



0 100 200 Feet



**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: **2009-05**

Address: **5201 Leach Road**

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

To the west, north and east is cropland. To the south is a single family residence.

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

The property is completely surrounded by agricultural zoning.

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

The Land Evaluation and Site Assessment score of 187 indicates the property shall be considered for agricultural use only.

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

The area has remained agriculture in character.

RECOMMENDED STANDARDS FOR USE VARIATIONS

Case #: 2009-05

Address: 5201 Leach Road

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.

There does not appear to be any special circumstances related to this property.

Evidence presented at the hearing indicated that the petitioner is unable to move the business to a location with an applicable zoning classification without imposing significant hardship.

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

The area has remained agricultural and residential in character. There are no businesses in the nearby area. Single family residences are to the south, otherwise the subject property is completely surrounded by cropland.

Evidence presented at the hearing indicated that while the area is primarily cropland and/or residential, there are businesses located approximately 1/2 mile away in Berry.

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

There is no particular benefit to the community in having a repair shop at this location.

Evidence presented at the hearing indicated that the use of the property does benefit the community by fulfilling the need for farm equipment, boat and auto repair.

- (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.

There is a concern with allowing the proposed use in this agricultural and residential area. The subject property is aesthetically out of

character with the rest of the property in the area.

Evidence presented at the hearing indicated that the petitioner intends to screen the south property line thereby reducing the negative impacts on the locality and the adjoining residential property.