

CASE # 2009-20
RESOLUTION NUMBER 9-1

DENYING A REZONING
GRANTING A USE VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
621 W. MAPLE, 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 **deny an amendment but in the alternative grant a use variance to** the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

The East 52 feet of Lot 341 The Highlands

WHEREAS, the Petitioner, **Jeremy I. Parsons**, has petitioned the Sangamon County Board for a rezoning from **“R2” Single-Family and Two-Family Residence District to “B3” General Business District to allow a commercial garage for automobile repair; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **April 16, 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 based on the amended staff recommendation ; and**

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

FILED

MAY 01 2009

Joe Aiello
Sangamon County Clerk

4-d

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 12th day of May, 2009 that the request for a rezoning from "R2" Single-Family and Two-Family Residence District to "B3" General Business District to allow a commercial garage for automobile repair is hereby denied but in the alternative grant a use variance based on the amended staff recommendation.

Signed and passed by the Sangamon County Board in session on this 12th day of May, 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

9-3

2009-20
621 W. 22-09
Maple 137-014

22-09-0-137-023

22-09
136-002

22-09
137-004

22-09
137-005

22-09
137-006

22-09
137-007

22-09
137-008

Subject
Property

22-09
137-022

22-09
137-023

22-09
137-015

22-09
137-016

22-09
137-017

22-09
137-018

22-09
137-019

22-09
137-020

22-09
136-003

MAPLE AVE.

MAPLE AVE.

HOLMES AVE.

22-09
176-001

22-09
176-002

22-09
176-003

22-09
176-004

22-09
176-005

22-09
176-010

22-09
176-011

22-09
176-012

22-09
176-013

22-09
176-014

9-4

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 23 NAME: **Jennifer Dillman**

DOCKET NUMBER: **2009-20**

ADDRESS: **621 W. Maple, Springfield, IL 62704**

PETITIONER: **Jeremy I. Parsons**

PRESENT ZONING CLASSIFICATION "**R2**" **Single-Family and Two-Family Residence District**

REQUESTED ZONING CLASSIFICATION: "**B3**" **General Business District to allow a commercial garage for automobile repair.**

AREA: **.09 acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION RECOMMENDATION: **Recommend denial. A spot B-3 zoning is not appropriate. A use variance is not recommended at this location because the standards for variation are not met in that the area has remained residential in character, and having an auto repair shop at this location would have a negative effect on the essential character of the area. A use variance is meant to support a non-permitted use when no other viable option is apparent.**

Amended Staff Recommendation is to approve a use variance. Evidence presented at the hearing resulted in the standards for variation being met for a use variance.

SANGAMON COUNTY BOARD OF APPEALS

RECOMMENDATION: **Denial of rezoning but approval of amended staff recommendation to approve use variance.**

Cyndi Knowles
RECORDING SECRETARY

9-5

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2009-20
Jeremy I. Parsons)	
)	PROPERTY LOCATED AT:
)	621 W. Maple
)	Springfield, IL 62704
)	

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 **April 16, 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 **621 W. Maple, Springfield, IL 62704** and more particularly described as:

The East 52 feet of Lot 341 The Highlands

- 3. That the present zoning of said property is **"R2" Single-Family and Two-Family Residence District.**
- 4. That the present land use of said property is **Single Family Residence & Auto Repair shop in garage.**
- 5. That the proposed land use of said property is **existing use continued.**
- 6. That the requested rezoning of said property is from **"R2" Single-Family and Two Family Residence District to "B3" General Business District to allow a commercial garage for automobile repair.**
- 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 approval of the amended staff recommendation to grant a use variance.**

Charlie Chimento /cx
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Marvin Traylor** to concur with the findings of fact and amended recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **denied for rezoning but approved for a use variance** which was duly seconded by **Byron Deaner**.

The vote of the Board was as follows:

YES: **Charles Chimento, Byron Deaner, Marvin Traylor, John Luchessi, Don Wulf**

NO:

ABSENT: **Peggy Egizii, Judith Johnson**

Cyndi Knowles
RECORDING SECRETARY

9-7

SSCRPC

Springfield
Sangamon County Regional
Planning Commission

Staff Findings and Recommendation

(inspected 4/1/2009 by MB & AJ)

SANGAMON COUNTY ZONING CASE # 2009-20

ADDRESS 621 West Maple

Property Index # 22-09-137-023

PETITIONER Jeremy Parsons

REQUESTED ZONING B-3

PROPOSED LAND USE Single Family Residence & Auto Repair Shop

EXISTING:

ZONING R-2

LAND USE Single Family Residence & Auto Repair Shop

ROAD FRONTAGE W. Maple - 56'

CONDITION OF PAVEMENT Good

STRUCTURE DESIGNED FOR Residence

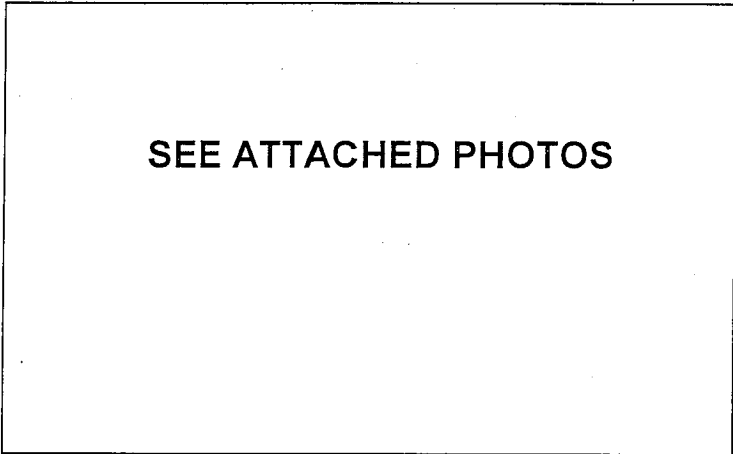
CONDITION OF STRUCTURE Good

LOT AREA .09 acre

FRONT YARD 4'

SIDE YARDS 14' / 7'

REAR YARD 35'



Would the proposed zoning be spot zoning? Yes

PLANNING COMMISSION STAFF RECOMMENDATION: Recommend denial. A spot of B-3 zoning is not appropriate. A use variance is not recommended at this location because the standards for variation are not met in that the area has remained residential in character, and having an auto repair shop at this location would have a negative effect on the essential character of the area. A use variance is meant to support a non-permitted use when no other viable option is apparent.

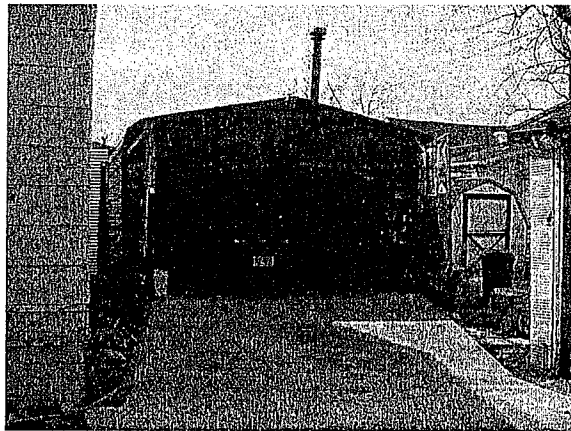
AMENDED: Testimony presented at the hearing regarding the length of time business has been in operation, hours and method of operation, and effect on the locality. Staff amended its recommendation to deny the B-3 zoning and recommend a use variance at this location for the purpose allowing the business to remain with its current method of operation. Based testimony presented, the Standards for Variation are met for a use variance.

Case #: 2009-20

Address: 621 W. Maple



2009-20



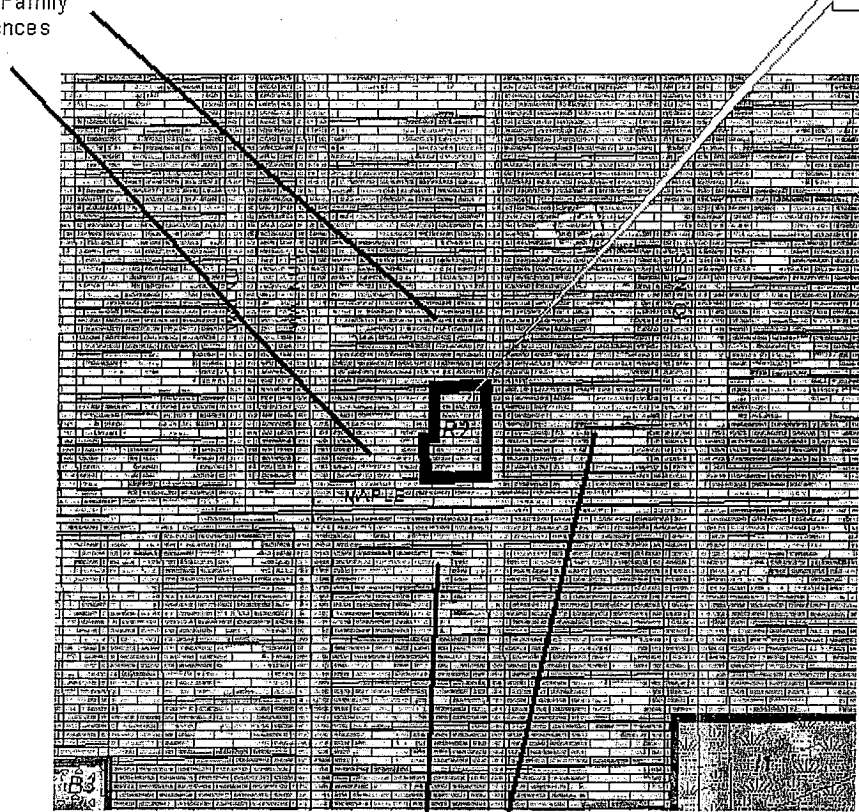
2009-20

County Zoning

Case# 2009-20

Requested:
B-3

Single Family
Residences



Single Family
Residences

County Zoning

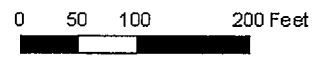
- RM-4
- R3
- R2
- R1a
- R1
- OFF
- I1
- I2
- B3
- B2
- B1
- A

City Zoning

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



Springfield-Emery County
Regional Planning Commission



**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: 2009-20

Address: 621 W. Maple

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

The property is completely surrounded by single family residences.

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

The property is completely surrounded by R-2 zoning.

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

There is a single family residence on the property and is suitable to R-2 zoning.

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

Property further north was rezoned to B-1 in 1971. Property further northeast was rezoned to B-3 in 1977. Property further southeast was rezoned to B-1 in 1982. Property further southwest was rezoned to B-3 in 1978. Property further east was rezoned to B-3 in 2007.

RECOMMENDED STANDARDS FOR USE VARIATIONS

Case #: **2009-20**

Address: **621 W. Maple**

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 circumstances special to this property.

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

The area has remained residential in character with some spot B-1 and B-3 zones further surrounding the subject property.

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

There would be no particular benefit to the community to having an auto repair shop at this location. In fact, with the proximity of residences surrounding the property, it could be a detriment.

- (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.

The potential noise and activity associated with an auto repair shop could negatively impact this residential neighborhood.

AMENDED
RECOMMENDED STANDARDS FOR USE VARIATIONS

(STAFF AMENDED ANALYSIS BASED ON TESTIMONY PRESENTED AT HEARING)

Case #: 2009- 20

Address: 621 W. Maple

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.

Special circumstances presented at the hearing indicate that the business has been in operation since at least 1972 and perhaps back to the 1950's.

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

Additional information was presented since the time during which staff prepared its initial analysis indicating that there are several additional businesses which are operating in the immediate vicinity and some of those were grandfathered and are somewhat compatible with his business operation.

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

Testimony presented related to the types of customers that he has and it is the opinion of staff that it does serve a benefit to the community for those customers.

- (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.

Testimony presented removed staff's exception to the possible impact of equipment that would be operated there and petitioner has stated that he has taken special care to minimize the negative impact of property values in the area.