

CASE# 2012-029
RESOLUTION NUMBER 2-1

GRANTING A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
1832 ADLAI STEVENSON DR., 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 variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See **EXHIBIT A**

WHEREAS, the Petitioner, **Malibu Development**, has petitioned the Sangamon County Board for a **variance of Section 17.36.010(A) to allow five (5) modified semi-trailers to be used for storage**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **September 20, 2012** 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 variance**; and

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

FILED

SEP 26 2012

Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 9th day of October, 2012 that the request for a variance of Section 17.36.010(A) to allow five (5) modified semi-trailers to be used for storage on the above referenced property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 9th day of October, 2012.

Respectfully submitted,

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

Tim Moore

TIM MOORE, CHAIRMAN

ABE FORSYTH, VICE CHAIRMAN

JOHN FULGENZI

DAVID MENDENHALL

SAM SNELL

GREG STUMPF

JASON RATTI

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

Lot B of Southlawn, 5th Plat, a Subdivision of part of the Northwest Quarter of Section 14, Township 15 North, Range 5 west of the Third Principal Meridian, EXCEPTING therefrom the Northeast part of said Lot B described in detail as follows:

Beginning at the intersection of the South line of Linn Street with the West line of Stanton Street, said point being the Northeast corner of said Lot B; thence Southerly along the West line of Stanton Street for a distance of 32.85 feet to a point; thence in a Northwesterly direction along a curved line curving to the left having a radius of 57 feet for a distance of 46.66 feet to a point in the South line of Linn street that is 31.30 feet West of the point of beginning; thence Easterly along the South line of Linn street for a distance of 31.30 feet more or less, to the point of beginning.

And further EXCEPTING therefrom that part conveyed to the People of the State of Illinois, Department of Transportation, by Trustee's Deed recorded January 23, 1992 as Document No. 92002783 and Quit Claim Deed recorded January 23, 1992 as Document No. 92002784.

Except all coal and other minerals underlying the surface of said land and all rights and easements in favor of the estate of said coal and minerals.

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RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 14 NAME: Joel Tjelmeland

DOCKET NUMBER: 2012-029

ADDRESS: 1832 Adlai Stevenson Dr., Springfield, IL. 62703

PETITIONER: Malibu Development

PRESENT ZONING CLASSIFICATION: "B-2" Retail Business District

REQUESTED ZONING CLASSIFICATION: "B-2" Retail Business District with a variance of Section 17.36.010(A) to allow five (5) modified semi-trailers to be used for storage on the above referenced property, and a variance of the side yard setback requirement from seven and one-half (7 ½) feet to zero (0) feet.

AMENDED BY PETITIONER: Remove the variance of the side yard setback requirement from seven and one-half (7 ½) feet to zero (0) feet as that request is no longer needed.

AREA: 2.35 acres

COMMENTS: None

OBJECTORS: Yes

PLANNING COMMISSION RECOMMENDATION: **Recommend approval of the requested variance. No negative impact is anticipated in allowing the storage trailers to remain in place at this location. It appears that one of the storage trailers on the east side of the property is placed in the right-of-way, however it is the staff's understanding that this issue has been resolved in an agreement between the owner of the property and the road commissioner. Staff recommends this agreement be verified at the hearing and any further testimony regarding this issue be addressed.**

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval as amended.


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2012-029
Malibu Development)	
)	PROPERTY LOCATED AT:
)	1832 Adlai Stevenson Dr.
)	Springfield, IL. 62703

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 **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 **September 20, 2012** 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: **1832 Adlai Stevenson Dr., Springfield, IL. 62703** and more particularly described as:

See **EXHIBIT A**

3. That the present zoning of said property is "**B-2**" **Retail Business District**.
4. That the present land use of said property is **a strip mall and storage trailers**.
5. That the proposed land use of said property is **a strip mall and storage trailers**.
6. That the requested **variance** of said property is **to allow five (5) modified semi-trailers to be used for storage**.
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 **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 **variance** be **granted**.

Charles Chimento /cx
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **John Lucchesi**, 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 as amended**, which was duly seconded by **Judith Johnson**.

The vote of the Board was as follows:

YES: **Charles Chimento, Peggy Egizii, Judith Johnson, John Lucchesi, Janet Dobrinsky**

NO:

ABSENT: **Byron Deaner, Don Wulf**

Cyndi Knowles
RECORDING SECRETARY

SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS

Case #: 2012-029

Address: 1832 Adlai Stevenson Drive, 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 variance would allow the business to continue to maximize the yield of return on the property by allowing storage associated with the nature of the business to remain.

- (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 leasing space from the property owner and is unable to construct an addition to the structure for additional storage. The petitioner could relocate the business, but that would reduce the economic yield for the property.

- (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.

It appears that one of the storage trailers on the east side of the property is placed in the right-of-way, however it is staff's understanding that this issue has been resolved in an agreement between the owner of the property and the road commissioner.