

CASE# 2015-026  
RESOLUTION NUMBER 2-1

**GRANTING VARIANCES**  
FOR CERTAIN PROPERTY LOCATED AT  
**3036 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 variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

**See Exhibit A**

WHEREAS, the Petitioner, **Tails to Remember, Inc.**, has petitioned the Sangamon County Board for a **variance to allow five (5) principal uses on one (1) parcel and a variance to allow the parking lot to remain gravel and dirt instead of fully paved;** and

WHEREAS, a public hearing was held at the Sangamon County Building on **August 20, 2015** 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 the variances;** and

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

**FILED**

AUG 28 2015

  
Sangamon County Clerk

**NOW, THEREFORE, BE IT RESOLVED** by the County Board of Sangamon County, Illinois, in session assembled this **8<sup>th</sup> Day of September, 2015** that the request for a variance to allow five (5) principal uses on one (1) parcel with those uses being a pet cremation center with viewing parlor, a retail pet store (supplies), a pet park, a pet grooming and boarding center, and a not more than three (3) animal self-service pet wash, and a variance to allow the parking lot to remain gravel and dirt for a period not to exceed two (2) years on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this **8<sup>th</sup> day of September, 2015.**

Respectfully submitted,

PUBLIC HEALTH, SOLID WASTE & ZONING  
COMMITTEE OF THE SANGAMON COUNTY BOARD

  
\_\_\_\_\_  
GREG STUMPF, CHAIRMAN

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DAVID MENDENHALL, VICE CHAIRMAN

\_\_\_\_\_  
CRAIG HALL

\_\_\_\_\_  
SAM SNELL

\_\_\_\_\_  
ABE FORSYTH

\_\_\_\_\_  
JASON RATTS

\_\_\_\_\_  
LINDA DOUGLAS WILLIAMS

\_\_\_\_\_  
ANNETTE FULGENZI

\_\_\_\_\_  
LINDA FULGENZI

\_\_\_\_\_  
LISA HILLS

\_\_\_\_\_  
MIKE SULLIVAN

**ATTEST:**

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

**EXHIBIT A**

That part of the North Half of the West Half of the Northwest Quarter of Section 14, Township 16 North, Range 5 West of the Third Principal Meridian, described as follows: Beginning at a point in the Westerly right-of-way line of the Chicago and Illinois Midland Railroad Company, 444.03 feet West of the Southeast corner of said Quarter Quarter Section; thence West 288.62 feet to the Easterly line of Peoria Road; thence North 19 degrees 31 minutes East along the said Easterly line of Peoria Road, 563.40 feet; thence South 81 degrees 34 minutes East 145.70 feet to the said Westerly right-of-way line of the said Chicago and Illinois Midland Railroad Company; thence Southerly along the said right-of-way line, 511.55 feet to the point of beginning.

EXCEPTING THEREFROM the East 17 feet and the South 15 feet thereof.

ALSO EXCEPTING that portion taken by the State of Illinois for Highway use described as follows: Beginning at an iron pipe at the center of the Northwest Quarter of the aforementioned Section 14; thence West along the East-West 1/16<sup>th</sup> section line of said Quarter Section to the East right-of-way line of Peoria Road, as said right-of-way line is extended across the public road, a distance of 732.65 feet; thence North 19 degrees 31 minutes East along said extended right-of-way line to the intersection of the North right-of-way line of the public road and the East right-of-way line of Peoria Road and the true point of beginning, a distance of 15.91 feet; thence North 19 degrees 31 minutes East along the East right-of-way line of Peoria Road, a distance of 276.39 feet; thence South 74 degrees 06 minutes East 20.61 feet; thence South 17 degrees 41 minutes 25 seconds West 224.11 feet; thence South 38 degrees 47 minutes 27 second East to the North right-of-way line of a public road, a distance of 53.06 feet; thence West along the North right-of-way line of a public road to the true point of beginning, a distance of 77.29 feet, more or less.

ALSO EXCEPTING the following described tract of land, to-wit:

Part of the Northwest Quarter of the Northwest Quarter of Section 14, Township 16 North, Range 5 West of the Third Principal Meridian, described more particularly as follows: Commencing at an iron pipe marking the Southeast corner of the Northwest Quarter of the Northwest Quarter of the aforementioned Section 14; thence South 89 degrees 38 minutes 08 seconds West along the Quarter, Quarter Section line a distance of 460.73 feet to a point on the West right-of-way line of the C & I M Railroad; thence North 04 degrees 12 minutes 14 seconds East along said right-of-way line a distance of 15.05 feet to an iron pipe marking the true point of beginning; thence South 89 degrees 38 minutes 08 seconds West a distance of 190.16 feet to an iron pipe on the Easterly right-of-way line of Peoria Road; thence North 39 degrees 09 minutes 19 seconds West along said right-of-way line a distance of 38.49 feet to an iron pipe; thence North 89 degrees 38 minutes 08 seconds East a distance of 216.67 feet to an iron pipe on the west right-of-way line of the C & I M Railroad; thence South 04 degrees 12 minutes 14 seconds West along said right-of-way line a distance of 30.10 feet to the true point of beginning. Basis of Bearing is South 89 degrees 38 minutes 08 seconds West along the Quarter, Quarter Section line.

Except all coal and other minerals underlying said lands, together with the right to mine and remove same.

Situated in Sangamon County, Illinois. Subject to easements, covenants and restrictions of record. Subject to taxes for 2013 and subsequent years.

**RECAP**  
(For County Board Use)

COUNTY BOARD MEMBER: 17 NAME: Annette Fulgenzi

DOCKET NUMBER: 2015-026

ADDRESS: 3036 Peoria Road, Springfield, IL 62702

PETITIONER: Tails to Remember, Inc.

PRESENT ZONING CLASSIFICATION: "B-3" General Business District

REQUESTED ZONING CLASSIFICATION: "B-3" General Business District with a variance to allow five (5) principal uses on one (1) parcel and a variance to allow the parking lot to remain gravel and dirt instead of fully paved.

AREA: 2.09 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION  
RECOMMENDATION:

Recommend approval of the requested variance to allow five (5) principal uses: a pet cremation center with viewing parlor, a retail pet store (supplies), a pet park, a pet grooming and boarding center, and a not more than three (3) animal self-service pet wash, on the subject property.

The subject property is located on a commercial corridor in a business zoning classification, B-3, which permits a wide variety of business uses. Several pet-oriented businesses are not unreasonable at this location given the intensity of uses that access Peoria Road in the area, e.g. a metal recycler and a gas station. The County Board also granted a variance request for a very similar mixture of five (5) principal uses in 2011 (Case #2011-041). Further, the requested variance to allow five (5) principal uses appears to be in harmony with the general purpose of the zoning ordinance. The property is currently zoned B-3,

General Business District, and is located along a commercial corridor. The zoning ordinance states that the B-3 district; "is created to permit a wide spectrum of commercial uses...and also include[s] goods and services which are durable or industrial in character and semi-commercial industrial services that support the retail functions in nearby retail centers." An argument could thus be made that several proposed uses on the property in effect create a small pet services center for which the parcel is large enough to accommodate.

Recommend denial of the requested variance to allow a gravel and dirt parking lot. Staff recognizes that a variance for a short period of time to allow part of the parking spaces to remain dirt and gravel during the construction period may be warranted. Testimony should be provided as to the timing of construction to expand the existing structure and the timeframe by which the remaining proposed businesses will become operational. As presented, the petition did not provide any evidence supporting the variance for paving. Without pavement and striping, it is difficult to determine if the appropriate handicapped and regular parking spaces are provided. Paving the lot will further help with internal vehicular circulation. The standards of variation are not met.

**AMENDED:**

Recommend approval of the requested variance to allow five (5) principal uses: a pet cremation center with viewing parlor, a retail pet store (supplies), a pet park, a pet grooming and boarding center, and a not more than three (3) animal self-service pet wash, on the subject property.

The subject property is located on a commercial corridor in a business zoning classification, B-3, which permits a wide

variety of business uses. Several pet-oriented businesses are not unreasonable at this location given the intensity of uses that access Peoria Road in the area, e.g. a metal recycler and a gas station. The County Board also granted a variance request for a very similar mixture of five (5) principal uses in 2011 (Case #2011-041). Further, the requested variance to allow five (5) principal uses appears to be in harmony with the general purpose of the zoning ordinance. The property is currently zoned B-3, General Business District, and is located along a commercial corridor. The zoning ordinance states that the B-3 district; "is created to permit a wide spectrum of commercial uses...and also include[s] goods and services which are durable or industrial in character and semi-commercial industrial services that support the retail functions in nearby retail centers." An argument could thus be made that several proposed uses on the property in effect create a small pet services center for which the parcel is large enough to accommodate.

Recommend approval of the requested variance to allow a gravel and dirt parking lot for a period not to exceed two (2) years. Testimony was provided related to the anticipated schedule of when each of the uses would be open and available for public use. Allowing two (2) years to pave the parking area will eliminate any conflicts with construction of the addition.

SANGAMON COUNTY BOARD OF APPEALS  
RECOMMENDATION:

Approval of Amended staff  
recommendation.

  
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF: ) DOCKET NO: **2015-026**  
**Tails to Remember, Inc.** )  
) )  
) ) PROPERTY LOCATED AT:  
) ) **3036 Peoria Road**  
) ) **Springfield, IL 62702**

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 **variances** 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 **August 20, 2015** 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: **3036 Peoria Road, Springfield, IL 62702** and more particularly described as:

**See Exhibit A**



- 3. That the present zoning of said property is **"B-3" General Business District.**
- 4. That the present land use of said property is **a retail pet store (supplies).**
- 5. That the proposed land use of said property is **retail, crematory & viewing parlor, pet park, pet grooming & boarding, and self-service pet washes.**
- 6. That the requested **variances** of said property are **a variance to allow five (5) principal uses on one (1) parcel and a variance to allow the parking lot to remain gravel and dirt instead of fully paved.**
- 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 **variances** 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 to allow five (5) principal uses on one (1) parcel be approved, and that the variance to allow the parking lot to remain gravel and dirt instead of fully paved for a period not to exceed two (2) years be approved.**

Charles Chimento/ck  
CHAIRMAN

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Andrew Spiro**, 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 **approved to allow five (5) principal uses on one (1) parcel, and to allow the parking lot to remain gravel and dirt instead of fully paved for a period not to exceed two (2) years**, which was duly seconded by **Merilyn Herbert**.

The vote of the Board was as follows:

YES: **Charles Chimento, Anthony Mares, Andrew Spiro, Merilyn Herbert & John Lucchesi**

NO:

PRESENT:

ABSENT: Don Wulf & Janet Dobrinsky

Cyndi Knowles  
RECORDING SECRETARY

**RECOMMENDED STANDARDS FOR USE VARIATIONS  
[FIVE (5) PRINCIPAL USES ON ONE (1) PARCEL]**

Case #: 2015-026

Address: 3036 Peoria Road, Springfield

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 currently contains a retail pet supplies store. The subject property is over two (2) acres in size and is more suitable to accommodate multiple uses such as the proposed.**

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

**The subject property is located on a commercial corridor in the B-3 district, which permits a wide variety of business uses (see below). Several pet oriented businesses are not unreasonable at this location given the intensity of uses that access Peoria Road in the area, e.g. a metal recycler and a gas station. The County Board also granted a variance request for a very similar mixture of five (5) principal uses in 2011 (Case # 2011-041). While the development of that property did not occur, precedence was set in the immediate area.**

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

**The requested variance to allow five (5) principal uses appears to be in harmony with the general purpose of the zoning ordinance. The property is currently zoned B-3, General Business District, and is located along a commercial corridor. The zoning ordinance states that the B-3 district: "is created to permit a wide spectrum of commercial uses....and also include[s] goods and services which are durable or industrial in character and semi-commercial industrial services that support the retail functions in nearby retail centers." An argument could thus be made that several proposed uses on the property, e.g. the self-service pet wash, the grooming and boarding center, the private animal park, and the pet crematorium with viewing parlor support the retail pet shop and thus create a small pet services center. The nature of the B-3 zoning contemplates these types of uses. Also, one could expect businesses of this type at this location since Peoria Road is a commercial corridor.**

- (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.

**No negative impacts are anticipated.**

**SANGAMON COUNTY  
RECOMMENDED - STANDARDS FOR VARIATIONS  
[TO ALLOW GRAVEL & DIRT LOT INSTEAD OF PAVEMENT]**

Case #: 2015-026

Address: 3036 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.

**Part of the parking lot is paved. Staff recognizes that a variance for a short period of time to allow part of the parking spaces to remain dirt and gravel during the construction period may be warranted. Testimony should be provided as to the timing of construction to expand the existing structure and the timeframe by which the remaining proposed businesses will become operational. However, the petition did not provide any evidence supporting the variance for paving. In addition, without pavement it is difficult to determine if the appropriate handicapped and regular parking spaces are provided. Paving the lot will further help with internal vehicular circulation.**

**AMENDED: Testimony was provided to warrant giving the petitioner a period not to exceed two (2) years to pave the parking area.**

- (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.

**No particularly unique circumstances were mentioned in the petition. Also, the Illinois Department of Transportation [IDOT] tends to prefer paved parking surfaces and driveways along Peoria Road.**

**AMENDED: There are some drainage issues associated with the topography of the parcel. Allowing the petitioner to achieve the appropriate grade post construction will assist with minimizing the drainage issues.**

- (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 is possible there could be negative impacts to surrounding property and Peoria Road if the parking lot is not paved.**

**AMENDED: The parking lot has been gravel and dirt for a number of years. Waiving the paving requirements for an additional two (2) years will not have a negative impact on the area.**