

CASE# 2017-041
RESOLUTION NUMBER 2-1

DENYING A REZONING AND GRANTING A USE VARIANCE AND VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
1154 N. BRADFORDTON 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 **deny a rezoning and grant a Use Variance and a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioners, **Jeff Lochbaum & Kyle Killebrew**, have petitioned the Sangamon County Board for a **rezoning from “O” Office and College District to “B-1” Neighborhood Business District, and a variance to allow two (2) uses on one (1) parcel (offices in building & garage for storage);** and,

WHEREAS, a public hearing was held at the Sangamon County Building on **September 21, 2017** 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 a variance;** and,

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

FILED

SEP 22 2017

Don / Hany
SANGAMON COUNTY CLERK

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 10th Day of October, 2017 that the request for a rezoning from “O” Office and College District to “B-1” Neighborhood Business District is denied, but in the alternative, a Use Variance to allow one (1) hair salon; and, a variance to allow two (2) uses on one (1) parcel (offices in building & garage for storage) on the above described property are hereby approved.

Signed and passed by the Sangamon County Board in session on this 10th day of October, 2017.

Respectfully submitted,

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

GREG STUMPF, CHAIRMAN


DAVID MENDENHALL, VICE CHAIRMAN

CRAIG HALL

SAM SNELL

ABE FORSYTH

JASON RATTS

LINDA DOUGLAS WILLIAMS

ANNETTE FULGENZI

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ROSE RUZIC

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

2-4

EXHIBIT A

The land referred to in this Commitment is situated in the County of Sangamon, State of Illinois, and is described as follows:

PART OF LOT 22 OF THE PARTITION OF THE ESTATE OF JAMES M. BRADFORD, DECEASED, BEING PART OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 16 NORTH, RANGE 6, WEST OF THE THIRD PRINCIPAL MERIDIAN, SANGAMON COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:
COMMENCING AT THE CENTER OF SAID SECTION 23, SOUTH ON THE QUARTER SECTION LINE, 1,706.12 FEET TO THE NORTHWEST CORNER OF THE ORIGINAL TRACT; THENCE SOUTH 89 DEGREES 51 MINUTES 58 SECONDS EAST, A DISTANCE OF 294.04 FEET TO AN IRON PIN; THENCE SOUTH PARALLEL TO THE QUARTER SECTION LINE, A DISTANCE OF 179.44 FEET TO AN IRON PIN; THENCE NORTH 89 DEGREES 28 MINUTES 12 SECONDS WEST, A DISTANCE OF 294.05 FEET TO AN IRON PIN ON THE QUARTER SECTION LINE; THENCE NORTH ALONG THE QUARTER SECTION LINE, A DISTANCE OF 177.41 FEET TO THE NORTHWEST CORNER OF SAID ORIGINAL TRACT, SITUATED IN THE COUNTY OF SANGAMON AND IN THE STATE OF ILLINOIS.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #1 NAME: **Tom Fraase, Jr.**

DOCKET NUMBER: **2017-041**

ADDRESS: **1154 N. Bradfordton Road, Springfield, IL 62711**

PETITIONER: **Jeff Lochbaum & Kyle Killebrew**

PRESENT ZONING CLASSIFICATION: **“O” Office and College District.**

REQUESTED ZONING CLASSIFICATION: **“B-1” Neighborhood Business District. A variance to allow two (2) uses on one (1) parcel (offices in a building and a garage for storage).**

AREA: **1.19 acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION RECOMMENDATION: **Recommend denial of the requested B-1 zoning. The petitioner requests a rezoning to B-1 to operate a hair salon in one of the three units within the building on the subject property. The proposed B-1 zoning represents spot zoning and some B-1 uses are seen as too intense for the area. In the alternative, staff recommends a Use Variance in the O District to allow one (1) hair salon. The purpose of the O District is “to provide areas that permit a mixture of residential uses and compatible service uses” and a hair salon is viewed as a compatible service use that makes sense to be located near residences and offices.**

Recommend approval of the requested variance to allow two (2) uses on one (1) parcel (offices in a building and a garage for storage). The office and the garage are pre-

existing. Given the nature of office uses, significant storage is not necessary, which would make the 6-bay garage underutilized and sitting vacant if the petitioner is not allowed to rent it out for storage purposes. The Standards for Variation are met.

SANGAMON COUNTY 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: 2017-041
Jeff Lochbaum & Kyle Killebrew)	
)	PROPERTY LOCATED AT:
)	1154 N. Bradfordton Road
)	Springfield, IL 62711

RECOMMENDATION OF THE BOARD OF APPEALS

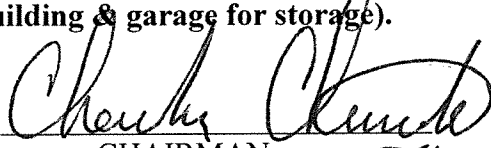
THIS MATTER, Coming on for a hearing before the Sangamon County Zoning Board of Appeals of Sangamon County, Illinois, and it appearing to said Board that a petition for an **amendment and variance** of the Zoning Regulations of said County has been filed herein by the above captioned petitioner (s); that legal publication has been made pursuant to law; and that a public hearing was held on **September 21, 2017** 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: **1154 N. Bradfordton Road, Springfield, IL 62711** and more particularly described as:

See Exhibit A

- 3. That the present zoning of said property is **“O” Office and College District.**
- 4. That the present land use of said property is **an office building with three (3) units and a garage.**
- 5. That the proposed land use of said property is **an office building with three (3) units that includes a hair salon and a garage.**
- 6. That the requested **rezoning and variance** of said property is **a rezoning from “O” Office and College District to “B-1” Neighborhood Business District, and a variance to allow two (2) uses on one (1) parcel (offices in building & garage 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 not** support the proposition that the adoption of the proposed **amendment** is in the public interest and is not solely in the interest of the petitioner(s), **but in the alternative, does** support the proposed **Use Variance to allow one (1) hair salon; and, a variance to allow two (2) uses on one (1) parcel (offices in building & garage for storage).**

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, grant a Use Variance to allow one (1) hair salon; and, a variance to allow two (2) uses on one (1) parcel (offices in building & garage for storage).**


 CHAIRMAN
 9/8

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Larry Beaty**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition for **rezoning be denied, but in the alternative, grant a Use Variance to allow one (1) hair salon; and, a variance to allow two (2) uses on one (1) parcel (offices in building & garage for storage)** which was duly seconded by **JD Sudeth**.

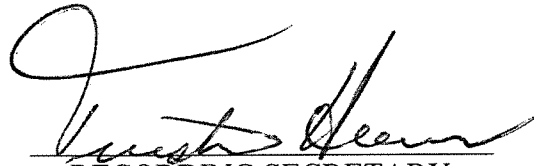
The vote of the Board was as follows:

YES: **Charles Chimento, Tony Mares, Andrew Spiro, JD Sudeth, Larry Beaty**

NO:

PRESENT:

ABSENT: **Don Wulf**


RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: **2017-041**

Address: **1154 N. Bradfordton Road, Springfield**

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

North – Athletic center & town hall. East – Residence. South – Timber & residence. West – Cropland.

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

North, East, South, & West – Agricultural.

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

A hair salon is not a permitted use in the O District. The proposed B-1 zoning represents spot zoning and some B-1 uses are seen as too intense for the area.

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

In 2002, the subject property was granted a rezoning from the Agricultural District to the Office and College District. In 2014, R-1 and a variance for the lot depth to exceed the lot width were granted south of the subject property. In 2004, a use variance for a banquet hall and wrestling club with a parking variance were denied north of the subject property. In 2004, B-1 and a CPU for a community center/banquet hall were denied; in 1998, a floor area variance was denied; and, in 1995, B-2 was denied and a use variance was granted for a health club and gym immediately north of the subject property. In 1986, B-3 was denied and a use variance was granted to restore and sell antiques northeast of the subject property. In 1985, B-3 was denied and a use variance was granted for lawn mower sales and service north of the subject property. In 1981, a use variance for radio transmission and radio sales and service was granted southwest of the subject property.

**RECOMMENDED STANDARDS FOR USE VARIATIONS
(HAIR SALON IN THE O DISTRICT & TWO USES ON ONE PARCEL:
OFFICES IN BUILDING & GARAGE FOR STORAGE)**

Case #: 2017-041

Address: 1154 N. Bradfordton 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 proposed hair salon use is not seen to be more intense than previous use variances that were granted on surrounding parcels, including a health club and gym, restoration and selling of antiques, lawn mower sales and service, and radio transmission and radio sales and service. For the two principal uses variance, the office and the garage are pre-existing. Given the nature of office uses, significant storage is not necessary, which would make the 6-bay garage underutilized and sitting vacant if the petitioner is not allowed to rent it out for storage purposes.

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

In 2002, the subject property was granted a rezoning from the Agricultural District to the Office and College District. Four use variances have been granted within the vicinity of the subject property, including a health club and gym, restoration and selling of antiques, lawn mower sales and service, and radio transmission and radio sales and service.

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

The purpose of the O District is “to provide areas that permit a mixture of residential uses and compatible service uses” and a hair salon is viewed as a compatible service use that makes sense to be located near residences and offices.

- (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.

Negative impacts are not anticipated in granting the requested variances.