

**GRANTING A CONDITIONAL PERMITTED USE WITH A CONDITION AND  
VARIANCES**

FOR CERTAIN PROPERTY LOCATED AT  
**3700 WEST GRAND AVENUE, 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 Conditional Permitted Use with a condition and variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

**See Exhibit A**

WHEREAS, the Petitioner, **Carl Fryman**, has petitioned the Sangamon County Board for a **Conditional Permitted Use of Section 17.28.020 for a garage for storage, repair and servicing of motor vehicles including body shops and spray painting; a variance of Chapter 17.04 (Lot) to allow three (3) principal uses on one (1) parcel: (1) storage facility, (2) office space and (3) garage for storage, repair and servicing of motor vehicles including body shops and spray painting; and, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat; and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **August 15, 2019** 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 Conditional Permitted Use with a condition and variances;** and,

**FILED**

AUG 26 2019

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Sangamon County Clerk

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


**NOW, THEREFORE, BE IT RESOLVED** by the County Board of Sangamon County, Illinois, in session assembled this **10<sup>th</sup> Day of September, 2019** that the following requests on the above described property are hereby approved:

- **A Conditional Permitted Use of Section 17.28.020 for a garage for storage, repair and servicing of motor vehicles including body shops and spray painting provided all painting shall be conducted inside a paint booth enclosed in the building;**
- **A variance of Chapter 17.04 (Lot) to allow three (3) principal uses on one (1) parcel: (1) storage facility, (2) office space and (3) garage for storage, repair and servicing of motor vehicles including body shops and spray painting; and,**
- **A variance of Section 17.50.060(A) to allow the parking to remain unpaved instead of the required bituminous seal coat for a period not to exceed one (1) year.**

Signed and passed by the Sangamon County Board in session on this **10<sup>th</sup> day of September, 2019.**

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

**EXHIBIT A**

A part of Lot 8 of W.H. Schwiering’s Subdivision of the Southwest part of the Northwest Quarter and the West part of the Southwest Quarter of Section 16, Township 15 North, Range 5 West of the Third Principal Meridian, described as follows: Commencing at a point which is 779.46 feet North and 16.50 feet East of the Southwest Corner of said Section 16; thence North 531.38 feet; thence East 694.40 feet to a point on the West line of a 25.00 foot private driveway; thence Southwesterly along the West line of said driveway 585.15 feet to a point which is 455.90 feet East of the Point of Beginning; thence West 455.90 feet to the Point of Beginning.

EXCEPT all coal and minerals underlying said land.

FURHTER EXCEPT that part of Lot 8 of W.H. Schwiering’s Subdivision of the Southwest part of the Northwest Quarter and the West part of the Southwest Quarter of Section 16, Township 15 North, Range 5 West of the Third Principal Meridian, more particularly described as follows: Commencing at the Southwest corner of the Southwest Quarter of said Section 16; thence North 1° 10’ 20” West along the West line of the Southwest Quarter of said Section 16 a distance of 779.46 feet; thence North 88° 10’ 25” East 16.50 feet to the Point of Beginning. From said Point of Beginning, thence North 01° 10’ 20” West 84.62 feet to a point on a non-tangent curve having a radius of 3374.87 feet whose center bears North 37° 16’ 36” West from said point; thence Northeasterly along said curve through a central angle of 11° 31’ 49” a distance of 679.16 feet; thence North 88° 10’ 25” East 141.78 feet to a point on a non-tangent curve having a radius of 3479.87 feet whose center bears North 50° 23’ 58” West from said point; thence Southwesterly along said curve through a central angle of 13° 05’ 48” a distance of 795.43 feet; thence South 88° 10’ 25” West, 63.16 feet to the Point of Beginning, situated in Sangamon County, Illinois.

Parcel Number: 22-16.0-301-039

**RECAP**  
(For County Board Use)

COUNTY BOARD MEMBER: # 13 NAME: Brad Miller

DOCKET NUMBER: 2019-027

ADDRESS: 3700 West Grand Avenue, Springfield, IL 62704

PETITIONER: Carl Fryman

PRESENT ZONING CLASSIFICATION: "I-1" Restricted Industrial District.

REQUESTED ZONING CLASSIFICATION: A Conditional Permitted Use (CPU) of Section 17.28.020 for a garage for storage, repair, and servicing of motor vehicles including body shops and spray painting; a variance of Chapter 17.04(Lot) to allow three (3) principal uses on one (1) parcel: 1) storage facility, 2) office space, and 3) garage for storage, repair, and servicing of motor vehicles including body shops and spray painting; and, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat.

AREA: 4.87 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION STAFF RECOMMENDATION: Recommend approval of the Conditional Permitted Use provided all painting shall be conducted inside a paint booth enclosed in the building. Recommend approval of the variance to allow multiple uses on the subject property. Predominantly industrial areas, like the one containing the subject property, could expect to have multiple businesses on a parcel. The buildings on the subject property are large enough to accommodate the multiple uses. Recommend approval of the paving variance for a period not to exceed one (1) year. The petitioner's business will involve use and frequent movement of cars. The cost to maintain pavement over the entire property could negate the reasonable return the owner expects on the property. Allowing one year to pave will allow the owner a way to pave while continuing to economically use the property. The Standards for Variation are met.

SANGAMON COUNTY ZONING 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: **2019-027**  
**Carl Fryman** )  
) )  
) ) PROPERTY LOCATED AT:  
) ) **3700 West Grand Avenue**  
) ) **Springfield, IL 62704**

RECOMMENDATION OF THE ZONING 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 **Conditional Permitted Use and 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 15, 2019** 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:

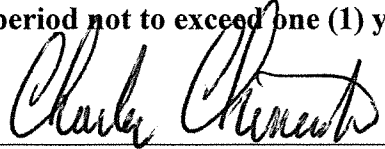
1. That said Board has jurisdiction to consider the petition filed herein.
2. That the above-captioned petitioner(s) is the owner(s) and/or has a beneficial interest in, contract to purchase, or is the County Board Member representing the property commonly known as: **3700 West Grand Avenue, Springfield, IL 62704** and more particularly described as:

**See Exhibit A**

3. That the present zoning of said property is **“I-1” Restricted Industrial District.**
4. That the present land use of said property is **a storage facility and office space.**
5. That the proposed land use of said property is **a storage facility, office space, and garage for storage, repair, and servicing of motor vehicles including body shops and spray painting.**
6. That the requested **Conditional Permitted Use and variances** of said property are a **Conditional Permitted Use of Section 17.28.020 for a garage for storage, repair and servicing of motor vehicles including body shops and spray painting; a variance of Chapter 17.04 (Lot) to allow three (3) principal uses on one (1) parcel: (1) storage facility, (2) office space and (3) garage for storage, repair and servicing of motor vehicles including body shops and spray painting; and, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat.**
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 **Conditional Permitted Use for a garage for storage, repair and servicing of motor vehicles including body shops and spray painting provided all painting shall be conducted inside a paint booth enclosed in the building; and, the variances** are 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 request is hereby **approved** for:

- **A Conditional Permitted Use of Section 17.28.020 for a garage for storage, repair and servicing of motor vehicles including body shops and spray painting provided all painting shall be conducted inside a paint booth enclosed in the building;**
- **A variance of Chapter 17.04 (Lot) to allow three (3) principal uses on one (1) parcel: (1) storage facility, (2) office space and (3) garage for storage, repair and servicing of motor vehicles including body shops and spray painting; and,**
- **A variance of Section 17.50.060(A) to allow the parking to remain unpaved instead of the required bituminous seal coat for a period not to exceed one (1) year.**

  
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 CHAIRMAN T10

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Tony Mares**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition for

- **A Conditional Permitted Use of Section 17.28.020 for a garage for storage, repair and servicing of motor vehicles including body shops and spray painting provided all painting shall be conducted inside a paint booth enclosed in the building;**
  - **A variance of Chapter 17.04 (Lot) to allow three (3) principal uses on one (1) parcel: (1) storage facility, (2) office space and (3) garage for storage, repair and servicing of motor vehicles including body shops and spray painting; and,**
  - **A variance of Section 17.50.060(A) to allow the parking to remain unpaved instead of the required bituminous seal coat for a period not to exceed one (1) year**
- are hereby approved** which was duly seconded by **Andrew Spiro**.

The vote of the Board was as follows:

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

NO:

PRESENT:

ABSENT: **Don Wulf**

  
 RECORDING SECRETARY



**SANGAMON COUNTY - RECOMMENDED FINDINGS OF FACT  
FOR CONDITIONAL PERMITTED USES**

Case #: 2019-027

Address: 3700 West Grand Avenue, Springfield

No conditional permitted uses shall be granted by the County Board unless the conditional permitted use:

(i) Is so proposed that the proposed location, design and method of operation of such use will minimize the adjacent effects on the character of the surrounding area.

**A condition is suggested to have all painting be conducted inside a paint booth enclosed in the building.**

(ii) Is so proposed to be operated, designed and located so that the public health, safety, and welfare will be protected.

**A condition is suggested to have all painting be conducted inside a paint booth enclosed in the building. West Grand Avenue is also a predominantly industrial area where uses like the one proposed could be expected to be located.**

(iii) Will not cause substantial injury to the value of other property in the vicinity in which it is located.

**Negative impacts are not anticipated.**

(iv) In addition to the above general standards for all conditional permitted uses that may be allowed, no conditional permitted use listed below shall be granted unless the proposed use can meet the standards as noted:

(a) Fairgrounds, public or private outdoor recreation centers - that the principal vehicle access for such use is located on a major thoroughfare or a secondary thoroughfare or within one-quarter mile of a major thoroughfare, that such use is so located as to draw a minimum of vehicular traffic to and through minor and collector streets in residential areas.

**N/A**

(b) Mobile home parks - must meet the requirements of Section III(R) Large Scale Development.

**N/A**

(c) Tourist home, motels, hotels - that the proposed use must be located on or within 400 feet of a major thoroughfare.

**N/A**

(d) Taverns and liquor stores - that the following distances be maintained: (1) schools - 100' from the property line of the school to the property line of the tavern or liquor store; (2) churches - 100' from the church building to the tavern or liquor store building; and (3) residences - 100' from the tavern or liquor store property line to the residential structure or institutional care facility.

**N/A**

**RECOMMENDED STANDARDS FOR USE VARIATIONS**

Case #: **2019-027**

Address: **3700 West Grand Avenue, 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.

**Predominantly industrial areas, like the one containing the subject property, could expect to have multiple businesses on a parcel. The buildings on the subject property are large enough to accommodate the multiple uses.**

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

**There have been multiple uses on the subject property for approximately forty years and the area is predominantly industrial.**

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

**The variance appears to be in harmony with the I-1 District purpose of the Zoning Ordinance to allow a compatible mixture of selected industrial uses and commercial uses. The proposed uses could be expected to be located along West Grand Avenue, which is a predominantly industrial area.**

- (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.**

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**SANGAMON COUNTY  
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2019-027**

Address: **3700 West Grand Avenue, 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 petitioner's business will involve use and frequent movement of cars. The cost to maintain pavement over the entire property could negate the reasonable return the owner expects on the property. Allowing one year to pave will allow the owner a way to pave while continuing to economically use the property.**

- (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 parking lot has been rock for a number of years and making the owner pave right away could lead to plight due to the previous character of the parking lot.**

- (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.

**Negative impacts are not anticipated provided the one year waiver is accepted.**