

CASE# 2018-052  
RESOLUTION NUMBER 4-1

**DENYING A REZONING AND GRANTING A USE VARIANCE AND VARIANCES**  
FOR CERTAIN PROPERTY LOCATED AT  
2421 CATALINA LANE, SPRINGFIELD, IL 62702  
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 and variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

**Michael Burke Sub L11. Parcel Number 14-11.0-278-012**

WHEREAS, the Petitioner, **Don Thompson**, has petitioned the Sangamon County Board for a **rezoning from “R-1” Single-Family Residence District to “B-3” General Business District; a variance to allow the parking to remain unpaved (grass) instead of the required bituminous seal coat; a variance to allow two (2) uses on one (1) parcel: (1) single-family residence and (2) off-street parking; a variance to allow a single-family residence in a “B-3” General Business District; and, a variance to allow off-street parking on a lot that is not the same as the lot served; and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **November 15, 2018** 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 variances; and,**

**FILED**

NOV 30 2018

*Don Thompson*  
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 **11<sup>th</sup> Day of December, 2018** that the request for a rezoning from **“R-1” Single-Family Residence District to “B-3” General Business District is denied**, but, in the alternative, a Use Variance to allow an off-street parking lot in the **“R-1” Single-Family Residence District**; a variance to allow the parking to remain unpaved (grass) instead of the required bituminous seal coat; a variance to allow two (2) uses on one (1) parcel: (1) single-family residence and (2) off-street parking; and, a variance to allow the off-street parking on a lot that is not the same as the lot served on the above described property are hereby approved.

Signed and passed by the Sangamon County Board in session on this **11<sup>th</sup> day of December, 2018**.

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

\_\_\_\_\_  
ROSE RUZIC

**ATTEST:**

\_\_\_\_\_  
SANGAMON COUNTY CLERK

\_\_\_\_\_  
COUNTY BOARD CHAIRMAN

**RECAP**  
(For County Board Use)

COUNTY BOARD MEMBER: #16                      NAME: **Greg Stumpf**

DOCKET NUMBER: **2018-052**

ADDRESS: **2421 Catalina Lane, Springfield, IL 62702**

PETITIONER: **Don Thompson**

PRESENT ZONING CLASSIFICATION: **“R-1” Single-Family Residence District.**

REQUESTED ZONING CLASSIFICATION: **“B-3” General Business District; a variance to allow the parking to remain unpaved (grass) instead of the required bituminous seal coat; a variance to allow two (2) uses on one (1) parcel: 1) single-family residence and 2) off-street parking; a variance to allow a single-family residence in a “B-3” General Business District; and, a variance to allow off-street parking on a lot that is not the same as the lot served.**

AREA:     **1 acres**

COMMENTS:     **None**

OBJECTORS:     **None**

PLANNING COMMISSION RECOMMENDATION: **Recommend denial of the requested B-3 zoning. The subject property is in an area that has remained mixed residential with commercial uses fronting Peoria Road. The list of uses permitted in the B-3 District is too intense for the mixed residential area. Therefore, staff recommends approval of a Use Variance in the R-1 District to allow an off-street parking lot as described and shown in the petition and its exhibits. Recommend approval of the requested variance to allow two (2) uses on one (1) parcel (single-family residence and off-street parking). The variance to allow the residence along with the parking lot on the**

subject property is warranted due to the recommended approval of a Use Variance on the subject property.

The variance requested to allow a single-family residence in the B-3 District is not necessary due to staff's recommendation of denial for the B-3 zoning request.

Recommend approval of the requested variances to allow the parking to remain unpaved (grass) instead of the required bituminous seal coat and to allow the off-street parking on a lot that is not the same as the lot served. The proposed grass parking area will help eliminate on-street parking and will only serve as overflow parking to the tavern's existing parking lot during large events and good weather. It is also not economical to pave a parking lot that is going to be used approximately 15-20 times per year. The petitioner owns the adjacent tavern and purchased the subject property as a way to provide more parking to limit the negative impacts of on-street parking from the tavern use on the surrounding residential area. 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: <b>2018-052</b>
<b>Don Thompson</b> )	
)	PROPERTY LOCATED AT:
)	<b>2421 Catalina Lane</b>
)	<b>Springfield, IL 62702</b>

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 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 **November 15, 2018** 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: **2421 Catalina Lane, Springfield, IL 62702** and more particularly described as:

**Michael Burke Sub L11. Parcel Number 14-11.0-278-012**

3. That the present zoning of said property is **“R-1” Single-Family Residence District.**
4. That the present land use of said property is a **single-family residence.**
5. That the proposed land use of said property is a **single-family residence and off-street parking.**
6. That the requested **rezoning and variances** of said property is a **rezoning from “R-1” Single-Family Residence District to “B-3” General Business District; a variance to allow the parking to remain unpaved (grass) instead of the required bituminous seal coat; a variance to allow two (2) uses on one (1) parcel: (1) single-family residence and (2) off-street parking; a variance to allow a single-family residence in a “B-3” General Business District; and, a variance to allow off-street parking on a lot that is not the same as the lot served.**
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) but, in the alternative **does** support the proposition that the adoption of a **Use Variance to allow an off-street parking lot in the “R-1” Single-Family Residence District; a variance to allow the parking to remain unpaved (grass) instead of the required bituminous seal coat; a variance to allow two (2) uses on one (1) parcel: (1) single-family residence and (2) off-street parking; and, a variance to allow the off-street parking on a lot that is not the same as the lot served** 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, a Use Variance and variances** be **approved.**

  
 CHAIRMAN VH

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 be **denied, but in the alternative, grant a Use Variance to allow an off-street parking lot in the "R-1" Single-Family Residence District; a variance to allow the parking to remain unpaved (grass) instead of the required bituminous seal coat; a variance to allow two (2) uses on one (1) parcel: (1) single-family residence and (2) off-street parking; and, a variance to allow the off-street parking on a lot that is not the same as the lot served which was duly seconded by JD Sudeth.**

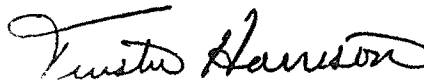
The vote of the Board was as follows:

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

NO:

PRESENT:

ABSENT: **Don Wulf, Gina Lathan**



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RECORDING SECRETARY



**SANGAMON COUNTY  
RECOMMENDED - FINDINGS OF FACT**

Case #: **2018-052**

Address: **2421 Catalina Lane, Springfield**

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

**North – Tavern, strip commercial, construction business, and mixed residential. East, South, & West – Mixed residential.**

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

**North – B-3 & R-1. East – R-1. South – R-1 and City R-1. West – B-3.**

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

**The proposed off-street parking is not permitted in the current R-1 District.**

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

**The trend of development for the area has remained mixed residential with commercial uses fronting Peoria Road.**

**RECOMMENDED STANDARDS FOR USE VARIATIONS  
[USE VARIANCE & MULTIPLE USES]**

Case #: **2018-052**

Address: **2421 Catalina Lane, 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 continued use of the residence on the subject property along with the grass parking area is appropriate since the parking area will only be used approximately 15-20 times per year during large events with good weather when overflow parking is needed for the tavern in order to reduce the need for on-street parking.**

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

**The subject property is in an area that has remained mixed residential with commercial uses fronting Peoria Road.**

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

**To the extent that the tavern needs additional parking spaces during special events, the proposed use will reduce the need for on-street parking in the immediate 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 on the area should diminish with the proposed grass parking area serving as overflow parking to help eliminate people parking on the street during the tavern's special events. Negative impacts pertaining to the other factors are not anticipated.**

**SANGAMON COUNTY  
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2018-052**

Address: **2421 Catalina Lane, 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 proposed grass parking area will help eliminate on-street parking and will only serve as overflow parking to the tavern's existing parking lot during large events and good weather. It is also not economical to pave a parking lot that is going to be used approximately 15-20 times per year.**

- (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 proposed grass parking area will provide overflow parking in excess of the required number of parking spaces the tavern already provides on the same lot as the business in order to help eliminate on-street parking. The petitioner owns the adjacent tavern and purchased the subject property as a way to provide more parking to limit the negative impacts of on-street parking from the tavern use on the surrounding residential area.**

- (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 on the area should diminish with the proposed grass parking area serving as overflow parking to help eliminate people parking on the street during the tavern's special events. Negative impacts pertaining to the other factors are not anticipated.**