

CASE# 2016-033 6-1  
RESOLUTION NUMBER \_\_\_\_\_

**DENYING A REZONING AND GRANTING A USE VARIANCE**  
FOR CERTAIN PROPERTY LOCATED AT  
**636 NORTH WESLEY, 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 an amendment and grant a Use Variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

**Lot 248 of Spaulding's Capital Park Addition to the City of Springfield**

WHEREAS, the Petitioners, **Steven H. and Diana K. Griffitts**, have petitioned the Sangamon County Board for a **rezoning from "R-2" Single Family and Two Family Residence District to "B-3" General Business District**; and,

WHEREAS, a public hearing was held at the Sangamon County Building on **October 20, 2016** 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,

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

**FILED**

OCT 28 2016

*Don J. Hayes*  
Sangamon County Clerk

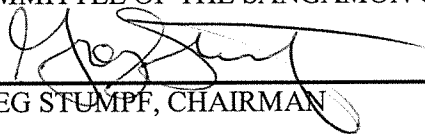
**NOW, THEREFORE, BE IT RESOLVED** by the County Board of Sangamon County, Illinois, in session assembled this **9<sup>th</sup> Day of November, 2016** that the request for rezoning from **“R-2” Single-Family and Two-Family Residence District** to **“B-3” General Business District** on the above described property is hereby denied, but in the alternative grant a **Use Variance** to allow a contractor’s office in the **“R-2” Single-Family and Two-Family Residence District** with the following conditions:

- (1) No outside equipment or material storage of any kind is allowed;**
- (2) No retail store or showroom that is accessible to the public is allowed; and,**
- (3) No more than one (1) customer is allowed to park on the premises at any given time.**

Signed and passed by the Sangamon County Board in session on this **9<sup>th</sup> day of November, 2016.**

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

\_\_\_\_\_

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

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

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

**ATTEST:**

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

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

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**RECAP**  
(For County Board Use)

COUNTY BOARD MEMBER: # 18                      NAME: **Rose Ruzic**

DOCKET NUMBER: **2016-033**

ADDRESS: **636 North Wesley, Springfield, IL 62702**

PETITIONER: **Steven H. and Diana K. Griffiths**

PRESENT ZONING CLASSIFICATION: **R-2 Single-Family and Two-Family Residence District.**

REQUESTED ZONING CLASSIFICATION: **B-3 General Business District.**

AREA: **4,800 square feet**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION RECOMMENDATION: **Recommend denial of the requested B-3 zoning. The petitioner wants to use the subject property as an administrative office for a contractor's business, which has operated at this location since 1990 according to the petition. The list of uses permitted in the B-3 district is too intense for this residential area. However, the subject property is a long-standing neighborhood office in the R-2 district, which seems to be a mitigating factor that could warrant a Use Variance. Therefore, staff recommends approval of a Use Variance to allow a contractor's office in the R-2 district with the following conditions: (1) no outside equipment or material storage of any kind is allowed; (2) no retail store or showroom that is accessible to the public is allowed; and, (3) no more than one (1) customer is allowed to meet or park on the premises at any given time. The rationale for the last recommended condition is to**

mitigate the limited off-street parking available on the subject property.

**AMENDED:** Recommend denial of the requested B-3 zoning. The petitioner wants to use the subject property as an administrative office for a contractor's business, which has operated at this location since 1990 according to the petition. The list of uses permitted in the B-3 district is too intense for this residential area. However, the subject property is a long-standing neighborhood office in the R-2 district, which seems to be a mitigating factor that could warrant a Use Variance. Therefore, staff recommends approval of a Use Variance to allow a contractor's office in the R-2 district with the following conditions: (1) no outside equipment or material storage of any kind is allowed; (2) no retail store or showroom that is accessible to the public is allowed; and, (3) no more than one (1) customer is allowed to park on the premises at any given time. The rationale for the last recommended condition is to mitigate the limited off-street parking available on the subject property.

SANGAMON COUNTY BOARD OF APPEALS  
RECOMMENDATION:

**Approval of staff recommendation**

  
RECORDING SECRETARY

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SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF: )	DOCKET NO: <b>2016-033</b>
<b>Steven H. and Diana K. Griffitts</b> )	)
)	PROPERTY LOCATED AT:
)	<b>636 North Wesley</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** 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 **October 20, 2016** 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: **636 North Wesley, Springfield, IL** and more particularly described as:

**Lot 248 of Spaulding's Capital Park Addition to the City of Springfield**

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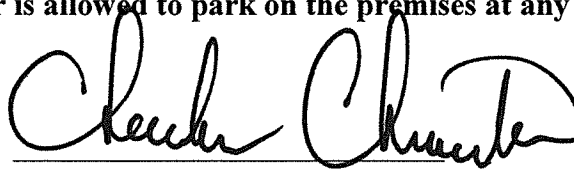
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- 3. That the present zoning of said property is **R-2 Single-Family and Two-Family Residence District.**
- 4. That the present land use of said property is **contractor's office.**
- 5. That the proposed land use of said property is **contractor's office.**
- 6. That the requested **rezoning** of said property is **rezoning from "R-2" Single-Family and Two-Family Residence District to "B-3" General Business District.**
- 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 a contractor's office in the "R-2" Single-Family and Two-Family Residence District with the following conditions:**
  - (1) **No outside equipment or material storage of any kind is allowed;**
  - (2) **No retail store or showroom that is accessible to the public is allowed; and,**
  - (3) **No more than one (1) customer is allowed to park on the premises at any given time;**

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, grant a Use Variance to allow a contractor's office in the "R-2" Single-Family and Two-Family Residence District with the following conditions:**

- (1) **No outside equipment or material storage of any kind is allowed;**
- (2) **No retail store or showroom that is accessible to the public is allowed; and,**
- (3) **No more than one (1) customer is allowed to park on the premises at any given time.**

  
 CHAIRMAN 70

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Merilyn Herbert**, 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 **denied, but in the alternative, grant a Use Variance to allow a contractor’s office in the “R-2” Single-Family and Two-Family Residence District with the above noted conditions**, which was duly seconded by **Anthony Mares**.

The vote of the Board was as follows:

YES: **Charles Chimento, Anthony Mares, Don Wulf, Andrew Spiro, and Merilyn Herbert**

NO:

PRESENT: **Janet Dobrinsky**

ABSENT: **John Lucchesi**

  
RECORDING SECRETARY



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**SANGAMON COUNTY  
RECOMMENDED - FINDINGS OF FACT**

Case #: **2016-033**

Address: **636 North Wesley, Springfield**

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

**North, South, West, and East: Single-family residential.**

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

**North, South, West, and East: R-2 Single Family and Two Family Residence District. West, Southwest, and Northwest: RM-4 Manufactured Home District. Further South: RM-4 Manufactured Home District.**

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

**The R-2 district does not allow the existing contractor's office.**

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

**The general area has remained residential with some RM-4 zoning being approved in the area from the 1970s to the present. As the subject property is located in a residential area, the list of permitted uses in the B-3 district is regarded as too intense. However, the subject property also has a long-standing history of business uses in the R-2 district, e.g. print shop, manufacturing and retail statue sales, and contractor's office, which seems to be a mitigating factor to warrant a Use Variance.**

RECOMMENDED STANDARDS FOR USE VARIATIONS

Case #: 2016-033

Address: 636 North Wesley, 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, which may have been operating illegally, was used as a business prior to 1990 when the petitioners purchased the property and started the contractor's office. The petitioners filed to rezone the property to B-3. While B-3 is seen as too intense for the area, a low-impact neighborhood business such as the contractor's office proposed by the petitioners is seen as a special circumstance that will not alter the "suitable environment for activities associated with family life" in the general purpose statement of the R-2 district from the Zoning Ordinance. It would lead to practical difficulties to carry out the strict letter of the Ordinance in this circumstance to force the business to close after many years in operation at this location.**

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

**The use variance would allow the petitioner to continue to operate their contractor's office at the current location, which has been a part of the area for at least 26 years. In Zoning Case # 1984-V-27, a change in non-conforming use was granted at this location for a previous business to manufacture small decorative plaster statues and conduct retail sales.**

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

**A variety of businesses have used the subject property through history, e.g. a print shop, manufacturing and retail statue sales, and a contractor's office. To the extent that a business such as the contractor's office benefits the community, it is felt this location provides a comparatively low impact due to its longstanding use as a neighborhood office and no public access to the site to minimize vehicular traffic and parking impacts in what is still a residential 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.

**To the extent the recommended conditions are followed, no negative impacts are anticipated.**