

CASE# 2018-029
RESOLUTION NUMBER 7-1

GRANTING A REZONING AND VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
12051 MAIN STREET, GLENARM
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 an amendment and variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

Town of Glenarm L 1 B 3. Parcel Number: 29-33.0-229-004

WHEREAS, the Petitioner, **Legacy Real Estate Professionals LLC**, 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 front yard setback to be five (5) feet instead of the required fifteen (15) feet; a variance to allow the side yard setback on a corner lot to be five (5) feet instead of the required seven and one-half (7 ½) feet; and, a variance to allow the parking to remain unpaved (rock); and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **June 21, 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 **grant the rezoning and variances;** and,

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

FILED

JUN 27 2018

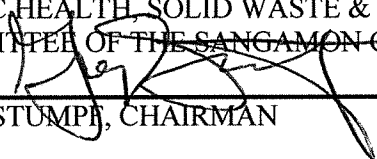
Don [Signature]

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **10th Day of July, 2018** that the requests for a rezoning from **“R-1” Single-Family Residence District to “B-3” General Business District; a variance to allow the front yard setback to be five (5) feet instead of the required fifteen (15) feet; a variance to allow the side yard setback on a corner lot to be five (5) feet instead of the required seven and one-half (7 ½) feet; and, a variance to allow the parking to remain unpaved (rock) on the above described property is hereby approved.**

Signed and passed by the Sangamon County Board in session on this **10th day of July, 2018.**

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

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ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #4 NAME: Jeff Thomas

DOCKET NUMBER: 2018-029

ADDRESS: 12051 Main Street, Glenarm, IL 62536

PETITIONER: Legacy Real Estate Professionals LLC

PRESENT ZONING CLASSIFICATION: "R-1" Single-Family Residence District.

REQUESTED ZONING CLASSIFICATION: "B-3" General Business District; a variance to allow the front yard setback to be five (5) feet instead of the required fifteen (15) feet; a variance to allow the side yard setback on a corner lot to be five (5) feet instead of the required seven and one-half (7.5) feet; and, a variance to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat.

AREA: 8,500 sq. ft.

COMMENTS: None

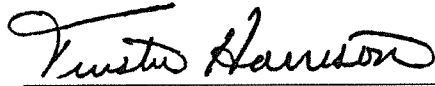
OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: Recommend approval. In 2017, there was a fire on the subject property that caused substantial damage to the principal building. Delays by the insurance company caused the property to lose its non-conforming status, and the owner now seeks relief to reconstruct the building on the same footprint as the previous structure. The requested B-3 zoning is appropriate due to the mixed zoning (B-3, I-1, and R-1) in the block bounded by Judd, Main, Robb, and the railroad tracks with the prevailing trend toward commercial/light industrial usage. The setback and parking surfacing variances will grant relief for non-conformities that existed prior to the

fire. Negative impacts are not anticipated in granting the variances. The Standards for Variation are met.

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: 2018-029
Legacy Real Estate Professionals LLC)	
)	PROPERTY LOCATED AT:
)	12051 Main Street
)	Glenarm, IL 62536

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 **June 21, 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: **12051 Main Street, Glenarm, IL 62536** and more particularly described as:

Town of Glenarm L 1 B 3. Parcel Number: 29-33.0-229-004

- 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 **contractor’s office.**
- 5. That the proposed land use of said property is a **contractor’s office.**
- 6. That the requested **rezoning and variances** of said property are **for a rezoning from “R-1” Single-Family Residence District to “B-3” General Business District; a variance to allow the front yard setback to be five (5) feet instead of the required fifteen (15) feet; a variance to allow the side yard setback on a corner lot to be five (5) feet instead of the required seven and one-half (7 ½) feet; and, a variance to allow the parking to remain unpaved (rock).**
- 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 **rezoning and 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 **rezoning and variances** be **approved.**

Charlie Chimento PH
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **JD Sudeth**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **approved** which was duly seconded by **Tony Mares**.


The vote of the Board was as follows:

YES: **Charlie Chimento, Tony Mares, Andrew Spiro, Gina Lathan, JD Sudeth**

NO:

PRESENT:

ABSENT: **Don Wulf**



RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: **2018-029**

Address: **12051 Main Street, Glenarm**

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

North – Sheds. East & West – Residences. South – Countertop store.

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

North – Agricultural. East, South, & West – R-1.

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

A contractor's office is not an allowable use in the R-1 District.

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

The requested B-3 zoning is appropriate due to the mixed zoning (B-3, I-1, and R-1) in the block bounded by Judd, Main, Robb, and the railroad tracks with the prevailing trend toward commercial/light industrial usage.

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2018-029**

Address: **12051 Main Street, Glenarm**

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 is proposing to re-build a structure on the same footprint as the previous structure that was destroyed in a fire. After delays by the insurance company, the property lost its non-conforming status, therefore the petitioner needs the requested variances in order to yield a reasonable return on the subject 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.

In 2017, there was a fire on the subject property that caused substantial damage to the principal building. Delays by the insurance company caused the property to lose its non-conforming status, and the owner now seeks relief to reconstruct the building on the same footprint as the previous structure. The setback and parking surfacing variances will grant relief for non-conformities that existed prior to the fire.

- (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 in granting the variances.