

**DENYING THE PETITION AS SUBMITTED, BUT IN THE ALTERNATIVE  
GRANTING A REZONING, USE VARIANCES WITH CONDITIONS, AND A  
VARIANCE**

**FOR CERTAIN PROPERTY LOCATED AT  
2384 SAND HILL 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, Conditional Permitted Uses and a variance, but in the alternative grant a rezoning, Use Variances with conditions and a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

**See Exhibit A**

WHEREAS, the Petitioner, **Joseph Chernis Jr.**, has petitioned the Sangamon County Board requesting **pursuant to Chapters 17.68 and 17.30, a rezoning from “B-3” General Business District to “I-2” General Industrial District; pursuant to Chapter 17.58 Conditional Permitted Uses, a Conditional Permitted Use of Section 17.28.020 for compost facilities, landscape waste; and, a Conditional Permitted Use of Section 17.30.020 for automobile wrecking yards and junk yards completely enclosed by eight (8) foot solid fencing. Petitioner also requests pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow four (4) principal uses on one (1) parcel: (1) demolition contractor with outside storage, (2) auto wrecking/junk yard, (3) recycling center and (4) landscape waste/compost facility; and, a variance of Section 17.30.020 and Section 17.38.040(A) to allow a natural barrier (the existing trees) instead of an eight (8) foot solid fence along the rear and east sides; and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **May 21, 2020** after proper notice was posted on said property and given by news publication, as is required by

**FILED**

MAY 28 2020

Case #2020-007 Page 1 of 15

*Don V. Hauer*

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 petition as submitted, but in the alternative, grant a rezoning, Use Variances with conditions, and a variance;** and,

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 9<sup>th</sup> Day of June, 2020 that the petition as submitted is hereby denied, but in the alternative, the following request(s) on the above described property are hereby approved:

- Pursuant to Chapters 17.68 and 17.28, a rezoning from “B-3” General Business District to “I-1” Restricted Industrial District;
- Pursuant to Section 17.68.050(D), a Use Variance to allow a metal recycling center with no can recycling;
- Pursuant to Section 17.68.050(D), a Use Variance to allow a demolition contractor with outside storage;
- Pursuant to Section 17.68.050(D), a Use Variance to allow a wrecking yard with no retail sales on-site or long-term storage (junkyard), provided that: (1) hours of operation of the metal recycling center shall be limited to 7:00 am to 5:00 pm on Monday through Friday with drop offs allowed only by appointment on Saturdays, and (2) recycling operations shall be conducted behind the existing building and the front area is used only for employee parking; and,

4-3

- Pursuant to Chapter 17.66, a variance of Section 17.38.040(A) to allow a natural barrier (the existing trees) instead of an eight (8) foot solid fence along the rear and east sides.

Signed and passed by the Sangamon County Board in session on this 9<sup>th</sup> day of June, 2020.

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

**ATTEST:**

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

EXHIBIT A

PARCEL 1

PART OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 16 NORTH, RANGE 5 WEST OF THE THIRD PRINCIPAL MERIDIAN IN SANGAMON COUNTY ILLINOIS, DESCRIBED MORE PARTICULARLY AS FOLLOWS: COMMENCING AT AN IRON PIN MARKING THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE AFORMENTIONED SECTION 12, THENCE SOUTH 89 DEGREES 59 MINUTES 58 SECONDS WEST ALONG THE SECTION LINE A DISTANCE OF 296.78 FEET MEASURED, (300.00 FEET DEED) TO THE FORMER EAST RIGHT OF WAY LINE OF THE CHICAGO AND ALTON RAILROAD, THENCE SOUTH 27 DEGREES 14 MINUTES 12 SECONDS WEST ALONG SAID FORMER EAST RIGHT OF WAY LINE A DISTANCE OF 300.00 FEET TO AN IRON PIPE MARKING THE TRUE POINT OF BEGINNING, THENCE CONTINUING SOUTH 27 DEGREES 14 MINUTES 12 SECONDS WEST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 541.50 FEET TO AN IRON PIPE, THENCE SOUTH 89 DEGREES 59 MINUTES 58 SECONDS WEST 282.25 FEET TO AN IRON PIPE ON THE EAST RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD, SAID PIPE MARKS THE BEGINNING OF A 5779.65 FOOT RADIUS, NON-TANGENT CURVE TO THE LEFT, THENCE NORTHEASTERLY 724.86 FEET ALONG SAID RIGHT OF WAY WITH SAID CURVE HAVING A LONG CHORD THAT BEARS NORTH 11 DEGREES 08 MINUTES 08 SECONDS EAST FOR A DISTANCE OF 724.39 FEET TO AN IRON PIPE ON THE SOUTH RIGHT OF WAY LINE OF SANDHILL ROAD, THENCE NORTH 88 DEGREES 16 MINUTES 52 SECONDS EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 54.86 FEET, THENCE SOUTH 82 DEGREES 16 MINUTES 19 SECONDS EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 166.13 FEET TO AN IRON PIPE, THENCE SOUTH 27 DEGREES 14 MINUTES 12 SECONDS WEST 177.33 FEET TO AN IRON PIPE, THENCE SOUTH 62 DEGREES 45 MINUTES 48 SECONDS EAST 247.25 FEET MEASURED, (255 FEET DEED) TO THE TRUE POINT OF BEGINNING. SAID PARCEL CONTAINS 5.183 ACRES, MORE OR LESS.

PARCEL 2

PART OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 16 NORTH, RANGE 5 WEST OF THE THIRD PRINCIPAL MERIDIAN IN SANGAMON COUNTY ILLINOIS, DESCRIBED MORE PARTICULARLY AS FOLLOWS: COMMENCING AT AN IRON PIN MARKING THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE AFORMENTIONED SECTION 12, THENCE SOUTH 89 DEGREES 59 MINUTES 58 SECONDS WEST ALONG THE SECTION LINE A DISTANCE OF 296.78 FEET MEASURED, (300.00 FEET DEED) TO THE FORMER EAST RIGHT OF WAY LINE OF THE CHICAGO AND ALTON RAILROAD, THENCE SOUTH 27 DEGREES 14 MINUTES 12 SECONDS WEST ALONG SAID FORMER EAST RIGHT OF WAY LINE A DISTANCE OF 841.50 FEET TO AN IRON PIPE MARKING THE TRUE POINT BEGINNING, THENCE CONTINUING SOUTH 27 DEGREES 14 MINUTES 12 SECONDS WEST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 920.59 FEET TO AN IRON PIPE, THENCE SOUTH 12 DEGREES 37 MINUTES 49 SECONDS WEST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 400.62 FEET TO AN IRON PIN ON THE NORTHEASTERLY RIGHT OF WAY LINE OF DIRKSEN PARKWAY, THENCE NORTH 56 DEGREES 07

MINUTES 44 SECONDS WEST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 161.87 FEET TO AN IRON PIPE ON THE EASTERLY RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD, THENCE NORTH 12 DEGREES 37 MINUTES 49 SECONDS EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 253.01 FEET TO AN IRON PIPE MARKING THE BEGINNING OF A 5779.65 FOOT RADIUS, NON-TANGENT CURVE TO THE LEFT, THENCE NORTHEASTERLY 925.36 FEET ALONG SAID RIGHT OF WAY LINE WITH SAID CURVE HAVING A LONG CHORD THAT BEARS NORTH 19 DEGREES 18 MINUTES 55 SECONDS EAST FOR A DISTANCE OF 924.38 FEET TO AN IRON PIPE, THENCE NORTH 89 DEGREES 59 MINUTES 58 SECONDS EAST 282.25 FEET TO THE TRUE POINT OF BEGINNING. SAID PARCEL CONTAINS 5.002 ACRES, MORE OR LESS.

PARCEL NUMBER: 14-12.0-176-019.

4-6

RECAP  
(For County Board Use)

COUNTY BOARD MEMBER: #16                      NAME: Greg Stumpf

DOCKET NUMBER: 2020-007

ADDRESS: 2348 Sand Hill Road, Springfield, IL 62707

PETITIONER: Joseph Chernis, Jr.

PRESENT ZONING CLASSIFICATION: "B-3" General Business District.

REQUESTED ZONING CLASSIFICATION: Pursuant to Chapters 17.68 and 17.30, a rezoning from "B-3" General Business District to "I-2" General Industrial District; pursuant to Chapter 17.58 Conditional Permitted Uses, a Conditional Permitted Use of Section 17.28.020 for compost facilities, landscape waste; and, a Conditional Permitted Use of Section 17.30.020 for automobile wrecking yards and junk yards completely enclosed by eight (8) foot solid fencing. Petitioner also requests pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow four (4) principal uses on one (1) parcel: (1) demolition contractor with outside storage, (2) auto wrecking/junk yard, (3) recycling center and (4) landscape waste/compost facility; and, a variance of Section 17.30.020 and Section 17.38.040(A) to allow a natural barrier (the existing trees) instead of an eight (8) foot solid fence along the rear and east sides.

AREA: 9.51 acres (approximately)

COMMENTS: None

OBJECTORS: Yes

PLANNING COMMISSION STAFF RECOMMENDATION: Recommend denial as submitted. In the alternative, staff recommends approval of I-1 zoning with a Use Variance for a metal recycling center with no can recycling, a demolition contractor with outside storage, and a wrecking yard with no retail sales on-site or long-term storage (junkyard), provided that: (1) hours of operation of the metal recycling center shall be limited to 7:00 am to 5:00 pm on Monday through Friday with drop offs allowed only by appointment on Saturdays, and (2) recycling operations shall be conducted behind the existing building and the front area is used only for employee parking. Although the subject property is unincorporated, the Springfield Comprehensive Plan designates the subject property industrial/utility and there are several surrounding properties zoned I-1. Recommend approval of the requested variance to Section 17.38.040(A). There is a thick natural line of trees to the east of the subject property which screens the nearest adjacent residence, which is over 200 feet from the property line; and, there is an approximately ten foot difference in topography between the proposed industrial uses and the nearest residence. To the south, the two nearest parcels are railroad right-of-way and a vacant property separated by a four-lane arterial road from the subject property. Staff denied the proposed request for a landscape waste compost facility in I-1 because of concerns about how long potential landscape waste materials would be on the subject property. The

**Conditional Permitted Use for a wrecking/junkyard and the variance for Section 17.30.020 are not needed due to the recommended denial of the requested I-2 zoning.**

**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: <b>2020-007</b>
<b>Joseph Chernis Jr.</b> )	
)	PROPERTY LOCATED AT:
)	<b>2348 Sand Hill Road</b>
)	<b>Springfield, IL 62707</b>

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 **rezoning, Conditional Permitted Uses 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 **May 21, 2020** 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: **2348 Sand Hill Road, Springfield, IL 62707** and more particularly described as:

**See Exhibit A**

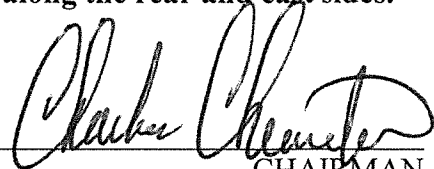


3. That the present zoning of said property is **“B-3” General Business District.**
4. That the present land use of said property is **Demolition Contractor.**
5. That the proposed land use of said property is **Demolition contractor with outside storage, auto wrecking/junk yard, recycling center, and landscape waste/compost facility.**
6. That the request(s) for the subject property are pursuant to Chapters 17.68 and 17.30, a rezoning from **“B-3” General Business District to “I-2” General Industrial District; pursuant to Chapter 17.58 Conditional Permitted Uses, a Conditional Permitted Use of Section 17.28.020 for compost facilities, landscape waste; and, a Conditional Permitted Use of Section 17.30.020 for automobile wrecking yards and junk yards completely enclosed by eight (8) foot solid fencing. Petitioner also requests pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow four (4) principal uses on one (1) parcel: (1) demolition contractor with outside storage, (2) auto wrecking/junk yard, (3) recycling center and (4) landscape waste/compost facility; and, a variance of Section 17.30.020 and Section 17.38.040(A) to allow a natural barrier (the existing trees) instead of an eight (8) foot solid fence along the rear and east sides.**
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, Conditional Permitted Uses and variances** 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 **rezoning, Use Variances to allow a metal recycling center with no can recycling, a demolition contractor with outside storage, and a wrecking yard with no retail sales on-site or long-term storage (junkyard), provided that: (1) hours of operation of the metal recycling center shall be limited to 7:00 am to 5:00 pm on Monday through Friday with drop offs allowed only by appointment on Saturdays, and (2) recycling operations shall be conducted behind the existing building and the front area is used only for employee parking; and, a variance 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 petition as submitted is hereby denied, but in the alternative, the following request(s) are hereby approved:**

- Pursuant to Chapters 17.68 and 17.28, a rezoning from **“B-3” General Business District to “I-1” Restricted Industrial District;**
- Pursuant to Section 17.68.050(D), a Use Variance to allow a metal recycling center with no can recycling;
- Pursuant to Section 17.68.050(D), a Use Variance to allow a demolition contractor with outside storage;
- Pursuant to Section 17.68.050(D), a Use Variance to allow a wrecking yard with no retail sales on-site or long-term storage (junkyard), provided that: (1) hours of operation of the metal recycling center shall be limited to 7:00 am to 5:00 pm on Monday through Friday with drop offs allowed only by appointment on Saturdays, and

- (2) recycling operations shall be conducted behind the existing building and the front area is used only for employee parking; and,
- Pursuant to Chapter 17.66, a variance of Section 17.38.040(A) to allow a natural barrier (the existing trees) instead of an eight (8) foot solid fence along the rear and east sides.

  
CHAIRMAN  
4/10

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 as submitted is hereby denied, but in the alternative, the following request(s) are hereby approved:**

- Pursuant to Chapters 17.68 and 17.28, a rezoning from “B-3” General Business District to “I-1” Restricted Industrial District;
- Pursuant to Section 17.68.050(D), a Use Variance to allow a metal recycling center with no can recycling;
- Pursuant to Section 17.68.050(D), a Use Variance to allow a demolition contractor with outside storage;
- Pursuant to Section 17.68.050(D), a Use Variance to allow a wrecking yard with no retail sales on-site or long-term storage (junkyard), provided that: (1) hours of operation of the metal recycling center shall be limited to 7:00 am to 5:00 pm on Monday through Friday with drop offs allowed only by appointment on Saturdays, and (2) recycling operations shall be conducted behind the existing building and the front area is used only for employee parking; and,
- Pursuant to Chapter 17.66, a variance of Section 17.38.040(A) to allow a natural barrier (the existing trees) instead of an eight (8) foot solid fence along the rear and east sides.

which was duly seconded by **Andrew Spiro**.

The vote of the Board was as follows:

YES: **Charlie Chimento, Tony Mares, Don Wulf, Andrew Spiro, Larry Beaty**

NO:

PRESENT:

ABSENT:

  
 RECORDING SECRETARY

SANGAMON COUNTY  
RECOMMENDED - FINDINGS OF FACT

Case #: 2020-007

Address: 2348 Sand Hill Road, Springfield

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

**North – Mixed residential. South – Railroad and vacant. East – Residence & shop building, & concrete plant. West – Railroad.**

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

**North – R-1 & I-1. South – R-1. East – Agricultural & I-1. West – Agricultural & R-1. Northeast – I-1.**

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

**B-3 does not allow the proposed uses. The property is located in a mixed use area that contains residential, heavy commercial, and industrial uses. Although the subject property is unincorporated, the Springfield Comprehensive Plan designates the subject property industrial-utility.**

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

**The area is mixed use with residential, heavy commercial, and industrial uses. There is a trend toward I-1 on the east side of the railroad tracks along Sand Hill. In 2014, a petition to rezone the subject property from B-3 to I-2 with an automobile wrecking yard/recycling center and variances was withdrawn. In 2012, part of the subject property was rezoned from Agricultural to B-3. In 1997, part of the subject property was rezoned from Agricultural to B-3. In 2008, property to the northeast of the subject property was rezoned from Agricultural to I-1. In 2007, property immediately north of the subject property was rezoned from Agricultural to I-1. In 1988, property immediately to the east was rezoned from I-1 & Agricultural to I-1.**

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

Case #: **2020-007**

Address: **2348 Sand Hill Road, 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.

**For the landscape waste business, it is possible there could be negative effects on the surrounding area, particularly if the landscape waste products remain on the subject property for a long period of time. For the wrecking/junkyard, this standard does not need to be met as the Conditional Permitted Use does not apply due to the recommended denial of the I-2 zoning.**

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

**For the landscape waste business, staff has concerns related to the traffic impact from a facility of this nature on the subject property particularly if the landscape waste remains on the subject property for a long period of time. For the wrecking/junkyard, this standard does not need to be met as the Conditional Permitted Use does not apply due to the recommended denial of the I-2 zoning.**

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

**For the landscape waste business, the business could generate negative effects on values in the area, particularly if the landscape waste products remain on the subject property for a long period of time. For the wrecking/junkyard, this standard does not need to be met as the Conditional Permitted Use does not apply due to the recommended denial of the I-2 zoning.**

- (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) Manufactured home parks - must meet the requirements of Chapter 17.48 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

- (e) Wind energy conversion systems - a WECS shall not be located within 1½ miles of an incorporated area with a population over 10,000 or within ½ mile of an incorporated area with a population of less than 10,000. WECS shall not be located so that they interfere with contiguous urban development.

N/A

**SANGAMON COUNTY  
 RECOMMENDED STANDARDS FOR USE VARIATIONS  
 USE VARIANCE FOR A METAL RECYCLING CENTER WITH NO CAN RECYCLING, A  
 DEMOLITION CONTRACTOR WITH OUTSIDE STORAGE, AND A WRECKING YARD  
 WITH NO RETAIL SALES ON-SITE OR LONG-TERM STORAGE (JUNKYARD)**

Case #: 2020-007

Address: 2348 Sand Hill 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 subject property is very narrow but still large in area at 9.5 acres, which makes it reasonable to site multiple uses, including a metal recycling center.**

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

**There are other light industrial uses and zoning in the immediate area and the recommended uses fit with this trend.**

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

**Part of the purpose of the I-1 district is to allow a “compatible mixture of selected industrial uses and commercial uses.” The two uses are compatible with this part of the purpose statement of the I-1 district and therefore in harmony with the general purpose and intent of the Zoning Regulations to keep like light industrial uses together.**

- (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 over existing conditions are not anticipated.**

**SANGAMON COUNTY  
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2020-007**

Address: **2348 Sand Hill Road, 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.

**There could be an economic hardship to the property owner if required to enclose the entire 9.5 acres rather than only along the northern part of 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.

**There is a thick natural line of trees to the east of the subject property which screens the nearest adjacent residence, which is over 200 feet from the property line; and, there is an approximately ten foot difference in topography between the proposed industrial uses and the nearest residence. To the south, the two nearest parcels are railroad right-of-way and a vacant property separated by a four-lane arterial road from the subject property.**

- (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 over existing conditions are not anticipated.**