Spot Zoning

Spot zoning is an exception to the normal zoning regulations. Spot zoning normally happens when a business owner, tenant, or interest group applies for a variance from the zoning originally designed for the area in order to carry out a particular activity. It could be for a park or school or it could be for a commercial enterprise. The local government agency must then consider how the proposed zoning exception will affect neighboring properties and decide whether it is in the public interest before approving the exception to the original zoning. Whether the exception applied to a single property is reasonable and supported by the facts, often turns on public interest, the effect the spot zoning has on the current uses of neighboring properties, and any ramifications created by the zoning.

The Village of New Lenox zoning map shows the east end of the C3 zone stops at west side of West Circle Drive. Therefore, rezoning the east side of West Circle is in fact spot zoning for the Casey’s Gas Station which at this time shows on the village map as residential unincorporated New Lenox.

# The following is a description of spot zoning published in an article titled…**How to spot a spot zoning By** Brad Neumann, Michigan State University Extension - June 17, 2016

One illegal form of rezoning is spot zoning. This practice gets its name from the appearance of small spots of different zoning districts on a zoning map that otherwise has large contiguous areas in the same zoning district around the spots. To be considered a spot zone, the property, in most cases, must meet the following four criteria:

* The area is small compared to districts surrounding the parcel in question.
* The new district allows land uses inconsistent with those allowed in the vicinity.
* The spot zone would confer a special benefit on the individual property owner not commonly enjoyed by the owners of similar property.
* The existence of the spot zone conflicts with the policies in the text of the master plan and the future land use map.

Rezonings that have the four characteristics of spot zoning listed above run a high risk of invalidation if challenged in court and not consistent with the master plan. In some cases, master plans anticipate these relationships and provide for them (for example, a small commercial area may serve a residential neighborhood). In those cases where the master plan supports a relatively small zoning district that is dissimilar to the zoning that surrounds it, this is probably not a spot zone.

The most important thing is consistency with the master plan. Remember, the master plan should have been prepared with extensive public engagement and that process is intended to create a consensus vision of future land use and infrastructure – including the future configuration of zoning districts.

We have read through the New Lenox Master Plan and have not found any verbiage for the future designs of this area. The affects this rezoning will have on the residential area adjacent to this property are substantial. For the properties directly adjacent there will be noise, air, and light pollution. The intensive nature of the gas station will obstruct easy ingress and egress from the subdivision. This is the only controlled intersection. Because we are unincorporated we do not have street lights, sidewalks or village services. We are serviced by the county for our law enforcement protection and the county plows our streets. We maintain our own wells and septic systems, pay for garbage service and we pay our taxes. If we lived in the incorporated village we would share in the refunds our neighbors enjoy on their taxes. We know there will be increased traffic on our streets making them less safe for the children as well as those who walk the neighborhood.

We know the mayor and the board want to be fair and equitable in their decisions however, for the residents of Lincolnwood Hills there is no upside to this issue. We don’t need another gas station in our neighborhood when there are two within a mile of our location.