

**GRANTING A CONDITIONAL PERMITTED USE AND VARIANCES (IN PART)
FOR CERTAIN PROPERTY LOCATED AT
9756 DODD ROAD, LOAMI
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 a Conditional Permitted Use and variances (in part)** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Jeremiah Hartwell-Hayden and Derrick Hayden-Hartwell**, has petitioned the Sangamon County Board requesting **pursuant to Chapter 17.58 and Section 17.10.020, a Conditional Permitted Use for a dog kennel; pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow two (2) principal uses on one (1) parcel: (1) a dog kennel and (2) a single-family residence; and, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock/grass) instead of the required bituminous seal coat; and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **October 19, 2023** 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 a Conditional Permitted Use and variances (in part); and,**

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

FILED

OCT 27 2023

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Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **14th Day of November, 2023** that the following request(s) on the above described property are hereby approved:

- Pursuant to Chapter 17.58 and Section 17.10.020, a Conditional Permitted Use for a dog kennel;
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow two (2) principal uses on one (1) parcel: (1) a dog kennel and (2) a single-family residence; and,
- Pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the access drives to remain unpaved. The required parking spaces or any future parking spaces as shown on the site plan in the petition shall be paved subject to the approval of the Zoning Administrator.

Signed and passed by the Sangamon County Board in session on this **14th day of November, 2023**.

COUNTY BOARD CHAIRMAN

ATTEST:

SANGAMON COUNTY CLERK

EXHIBIT A

Part of Lots 9 and 10 of the Estate of Jonathon Jarrett Platt recorded May 30, 1866 in Chancery Record Number 25, Page 104 in the Office of the Sangamon County Recorder of Deeds, being in the East Half of the Southeast Quarter of Section 15, Township 14 North, Range 7 West of the Third Principal Meridian; described as follows:

Commencing at a found iron pipe marking the Southwest corner of Lot 10 of the aforementioned estate plat: thence North 00 degrees 43 minutes 10 seconds West on the West line of said Lot 10 a distance of 44.20 feet to a set iron pin marking the point of beginning; thence continuing North 00 degrees 43 minutes 10 seconds West on said line a distance of 467.21 feet to a found iron pipe; thence North 88 degrees 11 minutes 42 seconds East 511.33 feet to a found iron pipe on the East line of Lot 9 of the aforementioned estate plat; thence South 00 degrees 44 minutes 47 seconds East on the line of said Lot 9 a distance of 510.73 feet to a found iron pipe marking the Southeast corner of said Lot 9; thence North 86 degrees 56 minutes 08 seconds West a distance of 512.58 feet to the point of beginning.

P.I.N. #27-15.0-400-044

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 7 NAME: Craig Hall

DOCKET NUMBER: 2023-022

ADDRESS: 9756 Dodd Road, Loami, IL 62661

PETITIONER: Jeremiah Hartwell-Hayden and Derrick Hayden-Hartwell

PRESENT ZONING CLASSIFICATION: "A" Agricultural District.

REQUESTED ZONING CLASSIFICATION: Pursuant to Chapter 17.58 and Section 17.10.020, a Conditional Permitted Use for a dog kennel; pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow two (2) principal uses on one (1) parcel: (1) a dog kennel and (2) a single-family residence; and, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock/grass) instead of the required bituminous seal coat.

AREA: 5.74 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION STAFF RECOMMENDATION: Recommend approval of the requested CPU for a dog kennel. Recommend approval of the requested multiple-use variance. Allowing the single-family residence to be co-located on the same parcel as the dog kennel would be expected to allow the owners to be on-site with access to the dogs at any time during the day.

Recommend denial of a portion of the paving variance. Staff recommends the petitioners be required to pave the required parking spaces or any future parking spaces as shown on the site plan in the petition subject to the approval of the Zoning Administrator. Requiring paving for the parking spaces will provide a safe surface for customers dropping off their dogs. Recommend approval to allow the access drives to remain unpaved. The petitioners will continue to use the access drives for their agriculture use on the subject property, which could cause continuous repairs to a paved surface.

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: **2023-022**
Jeremiah Hartwell-Hayden and)
Derrick Hayden-Hartwell) PROPERTY LOCATED AT:
) **9756 Dodd Road**
) **Loami, IL 62661**

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 **Conditional Permitted Use 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 **October 19, 2023** 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:

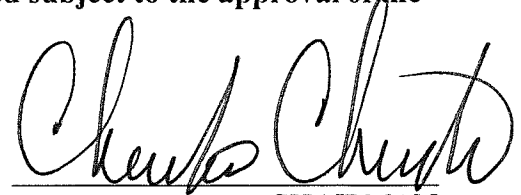
1. That said Board has jurisdiction to consider the petition filed herein.
2. That the above-captioned petitioner(s) is the owner(s) and/or has a beneficial interest in, contract to purchase, or is the County Board Member representing the property commonly known as: **9756 Dodd Road, Loami, IL 62661** and more particularly described as:

See Exhibit A

3. That the present zoning of said property is **“A” Agricultural District.**
4. That the present land use of said property is **Single-family residence and agriculture.**
5. That the proposed land use of said property is **Single-family residence, dog kennel, and agriculture.**
6. That the request(s) for the subject property **are pursuant to Chapter 17.58 and Section 17.10.020, a Conditional Permitted Use for a dog kennel; pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow two (2) principal uses on one (1) parcel: (1) a dog kennel and (2) a single-family residence; and, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock/grass) instead of the required bituminous seal coat.**
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 **Conditional Permitted Use and variances (in part)** 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 following request(s) **are hereby approved:**

- **Pursuant to Chapter 17.58 and Section 17.10.020, a Conditional Permitted Use for a dog kennel;**
- **Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow two (2) principal uses on one (1) parcel: (1) a dog kennel and (2) a single-family residence; and,**
- **Pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the access drives to remain unpaved. The required parking spaces or any future parking spaces as shown on the site plan in the petition shall be paved subject to the approval of the Zoning Administrator.**


CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **George Petrilli**, which was duly seconded by **Anthony Mares**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the following request(s) are hereby approved:

- Pursuant to Chapter 17.58 and Section 17.10.020, a Conditional Permitted Use for a dog kennel;
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow two (2) principal uses on one (1) parcel: (1) a dog kennel and (2) a single-family residence; and,
- Pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the access drives to remain unpaved. The required parking spaces or any future parking spaces as shown on the site plan in the petition shall be paved subject to the approval of the Zoning Administrator.

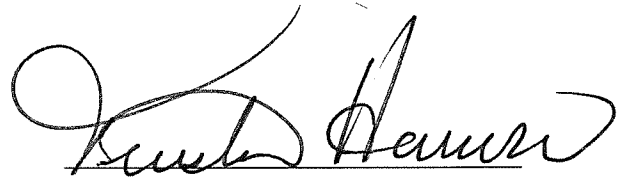
The vote of the Board was as follows:

YES: **Charlie Chimento, Anthony Mares, George Petrilli, JD Sudeth**

NO:

PRESENT:

ABSENT: **Don Wulf, Richard Thompson**

A handwritten signature in cursive script, appearing to read "Keith Hauer", written over a horizontal line.

RECORDING SECRETARY

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

Case #: **2023-022**

Address: **9756 Dodd Road, Loami**

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.
The effects on the character of the surrounding area will be limited as the proposed use would be located on a 5.74-acre parcel with existing and proposed natural buffering between the neighbors to the north and south.
- (ii) Is so proposed to be operated, designed and located so that the public health, safety, and welfare will be protected.
Provided there is proper solid waste disposal from the dog kennel, the public health, safety, and welfare should be protected.
- (iii) Will not cause substantial injury to the value of other property in the vicinity in which it is located.
There is no foreseen impact.
- (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) Adult-use cannabis business establishments as defined in Chapter 17.04:
- 1) that the following distances be maintained from the principal structure of an adult-use cannabis business establishment to the property line of a use defined in Chapter 17.04 as a “sensitive area”:
 - (A) Adult-use cannabis craft grower – 1,500 feet
 - (B) Adult-use cannabis cultivation center – 1,500 feet
 - (C) Adult-use cannabis dispensing organization (dispensary) – 250 feet
 - (D) Adult-use cannabis infuser organization (infuser) – 1,500 feet
 - (E) Adult-use cannabis processing organization (processor) – 1,500 feet
 - (F) Adult-use cannabis transporting organization (transporter) – 1,500 feet
 - 2) On-premise consumption of cannabis at cannabis dispensing organizations and smoking lounges in unincorporated Sangamon County is prohibited.

N/A

**SANGAMON COUNTY
RECOMMENDED STANDARDS FOR USE VARIATIONS
(TWO USES ON ONE PARCEL: SINGLE-FAMILY RESIDENCE & DOG KENNEL)**

Case #: **2023-022**

Address: **9756 Dodd Road, Loami**

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.

Allowing the single-family residence to be co-located on the same parcel as the dog kennel would be expected to allow the owners to be on-site with access to the dogs at any time during the day.

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

The trend of development is rural residential and agricultural. Given the CPU for the dog kennel is recommended for approval, allowing the dog kennel and the single-family residence uses are compatible with the trend of development in the area.

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

The dog kennel will provide a service for the community in this area which could be a benefit to the community in granting the multiple uses variance.

- (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 are not anticipated.

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2023-022**

Address: **9756 Dodd Road, Loami**

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.

Staff is recommending the petitioners be required to pave the required parking spaces or any future parking spaces as shown on the site plan in the petition subject to the approval of the Zoning Administrator. Staff does agree that the access drives may remain unpaved as the petitioners will continue to use the access drives for their agricultural use on the subject property, which could cause continuous repairs to a paved surface.

- (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 petitioners will continue to use the subject property for their agricultural use as well as the proposed dog kennel. This provides a unique situation to justify allowing the access drives to remain unpaved but requiring any customer parking spaces to be paved.

- (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.

Requiring paving for all the required parking spaces will provide a safe surface for customers dropping off their dogs, and additional negative impacts are not anticipated.