

FILED

**GRANTING A CONDITIONAL PERMITTED USE AND A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
12609 STATE ROUTE 125, PLEASANT PLAINS, IL 62677
SANGAMON COUNTY, ILLINOIS**

MAR 29 2024

Don J. Hays
Sangamon County Clerk

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** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Todd Pankey**, 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 single-family residence and (2) a dog kennel; and, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat; and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **March 21, 2024** 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; 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 **8th Day of April, 2024** 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 (limited to 30 dogs);
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow two (2) principal uses on one (1) parcel: (1) a single-family residence and (2) a dog kennel; and,
- Pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat;
 - provided that the petitioners widen the driveway at the high point on the driveway and the portion of their driveway adjacent to State Route 125 to accommodate two cars to pass, subject to IDOT and approval from the Zoning Administrator (see Staff Exhibit).

Signed and passed by the Sangamon County Board in session on this **8th day of April, 2024**.

COUNTY BOARD CHAIRMAN

ATTEST:

SANGAMON COUNTY CLERK

EXHIBIT A

Beginning at the Southwest corner of the East Half of the Northwest Quarter of Section 4, Township 16 North, Range 7 West of the Third Principal Meridian, running thence East 14 chains and 65 links to a stake, thence North 24 rods to a stake, thence East 20 rods, thence North 136 rods to a stake on the Township line between Sections 16 and 20, thence West on said Township line 56 rods 38 ½ links, thence South 140 rods, thence West 5 chains and 25 links, thence South 5 chains to the beginning and being a part of the East Half of the Northwest Quarter of Section 4, Township 16 North, Range 7 West of the Third Principal Meridian.

Except commencing at a found Stone at the center of Section 4, Township 16 North, Range 7 West of the Third Principal Meridian; thence North 89 degrees 48 minutes 12 seconds West on the south line of the East Half of the Northwest Quarter of said Section 4, 145.72 feet to the existing centerline of F.A. 67 (IL. Rte. 125); thence on said existing centerline North 71 degrees 06 minutes 50 seconds West, 313.78 feet; thence North 18 degrees 53 minutes 10 seconds East, 50.00 feet to the existing north right of way line of F.A. 67 and the Point of Beginning.

From said Point of Beginning; thence North 71 degrees 06 minutes 50 seconds West on said existing north right of way line, 325.00 feet; thence North 58 degrees 41 minutes 30 seconds East, 78.10 feet; thence South 71 degrees 06 minutes 50 seconds East, 225.00 feet; thence South 20 degrees 55 minutes 10 degrees East, 78.10 feet to the existing north right of way line of F.A. 67 and the Point of Beginning.

Situated in Sangamon County, Illinois
12609 State Rt. 125, Pleasant Plains, IL 62677
Tax ID No.: 12-04.0-100-017

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 1 NAME: Tom Fraase

DOCKET NUMBER: 2024-004

ADDRESS: 12609 State Route 125, Pleasant Plains, IL 62677

PETITIONER: Todd Pankey

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 single-family residence and (2) a dog kennel; and, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat.

AREA: 50.87 acres


COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION STAFF RECOMMENDATION: **AMENDED: Recommend approval of the requested CPU for a dog kennel limited to 30 dogs. 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. While the location is suitable for a dog kennel, the building was constructed without building permits and therefore county staff do not know if the building was constructed to the commercial building standards.**

Recommend approval of the paving variance, provided that the petitioners widen the driveway at the high point on the driveway and the portion of their driveway adjacent to State Route 125 to accommodate two cars to pass, subject to IDOT and approval from the Zoning Administrator (see Staff Exhibit). This modification should limit the congestion of traffic on the property and those entering and exiting the property from State Route 125. The petitioners are proposing to use asphalt millings, which although is not a solid surface, will create a dust-free surface. The Standards for Variation are met.

SANGAMON COUNTY ZONING BOARD OF APPEALS RECOMMENDATION:
Approval of Amended Staff Recommendation.



RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: **2024-004**
Todd Pankey)
)
) PROPERTY LOCATED AT:
) **12609 State Route 125,**
) **Pleasant Plains, IL 62677**

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 **March 21, 2024** 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:

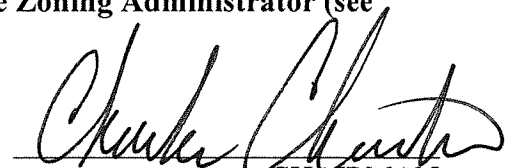
1. That said Board has jurisdiction to consider the petition filed herein.
2. That the above-captioned petitioner(s) is the owner(s) and/or has a beneficial interest in, contract to purchase, or is the County Board Member representing the property commonly known as: **12609 State Route 125, Pleasant Plains, IL 62677** and more particularly described as:

See Exhibit A

3. That the present zoning of said property is **Agricultural District**.
4. That the present land use of said property is **Single-family residence**.
5. That the proposed land use of said property is **Single-family residence and a dog kennel**.
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 single-family residence and (2) a dog kennel; and, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock) 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** 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 (limited to 30 dogs);**
- Pursuant to **Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow two (2) principal uses on one (1) parcel: (1) a single-family residence and (2) a dog kennel; and**
- Pursuant to **Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat;**
- provided that the petitioners widen the driveway at the high point on the driveway and the portion of their driveway adjacent to State Route 125 to accommodate two cars to pass, subject to IDOT and approval from the Zoning Administrator (see Staff Exhibit).


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 single-family residence and (2) a dog kennel; and
- Pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat;
- provided that the petitioners widen the driveway at the high point on the driveway and the portion of their driveway adjacent to State Route 125 to accommodate two cars to pass, subject to IDOT and approval from the Zoning Administrator (see Staff Exhibit).

The vote of the Board was as follows:

YES: **George Petrilli, Anthony Mares, Don Wulf, Richard Thompson, Phil Sidles**

NO:

PRESENT:

ABSENT: **Charlie Chimento**


RECORDING SECRETARY

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

Case #: **2024-004**

Address: **12609 State Route 125, Pleasant Plains**

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 50.87-acre parcel that is densely tree-covered, providing a natural buffer between the closest neighbor to the southeast.
- (ii) Is so proposed to be operated, designed and located so that the public health, safety, and welfare will be protected.
Provided the condition to limit the dog kennel to 30 dogs is adopted and that 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 #: **2024-004**

Address: **12609 State Route 125, Pleasant Plains**

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 area is agricultural with some rural residences. In 2019, a CPU, Use Variance, and variances were granted for a banquet hall and tree farm southeast of the subject property. The Clayville Historical Site is located southwest of the subject property and contains a banquet hall and in 1993 was granted B-3 with a CPU for a private outdoor recreation center, restaurant, and pub. The multiple uses for the residence and dog kennel is compatible with the trend 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.

AMENDED:
SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS

Case #: 2024-004

Address: 12609 State Route 125, Pleasant Plains

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 petition did not provide sufficient evidence to determine if the circulation and traffic flow on the site is adequate with the current topography, location, and condition of the driveway.

AMENDED: Staff is recommending the petitioners widen the driveway at the high point on the driveway and the portion of their driveway adjacent to State Route 125 to accommodate two cars to pass, subject to IDOT and approval from the Zoning Administrator (see Staff Exhibit).

- (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.

While the petitioner mentions the property has two fields that need to be accessed through the subject property with large equipment, staff did not find this to be the case and only noted timber located on the existing parcel. No other particularly unique circumstances were mentioned in the petition.

AMENDED: The petitioners are proposing to use asphalt millings, which although is not a solid surface, will create a dust-free surface.

- (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.

Paving could ease the circulation and traffic flow on the subject property and will provide a safe surface for customers dropping off their dogs.

AMENDED: Staff is recommending the petitioners widen the driveway at the high point on the driveway and the portion of their driveway adjacent to State Route 125 to accommodate two cars to pass, subject to IDOT and approval from the Zoning Administrator. This modification should limit the congestion of traffic on the property and those entering and exiting the property from State Route 125.

Staff Exhibit

