

CASE# 2013-028
RESOLUTION NUMBER 1-1

GRANTING A VARIANCE AND CONDITIONAL PERMITTED USE
FOR CERTAIN PROPERTY LOCATED AT
17020 OLD ROUTE 54, NEW BERLIN
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 variance and Conditional Permitted Use** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See **EXHIBIT A**

WHEREAS, the Petitioner, **Jeffrey S. Barker**, has petitioned the Sangamon County Board for a **variance to allow two (2) principal uses on one (1) parcel to allow a thrift/consignment shop & a go-cart tract and a Conditional Permitted Use for a private and public outdoor recreation area with the hours of operation being limited to Sunday from 11:00 am to 6:00 pm only; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **July 18, 2013** 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 variance and Conditional Permitted Use; and**

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

FILED

JUL 19 2013

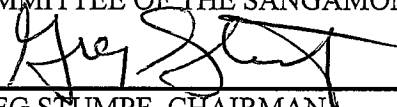
Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 6th day of August, 2013 that the request for a variance to allow two (2) principal uses on one (1) parcel to allow a thrift/consignment shop and a go-cart tract and a Conditional Permitted Use to allow a public and private outdoor recreation area with the hours of operation being limited to Sundays from 11:00 am to 6:00 pm only on the above referenced property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 6th day of August, 2013.

Respectfully submitted,

PUBLIC HEALTH, SOLID WASTE & ZONING
COMMITTEE OF THE SANGAMON COUNTY BOARD



GREG STUMPF, CHAIRMAN

DAVID MENDENHALL, VICE CHAIRMAN

JOHN FULGENZI

CRAIG HALL

SAM SNELL

ABE FORSYTH

JASON RATTIS

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

The East 460 feet of the following described tract of land:

All that part of the Northeast Quarter of Section 27, Township 15 North, Range 8 West of the Third Principal Meridian lying North of the Wabash Railroad right of way, EXCEPT the North 30 feet thereof and the East 22 ½ feet thereof. Except all coal, minerals and mining rights heretofore conveyed of record. Situated in Sangamon County, Illinois

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 7 NAME: **Craig Hall**

DOCKET NUMBER: **2013-028**

ADDRESS: **17020 Old Route 54, New Berlin, IL. 62670**

PETITIONER: **Jeffrey S. Barker**

PRESENT ZONING CLASSIFICATION: **“B-3” General Business District**

REQUESTED ZONING CLASSIFICATION: **“B-3” General Business District with a variance to allow two (2) principal uses on one (1) parcel to allow a thrift/consignment shop & go-cart tract and a Conditional Permitted Use to allow a private and public outdoor recreation area limited to Sundays from 11:00 am to 6:00 pm only.**

AREA: **4.01 acres**

COMMENTS: **None**

OBJECTORS: **Yes**

PLANNING COMMISSION RECOMMENDATION: **Approval of the requested CPU to allow for a private & public outdoor recreation area to operate a go-cart track on Sundays only from 11 am – 6 pm, as stated in the petition. The petitioners wish to install the track south of the existing commercial use that borders a commercial use to the east and a railroad right-of-way and B-2 zoning to the south. There is ample parking to support the proposed use and traffic congestion will not be an issue at this location. Furthermore, it does not appear there will be an additional negative impact on the area. Recommend approval of the requested variance to allow for 2 uses on 1 parcel. The general purpose of the Zoning Regulations is to locate such**

facilities in areas that will benefit the community for the enjoyment of county residents while not having a detrimental effect on the immediate area. Operating a go-cart track with limited hours and continuing operation of the thrift shop at this location is suitable and meets the intent of the regulations.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Cyndi Knowles
RECORDING SECRETARY

Approval

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: **2013-028**
 Jeffrey S. Barker)
) PROPERTY LOCATED AT:
) **17020 Old Route 54**
) **New Berlin, IL. 62670**

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 a **variance and Conditional Permitted Use** 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 **July 18, 2013** 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: **17020 Old Route 54, New Berlin, IL.** 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 **a thrift/consignment shop.**
- 5. That the proposed land use of said property is **a thrift/consignment shop and a go-cart track.**
- 6. That the requested **variance and Conditional Permitted Use** of said property are to **allow two (2) principal uses on one (1) parcel and to allow a private and public outdoor recreation area with the hours of operation being limited to Sunday from 11:00 am to 6:00 pm only.**
- 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 **variance and Conditional Permitted Use** are 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 **variance and Conditional Permitted Use** be **approved with the hours of operation being limited to Sunday from 11:00 am to 6:00 pm only.**

Charles Chimento/ck
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Don Wulf**, 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 **Charles Chimento**.

The vote of the Board was as follows:

YES: **Charles Chimento, Don Wulf, Janet Dobrinsky, John Lucchesi, Judith Johnson**

NO:

PRESENT:

ABSENT: **Peggy Egizii, Byron Deaner**

Cyndi Knowles
RECORDING SECRETARY

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

Case #: 2013-028

Address: 17020 Old Route 54, New Berlin

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.

This appears to be the case. The proposed track location is to the south of the existing commercial use and borders a commercial use to the east and a railroad right-of-way and B-2 zoning to the south.

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

The petitioner plans to install a go-cart track to the south of the existing thrift shop and would not appear to have a negative effect on public health, safety and welfare. The proposed hours of operation are Sundays only from 11am – 6pm, which would have limited impact on surrounding properties.

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

No negative impact is anticipated is allowing the proposed use on the parcel.

- (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.

Vehicle access would be on Old Route 54.

- (b) Mobile home parks - must meet the requirements of Section III(R) 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

RECOMMENDED STANDARDS FOR USE VARIATIONS

Case #: **2013-028**

Address: **17020 Old Route 54, New Berlin**

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 property is zoned B-3, consists of 4 acres and contains a commercial structure that is being used as a thrift store. Typically a commercial property does not support enough acreage to allow two uses, however the subject property is located in a rural area and is large enough to support a second use.

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

The property is located in a rural area. The development in the area consists of a single-family residence to the north and fertilizer sales to the east. There is B-2 zoning directly south of the subject property and I-2 a little further west. The area also consists of cropland and timber. Given the proximity of the commercial zoning to the south and fertilizer sales to the east, the area can be characterized as having mixed development.

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

The petitioners desire to continue to operate a thrift shop and also propose a go-cart track in operation on Sundays only from 11am-6pm. The general purpose of the Zoning Regulations is to locate such facilities in areas that will benefit the community for the enjoyment of county residents while not having a detrimental effect on the immediate area. Operating a go-cart track with limited hours and continuing operation of the thrift shop at this location is suitable and meets the intent of the regulations.

- (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.

There is ample parking to support the two proposed uses and traffic congestion will not be an issue at this location. Furthermore, it does not appear there will be an additional negative impact on the area.