

GRANTING AN AMENDMENT, VARIANCE AND CONDITIONAL PERMITTED USE
FOR CERTAIN PROPERTY LOCATED AT
3313 N. MOUNT PULASKI ROAD, ILLIOPOLIS
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 an amendment, 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, **Crystal Lappe**, has petitioned the Sangamon County Board for a rezoning from **“I-2” General Industrial District to “A” Agricultural District, a Conditional Permitted Use, and a variance to allow two (2) principal uses on one (1) parcel to allow for a single-family residence and the boarding and training of horses;** and

WHEREAS, a public hearing was held at the Sangamon County Building on **February 21, 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 an amendment, 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

FEB 22 2013

Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 5th day of March, 2013 that the request to rezone from "I-2" General Industrial District to "A" Agricultural District, a Conditional Permitted Use, and a variance to allow two (2) principal uses on one (1) parcel to allow for a single-family residence and the boarding and training of horses the above referenced property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 5th day of March, 2013.

Respectfully submitted,

PUBLIC HEALTH, SAFETY & ZONING COMMITTEE OF THE SANGAMON COUNTY BOARD



GREG STUMPF, CHAIRMAN

DAVID MENDENHALL, VICE CHAIRMAN

JOHN FULGENZI

CRAIG HALL

SAM SNELL

ABE FORSYTH

JASON RATTS

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

Part of the Southeast $\frac{1}{4}$ of Section 10, Township 16N, Range 2W of the 3rd P.M., Sangamon County, Illinois described as follows: Beginning at a point on the East line of the Southeast Quarter of said Section 10, 1208.68 feet North of the Southeast corner of the Southeast Quarter of said Section 10; thence North 89 degrees 54 minutes 38 seconds West, 1644.40 feet; thence deflecting to the right 89 degrees 24 minutes 11 seconds, 215.74 feet; thence deflecting to the right 22 degrees 49 minutes 48 seconds, 117.20 feet; thence deflecting to the right 39 degrees 09 minutes 48 seconds 113.388 feet; thence deflecting to the right 16 degrees 33 minutes 54 seconds, 173.00 feet; thence deflecting to the right 12 degrees 12 minutes 06 seconds, 283.27 feet; thence deflecting to the left 73 degrees 23 minutes 42 seconds, 187.33 feet; thence deflecting to the right 100 degrees 38 minutes 48 seconds, 163.80 feet; thence deflecting to the right 61 degrees 59 minutes 00 seconds, 104.48 feet; thence deflecting to the left 89 degrees 14 minutes 42 seconds, 280.92 feet; thence deflecting to the right 11 degrees 00 minutes 00 seconds, 121.92 feet; thence deflecting to the right 16 degrees 11 minutes 12 seconds, 157.87 feet; thence deflecting to the left 27 degrees 30 minutes 06 seconds, 307.84 feet to the East line of the aforesaid Southeast Quarter; thence South on the aforesaid East line 317.30 feet to the point of beginning, EXCEPT

Commencing at an iron pin marking the Northeast corner of the Southeast Quarter of said Section 10; thence S. 00 degrees 15 minutes 05 seconds E., 1128.33 feet along said section line; thence S. 89 degrees 44 minutes 55 seconds W., 307.84 feet; thence N. 62 degrees 44 minutes 59 seconds W., 157.87 feet; thence N. 78 degrees 56 minutes 11 seconds W., 121.92 feet; thence N. 89 degrees 56 minutes 11 seconds W., 280.92 feet to the true point of beginning; thence n. 89 degrees 56 minutes 20 seconds W., 200.55 feet ; thence N. 16 degrees 40 minutes 43 seconds E. 187.33 feet; thence S. 62 degrees 40 minutes 29 seconds E., 163.80 feet; thence S. 00 degrees 41 minutes 29 seconds E., 104.48 feet to the true point of beginning. (Except coal and minerals heretofore conveyed, if any). Situated in Sangamon County, Illinois.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 3 NAME: David Mendenhall

DOCKET NUMBER: 2013-011

ADDRESS: 3313 N. Mount Pulaski Rd., Illiopolis, IL. 62539

PETITIONER: Crystal Lappe

PRESENT ZONING CLASSIFICATION: "I-2" General Industrial District

REQUESTED ZONING CLASSIFICATION: A rezoning from "I-2" General Industrial District to "A" Agricultural District, a Conditional Permitted Use, and a variance to allow two (2) principal uses on one (1) parcel to allow for a single-family residence and the boarding and training of horses.

AREA: 14.78 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: Approval of the Agricultural zoning. The property is located within an Industrial district that was originally classified as such, however, the entire area is agricultural in nature. Staff recommends that this area of the County be reviewed and down zoned appropriately. Since the current nature of the subject property is agricultural, it is seen as appropriate at this location. Staff recommends approval of the requested variance to allow two (2) principal uses on one (1) property. The standards have been met. The petitioner would like to repair the existing barns and building stalls as well as a single-family residence, thereby increasing the economic use of the property as it is vacant in its current state. Recommend

denial of the requested CPU to allow for boarding and training of horses as there was not enough information in the petition to fully evaluate the standard regarding the method of operation of the facility. More testimony is needed at the hearing to further evaluate this standard for Staff to make a recommendation.

AMENDED: Based on the evidence of testimony given, the planning commission is prepared to recommend approval of the Conditional Permitted Use.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:


RECORDING SECRETARY

Approval of staff's amended recommendation.

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2013-011
Crystal Lappe)	
)	PROPERTY LOCATED AT:
)	3313 N. Mount Pulaski Rd.
)	Illioopolis, IL. 62539

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 an **amendment, 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 **February 21, 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: **3313 N. Mount Pulaski Rd., Illioopolis, IL.** and more particularly described as:

See **EXHIBIT A**

- 3. That the present zoning of said property is **"I-2" General Industrial District.**
- 4. That the present land use of said property is **2 vacant commercial barns and 4 concrete foundations.**
- 5. That the proposed land use of said property is **horse boarding and training facility & a single-family residence.**
- 6. That the requested **rezoning, variance and Conditional Permitted Use** of said property are a **rezoning from "I-2" General Industrial District to "A" Agricultural District, a Conditional Permitted Use, and a variance to allow two (2) principal uses on one (1) parcel to allow for a single-family residence and the boarding and training of horses.**
- 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 **rezoning, variance and Conditional Permitted Use** 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 requested **rezoning, variance and Conditional Permitted Use** be **approved.**

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 **Byron Deaner**.

The vote of the Board was as follows:

YES: **Charles Chimento, Byron Deaner, Peggy Egizii, Don Wulf, Judith Johnson**

NO:

PRESENT:

ABSENT:

Cyndi Knowles

 RECORDING SECRETARY

SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT

Case #: 2013-011

Address: 3313 N. Mount Pulaski Road, Illiopolis

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

To the north and northeast is a single-family residence and fertilizer plant. To the east is a single-family residence. To the south is cropland. Further west is an abandoned ammunitions plant.

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

The property is surrounded by I-2 zoning. Further north is Agricultural and further northeast is I-1 zoning.

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

The subject property is not suitable for the current I-2 zoning as it was originally classified for the ammunitions plant to the west.

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

The area has remained agricultural in character.

SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS

Case #: 2013-011

Address: 3313 N. Mount Pulaski Road, Illiopolis

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 property is currently vacant and not being economically used. The petitioner is planning to repair the existing barns and construct stalls and a single family residence, which will likely yield an increased return on the property and increase the property value.

- (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 property is currently not being uses with 2 vacant warehouse/barn structures and is located in an industrial zoned area.

- (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.

No negative impact is anticipated.

**SANGAMON COUNTY RECOMMENDED – FINDING OF FACT
FOR CONDITIONAL PERMITTED USES**

Case #: 2013-011

Address: 3313 N. Mount Pulaski Rd., Illiopolis

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.

Yes. The facility will be limited to the training of horses, not riders. The facility will not be used in a way similar to a public riding grounds or stables that provide for leisure riding by those boarding horses at the site. The anticipated number of horses to be trained and boarded on the premises will be between 10 and 20 horses, which will be held in stalls. Traffic to the site would be minimal, primarily limited to individuals bringing horses to be boarded and trained, and picking up same. Given the number of horses expected to be boarded and trained, it is unlikely that traffic would include the use of large vehicles (such as tractor-trailers), and will predominately be made up of personal vehicles with trailers. Given the number of horses expected to be boarded and trained on site, the amount of animal waste should be minimal, and be much less than might occur should the property be used for other agricultural, livestock-related, purposes that would be suitable to the site. While some activities with the horses held at the site would occur daily, training would predominately be during the daylight hours. Training early in the morning – pre-dawn – could occur, but it would be minimal. Given the nature of the operation, it is unlikely that multiple horses would be on the training track at any one time. There will be continuing on-site oversight and management of the operation. The petitioner demonstrates experience in the training of horses and the management of facilities such as this one.

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

Yes. It is anticipated that the proposed use will have no negative effects on public health, safety and welfare.

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

No negative impact on the value of other property in the vicinity is anticipated.

(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) 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