

GRANTING A CONDITIONAL PERMITTED USE AND VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
14879 SPARROW ROAD, AND IN THE 14,000 BLOCK OF SPARROW ROAD,
PLEASANT PLAINS
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** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Gary & Cindy Ingles**, has petitioned the Sangamon County Board for a **conditional permitted use to allow for the operation of a business grinding trees for mulch and firewood for bulk sales off premises, as well as, a greenhouse. A variance to allow three (3) principal uses on one (1) parcel and a variance to allow two (2) principal uses on one (1) parcel; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **August 18, 2011** 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 conditional permitted use and variances; and**

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

Sangamon County Clerk
[Signature]

AUG 31 2011

FILED

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 13th day of September, 2011 that the request for a conditional permitted use to allow for the operation of a business grinding trees for mulch and firewood for bulk sales off premises, as well as, a greenhouse. A variance to allow three (3) principal uses on one (1) parcel and a variance to allow two (2) principal uses on one (1) parcel on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 13th day of September, 2011.

Respectfully submitted,

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



TIM MOORE, CHAIRMAN

ABE FORSYTH, VICE CHAIRMAN

JOHN FULGENZI

DAVID MENDENHALL

SAM SNELL

DON STEPHENS

GREG STUMPF

LINDA DOUGLAS WILLIAMS

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

Exhibit A

TRACT 1:

PART OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 17 NORTH, RANGE 7 WEST OF THE THIRD PRINCIPAL MERIDIAN, SANGAMON COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

FROM THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 30, WEST ON SECTION LINE, 1778.39 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING WEST ON SECTION LINE 341.18 FEET; THENCE DEFLECTING TO THE RIGHT 102 DEGREES 03 MINUTES 24 SECONDS 753.15 FEET; THENCE DEFLECTING TO THE RIGHT 81 DEGREES 42 MINUTES 51 SECONDS 337.18 FEET; THENCE DEFLECTING TO THE RIGHT 98 DEGREES 17 MINUTES 09 SECONDS 730.48 FEET TO THE POINT OF BEGINNING.

EXCEPT THAT PART DEDICATED FOR RIGHT OF WAY PURPOSES.

TRACT 2:

PART OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 17 NORTH, RANGE 7 WEST OF THE THIRD PRINCIPAL MERIDIAN, SANGAMON COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

FROM THE SOUTHWEST CORNER OF SAID SECTION 30, THENCE NORTH ON THE SECTION LINE, 80.32 FEET TO THE POINT OF BEGINNING, THENCE CONTINUING NORTH OF THE SECTION LINE 1755.12 FEET; THENCE DEFLECTING TO THE RIGHT 90 DEGREES 06 MINUTES 04 SECONDS, 491.56 FEET THENCE DEFLECTING TO THE RIGHT 75 DEGREES 11 MINUTES, 07 SECONDS 581.46 FEET; THENCE DEFLECTING TO THE RIGHT 4 DEGREES 44 MINUTES 52 SECONDS 572.05 FEET, THENCE DEFLECTING TO THE RIGHT 104 DEGREES 10 MINUTES 24 SECONDS, 337.18 FEET; THENCE DEFLECTING TO THE LEFT 81 DEGREES 42 MINUTES 51 SECONDS, 652.82 FEET; THENCE DEFLECTING TO THE RIGHT 81 DEGREES 42 MINUTES 51 SECONDS, 40.00 FEET; THENCE DEFLECTING TO THE LEFT 9 DEGREES 03 MINUTES 35 SECONDS, 221.66 FEET TO THE POINT OF BEGINNING. SITUATED IN SANGAMON COUNTY, ILLINOIS.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #7 NAME: Craig Hall

DOCKET NUMBER: 2011-023

ADDRESS: 14879 Sparrow Road, Pleasant Plains, IL. 62677 and
In the 14,000 Block of Sparrow Road, Pleasant Plains, IL. 62677

PETITIONER: Gary & Cindy Ingles

PRESENT ZONING CLASSIFICATION: "A" Agricultural District.

REQUESTED ZONING CLASSIFICATION: "A" Agricultural District. with a conditional permitted use to allow for the operation of a business grinding trees for mulch and firewood for bulk sales off premises, as well as, a greenhouse. A variance to allow three (3) principal uses on one (1) parcel and a variance to allow two (2) principal uses on one (1) parcel.

AREA: 27 acres total for both parcels.

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: Recommend denial of the Conditional Permitted Use and Variance. The petition did not provide enough information regarding the method and hours of operation, number of employees, etc. to fully evaluate the Findings of Fact and Standards for Variation. There is significant concern regarding the increased truck traffic resulting from the operation of the businesses at this location. Sparrow Road is only eleven (11) feet wide in the area of the subject property and is currently in fair to poor condition. Increased traffic will cause additional damage to the

roadway which is likely to have a negative impact on the adjacent property owners. Staff is also aware that the business located on the subject property has been concern of the Illinois Environmental Protection Agency.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval

Cyndi Knowles
RECORDING SECRETARY

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SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2011-023
Gary & Cindy Ingles))
)	PROPERTY LOCATED AT:
)	14879 Sparrow Rd and In the
)	14,000 Block of Sparrow Rd,
)	Pleasant Plains, IL. 62677

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 **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 **August 18, 2011** 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: **14879 Sparrow Road and In the 14,000 Block of Sparrow Road, Pleasant Plains, IL.** 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 a single family residence and a business processing trees for mulch and firewood.
- 5. That the proposed land use of said property is a single family residence and a business processing trees for mulch and firewood and a greenhouse.
- 6. That the requested conditional permitted use and variances of said property is to allow the operation of a business grinding trees for mulch and firewood for bulk sales off premises; as well as a greenhouse. A variance to allow three (3) principal uses on one (1) parcel and a variance to allow two (2) principal uses on one (1) parcel.
- 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 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 conditional permitted use and variances be approved.

Charles Chimento/cx
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, Peggy Egizii, to not 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, Byron Deaner, Peggy Egizii, Judith Johnson, Don Wulf

NO:

ABSENT: Marvin Traylor

Cyndi Knowles
RECORDING SECRETARY

**ZONING BOARD OF APPEALS
RECOMMENDED - STANDARDS FOR VARIATIONS
3 PRINCIPAL USES ON 1 PARCEL & 2 PRINCIPAL USES ON 1 PARCEL
AUGUST 18, 2011**

Case #: 2011-023

Address: 14,000 Block of Sparrow Road, 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 Zoning Board of Appeals (ZBA) finds that while the property is being used economically as a single family residence, there would be an increased yield of a reasonable return if the property owner were also allowed to use the property for processing trees for mulch and firewood, packaging of firewood to be sold retail to campgrounds and other places of interest.

- (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 ZBA concurred with the petitioner that the property is unique in that the property would not successfully yield crops and that significant modifications would have to be made to raise livestock.

- (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.

The ZBA finds that given the size of the parcel and the location of the business operations to adjacent properties that the processing of trees for mulch and firewood will not have a negative impact on the area. Specifically, the testimony presented at the hearing indicated that it is likely that the tree cutting business will be dropping off trees for mulch processing approximately every ten (10) days during the Summer months and/or when the contractor is doing clean-up following storms. In addition, the petitioner anticipates that approximately one (1) to two (2) trucks will enter the property every three (3) months for mulch pick-up. The ZBA finds that this proposed level of truck traffic will be a comparable level of traffic that would be generated from other permitted uses in the AG zoning district; therefore, no additional negative impact

is expected to result from the operation of the proposed business at this location.

**ZONING BOARD OF APPEALS
RECOMMENDED FINDINGS OF FACT
FOR CONDITIONAL PERMITTED USES
AUGUST 18, 2011**

Case #: 2011-023

Address: 14,000 Block of Sparrow Road, 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 Zoning Board of Appeals (ZBA) finds that the location of the mulch and firewood will not cause any adverse effects on the surrounding area since the petitioner stated that the majority of the wood would be stacked in small bundles and covered either within a building or under a carport. The ZBA also finds that since there will be no additional employees and very minimal truck traffic, that there will be minimal effect on the surrounding area. The ZBA finds that the processing will be done during the daytime hours while most neighbors are at work.

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

The ZBA finds that there will be grinding of mulch done only 2 to 3 times per Summer and that the mulch may sit for a period of up to 3 months, limiting the adverse impact of the loud machines to only a few days a year.

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

The ZBA finds that due to the testimony given by Mr. Ingles and his partner regarding hours of operation, number of employees and traffic, as well as the amount of grinding and chopping that will be done on site, that there will be no substantial injury to the value of adjacent property in the area. The wood will be stored under a carport and within a building away from any adjacent property.

- (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