

CASE# 2015-027
RESOLUTION NUMBER 3-1

GRANTING A CONDITIONAL PERMITTED USE AND VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
6895 MANSION ROAD, CHATHAM
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** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Justin Dennis**, has petitioned the Sangamon County Board for a **Conditional Permitted Use to allow for a lawn care business and a variance to allow parking to stay gravel instead of being paved; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **August 20, 2015** 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 provided that: all storage and equipment be placed inside the existing pole barn; there will be no retail operations or availability for the public at this location; the hours of operation remain as stated in the petition, i.e. no later than 8:00 PM; and, a maximum of six (6) employee vehicles be parked on the subject property at any given time; and, a variance not to pave the employee parking area for a period not to exceed two (2) years; and**

FILED

AUG 28 2015

Don J. May
Sangamon County Clerk


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 September, 2015** that the request for a **Conditional Permitted Use to allow for a lawn care business provided that: all storage and equipment be placed inside the existing pole barn; there will be no retail operations or availability for the public at this location; the hours of operation remain as stated in the petition, i.e. no later than 8:00 PM; and, a maximum of six (6) employee vehicles be parked on the subject property at any given time; and, a variance not to pave the employee parking area for a period not to exceed two (2) years on the above described property is hereby approved.**

Signed and passed by the Sangamon County Board in session on this **8th day of September, 2015.**

Respectfully submitted,

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



GREG STUMPF, CHAIRMAN

DAVID MENDENHALL, VICE CHAIRMAN

CRAIG HALL

SAM SNELL

ABE FORSYTH

JASON RATT

LINDA DOUGLAS WILLIAMS

ANNETTE FULGENZI

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

Part of the Southwest Quarter of the Southwest Quarter of Section 33, Township 15 North Range 6 West of the Third Principal Meridian described more particularly as follows:

Commencing at an iron pin marking the Southeast corner of the Southwest Quarter of the Southwest Quarter of the aforementioned Section 33; thence South 90 degrees 00 minutes 00 seconds West along the Section line a distance of 532.53 feet to the true point of beginning; thence continuing South 90 degrees 00 minutes 00 seconds West along the section line a distance of 341.75 feet to an iron pipe; thence North 00 degrees 49 minutes 59 seconds West a distance of 261.61 feet to an iron pipe; thence North 89 degrees 58 minutes 02 seconds West a distance of 54.41 feet to an iron pipe; thence North 00 degrees 47 minutes 23 seconds West a distance of 175.74 feet to an iron pipe; thence South 89 degrees 19 minutes 09 seconds East a distance of 89.50 feet to an iron pipe; thence North 00 degrees 47 minutes 23 seconds West a distance of 213.92 feet to an iron pipe; thence South 89 degrees 19 minutes 09 seconds East a distance of 330.37 feet to an iron pipe; thence South 01 degrees 17 minutes 41 seconds West a distance of 646.40 feet to the true point of beginning.

Except any interest in the coal, oil, gas and other minerals underlying the land which have been heretofore conveyed or reserved in prior conveyances, and all rights and easements in favor of the estate of said coal, oil, gas and other minerals, if any. Situated in Sangamon County, Illinois.

Together with all easements and appurtenances in favor of said real property.

Subject to all real estate taxes and special assessments; all covenants easements, reservations, restrictions and roadways of record or in place, if any; all prior reservations, exceptions or conveyances of the coal, oil, gas or other minerals, if any; and building, use and occupancy restrictions imposed by state and local governments, zoning laws and ordinances, if any.

RECAP

(For County Board Use)

COUNTY BOARD MEMBER: 7 NAME: Craig Hall

DOCKET NUMBER: 2015-027

ADDRESS: 6895 Mansion Road, Chatham, IL 62629

PETITIONER: Justin Dennis

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: "A" Agricultural District with a Conditional Permitted Use to allow for a lawn care business and a variance to allow parking to stay gravel instead of being paved.

AREA: 5.31 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION
RECOMMENDATION:

Recommend approval of the conditional permitted use. In the petition, it indicates that the building will house equipment, and the parking is to be for employees rather than the public. Hence, staff recommends the following conditions: that all storage and equipment be placed inside the existing pole barn; that there will be no retail operations or availability for the public at this location; that the hours of operation remain as stated in the petition, i.e. no later than 8:00 PM; and, that a maximum of six (6) employee vehicles be parked on the subject property at any given time. Recommend denial of the requested variance. The petition did not provide any evidence to justify the request. The standards of variation are not met.

AMENDED:

Recommend approval of the conditional permitted use. In the petition, it indicates that the building will house equipment, and the parking is to be for employees rather than the public. Hence, staff recommends the

following conditions: that all storage and equipment be placed inside the existing pole barn; that there will be no retail operations or availability for the public at this location; that the hours of operation remain as stated in the petition, i.e. no later than 8:00 PM; and, that a maximum of six (6) employee vehicles be parked on the subject property at any given time. Recommend approval of the requested variance not to pave the employee parking area for a period not to exceed two (2) years. There will be no additional negative impact on the area if the petitioner is given two (2) years to pave.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval of amended staff
recommendation.

Cyndi Knowles
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: **2015-027**
Justin Dennis)
))
) PROPERTY LOCATED AT:
) **6895 Mansion Road**
) **Chatham, IL 62629**

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 variance** 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 20, 2015** 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: **6895 Mansion Road, Chatham, IL 62629** 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 **pasture and a pole barn.**
- 5. That the proposed land use of said property is **pasture and equipment storage for lawn care business in pole barn.**
- 6. That the requested **Condition Permitted Use and variance** of said property are a **Conditional Permitted Use to allow for a lawn care business and a variance to allow parking to stay gravel instead of being paved.**
- 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 provided that: all storage and equipment be placed inside the existing pole barn; there will be no retail operations or availability for the public at this location; the hours of operation remain as stated in the petition, i.e. no later than 8:00 PM; and, a maximum of six (6) employee vehicles be parked on the subject property at any given time; and, a variance not to pave the employee parking area for a period not to exceed two (2) years 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 **Conditional Permitted Use provided that: all storage and equipment be placed inside the existing pole barn; there will be no retail operations or availability for the public at this location; the hours of operation remain as stated in the petition, i.e. no later than 8:00 PM; and, a maximum of six (6) employee vehicles be parked on the subject property at any given time; and, a variance not to pave the employee parking area for a period not to exceed two (2) years be approved.**

Charles Chimento/ck
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Merilyn Herbert**, to concur with the findings of fact and amended recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **approved**, which was duly seconded by **John Lucchesi**.

The vote of the Board was as follows:

YES: **Charles Chimento, Anthony Mares, Andrew Spiro, Merilyn Herbert & John Lucchesi**

NO:

PRESENT:

ABSENT: **Don Wulf & Janet Dobrinsky**


RECORDING SECRETARY

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

Case #: 2015-027

Address: 6895 Mansion Road, Chatham

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.

In the petition, it indicates that the building will house equipment, and the parking is to be for employees rather than the public. The business plan with the petition states that the hours of operation will not extend past 8:00 PM for two (2) to three (3) nights per week. The business plan also states that there could be up to five (5) or six (6) cars parked in front of the business due to a split shift on hot or rainy days. Given this information, staff recommends the following conditions: that all storage and equipment be placed inside the existing pole barn; that there will be no retail operations or availability for the public at this location; that the hours of operation remain as stated in the petition, i.e. no later than 8:00 PM; and, that a maximum of six (6) employee vehicles be parked on the subject property at any given time.

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

The business plan submitted with the petition discusses basic hours of operation and parking. There appears to be adequate area to contain the required number of parking spaces.

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

The pole barn that will house the business equipment is constructed. The structure is constructed a fair distance back from the road and out of the floodplain. It does not appear that the structure will have a negative effect on the surrounding area.

- (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

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: 2015-027

Address: 6895 Mansion Road, Chatham

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 parking area is currently gravel. There was no evidence provided in the petition as to why the parking area cannot be paved.

AMENDED: Testimony presented regarding the method of operation supports providing a short period of time for the petitioner to pave the parking area.

- (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.

No unique circumstances were mentioned in the petition. The driveway approach to the presumed parking area appears to be in the floodplain. While this could be a relatively unique circumstance related to the driveway, it does not justify granting a variance to pave the parking area used by the employees.

AMENDED: The petitioner presented testimony that the employee parking area would be moved to behind the existing pole barn. Information was obtained about the proposed use which is similar to a farm operation which does not require paving.

- (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.

There could be a negative impact on the area to the extent that having a gravel parking area does not complement the surrounding area, where many residences have paved driveways.

AMENDED: Providing the parking lot is paved within two (2) years, staff finds that there will be no negative impact on the immediate area.