

FILED

FEB 28 2018



Dan Hagg
Sangamon County Clerk

CASE# 2018-008
RESOLUTION NUMBER 3-1

GRANTING VARIANCES AND A CONDITIONAL PERMITTED USE
FOR CERTAIN PROPERTY LOCATED AT
9430 N. PAWNEE ROAD, PAWNEE, IL 62558
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 the variances and Conditional Permitted Use** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioners, **Roy & Madonna Strawn**, have petitioned the Sangamon County Board for **Proposed Parcel 1: a variance to allow one (1) parcel less than forty (40) acres (approximately 2.5 acres); and, for Proposed Parcel 2: a variance to allow one (1) parcel less than forty (40) acres (approximately 13 acres), a variance to allow the lot depth to be greater than two and one-half (2.5) times the lot width, and a Conditional Permitted Use to allow a fertilizer sales and service plant; and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **February 15, 2018** 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 variances and Conditional Permitted Use; 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 **13th Day of March, 2018** that the requests for **Proposed Parcel 1: a variance to allow one (1) parcel less than forty (40) acres (approximately 2.5 acres); and, for Proposed Parcel 2: a variance to allow one (1) parcel less than forty (40) acres (approximately 13 acres), a variance to allow the lot depth to be greater than two and one-half (2.5) times the lot width, and a Conditional Permitted Use to allow a fertilizer sales and service plant on the above described property is hereby approved.**

Signed and passed by the Sangamon County Board in session on this **13th day of March, 2018.**

Respectfully submitted,

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



GREG STUMPE, CHAIRMAN

DAVID MENDENHALL, VICE CHAIRMAN

CRAIG HALL

SAM SNELL

ABE FORSYTH

JASON RATTS

LINDA DOUGLAS WILLIAMS

ANNETTE FULGENZI

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ROSE RUZIC

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

Property commonly known as parcel number: 30-18.0-100-019,020

A part of the Northwest Quarter of Section 18, Township 14, Range 4 West of the Third Principal Meridian, described as follows:

Beginning at a point in the West line of said Quarter Section 625 feet South of the Northwest corner of the Southwest Quarter of said Quarter Section and running thence South 158 feet to the true point of beginning; running thence South along the said West line of the said Quarter Section 267 feet; running thence East 163 feet; running thence North 267 feet; running thence West 163 feet to the point of beginning.

AND

Part of the West Fourth of Section 18, Township 14 North, Range 4 West of the Third Principal Meridian, described as follows:

Beginning at the Southwest Corner of the Northwest Quarter of said Section 18, thence North along the West Line of said Section a distance of 10 Chains and 44 Links, thence East 10 Chains and 95 Links to Brush Creek, thence Southerly along said Brush Creek to a point on the West Line of the Northwest Quarter of the Southwest Quarter of said Section 18, thence North along the West Line of said Section 18 a distance of 14 Chains to the Point of Beginning.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #4 NAME: **Jeff Thomas**

DOCKET NUMBER: **2018-008**

ADDRESS: **9430 N. Pawnee Road, Pawnee, IL 62558**

PETITIONER: **Roy & Madonna Strawn**

PRESENT ZONING CLASSIFICATION: **“A” Agricultural District.**

REQUESTED ZONING CLASSIFICATION: **For Proposed Parcel 1: A variance to allow one (1) parcel less than forty (40) acres (approximately 2.5 acres); and, for Proposed Parcel 2: A Conditional Permitted Use for a fertilizer sales and service plant, a variance to allow one (1) parcel less than forty (40) acres (approximately 13 acres), and a variance to allow the lot depth to be greater than two and one-half times (2.5) the lot width.**

AREA: **16.52 acres**

COMMENTS: **None**

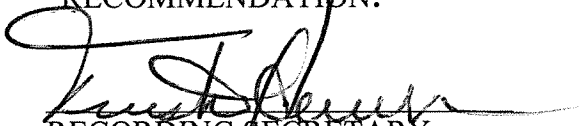
OBJECTORS: **None**

PLANNING COMMISSION RECOMMENDATION: **Recommend approval. The effects on the character of the surrounding area will be limited because the fertilizer plant has been in operation prior to 1969 and is located 0.5 miles away from the nearest residence. The fertilizer plant serves the surrounding agricultural community and would be expected to be located within the Agricultural district. For the variances, the two parcels are unique in that the current property line splits the single-family residence. The petitioner is proposing to reconfigure the two parcels to place**

the single-family residence and pond on one parcel and the fertilizer plant with the farm ground on the other parcel. The reconfiguration triggers the need for the requested variances. The Standards for Variation are met.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval of Staff Recommendation.



RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2018-008
Roy & Madonna Strawn)	
)	PROPERTY LOCATED AT:
)	9430 N. Pawnee Road
)	Pawnee, IL 62558

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 **variances 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 15, 2018** 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:

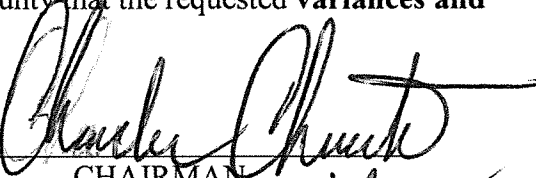

1. That said Board has jurisdiction to consider the petition filed herein.

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: **9430 N. Pawnee Road, Pawnee, IL 62558** 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, fertilizer plant, and farm ground.**
- 5. That the proposed land use of said property is a **single-family residence, fertilizer plant, and farm ground.**
- 6. That the requested **variances and Conditional Permitted Use** of said property are for **Proposed Parcel 1: a variance to allow one (1) parcel less than forty (40) acres (approximately 2.5 acres); and, for Proposed Parcel 2: a variance to allow one (1) parcel less than forty (40) acres (approximately 13 acres), a variance to allow the lot depth to be greater than two and one-half (2.5) times the lot width, and a Conditional Permitted Use to allow a fertilizer sales and service plant.**
- 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 **variances 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 **variances and Conditional Permitted Use** be **approved.**


 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 **Tony Mares**.


The vote of the Board was as follows:

YES: **Charles Chimento, Tony Mares, Don Wulf, Gina Lathan, JD Sudeth**

NO:

PRESENT:

ABSENT: **Andrew Spiro**


RECORDING SECRETARY

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

Case #: **2018-008**

Address: **9430 North Pawnee Road**

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 because the fertilizer plant has been in operation prior to 1969 and is located 0.5 miles away from the nearest residence. The fertilizer plant serves the surrounding agricultural community and would be expected to be located within the Agricultural district.
- (ii) Is so proposed to be operated, designed and located so that the public health, safety, and welfare will be protected.
No issues are foreseen in allowing the preexisting fertilizer plant to continue to operate because it is located 0.5 miles away from the nearest residence.
- (iii) Will not cause substantial injury to the value of other property in the vicinity in which it is located.
Negative impacts over existing conditions are not anticipated as the fertilizer plant has been in operation prior to 1969.
- (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 #: **2018-008**

Address: **9430 North Pawnee Road**

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 current parcels are both under the forty (40) acre minimum requirement, so the requested variances will bring the parcels into compliance. Granting the requested variances will also allow a reconfiguration of the two parcels so the property line will not split the single-family residence and pond.

- (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 two parcels are unique in that the current property line splits the single-family residence. The petitioner is proposing to reconfigure the two parcels to place the single-family residence and pond on one parcel and the fertilizer plant with the farm ground on the other parcel. The reconfiguration triggers the need for the requested variances.

- (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.

Negative impacts are not anticipated.