

CASE# 2014-010 4-1
RESOLUTION NUMBER _____

GRANTING VARIANCES AND A CONDITIONAL PERMITTED USE
FOR CERTAIN PROPERTY LOCATED AT
4243 & 4235 STONE RD, SPRINGFIELD
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 variances and 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, **Allen Ashbaugh**, has petitioned the Sangamon County Board for proposed **Parcel 1: a variance to allow one (1) parcel less than five (5) acres; and for proposed Parcel 2: a Conditional Permitted Use with a variance to allow one (1) parcel less than forty (40) acres, a variance to allow road frontage of forty three point sixty four (43.64) feet instead of the required one hundred fifty (150) feet, a variance to allow the lot width to be met at a distance greater than sixty (60) feet from a public road, a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width and a variance to allow two (2) principal uses on one (1) parcel to allow approximately 1.2 acres to be divided off with the existing residence (proposed Parcel 1) and allow a single-family residence and landscaping business (proposed Parcel 2); and**

WHEREAS, a public hearing was held at the Sangamon County Building on **March 20, 2014** 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

FILED

MAR 28 2014

Joe Aiello
Sangamon County Clerk

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.

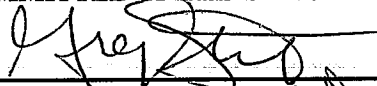
NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 7th day of April, 2014 that the request for proposed Parcel 1: a variance to allow one (1) parcel less than five (5) acres; and for proposed Parcel 2: a Conditional Permitted Use with a variance to allow one (1) parcel less than forty (40) acres, a variance to allow road frontage of forty three point sixty four (43.64) feet instead of the required one hundred fifty (150) feet, a variance to allow the lot width to be met at a distance greater than sixty (60) feet from a public road, a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width and a variance to allow two (2) principal uses on one (1) parcel to allow approximately 1.2 acres to be divided off with the existing residence (proposed Parcel 1) and allow a single-family residence and landscaping business (proposed Parcel 2) on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 7th day of April,

2014.

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 RATTS

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

Part of the West Half of the Southeast Quarter of Section 3, Township 16 North, Range 6 West of the Third Principal meridian, Sangamon County, Illinois, Described as follows: Commencing at a stone marking the Northwest corner of the Southeast Quarter of said Section 3; thence South 89 degrees 59 minutes 56 seconds east 660.60 feet to an iron pin; thence South 0 degrees 25 minutes 28 seconds East 1379.00 feet to an iron pin; thence South 88 degrees 44 minutes 52 seconds West 43.66 feet to an iron pin; thence North 0 degrees 25 minutes 28 seconds West 871.20 feet to an iron pin; thence South 88 degrees 44 minutes 52 seconds West 300.00 feet to an iron pin; thence South 0 degrees 25 minutes 28 seconds East 184.14 feet to an iron pin; thence South 88 degrees 44 minutes 52 seconds West 317.00 feet to an iron pin; thence North 0 degrees 25 minutes 28 seconds West 706.40 feet to the point of beginning.

Except all coal, minerals and mining rights heretofore conveyed of record.

Situated in Sangamon County, Illinois.

AND

Lot two (2) in Wheeler Subdivision, according to the plat thereof recorded on April 2, 1987 as document no. 60616.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 1 NAME: Harry "Tom" Fraase

DOCKET NUMBER: 2014-010

ADDRESS: 4243 & 4235 Stone Rd, Springfield, IL 62707

PETITIONER: Allen Ashbaugh

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: "A" Agricultural District and for proposed Parcel 1: a variance to allow one (1) parcel less than five (5) acres; and for proposed Parcel 2: a Conditional Permitted Use with a variance to allow one (1) parcel less than forty (40) acres, a variance to allow road frontage of forty three point sixty four (43.64) feet instead of the required one hundred fifty (150) feet, a variance to allow the lot width to be met at a distance greater than sixty (60) feet from a public road, a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width and a variance to allow two (2) principal uses on one (1) parcel to allow approximately 1.2 acres to be divided off with the existing residence (proposed Parcel 1) and allow a single-family residence and landscaping business (proposed Parcel 2).

AREA: 14.74 acres

COMMENTS: None

OBJECTORS: None


PLANNING COMMISSION RECOMMENDATION: Recommend approval of the requested CPU to allow a landscaping business on proposed Parcel 2, provided the hours and method of operation remain as stated in the petition, and all storage remain inside the existing pole barn. The landscaping business has been in operation for twenty years and is not visible from the public road, making it secluded from all adjacent properties. The business has been operating with no negative effects on the character of the surrounding area, public health and safety has been protected and property values have not been negatively impacted. Staff recommends approval of the requested variances for proposed Parcel 1 and 2. The owner is requesting to combine acreage from the existing single-family residence with the parcel that contains the landscaping business and build a single-family residence.

4-6

The acreage the petitioner proposed to be combined with the landscaping business is in the Conservation Stewardship Program, which exists to encourage landowners to advance the stewardship of the natural heritage of land by preserving plants, animals and natural communities. Not only does this make the property unique, but the reconfiguration of the lot lines will pose no negative effect on the character of the immediate area.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval as staff recommended.


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2014-010
Allen Ashbaugh)	
)	PROPERTY LOCATED AT:
)	4243 & 4235 Stone Rd
)	Springfield, IL 62707

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 a 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 **March 20, 2014** 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: **4243 & 4235 Stone Rd, Springfield, IL 62707** 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, two (2) sheds, a chicken coop, and a pole barn for the storage of landscaping business equipment.**
5. That the proposed land use of said property is **two (2) single-family residences, a landscaping business, two (2) sheds, a chicken coop, and a pole barn for the storage of landscaping business equipment.**
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 five (5) acres; and for proposed Parcel 2: a Conditional Permitted Use with a variance to allow one (1) parcel less than forty (40) acres, a variance to allow road frontage of forty three point sixty four (43.64) feet instead of the required one hundred fifty (150) feet, a variance to allow the lot width to be met at a distance greater than sixty (60) feet from a public road, a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width and a variance to allow two (2) principal uses on one (1) parcel to allow approximately 1.2 acres to be divided off with the existing residence (proposed Parcel 1) and allow a single-family residence and landscaping business (proposed Parcel 2).**
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.

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 **granted**, which was duly seconded by **Byron Deaner**.

The vote of the Board was as follows:

YES: **Charles Chimento, Byron Deaner, Don Wulf, John Lucchesi and Janet Dobrinsky**

NO:

PRESENT:

ABSENT:


RECORDING SECRETARY

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

Case #: 2014-010

Address: 4243 & 4235 Stone Road, Springfield

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 landscaping business is not visible from the public road and all storage and equipment is contained within the existing pole barn that houses the business, which has been operating for twenty years.

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

Yes. The petitioner submitted a detailed business plan that includes hours and method of operation to which staff feels this standard has been met.

- (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 in allowing the landscaping business to continue to operate.

- (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 #: **2014-010**

Address: **4243 & 4235 Stone Road, Springfield**

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 "flag lot" was created prior to the adoption of the zoning regulations and it is the only access to the rear parcel. Conformance with the regulations is impossible for this parcel, and would reduce the economic yield for the property.

- (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 acreage the petitioner proposes to be combined with the landscaping business is in the Conservation Stewardship Program (CSR), which exists to encourage landowners to advance the stewardship of the natural heritage of land by preserving plants, animals and natural communities. The reconfiguration will result in the land in CSP to be a part of the larger parcel which is considered to be sound planning principles.

- (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.

412

**RECOMMENDED STANDARDS FOR USE VARIATIONS
(Two Principal Uses On One Parcel)**

Case #: 2014-010

Address: 4243 & 4235 Stone Road

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 contains a pole barn being used as a landscaping business, pasture, and a swimming pool. It is not likely the property will be converted to cropland given the current uses have been in existence for over 20 years.

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

The area is a mixture of single-family residences and large outbuildings.

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

While there may not be a direct benefit to the immediate area, Sangamon County has seen a benefit from this business as it has been operating for twenty years.

- (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.

No negative impact is anticipated.