

GRANTING A CONDITIONAL PERMITTED USE AND VARIANCE AND DENYING A VARIANCE

FOR CERTAIN PROPERTY LOCATED AT
5363 MANSION ROAD, CHATHAM, IL 62629
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 variance and deny a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Christina Yoc**, has petitioned the Sangamon County Board for a **Conditional Permitted Use (CPU) for a dog kennel; a variance to allow three (3) uses on one parcel: (1) dog kennel and other pets to be kenneled, (2) horse boarding, and (3) single-family residence; and, a variance to allow approximately one thousand five hundred thirty (1,530) square feet of the parking to remain unpaved (rock), instead of the required minimum bituminous seal coat; and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **November 17, 2016** 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 variance and deny a variance; and,**

FILED

DEC 01 2016

Don Hays
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 13th Day of December, 2016 that the request for a Conditional Permitted Use (CPU) for a dog kennel is approved providing there is proof of adequate waste disposal; a variance to allow three (3) uses on one parcel: (1) dog kennel and other pets to be kenneled, (2) horse boarding, and (3) single-family residence is approved; and, a variance to allow approximately one thousand five hundred thirty (1,530) square feet of the parking to remain unpaved (rock), instead of the required minimum bituminous seal coat on the above described property is hereby denied.

Signed and passed by the Sangamon County Board in session on this 13th day of December, 2016.

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 RATTS

LINDA DOUGLAS WILLIAMS

ANNETTE FULGENZI

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

That part of the West Half of the Southeast Quarter of Section 34, Township 15 North, Range 6 West of the Third Principal Meridian, described as follows:

Beginning at a post 9.37 chains East of the Southwest corner of said Southeast Quarter; thence East 5.78 chains to a post; thence North through a bend in Lick Creek to the center of said Lick Creek; thence up the middle of said Creek and thence following the meanderings thereof to a point due North of the beginning point; thence South to the place of beginning.

Situated in Sangamon County, Illinois

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #7 NAME: Craig Hall

DOCKET NUMBER: 2016-037

ADDRESS: 5363 Mansion Road, Chatham, IL 62629

PETITIONER: Christina Yoc

PRESENT ZONING CLASSIFICATION: "A" Agricultural District.

REQUESTED ZONING CLASSIFICATION: "A" Agricultural District with a Conditional Permitted Use (CPU) for a dog kennel; a variance to allow three (3) uses on one parcel: (1) dog kennel and other pets to be kenneled, (2) horse boarding, and (3) single-family residence; and, a variance to allow the parking to remain unpaved (rock), approximately one thousand five hundred thirty (1,530) square feet, instead of the required minimum bituminous seal coat.

AREA: 10 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: Recommend approval of the requested Conditional Permitted Use (CPU) for a dog kennel with proof of adequate waste disposal.

Recommend approval of the requested use variance to allow three (3) uses on one (1) parcel: (1) dog kennel and other pets to be kenneled, (2) horse boarding, and (3) single-family residence. The property is zoned Agricultural and contains a single-family residence. By right in the Agricultural District, horse boarding is a permitted compatible use on the parcel. The request for the dog kennel generates the need to

request three (3) uses on the parcel. Strict enforcement of the ordinance in this particular case could have the effect of denying the property owner the ability to operate one (1) additional use (dog kennel) on the property which is a use that is compatible for the area comprised of mixed agricultural/large lot residential parcels.

Recommend denial of the requested variance to allow the parking to remain unpaved (rock), approximately one thousand five hundred thirty (1,530) square feet. Paving will help the internal vehicular circulation and could decrease the risk for accidents on the subject property. The Standards for Variation are not 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: 2016-037
Christian Yoc)	
)	PROPERTY LOCATED AT:
)	5363 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 **November 17, 2016** 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: **5363 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 **single-family residence with outbuildings.**
- 5. That the proposed land use of said property is **dog kennel, horse boarding, and single-family residence.**
- 6. That the requested **Conditional Permitted Use and variances** of said property are a **Conditional Permitted Use for a dog kennel; a variance to allow three (3) uses on one parcel: (1) dog kennel and other pets to be kenneled, (2) horse boarding, and (3) single-family residence; and, a variance to allow the parking to remain unpaved (rock), approximately one thousand five hundred thirty (1,530) square feet, instead of the required minimum bituminous seal coat.**
- 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 for a dog kennel providing there is proof of adequate waste disposal and variance to allow three (3) uses on one parcel: (1) dog kennel and other pets to be kenneled, (2) horse boarding, and (3) single-family residence** is in the public interest and is not solely in the interest of the petitioner(s), but **does not** support the proposition that the adoption of the proposed **variance to allow approximately one thousand five hundred thirty (1,530) square feet of parking to remain unpaved (rock), instead of the required minimum bituminous seal coat** 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 for a dog kennel providing there is proof of adequate waste disposal; and, a variance to allow three (3) uses on one parcel: (1) dog kennel and other pets to be kenneled, (2) horse boarding, and (3) single-family residence** be approved and the requested **variance to allow approximately one thousand five hundred thirty (1,530) square feet of the parking to remain unpaved (rock), instead of the required minimum bituminous seal coat on the above described property** be denied.


 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 a Conditional Permitted Use and variance be **approved** and **deny** the variance to allow the approximately one thousand five hundred thirty (1,530) square feet of the parking to remain unpaved (rock), instead of the required minimum bituminous seal coat which was duly seconded by **Merilyn Herbert**.

The vote of the Board was as follows:

YES: **Charles Chimento, Anthony Mares, Don Wulf, Andrew Spiro, Merilyn Herbert**

NO:

PRESENT: **John Lucchesi, Janet Dobrinsky**

ABSENT:


RECORDING SECRETARY

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

Case #: 2016-037

Address: 5363 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.

The effects on the character of the surrounding area will be limited as the proposed use would be located on a relatively large lot with some natural buffering between the neighbors to the east and to the west.

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

There is a concern how the solid waste generated at the dog kennel will be disposed.

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

There is no foreseen impact.

- (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

**RECOMMENDED STANDARDS FOR USE VARIATIONS
(THREE USES ON ONE PARCEL: DOG KENNEL & OTHER PETS TO BE
KENNELED, HORSE BOARDING, & SINGLE-FAMILY RESIDENCE)**

Case #: **2016-037**

Address: **5363 Mansion Road, Chatham**

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 is zoned Agricultural and contains a single-family residence. By right in the Agricultural District, horse boarding is a permitted compatible use on the parcel. The request for the dog kennel generates the need to request three (3) uses on the parcel. Strict enforcement of the ordinance in this particular case could have the effect of denying the property owner the ability to operate one (1) additional use (dog kennel) on the property which is a use that is compatible for the area comprised of mixed agricultural/large lot residential parcels.

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

The trend of development in the area appears to be a mixture of residences and agricultural usage. To the extent a dog kennel operation fits within the character of this area, it appears the variance to allow the multiple uses could be justified given that a single-family residence and horse boarding are allowed uses in the Agricultural District.

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

The petitioner states the dog kennel will be an all-inclusive and interactive boarding facility, which offers a somewhat unique business to the area that could be a benefit to the community in granting the multiple uses variance.

- (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.

Negative impacts are not anticipated in granting the requested variance.

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2016-037**

Address: **5363 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.

Paving and striping the parking lot will help with internal vehicular circulation and could decrease the risk of accidents on the subject 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.

No particularly unique circumstances were mentioned in the petition.

- (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.

Paving the lot could ease internal traffic circulation on the subject property.