

CASE# 2018-046  
RESOLUTION NUMBER 4-1

**GRANTING A CONDITIONAL PERMITTED USE AND A VARIANCE**  
FOR CERTAIN PROPERTY LOCATED AT  
**5800 BLOCK OF OLD RTE. 54, NEW BERLIN**  
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 a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

**See Exhibit A**

WHEREAS, the Petitioner, **Innovative Power Systems, Inc.**, has petitioned the Sangamon County Board for a **Conditional Permitted Use for a Solar Farm Energy System (SFES) and a variance to allow principal structures on parcels without public road frontage**; and,

WHEREAS, a public hearing was held at the Sangamon County Building on **October 18, 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 Conditional Permitted Use and a variance with a restriction that the ingress/egress to the property is restricted to vehicles associated with the existing agricultural use and the solar farm use including any emergency vehicles that may be necessary**; and,

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

**FILED**

OCT 24 2018

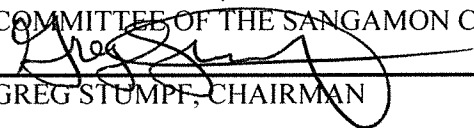
*Don J. Meyer*

**NOW, THEREFORE, BE IT RESOLVED** by the County Board of Sangamon County, Illinois, in session assembled this **13<sup>th</sup> Day of November, 2018** that the requests for a **Conditional Permitted Use for a Solar Farm Energy System (SFES) and a variance to allow principal structures on parcels without public road frontage with a restriction that the ingress/egress to the property is restricted to vehicles associated with the existing agricultural use and the solar farm use including any emergency vehicles that may be necessary on the above described property are hereby approved.**

Signed and passed by the Sangamon County Board in session on this **13<sup>th</sup> day of November, 2018.**

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

\_\_\_\_\_  
ROSE RUZIC

**ATTEST:**

\_\_\_\_\_  
SANGAMON COUNTY CLERK

\_\_\_\_\_  
COUNTY BOARD CHAIRMAN

**EXHIBIT A**

Parcel Number 21-15.0-300-012

That part of the east half of the southwest quarter of Section 15 lying south of the southeasterly right of way of the Norfolk and Western (formerly the Wabash) Railroad and that part of the west half of the southeast quarter of Section 15 lying south of the southeasterly right of way of the Norfolk and Western (formerly the Wabash) Railroad, excepting and reserving from said parcel the east 1.71 acres.

Parcel Number 21-22.0-100-002

The east half of the northwest quarter of Section 22, Township 15 North, Range 6 West of the Third Principal Meridian.

**RECAP**  
(For County Board Use)

COUNTY BOARD MEMBER: #7                      NAME: Craig Hall

DOCKET NUMBER: 2018-046

ADDRESS: 5800 Block of Old Rte. 54, New Berlin, IL 62670

PETITIONER: Innovative Power Systems, Inc.

PRESENT ZONING CLASSIFICATION: "A" Agricultural District.

REQUESTED ZONING CLASSIFICATION: **Conditional Permitted Use (CPU) for a Solar Farm Energy System (SFES), and a variance to allow principal structures on parcels without public road frontage.**

AREA: 182.71 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: **Recommend approval of the Conditional Permitted Use for the Solar Farm Energy System. The petitioner is proposing to comply with all the specific setback requirements and additional standards in the Solar Energy System Ordinance and maintain the site. The petitioner will also use the type of solar panel that is designed to limit the negative impact on adjacent property owners.**

**Recommend approval of the variance to allow principal structures on parcels without public road frontage. One of the factors that the Zoning Board of Appeals (ZBA) is required to take into consideration before granting a variance is if the decision will "create bad or good precedent for the future" (Section 17.66.050, D, 8). The site is served by an access**

easement designed to accommodate farm equipment. If the petitioner improves the easement with appropriate surface materials to be utilized by emergency vehicles, then the easement should be adequate enough to handle ingress/egress to the solar farm. However, staff is concerned that granting the variance would set negative precedent to allow the parcel to be utilized, with no road frontage, for other uses permitted in the Agricultural District. Therefore, staff is recommending that a restriction be placed on the property that the ingress/egress to the property is restricted to vehicles associated with the existing agricultural use and the solar farm use including any emergency vehicles that may be necessary.

SANGAMON COUNTY BOARD OF APPEALS  
RECOMMENDATION:

Approval of Staff Recommendation.

  
RECORDING SECRETARY

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SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF: )	DOCKET NO: <b>2018-046</b>
<b>Innovative Power Systems, Inc.</b> )	
)	PROPERTY LOCATED AT:
)	<b>5800 Block of Old Rte. 54</b>
)	<b>New Berlin, IL 62670</b>

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 a 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 **October 18, 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: **5800 Block of Old Rte. 54, New Berlin, IL 62670** and more particularly described as:

**See Exhibit A**

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- 3. That the present zoning of said property is **“A” Agricultural District.**
- 4. That the present land use of said property is **cropland.**
- 5. That the proposed land use of said property is **Solar Farm Energy System.**
- 6. That the requested **Conditional Permitted Use and variance** of said property is **for a Conditional Permitted Use for a Solar Farm Energy System (SFES) and a variance to allow principal structures on parcels without public road frontage.**
- 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 variance with a restriction that the ingress/egress to the property is restricted to vehicles associated with the existing agricultural use and the solar farm use including any emergency vehicles that may be necessary** 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 and variance with the above mentioned restriction** 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: **Charlie Chimento, Tony Mares, Don Wulf, Andrew Spiro, Larry Beaty**

NO:

PRESENT:

ABSENT: **Gina Lathan**

  
RECORDING SECRETARY

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

Case #: **2018-046**

Address: **5800 Block of Old Rte. 54, New Berlin**

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 petitioner is proposing to comply with all the specific setback requirements and additional standards in the Solar Energy System Ordinance and maintain the site. The petitioner will also use the type of solar panel that is designed to limit the negative impact on adjacent property owners.**

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

**The petitioner is proposing to comply with all the specific setback requirements of the Solar Energy System Ordinance and will use the type of solar panel that is designed to help protect the health, safety, and welfare of the public.**

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

**Negative impacts regarding this standard are not anticipated.**

- (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 #: **2018-046**

Address: **5800 Block of Old Rte. 54, New Berlin**

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.

**One of the factors that the Zoning Board of Appeals (ZBA) is required to take into consideration before granting a variance is if the decision will "create bad or good precedent for the future" (Section 17.66.050, D, 8). The site is served by an access easement designed to accommodate farm equipment. If the petitioner improves the easement with appropriate surface materials to be utilized by emergency vehicles, then the easement should be adequate enough to handle ingress/egress to the solar farm. However, staff is concerned that granting the variance would set negative precedent to allow the parcel to be utilized, with no road frontage, for other uses permitted in the Agricultural District. Therefore, staff is recommending that a restriction be placed on the property that the ingress/egress to the property is restricted to vehicles associated with the existing agricultural use and the solar farm use including any emergency vehicles that may be necessary.**

- (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 subject property is landlocked and therefore the number of uses are restricted. The Solar Farm Energy System will one day be decommissioned and will revert the property back to cropland and a restriction suggested for limiting the ingress/egress to vehicles associated with the existing agricultural use and the solar farm use including any emergency vehicles that may be necessary provides a unique circumstance to minimize the potential impacts on the subject property.**

- (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 provided the added restriction for the ingress/egress to the property is followed.**