

CASE# 2012-027 5-1  
RESOLUTION NUMBER

**DENYING A CONDITIONAL PERMITTED USE AND VARIANCE**  
FOR CERTAIN PROPERTY LOCATED AT  
**5029 SNELL RD., AUBURN**  
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 **deny a Conditional Permitted Use and variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See **EXHIBIT A**

WHEREAS, the Petitioner, **Rebecca Hargett**, has petitioned the Sangamon County Board for a **Conditional Permitted Use to allow for three (3) greenhouses and a variance to allow three (3) principal uses on one (1) parcel; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **June 21, 2012** 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 **deny the Conditional Permitted Use and variance; and**

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

**FILED**

JUN 28 2012

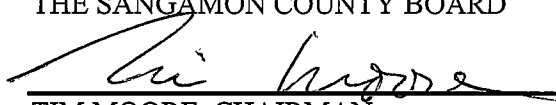
*Joe Aiello*  
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 10<sup>th</sup> day of July, 2012 that the request for a Conditional Permitted Use to allow three (3) greenhouses and a variance to allow three (3) principal uses on one (1) parcel on the above referenced property is hereby denied.

Signed and passed by the Sangamon County Board in session on this 10<sup>th</sup> day of July, 2012.

Respectfully submitted,

PUBLIC HEALTH, SAFETY & ZONING COMMITTEE OF THE SANGAMON COUNTY BOARD

  
TIM MOORE, CHAIRMAN

ABE FORSYTH, VICE CHAIRMAN

JOHN FULGENZI

DAVID MENDENHALL

SAM SNELL

GREG STUMPF

JASON RATTS

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

**ATTEST:**

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

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

## EXHIBIT A

**Part of the East Half of the Northeast Quarter of Section 34 and Part of the West Half of the Northwest Quarter of Section 35, Township 14 North, Range 6 West of the Third Principal Meridian, described as Follows:**

**From the Northwest Corner of said Section 35 Running South on the Section Line 1321.80 Feet to the Point of Beginning; Thence North 89 Degrees 43 Minutes 30 Seconds East, 55 Feet; Thence South Parallel to the West Line of said Section 35, 200 feet; Thence South 89 Degrees 43 Minutes 30 Seconds West, 65 feet; Thence South Parallel to Aforesaid West Line of section 35, 268.15 Feet; Thence South 89 Degrees 43 Minutes 30 Seconds west, 644.07 Feet; Thence North Parallel to Aforesaid West Line of Section 35, 468.15 Feet; Thence North 89 Degrees 43 Minutes 30 Seconds East, 654.07 feet to the Point of Beginning.**

**RECAP**  
(For County Board Use)

COUNTY BOARD MEMBER: # 7                      NAME: Craig Hall

DOCKET NUMBER: 2012-027

ADDRESS: 5029 Snell Rd., Auburn, IL. 62615

PETITIONER: Rebecca Hargett

PRESENT ZONING CLASSIFICATION: "A" Agricultural District with a Conditional Permitted Use to allow for an antique store and a variance to allow two (2) principal uses on one (1) parcel.

REQUESTED ZONING CLASSIFICATION: A Conditional Permitted Use to allow for three (3) greenhouses with retail sales and a variance to allow three (3) principal uses on one (1) parcel.

**AMENDED ON RECORD:** Petitioner wishes to remove the retail sales for the greenhouses and no restrictions to the amount or sizes of the greenhouses but to allow up to 1/4 acre available to greenhouses.

AREA: 7.22 acres

COMMENTS: none

OBJECTORS: Yes

PLANNING COMMISSION RECOMMENDATION: **Recommend denial of the requested Conditional Permitted Use to allow three (3) greenhouses on the subject property. The petitioner did not provide enough information regarding the method of operation and the intent of the proposed greenhouses. It is unclear if the greenhouses will be used privately or if the intent is a retail greenhouse for general public use. If the intent is for general public use, then a suitable parking plan in accordance with County**

regulations must be submitted. Also, testimony should be obtained regarding the hours of operation of the greenhouse. Staff recommends denial of the requested variance to allow three (3) uses on one (1) parcel. The standards for variation are not met.

SANGAMON COUNTY BOARD OF APPEALS  
RECOMMENDATION:

Cyndi Knowles  
RECORDING SECRETARY

Denial.

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF: )	DOCKET NO: <b>2012-027</b>
<b>Rebecca Hargett</b> )	)
)	PROPERTY LOCATED AT:
)	<b>5029 Snell Rd.</b>
)	<b>Auburn, IL. 62615</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 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 **June 21, 2012** 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: **5029 Snell Rd., Auburn, IL. 62615** and more particularly described as:

See **EXHIBIT A**

- 3. That the present zoning of said property is **"A" Agricultural District with a Conditional Permitted Use to allow an antique store and a variance to allow two (2) principal uses on one (1) parcel.**
- 4. That the present land use of said property is **a single-family residence, antique store, cropland and two (2) greenhouses.**
- 5. That the proposed land use of said property is **a single-family residence, antique store, cropland and three (3) greenhouses.**
- 6. That the requested **Conditional Permitted Use and variance** of said property are to **allow three (3) greenhouses and to allow three (3) principal uses on one (1) parcel.**
- 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 not** support the proposition that the adoption of the proposed **Conditional Permitted Use and variance** 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** be **denied**.

*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 **denied**, which was duly seconded by **Charles Chimento**.

The vote of the Board was as follows:

YES: **Charles Chimento, Peggy Egizii, Judith Johnson & Don Wulf**

NO: **John Lucchesi**

ABSENT: **Byron Deaner**

*Cyndi Knowles*  
 RECORDING SECRETARY

SANGAMON COUNTY - RECOMMENDED FINDINGS OF FACT FOR CONDITIONAL PERMITTED USES

Case #: 2012-027

Address: 5025 & 5029 Snell Road, Auburn

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 petition did not provide enough information regarding the method of operation and the general intent of the greenhouse, whether it be for personal use or public retail use.

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

This appears to be the case.

- (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.

- (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 #: 2012-027

Address: 5025 & 5029 Snell Road, Auburn

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 request is made to allow three (3) uses on one (1) parcel. Allowing the greenhouses in addition to the antique store and single family residence could have a positive economic effect 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.

**The parcel is 7.22 acres and appears to be large enough to accommodate the three proposed uses.**

- (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.

**The petition was unclear regarding this finding. It is unknown if the greenhouses will be used as a retail business for the general public, or if it will be used strictly for private use. If the intent for the greenhouses is for a retail business for the general public, an acceptable parking plan that meets County ordinance regulations must be submitted.**