

CASE# 2013-041 5-1
RESOLUTION NUMBER _____

GRANTING A CONDITIONAL PERMITTED USE AND VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
919 S. FARMINGDALE RD., 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 variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See **EXHIBIT A**

WHEREAS, the Petitioners, **David & Gale Myers**, have petitioned the Sangamon County Board for a **Conditional Permitted Use to allow greenhouses and a landscaping business and a variance to allow two (2) principal uses on one (1) parcel; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **October 17, 2013** 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**

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

FILED

OCT 30 2013

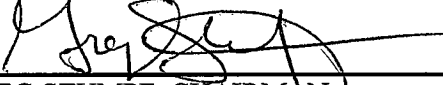
Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 12th day of November, 2013 that the request for a Conditional Permitted Use to allow greenhouses and a landscaping business with a variance to allow two (2) principal uses on one (1) parcel on the above referenced property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 12th day of November, 2013.

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 Southwest Quarter of Section 32, Township 16 North, Range 6 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows:

From the Southeast corner of the West Half of the Southwest Quarter of aforesaid Section 32; thence North along the Quarter Quarter Section line, 302.87 feet to the point of beginning; thence deflecting to the left 89 degrees 57 minutes 58 seconds, 668.65 feet; thence deflecting to the right 0 degrees 04 minutes 14 seconds, 660.83 feet; thence North along the West line of aforesaid Section 32, 1,380.70 feet; thence East parallel to the South line of said Section 32, 332.51 feet; thence South parallel to the West line of aforesaid Section 32, 1,361.03 feet; thence East parallel to the South line of Section 32, 328.32 feet; thence deflecting to the left 0 degrees 04 minutes 14 seconds, 668.67 feet; thence South 20 feet to the point of beginning.

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

Situated in Sangamon County, Illinois

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 1 NAME: Harry "Tom" Fraase, Jr.

DOCKET NUMBER: 2013-041

ADDRESS: 919 S. Farmingdale Rd., New Berlin, IL. 62670

PETITIONER: David & Gale Myers

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: "A" Agricultural District with a Conditional Permitted Use to allow greenhouses and a landscaping business with a variance to allow two (2) principal uses on one (1) parcel.

AREA: 11 acres

COMMENTS: None

OBJECTORS: Yes

PLANNING COMMISSION RECOMMENDATION: **Recommend approval of the requested CPU to allow greenhouses with internet and retail sales and a landscaping business. The parcel is located approximately 1,050 feet off the road, making it secluded from adjacent properties. It appears the location, design and method of operation will not have an effect of the character of the surrounding area, although it is recommended that testimony regarding the hours of operation and other information be taken at the hearing. Recommend approval of the requested variance. The standards for variation are met.**

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval as staff recommended.


Cyndi Knowles
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2013-041
David & Gale Myers)	
)	PROPERTY LOCATED AT:
)	919 S. Farmingdale Rd.
)	New Berlin, IL. 62670

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 **October 17, 2013** 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: **919 S. Farmingdale Rd., New Berlin, IL.** 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 landscaping business and 8 greenhouses.**
5. That the proposed land use of said property is **internet and retail sales of Japanese Maples, other rare trees and outdoor lawn ornaments, 13 greenhouses and future landscaping business.**
6. That the requested **Conditional Permitted Use and variance** of said property are to **allow greenhouses and a landscaping business with a variance to allow two (2) 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** 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 granted.

Charles Chimento/cx
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 **Peggy Egizii**.

The vote of the Board was as follows:

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

NO:

PRESENT:

ABSENT: **Byron Deaner, Janet Dobrinsky**

Cyndi Knowles
RECORDING SECRETARY

SANGAMON COUNTY - RECOMMENDED FINDINGS OF FACT FOR CONDITIONAL PERMITTED USES

Case #: 2013-041

Address: 919 S. Farmingdale Road, 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.
This appears to be the case. No negative effect on the character of the area is anticipated.
- (ii) Is so proposed to be operated, designed and located so that the public health, safety, and welfare will be protected.
Yes. The parcel is 11 acres and is located in an area that is secluded from adjacent properties.
- (iii) Will not cause substantial injury to the value of other property in the vicinity in which it is located.
No negative impact on other property value 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 #: 2013-041

Address: 919 S. Farmingdale Road, 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.

The request is made to allow a tree farm with internet/retail sales and a landscaping business on a property that was previously a landscaping business. Allowing the two uses, that are similar in nature, will allow the property to be economically used.

- (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 property is commercial in nature and once contained a landscaping business. The majority of the properties in the area are single-family residences that have some road frontage, unlike the subject property that sits approximately 1,050 feet off the road.

- (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.