

CASE# 2014-038 5-1
RESOLUTION NUMBER

GRANTING A VARIANCE AND A CONDITIONAL PERMITTED USE
FOR CERTAIN PROPERTY LOCATED AT
3975 LEACH ROAD, ROCHESTER
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 variance 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, **Mark Walker**, has petitioned the Sangamon County Board for a **variance to allow two (2) principal uses on one (1) parcel and a Conditional Permitted Use to allow a landscaping business**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **September 18, 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

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 variance and Conditional Permitted Use**; and

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

FILED

SEP 26 2014

Jae O'Neil
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 14th day of October, 2014 that the request for a variance to allow two (2) principal uses on one (1) parcel and a Conditional Permitted Use to allow a landscaping business on the above described property is hereby.

Signed and passed by the Sangamon County Board in session on this 14th day of October, 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 SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 15 NORTH, RANGE 4 WEST OF THE THIRD PRINCIPAL MERIDIAN, SANGAMON COUNTY, ILLINOIS DESCRIBED AS FOLLOWS:

FROM THE SOUTHEAST CORNER OF SAID SECTION 13, THENCE NORTH 1°09'08" WEST, ON TOWNSHIP LINE, 294.41 FEET; THENCE NORTH 89°19'07" WEST, 40.00 FEET TO THE POINT OF BEGINNING, THENCE NORTH 89°19'07" WEST, 654.51 FEET; THENCE SOUTH 31°30'53" WEST, 202.06 FEET; THENCE SOUTH 84°13'44" WEST, 142.18 FEET; THENCE NORTH 20°55'09" WEST, 251.30 FEET; THENCE SOUTH 89°23'23" EAST, 990.42 FEET; THENCE SOUTH 1°09'11" EAST, 44.98 FEET TO THE POINT OF BEGINNING, CONTAINING 1.968 ACRES MORE OR LESS.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #9 NAME: Sarah Musgrave

DOCKET NUMBER: 2014-022

ADDRESS: 3975 Leach Road, Rochester, IL 62563

PETITIONER: Mark Walker

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

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

AREA: 1.97 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION
RECOMMENDATION:

Recommend approval of the requested Conditional Permitted Use to allow a landscaping business in the existing pole barn, provided the hours and method of operation remain as stated in the petition, and all storage related to the business remain in the pole barn. The landscaping business has been operating for approximately ten years and is not visible from the public road, making it secluded from the 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 variance to allow two uses on one parcel, as the standards for variation have been met.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval

Cyndi Knowles
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: **2014-038**
 Mark Walker)
)
) PROPERTY LOCATED AT:
) **3975 Leach Road**
) **Rochester, IL 62563**

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 **variance and 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 **September 18, 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: **3975 Leach Road, Rochester, IL 62563** and more particularly described as:

PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 15 NORTH, RANGE 4 WEST OF THE THIRD PRINCIPAL MERIDIAN, SANGAMON COUNTY, ILLINOIS DESCRIBED AS FOLLOWS:

FROM THE SOUTHEAST CORNER OF SAID SECTION 13, THENCE NORTH 1°09'08" WEST, ON TOWNSHIP LINE, 294.41 FEET; THENCE NORTH 89°19'07" WEST, 40.00 FEET TO THE POINT OF BEGINNING, THENCE NORTH 89°19'07" WEST, 654.51 FEET; THENCE SOUTH 31°30'53" WEST, 202.06 FEET; THENCE SOUTH 84°13'44" WEST, 142.18 FEET; THENCE NORTH 20°55'09" WEST, 251.30 FEET; THENCE SOUTH 89°23'23" EAST, 990.42 FEET; THENCE SOUTH 1°09'11" EAST, 44.98 FEET TO THE POINT OF BEGINNING, CONTAINING 1.968 ACRES MORE OR LESS.

- 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 and pole barn.**
- 5. That the proposed land use of said property is a **single-family residence and a landscape business inside the pole barn.**
- 6. That the requested **variance and Conditional Permitted Use** of said property are a **variance to allow two (2) principal uses on one (1) parcel and a Conditional Permitted Use to allow a landscaping business.**
- 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 **variance 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 **variance 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, **Andrew Spiro**, 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 **Merilyn Herbert**.

The vote of the Board was as follows:

YES: **Charles Chimento, Merilyn Herbert, Andrew Spiro, John Lucchesi & Janet Dobrinsky**

NO:

PRESENT:

ABSENT: **Don Wulf**

Cyndi Knowles
RECORDING SECRETARY

SANGAMON COUNTY - RECOMMENDED FINDINGS OF FACT FOR CONDITIONAL PERMITTED USES

Case #: 2014-038

Address: 3975 Leach Road, Rochester

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 approximately 10 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 the Findings of Fact have 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

RECOMMENDED STANDARDS FOR USE VARIATIONS

Case #: 2014-038

Address: 3975 Leach Road, Rochester

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 single-family residence. It is not likely the property will be converted to cropland given the current uses that have been in existence for approximately 10 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 approximately 10 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.