

CASE# 2014-035 5-1
RESOLUTION NUMBER

GRANTING VARIANCES AND A CONDITIONAL PERMITTED USE
FOR CERTAIN PROPERTY LOCATED AT
5626 NORTH WALNUT STREET ROAD, SPRINGFIELD
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 variances and a Conditional Permitted Use** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

The Northeast Quarter of Section 33, Township 17 North, Range 5 West of the Third Principal Meridian, Sangamon County, Illinois.

WHEREAS, the Petitioner, **Doug Schmidgall**, has petitioned the Sangamon County Board for a **variance to allow two (2) principal uses on one (1) parcel, a variance to allow zero (0) feet of road frontage instead of the required one hundred-fifty (150) feet, a variance to allow for an off-premise sign and a Conditional Permitted Use to allow an outdoor gun range in conjunction with firearm safety classes and occasional sales of firearms; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **November 20, 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 variances and Conditional Permitted Use; and**

FILED

NOV 26 2014

Angelo Diello

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

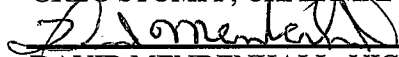
NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 9th day of December, 2014 that the request for a variance to allow two (2) principal uses on one (1) parcel, a variance to allow zero (0) feet of road frontage instead of the required one hundred-fifty (150) feet, a variance to allow for an off-premise sign (not to exceed the size and height of the current sign) and a Conditional Permitted Use to allow an outdoor gun range, with all shooting to be done to the South, in conjunction with firearm safety classes for no more than 16 hours or 2-3 days per month and occasional sales of firearms on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 9th day of December, 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

RECAP

(For County Board Use)

COUNTY BOARD MEMBER: #11 NAME: Mike Sullivan

DOCKET NUMBER: 2014-035

ADDRESS: 5626 North Walnut St. Rd., Springfield, IL. 62707

PETITIONER: Doug Schmidgall

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, a variance to allow zero (0) feet of road frontage instead of the required one hundred-fifty (150) feet, a variance to allow for an off-premise sign and a Conditional Permitted Use to allow an outdoor gun range in conjunction with firearm safety classes and occasional sales of firearms.

AREA: 160 Acres

COMMENTS: None

OBJECTORS: Yes

PLANNING COMMISSION
RECOMMENDATION:

Recommend approval of the requested Conditional Permitted Use to allow an outdoor gun range. To the extent that providing a location for gun safety classes is a community benefit, the remote nature of the subject property is suited to the proposed use and protects the health, safety and welfare of area residents. The petition states that there will be one 16-hour class each month which will cover 2-3 days per month. Furthermore, the petition states that students will be shooting to the south into the Sangamon River Valley at designated targets and the bluff the students will be shooting from has a 90 foot drop. There is a distance of 5,000 feet before the land begins an uphill grade of approximately 90 feet. Recommend approval of the requested variances. The standards for variation are met. The subject

property is already a landlocked parcel of record with zero feet of road frontage. The signage is for directional purposes, which is justified given the remote location of the proposed use. If the variance is granted, staff recommends the sign not to exceed the size and height of the current sign.

SANGAMON COUNTY BOARD OF APPEALS

RECOMMENDATION:

Approval to concur with the staff recommendation.

“I was the member who made the motion to concur and I want to restate the motion to provide the necessary clarification as to the intent of the motion as follows:

Approve a variance to allow two (2) principal uses on one (1) parcel, a variance to allow zero (0) feet of road frontage instead of the one hundred-fifty (150) feet, a variance to allow for off-premise sign and a Conditional Permitted Use to allow an outdoor gun range in conjunction with firearm safety classes and occasional sales of firearms. So to further maybe clarify, the occasional sale of firearms, my intent for the vote was to permit the gun range to be able to allow someone to test a gun on the range, if they are wanting to do so if it's been purchased through the petitioner's, gun sale home occupation, which I already understood would be permitted. I make a motion, once again, to allow two (2) principal uses on one (1) parcel, a variance to allow zero (0) feet of road frontage instead of the required one hundred-fifty (150) feet; a variance to allow for an off-premise sign, and a Conditional Permitted Use (CPU) to allow an outdoor gun range in conjunction with firearm safety classes and the occasional sale of a firearms.”

– John Lucchesi


Cyndi Knowles
 RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: **2014-035**
Doug Schmidgall)
))
)) PROPERTY LOCATED AT:
)) **5626 North Walnut Street Road**
)) **Springfield, IL 62707**

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 **variances and a 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 **November 20, 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: **5626 North Walnut Street Road, Springfield, IL 62707** and more particularly described as:

The Northeast Quarter of Section 33, Township 17 North, Range 5 West of the Third Principal Meridian, Sangamon County, Illinois.

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, two (2) machine sheds, three grain bins, pasture and farmland**.
5. That the proposed land use of said property is **a single-family residence, two (2) machine sheds, three grain bins, pasture, farmland, an outdoor gun range with gun safety classes and gun sales inside the residence**.
6. That the requested **variances and Conditional Permitted Use** of said property are **a variance to allow two (2) principal uses on one (1) parcel, a variance to allow zero (0) feet of road frontage instead of the required one hundred-fifty (150) feet, a variance to allow for an off-premise sign and a Conditional Permitted Use to allow an outdoor gun range in conjunction with firearm safety classes and occasional sales of firearms**.
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 **variances 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 to allow two (2) principal uses on one (1) parcel, a variance to allow zero (0) feet of road frontage instead of the required one hundred-fifty (150) feet, a variance to allow for an off-premise sign (not to exceed the size and height of the current sign) and a Conditional Permitted Use to allow an outdoor gun range, with all shooting to be done to the South, in conjunction with firearm safety classes for no more than 16 hours or 2-3 days per month and occasional sales of firearms be approved.**

Charles Chimento/ck
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **John Lucchesi**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition of a **variance to allow two (2) principal uses on one (1) parcel, a variance to allow zero (0) feet of road frontage instead of the required one hundred-fifty (150) feet, a variance to allow for an off-premise sign (not to exceed the size and height of the current sign) and a Conditional Permitted Use to allow an outdoor gun range, with all shooting to be done to the South, in conjunction with firearm safety classes for no more than 16 hours or 2-3 days per month and occasional sales of firearms be approved**, which was duly seconded by **Andrew Spiro**.

The vote of the Board was as follows:

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

NO:

PRESENT:

ABSENT: **Don Wulf**



RECORDING SECRETARY

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

Case #: 2014-035

Address: 5626 N. Walnut Street Road, Springfield

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.

Yes. The petition states that there will be one 16-hour class each month which will cover 2-3 days per month. The property is located on 160 acres in a secluded area of the county as this will minimize effects on the character of the surrounding area.

- (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. The petition states that students will be shooting to the south into the Sangamon River Valley at designated targets and the bluff the students will be shooting from has a 90 foot drop. There is a distance of 5,000 feet before the land begins an uphill grade of approximately 90 feet.

- (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

**RECOMMENDED STANDARDS FOR USE VARIATIONS
(Two Uses on One Parcel)**

Case #: 2014-035

Address: 5626 N. Walnut Street Road, Springfield

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 160 acres and contains a single-family residence, cropland, pasture, sheds and grain bins. While it may be difficult to divide the existing single-family residence from the agricultural cropland, there is ample acreage to support a second use of a gun range.

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

There are many large parcels in the area with residences, large outbuildings and a possible second use on the large acreage.

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

Although the two uses might not have a direct benefit to the immediate vicinity, the uses might benefit other areas of the county.

- (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.

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2014-035**

Address: **5626 N. Walnut Street Road, Springfield**

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 subject parcel is somewhat remote making locating the proposed use difficult. To the extent that allowing the parcel to be used for gun safety classes and a range is a community benefit, a directional sign is necessary for the use to be economically feasible.

- (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 currently has zero feet of road frontage and has been land locked since development of N. Walnut Street 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.