

CASE# 2017-061
RESOLUTION NUMBER 5.1

GRANTING A CONDITIONAL PERMITTED USE AND VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
2189 HAVEN LANE, 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 variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioners, **Scott & Christina Pearce**, have petitioned the Sangamon County Board for a **Conditional Permitted Use for a riding stable; a variance to allow two (2) uses on one (1) parcel: a) single-family residence and b) riding stable; and, a variance to allow the parking to remain unpaved (rock), instead of the required bituminous seal coat;** and,

WHEREAS, a public hearing was held at the Sangamon County Building on **December 21, 2017** 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 for a riding stable provided the number of horses on the subject property is limited to no more than three (3) which are not the owners'; and, variances;** and,

FILED

DEC 28 2017

Don J. May
Sangamon County Clerk

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 January, 2018** that the following requests:

1. **A Conditional Permitted Use for a riding stable provided the number of horses on the subject property is limited to no more than three (3) which are not the owners’;**
2. **A variance to allow two (2) uses on one (1) parcel: a) single-family residence and b) riding stable; and,**
3. **A variance to allow the parking to remain unpaved (rock), instead of the required bituminous seal coat;**

on the above described property are hereby approved.

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

Part of the Northeast Quarter of the Northwest Quarter of Section 11, Township 15 North, Range 7 West of the Third Principal Meridian described as follows:

Commencing at a stone at the Northeast corner of the Northwest Quarter of said Section 11, thence North 89 degrees 23 minutes 33 seconds West along the north line of said Northwest Quarter to a point on the west Right of Way line of Haven Lane, 50.00 feet; thence South 00 degrees 00 minutes 21 seconds West, along said west Right of Way line 706.76 feet to the Point of Beginning; thence continuing South 00 degrees 00 minutes 21 seconds West along said west Right of Way line, 20.05 feet; thence South 85 degrees 46 minutes 56 seconds West, thence 379.53 feet; thence North 49 degrees 03 minutes 59 seconds West, 202.10 feet; thence South 00 degrees 02 minutes 39 seconds East, 196.29 feet; thence North 89 degrees 23 minutes 50 seconds West, 625.48 feet; thence North 00 degrees 01 minutes 56 seconds East, 329.73 feet; thence South 89 degrees 23 minutes 43 seconds East, 625.04 feet; thence South 00 degrees 02 minutes 39 seconds East, 106.94 feet; thence South 49 degrees 03 minutes 59 seconds East 211.15 feet; thence North 85 degrees 46 minutes 56 seconds East, 372.69 feet to the Point of Beginning, containing 5.000 acres, more or less.

RECAP
(For County Board Use)

COUNTY BOARD
MEMBER:

#7

NAME: **Craig Hall**

DOCKET NUMBER: **2017-061**

ADDRESS: **2189 Haven Lane, New Berlin, IL 62670**

PETITIONER: **Scott & Christina Pearce**

PRESENT ZONING
CLASSIFICATION:

“A” Agricultural District.

REQUESTED ZONING
CLASSIFICATION:

A Conditional Permitted Use for a riding stable; a variance to allow two (2) uses on one (1) parcel: a) single-family residence and b) riding stable; and, a variance to allow the parking to remain unpaved (rock), instead of the required bituminous seal coat.

AREA: **5 acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION
RECOMMENDATION:

Recommend approval of the Conditional Permitted Use provided the number of horses on the subject property is limited to no more than three (3) which are not the owners'. The petitioner seeks to rent out three (3) stalls for horses as a riding stable. Haven Lane is narrow and in poor/fair condition. The suggested limitation on the number of horses reflects the condition of the access road and limits potential traffic increases resulting from the proposed Conditional Permitted Use. Recommend approval of the requested variances. The variance to allow multiple uses is required due to the recommended approval of the Conditional Permitted Use. For the

paving variance, the proposed uses will be low-impact on the area and are agricultural in nature. The Standards for Variation are met.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval of Staff Recommendation.



RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2017-061
Scott & Christina Pearce)	
)	PROPERTY LOCATED AT:
)	2189 Haven Lane
)	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 variances** 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 **December 21, 2017** 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: **2189 Haven Lane, New Berlin, IL 62670** 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 residence and barn.**
- 5. That the proposed land use of said property is **a residence and riding stable.**
- 6. That the requested **Conditional Permitted Use and variances** of said property are for **a Conditional Permitted Use for a riding stable; a variance to allow two (2) uses on one (1) parcel: a) single-family residence and b) riding stable; and, a variance to allow the parking to remain unpaved (rock), instead of the required bituminous seal coat.**
- 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 provided the number of horses on the subject property is limited to no more than three (3) which are not the owners’, and variances** are in the public interest and are 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 provided the number of horses on the subject property is limited to no more than three (3) which are not the owners’, and variances** be approved.


 CHAIRMAN FW

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Larry Beaty**, 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 provided the number of horses on the subject property is limited to no more than three (3) which are not the owners'** which was duly seconded by **Tony Mares**.

The vote of the Board was as follows:

YES: **Tony Mares, Don Wulf, Andrew Spiro, Gina Lathan, Larry Beaty**

NO:

PRESENT:

ABSENT: **Charles Chimento**


RECORDING SECRETARY

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

Case #: 2017-061

Address: 2189 Haven Lane, 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 riding stable will have a minimal effect. The owner seeks to have a couple horses, while renting out another three (3) stalls as a riding stable.

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

Haven Lane is narrow and in poor/fair condition. The suggested limitation on the number of horses reflects the condition of the access road and limits potential traffic increases resulting from the proposed Conditional Permitted Use.

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

The riding stable is located in a very rural area with few residences around it. There will unlikely be a large change over current conditions.

- (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
[PAVING]**

Case #: **2017-061**

Address: **2189 Haven Lane, 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 proposed uses will be low-impact on the area and are agricultural in nature.

- (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 located in a very rural area which has many agricultural uses and little to no pavement.

- (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.

**RECOMMENDED STANDARDS FOR USE VARIATIONS
[MULTIPLE USES]**

Case #: **2017-061**

Address: **2189 Haven Lane, New Berlin**

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 variance to allow multiple uses is required due to the recommended approval of the Conditional Permitted Use.

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

The proposed uses complement one another and will be located in an agricultural area where such uses would be expected to locate.

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

The proposed uses are agricultural in nature and thus are seen as being in harmony with the general purpose and intent of the Agricultural District and the Zoning Regulations.

- (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.

Negative impacts are not anticipated.