

**GRANTING A CONDITIONAL PERMITTED USE, A VARIANCE FOR A
CONDITIONAL PERMITTED USE WITH CONDITIONS, AND A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
9350 CASCADE 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 Conditional Permitted Use, a variance for a Conditional Permitted Use with conditions, and a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

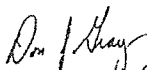
WHEREAS, the Petitioners, **Stephen and Christine Daniels**, have petitioned the Sangamon County Board requesting **pursuant to Chapter 17.58 and Section 17.10.020 a Conditional Permitted Use for a riding stable; pursuant to Chapter 17.66, a variance of Section 17.20.020 to allow an "O" Office District Conditional Permitted Use for a tourist home in the "A" Agricultural District; and, a variance of Chapter 17.04 (Lot) to allow three (3) principal uses on one (1) parcel: (1) single-family residence, (2) riding stable and (3) rooming house (tourist home); and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **April 15, 2021** 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

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Sangamon County Clerk

Sangamon County Board **grant a Conditional Permitted Use, a variance for a Conditional Permitted Use with conditions, and a variance;** and,

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 **11th Day of May, 2021** that the following request(s) on the above described property are hereby approved:

- Pursuant to Chapter 17.58 and Section 17.10.020 a Conditional Permitted Use for a riding stable;
- Pursuant to Chapter 17.66, a variance of Section 17.20.020 to allow an “O” Office District Conditional Permitted Use for a tourist home in the “A” Agricultural District with the following conditions:
 1. The rooming house (tourist home) shall be discontinued if the riding stable use is ever discontinued,
 2. It shall only be utilized for non-local interns (as stated in the petition), and
 3. It shall not be rented for full time occupancy; and,
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow three (3) principal uses on one (1) parcel: (1) single-family residence, (2) riding stable and (3) rooming house (tourist home).

Signed and passed by the Sangamon County Board in session on this **11th day of May, 2021.**

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COUNTY BOARD CHAIRMAN

ATTEST:

SANGAMON COUNTY CLERK

EXHIBIT A

Parcel 1:

Part of the Southwest Quarter of the Northeast Quarter of Section 13, Township 14 North, Range 4 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows:

Commencing at an iron pin at the center of said Section 13; thence North 0 degrees, 13 minutes, 50 seconds East, 399.95 feet along the Quarter Section line to an iron pin and the true point of beginning; thence North 0 degrees, 13 minutes, 50 seconds East, 386.24 feet continuing along said Quarter Section line to an iron pin; thence South 87 degrees, 29 minutes, 20 seconds East, 544.45 feet to an iron pin; thence South 2 degrees, 03 minutes, 36 seconds West, 26.13 feet to an iron pin; thence South 87 degrees, 20 minutes, 37 seconds East, 251.85 feet along a fence to an iron pin; thence North 2 degrees, 03 minutes, 37 seconds East, 565.80 feet along a fence to an iron pin; thence South 87 degrees, 27 minutes, 20 seconds East, 516.48 feet along a fence to an iron pin; thence South 0 degrees, 18 minutes, 58 seconds West, 863.16 feet along a fence to an iron pin; thence North 87 degrees, 59 minutes, 36 seconds West, 1110.28 feet along a fence to an iron pin; thence South 56 degrees, 35 minutes, 07 seconds West, 65.22 feet to an iron pin; thence South 87 degrees, 28 minutes, 26 seconds West, 163.81 feet to the true point of beginning. Except any interest in the coal, oil, gas and other minerals underlying the land which have been heretofore conveyed or reserved in prior conveyances, and all rights and easements in favor of the estate of said coal, oil, gas and other minerals if any. Situated in Sangamon County, Illinois.

Parcel 2:

Part of the Northeast Quarter of Section 13, Township 14 North, Range 4 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows:

From the center of said Section 13, South 88 degrees, 52 minutes, 55 seconds East 40.01 feet; thence North 1 degree, 18 minutes, 28 seconds West, 35.03 feet to a point on the East right of way of County Highway 40; thence North 1 degree, 07 minutes, 22 seconds West, 368.80 feet; thence North 85 degrees, 49 minutes, 03 seconds East, 123.81 feet; thence North 55 degrees, 16 minutes, 20 seconds East, 33.29 feet to the point of beginning, thence continuing North 55 degrees, 16 minutes, 20 seconds East, 31.94 feet; thence South 89 degrees, 19 minutes, 41 seconds East, 384.69 feet; thence South 0 degrees, 40 minutes, 19 seconds West, 7.17 feet; thence South 89 degrees, 05 minutes, 30 seconds West, 410.88 feet to the point of beginning, as shown on Plat of Survey recorded March 4, 2014 as Document Number 2014R04558. Except any interest in the coal, oil, gas and other minerals underlying the land which have been heretofore conveyed or reserved in prior conveyances, and all rights and easements in favor of the estate of said coal, oil, gas and other minerals, if any. Situated in Sangamon County, Illinois.

Parcel Number: 30-13.0-200-020.

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RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #4 NAME: Jeff Thomas

DOCKET NUMBER: 2021-017

ADDRESS: 9350 Cascade Road, Rochester, IL 62563

PETITIONER: Stephen & Christine Daniels

PRESENT ZONING CLASSIFICATION: "A" Agricultural District.

REQUESTED ZONING CLASSIFICATION: Pursuant to Chapter 17.58 and Section 17.10.020 a Conditional Permitted Use for a riding stable; pursuant to Chapter 17.66, a variance of Section 17.20.020 to allow an "O" Office District Conditional Permitted Use for a tourist home in the "A" Agricultural District; and, a variance of Chapter 17.04 (Lot) to allow three (3) principal uses on one (1) parcel: (1) single-family residence, (2) riding stable and (3) rooming house (tourist home).

AREA: 16.69 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION STAFF RECOMMENDATION: Recommend approval of the requested Conditional Permitted Use for a riding stable. The riding stable has been located on the subject property for the past ten years with minimal impact on the agricultural character of the area. Recommend approval of the variance request to allow an Office District Conditional Permitted Use for a tourist home in the Agricultural District with the following conditions: the rooming house (tourist home) shall be discontinued if the riding stable use is ever discontinued, it shall only be utilized for non-local interns (as stated in the petition), and it shall not be rented for full time occupancy. As staff has recommended approval of the requested Conditional Permitted Use and variance, the multiple use variance is also recommended for approval. Refuge Ranch provides a unique service to the community as a non-profit riding stable, and is in harmony with the general purpose of the Agricultural Zoning District. The addition of a rooming house (tourist home) with the proposed conditions will also be in harmony with the general purpose of the Agricultural Zoning District as it is being utilized in conjunction with the operation of the riding stable.

SANGAMON COUNTY ZONING BOARD OF APPEALS RECOMMENDATION:
Approval of Staff Recommendation.


RECORDING SECRETARY

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SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: **2021-017**
Stephen & Christine Daniels)
))
)) PROPERTY LOCATED AT:
)) **9350 Cascade Road**
)) **Rochester, IL 62563**

RECOMMENDATION OF THE ZONING 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 **April 15, 2021** 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:

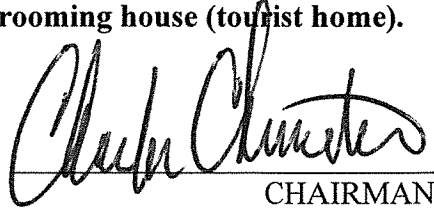
1. That said Board has jurisdiction to consider the petition filed herein.
2. That the above-captioned petitioner(s) is the owner(s) and/or has a beneficial interest in, contract to purchase, or is the County Board Member representing the property commonly known as: **9350 Cascade Road, Rochester, IL 62563** 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 **Single-family residence with riding stables and accessory structures.**
- 5. That the proposed land use of said property is **Single-family residence with riding stables, rooming house (tourist home), and accessory structures.**
- 6. That the request(s) for the subject property **are pursuant to Chapter 17.58 and Section 17.10.020 a Conditional Permitted Use for a riding stable; pursuant to Chapter 17.66, a variance of Section 17.20.020 to allow an “O” Office District Conditional Permitted Use for a tourist home in the “A” Agricultural District; and, a variance of Chapter 17.04 (Lot) to allow three (3) principal uses on one (1) parcel: (1) single-family residence, (2) riding stable and (3) rooming house (tourist home).**
- 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, a variance for a Conditional Permitted Use with conditions, and a variance** are 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 following request(s) **are hereby approved:**

- Pursuant to Chapter 17.58 and Section 17.10.020 a Conditional Permitted Use for a riding stable;
- Pursuant to Chapter 17.66, a variance of Section 17.20.020 to allow an “O” Office District Conditional Permitted Use for a tourist home in the “A” Agricultural District with the following conditions:
 - 1. The rooming house (tourist home) shall be discontinued if the riding stable use is ever discontinued,
 - 2. It shall only be utilized for non-local interns (as stated in the petition), and
 - 3. It shall not be rented for full time occupancy; and,
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow three (3) principal uses on one (1) parcel: (1) single-family residence, (2) riding stable and (3) rooming house (tourist home).


 CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Andrew Spiro**, which was duly seconded by **Tony Mares**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the following request(s) **are hereby approved:**

- Pursuant to Chapter 17.58 and Section 17.10.020 a Conditional Permitted Use for a riding stable;
- Pursuant to Chapter 17.66, a variance of Section 17.20.020 to allow an "O" Office District Conditional Permitted Use for a tourist home in the "A" Agricultural District with the following conditions:
 1. The rooming house (tourist home) shall be discontinued if the riding stable use is ever discontinued,
 2. It shall only be utilized for non-local interns (as stated in the petition), and
 3. It shall not be rented for full time occupancy; and,
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow three (3) principal uses on one (1) parcel: (1) single-family residence, (2) riding stable and (3) rooming house (tourist home).

The vote of the Board was as follows:

YES: **Charlie Chimento, Tony Mares, Andrew Spiro, Phil Sidles, JD Sudeth**

NO:

PRESENT:

ABSENT: **Don Wulf**



RECORDING SECRETARY

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

Case #: **2021-017**

Address: **9350 Cascade 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.

The riding stable has been located on the subject property for the past ten years with minimal impact on the agricultural character of the area.

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

The public health, safety, and welfare will be protected as the riding stable is located off a County Highway, and is located in a rural area where a riding stable use could be expected.

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

Negative impacts are not anticipated as the riding stable is located off a County Highway in a rural area with few residences.

- (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) Manufactured home parks - must meet the requirements of Chapter 17.48 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

- (e) Wind energy conversion systems - a WECS shall not be located within 1½ miles of an incorporated area with a population over 10,000 or within ½ mile of an incorporated area with a population of less than 10,000. WECS shall not be located so that they interfere with contiguous urban development.

N/A

- (f) Adult-use cannabis business establishments as defined in Chapter 17.04:
 - 1) that the following distances be maintained from the principal structure of an adult-use cannabis business establishment to the property line of a use defined in Chapter 17.04 as a "sensitive area":
 - (A) Adult-use cannabis craft grower – 1,500 feet
 - (B) Adult-use cannabis cultivation center – 1,500 feet
 - (C) Adult-use cannabis dispensing organization (dispensary) – 250 feet
 - (D) Adult-use cannabis infuser organization (infuser) – 1,500 feet
 - (E) Adult-use cannabis processing organization (processor) – 1,500 feet
 - (F) Adult-use cannabis transporting organization (transporter) – 1,500 feet
 - 2) On-premise consumption of cannabis at cannabis dispensing organizations and smoking lounges in unincorporated Sangamon County is prohibited.

N/A

**SANGAMON COUNTY
RECOMMENDED STANDARDS FOR USE VARIATIONS
[MULTIPLE USES & O CPU IN AG]**

Case #: **2021-017**

Address: **9350 Cascade 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 subject property is in a rural area where a single-family residence and a riding stable might be expected and the rooming house (tourist home) will be utilized by interns to stay in conjunction with the riding stable, which is a unique circumstance tied to this specific use.

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

The area has remained mostly agricultural, and the three proposed uses are compatible with the trend in the area. The rooming house (tourist home) use will be used in conjunction with the riding stable.

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

Refuge Ranch provides a unique service to the community as a non-profit riding stable, and is in harmony with the general purpose of the Agricultural Zoning District. The addition of a rooming house (tourist home) with the proposed conditions will also be in harmony with the general purpose of the Agricultural Zoning District as it is being utilized in conjunction with the operation of the riding stable.

- (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 as the proposed uses are compatible with the agricultural area and fronts a County Highway.