

CASE# 2013-058
RESOLUTION NUMBER 10-1

GRANTING A USE VARIANCE AND VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
11083 BUCKHART RD., 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 use variance and variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See **EXHIBIT A**

WHEREAS, the Petitioner, **Rochester Lions Club, an Illinois not-for-profit corporation**, has petitioned the Sangamon County Board for a **rezoning from "A" Agricultural District and "R-1" Single-Family Residence District to "B-2" Retail Business District; a variance of Section 17.50.060 to permit the parking area to remain grass instead of being paved; and, a variance to allow two (2) principal uses on one (1) parcel to allow for a Morton style building for the Lions Club "Haunted House", other club activities and rental of silos to farmer; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **December 19, 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

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DEC 26 2013

Joe Aiello
Sangamon County Clerk

the Sangamon County Board **deny the request for B-2 zoning, but in the alternative, a use variance and variances be granted;** and

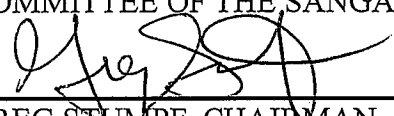
WHEREAS, the Sangamon County Board does hereby adopt the recommendation of the Sangamon County Zoning Board of Appeals.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **14th Day of January, 2014** that the request to rezone from **“A” Agricultural and “R-1” Single-Family Residence District to “B-2” Retail Business District be denied but, in the alternative, a use variance to allow for the construction of a new Morton building to be used for a Haunted House special event for that specific club activity during the Fall of the year; a variance to allow two (2) principal uses on one (1) parcel to allow the Haunted House and for the grain silos to be used for agricultural purposes; and, the variance not to pave the parking area providing the property is only used for the Haunted House special event during the Fall of the year on the above referenced parcel is hereby approved.**

Signed and passed by the Sangamon County Board in session on this **14th Day of January, 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

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EXHIBIT A

Part of the West Half of the Northwest Quarter of Section 16, Township 15 North, Range 3 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows:

Beginning at a point on the South line of said Quarter Section 330.00 feet East of the Southwest Corner of the Northwest Quarter of said Section, thence North parallel to the West line of said Section 333.68 feet to the South Right of Way line of the B. & O. Railroad; thence East on aforesaid Right of Way line 1005.45 feet; thence South 336.30 feet to the South line of said Quarter Section; thence West 1005.45 feet to the point of beginning; except, that part dedicated for highway purposes.

Situated in Sangamon County, Illinois

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 3 NAME: David Mendenhall

DOCKET NUMBER: 2013-058

ADDRESS: 11083 Buckhart Rd., Rochester, IL. 62563

PETITIONER: Rochester Lions Club, an Illinois not-for-profit corporation

PRESENT ZONING CLASSIFICATION: "A" Agricultural District and "R-1" Single-Family Residence District

REQUESTED ZONING CLASSIFICATION: "B-2" Retail Business District with a variance of Section 17.50.060 to permit parking area to remain grass instead of being paved and a variance to allow two (2) principal uses on one (1) parcel to allow for a Morton style building for the Lions Club "Haunted House", other club activities and rental of silos to farmer.

AREA: 6.92 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION
RECOMMENDATION:

Recommend approval of the B-2 zoning. The immediate area is considered mixed use development and allowing the petitioner to improve and utilize the existing building for club activities would not have a negative effect on the area. Additionally, the property is zoned R-1 and Agricultural and contains an existing commercial building. It is unlikely that the parcel will ever be converted to a residential use. Recommend approval of the variance request to allow two (2) uses on one (1) parcel. The standards are met. Recommend denial of the variance of Section 17.50.060 to permit the parking area to remain grass instead of being paved. One of the purposes of the zoning regulations for parking is to adequately provide for parking needs associated with the development of land and increased automobile usage. The petitioner is requesting to allow a Morton building to be improved and used for club activities and,

according to the ordinance, there is a parking space requirement for such use. Allowing the petitioner to use grass as a parking lot is against the intent of the ordinance and is not seen as good planning principals and could pose a safety risk for visitors on the property. In addition, Buckhart Road is a County Highway. A non-paved parking lot could generate additional debris which may have a negative impact on the roadway.

AMENDED: Based on testimony presented at the hearing, staff recommends denial of the request for B-2 zoning. Instead staff recommends a Use Variance under the underlying zoning to allow the property to be used to construct a new Morton-style building to be used for the Haunted House special event to be held during the Fall each year; allow two (2) principal uses on the property with the uses being limited to the special event Haunted House held each Fall and associated pre and post preparations for the event, and for the grain silos to continue to be used for agricultural purposes. Staff also recommends approval of the variance request not to pave the parking area provided that the property is only utilized for the special event (i.e. Haunted House), the pre-preparations for that event in the Fall of the year and several weeks of post-event activities.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Recommend approval as Staff Amended.


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2013-058
Rochester Lions Club, an Illinois not-for-)	
profit corporation)	PROPERTY LOCATED AT:
)	11083 Buckhart Rd.
)	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 an **amendment 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 19, 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: **11083 Buckhart Rd., Rochester, IL.** and more particularly described as:

See **EXHIBIT A**

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- 3. That the present zoning of said property is **“A” Agricultural District and “R-1” Single-Family Residence District.**
- 4. That the present land use of said property is **agricultural storage in existing structures.**
- 5. That the proposed land use of said property is **an improved Morton style building for Lions Club (Public and Private Club) “Haunted House” and other activities and rental of silos to farmer.**
- 6. That the requested **rezoning and variances** of said property are from **“A” Agricultural District and “R-1” Single-Family Residence District to “B-2” Retail Business District and a variance of Section 17.50.060 to permit parking area to remain grass instead of being paved and a variance to allow two (2) principal uses on one (1) parcel to allow for a Morton style building for the Lions Club “Haunted House”, other club activities and rental of silos to farmer.**
- 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 not** support the proposition that the adoption of the proposed **rezoning and variances** 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 requested **rezoning from “A” Agricultural and “R-1” Single-Family Residence District to “B-2” Retail Business District and variances be denied but, in the alternative, a use variance to allow for the construction of a new Morton building to be used for a Haunted House special event for that specific club activity during the Fall of the year; a variance to allow two (2) principal uses on one (1) parcel to allow the Haunted House and for the grain silos to be used for agricultural purposes; and, the variance not to pave the parking area providing the property is only used for the Haunted House special event during the Fall of the year on the above referenced parcel is hereby approved.**

Charles Chimento/crc
 CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **John Lucchesi**, to concur with the amended findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **approved per the amended staff recommendation** which was duly seconded by **Don Wulf**.

The vote of the Board was as follows:

YES: **Charles Chimento, Byron Deaner, Judith Johnson, Don Wulf, John Lucchesi**

NO:

PRESENT:

ABSENT: **Peggy Egizii, Janet Dobrinsky**



RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: 2013-058

Address: 11083 Buckhart Road, Rochester

- (i) Existing uses of property within the general area of the property in question.

To the north is an industrial equipment training site and a grain elevator. To the west is vacant. To the south is a township maintenance facility and single-family residences. To the east are single-family residences. To the southeast is a tavern.

- (ii) The zoning classification of property within the general area of the property in question.

To the north is I-2. To the west is Agricultural. To the south is B-2, B-3 and R-1. To the east is B-3 and R-1.

- (iii) The suitability of the property in question to the uses permitted under the existing zoning classification.

The property is zoned R-1 and Agricultural. The portion that is zoned R-1 contains a barn, three grain silos and a Morton building. The portion that is zoned Agricultural is vacant pasture.

- (iv) The trend of development, within the vicinity since the property was originally classified.

Property to the south was rezoned to R-1 in 2004 and property to the east was rezoned to B-3 in 1988.

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

Case #: 2013-058

Address: 11083 Buckhart 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 is zoned R-1 and Agricultural, consists of 6.92 acres and contains a barn, 3 grain silos and a commercial structure. Typically, a commercial property does not support enough acreage to allow two uses, however the subject property is located in a rural area with mixed uses and zoning.

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

The property is located in a rural area. The development in the area consists of single-family residences to the south and east, a grain elevator and an industrial site to the north, a township maintenance facility to the south and a tavern to the southeast. There is R-1, B-2, B-3 an I-2 in the immediate area. The area also consists of cropland and timber. Given the uses and zoning in the immediate vicinity, the area can be characterized as having mixed use development.

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

The general purpose of the Zoning Regulations is to locate such facilities in areas that will benefit the community for the enjoyment of county residents while not having a detrimental effect on the immediate area. Continuing use of the grain silos and improving the existing Morton building to be used for club activities at this location is suitable and meets the intent of the 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.

There is ample acreage to support the two proposed uses, as such it does not appear there will be a negative impact on the immediate area.

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**SANGAMON COUNTY
AMENDED RECOMMENDED - STANDARDS FOR VARIATIONS
(Section 17.50.060 Paving Requirement)**

Case #: 2013-058

Address: 11083 Buckhart Road, Rochester

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 regulations require parking areas to be paved. The petitioner proposes to develop the property for club uses which includes hosting public events. Other entities that host such events are required to adhere to the regulations to maximize the yield of the property.

AMENDED: The petitioners presented testimony that the use of the property would be limited to the Haunted House special event.

- (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.

There do not appear circumstances unique to this property that is unlike any property in the area.

AMENDED: There are some unique circumstances in that the property will only be used during the month of October and several weeks prior to and after the Haunted House special event.

- (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.

Allowing the petitioner to permit the parking area to remain grass instead of paving could alter the character of the subject property. One of the purposes of the zoning regulations for parking is to adequately provide for parking needs associated with the development of land and increased automobile usage. The petitioner is requesting to allow a Morton building to be improved and used for club activities and, according to the ordinance, there is a parking space requirement for such use. Allowing the petitioner to use grass as a parking lot is against the intent of the ordinance and is not seen as good planning principals. In addition, Buckhart Road is a County Highway. A non-paved parking lot could generate additional debris which may have a negative impact on the roadway.

AMENDED: Based on the testimony presented at the hearing which limits the use of the property to the Haunted House special event only during the Fall of the year and the continued agricultural use of the grain silos, staff finds that there will be no negative impact on the immediate area if the paving requirement is waived.

ADDED AT HEARING BASED ON TESTIMONY
RECOMMENDED STANDARDS FOR USE VARIATIONS

Case #: 2013-058

Address: 11083 Buckhart Rd., 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.

Staff finds that in this particular case it is a unique circumstance in that the fraternal organization plans to use the property in the future for a special event as a fundraising opportunity and that there would be practical difficulties and hardship related to the paving requirement because the property is only going to be used for less than a two to three month period.

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

While there is no specific trend of development in this area, there are other areas in the county in similar situations whereas special events are for a limited period of time under which the paving regulations do not come into play.

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

While it is not directly related by granting a parking variance to benefit the community, the fundraising that is generated by the Haunted House is a benefit to the community overall.

- (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.

Staff finds that while the month that the Haunted House is being held as a special event at that location traffic will in fact be increased but overall the traffic averages out over the course of the year. The club will no be using the property on a regular basis except for that special event. There will be overall, no negative impact on the immediate area.