

CASE# 2017-029
RESOLUTION NUMBER 6-1

GRANTING A CONDITIONAL PERMITTED USE AND VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
10659 WARRINGTON ROAD, PAWNEE
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 variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

The Northwest Quarter of the Southwest Quarter of Section 24, Township 14 North, Range 5 West of the Third Principal Meridian, Sangamon County, Illinois.

WHEREAS, the Petitioner, **Dietrich S. Ostermeier**, has petitioned the Sangamon County Board for a **Conditional Permitted Use for a veterinary hospital/clinic, and a variance to allow two (2) principal uses on one (1) parcel: (a) single-family residence and (b) veterinary hospital/clinic in the "A" Agricultural District; and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **July 20, 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 and variance; and,**

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

FILED

JUL 26 2017

Don J. Hayes
SANGAMON COUNTY CLERK

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **8th Day of August, 2017** that the requests for a **Conditional Permitted Use for a veterinary hospital/clinic, and a variance to allow two (2) principal uses on one (1) parcel: (a) single-family residence and (b) veterinary hospital/clinic in the "A" Agricultural District on the above described property are hereby approved.**

Signed and passed by the Sangamon County Board in session on this **8th day of August, 2017.**

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

6-3

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

6-4

RECAP

(For County Board Use)

COUNTY BOARD MEMBER: #4 NAME: Jeff Thomas

DOCKET NUMBER: 2017-029

ADDRESS: 10659 Warrington Road, Pawnee, IL 62558

PETITIONER: Dietrich S. Ostermeier

PRESENT ZONING CLASSIFICATION: "A" Agricultural District.

REQUESTED ZONING CLASSIFICATION: **Conditional Permitted Use (CPU) for a veterinary hospital/clinic, and a variance to allow two (2) principal uses on one parcel: (1) single-family residence and (2) veterinary hospital/clinic in the "A" Agricultural District.**

AREA: 40 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: **Recommend approval. The effects on the character of the surrounding area will be limited as a business of this nature serving the rural community would be expected to be located within the Agricultural district, and the proposed veterinary hospital/clinic is located 0.8 miles away from the nearest residence. Allowing the single-family residence to be co-located on the same parcel as the veterinary hospital/clinic would be expected to allow the veterinarian to be on-site with immediate access to livestock or small animals in an emergency situation.**

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: 2017-029
Dietrich S. Ostermeier)	
)	PROPERTY LOCATED AT:
)	10659 Warrington Road
)	Pawnee, IL 62558

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 variance** 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 **July 20, 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: **10659 Warrington Road, Pawnee, IL 62558** and more particularly described as:

The Northwest Quarter of the Southwest Quarter of Section 24, Township 14 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, agriculture/farming, and veterinary hospital/clinic.**
- 5. That the proposed land use of said property is **a single-family residence, agriculture/farming, and veterinary hospital/clinic.**
- 6. That the requested **Conditional Permitted Use and variance** of said property are **a Conditional Permitted Use for a veterinary hospital/clinic, and a variance to allow two (2) principal uses on one (1) parcel: (a) single-family residence and (b) veterinary hospital/clinic in the “A” Agricultural District.**
- 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 and variance** 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 **Conditional Permitted Use and variance** be **approved.**


 CHAIRMAN *TC*

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 **Don Wulf**.

The vote of the Board was as follows:

YES: **Charles Chimento, Don Wulf, Andrew Spiro, JD Sudeth, Larry Beaty**

NO:

PRESENT:

ABSENT:



RECORDING SECRETARY

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

Case #: 2017-029

Address: 10659 Warrington Road, Pawnee

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 effects on the character of the surrounding area will be limited as a business of this nature serving the rural community would be expected to be located within the Agricultural district, and the proposed veterinary hospital/clinic is located 0.8 miles away from the nearest residence.

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

The hospital/clinic is located in a rural area where the nearest residence is at least 0.8 miles away so the public health, safety, and welfare of the area can be maintained. The petitioner mentions the veterinary practice is for the treatment of large and small animals, and no grooming or boarding services will be offered. The petitioner also states a veterinarian is able to recognize those diseases that can be transmitted from animals to people to protect the public health, safety, and welfare.

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

There is no foreseen impact.

- (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: SINGLE-FAMILY RESIDENCE & VETERINARY
HOSPITAL/CLINIC)**

Case #: **2017-029**

Address: **10659 Warrington Road, Pawnee**

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.

Allowing the single-family residence to be co-located on the same parcel as the veterinary hospital/clinic would be expected to allow the veterinarian to be on-site with immediate access to livestock or small animals in an emergency situation.

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

The trend of development in the area is rural. Given the veterinary hospital/clinic will be treating livestock and family pets in the rural area, the veterinary hospital/clinic and the single-family residence are compatible with the area.

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

The veterinary hospital/clinic will treat livestock and small animals in this area, which is seen as a benefit to the community to have a veterinarian close by to treat those animals also located in the rural area.

- (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 impacts are anticipated in granting the requested variance.