

CASE# 2019-008
RESOLUTION NUMBER 6-1

GRANTING A CONDITIONAL PERMITTED USE AND A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
6895 MANSION ROAD, CHATHAM
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 a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Justin Dennis**, has petitioned the Sangamon County Board for **a Conditional Permitted Use for a lawn care business 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 **April 18, 2019** 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 with conditions and a variance**; and,

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

FILED

APR 30 2019

Don H. May
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 14th Day of May, 2019 that the requests for a Conditional Permitted Use for a lawn care business with the following conditions:

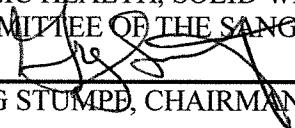
- 1) no outside storage of materials or equipment related to the proposed business,
- 2) the business will not have a retail operation or be open to the public,
- 3) the hours of operation are limited to 7 AM to 8 PM, and
- 4) a maximum of six (6) employee vehicles may be parked outside on the subject property at any given time; and,

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 14th day of May, 2019.

Respectfully submitted,

PUBLIC HEALTH, SOLID WASTE & ZONING
COMMITTEE OF THE SANGAMON COUNTY BOARD



GREG STUMPE, 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 Southwest Quarter of the Southwest Quarter of Section 33, Township 15 North Range 6 West of the Third Principal Meridian described more particularly as follows:

Commencing at an iron pin marking the Southeast corner of the Southwest Quarter of the Southwest Quarter of the aforementioned Section 33; thence South 90 degrees 00 minutes 00 seconds West along the Section line a distance of 532.53 feet to the true point of beginning; thence continuing South 90 degrees 00 minutes 00 seconds West along the section line a distance of 341.75 feet to an iron pipe; thence North 00 degrees 49 minutes 59 seconds West a distance of 261.61 feet to an iron pipe; thence North 89 degrees 58 minutes 02 seconds West a distance of 54.41 feet to an iron pipe; thence North 00 degrees 47 minutes 23 seconds West a distance of 175.74 feet to an iron pipe; thence South 89 degrees 19 minutes 09 seconds East a distance of 89.50 feet to an iron pipe; thence North 00 degrees 47 minutes 23 seconds West a distance of 213.92 feet to an iron pipe; thence South 89 degrees 19 minutes 09 seconds East a distance of 330.37 feet to an iron pipe; thence South 01 degrees 17 minutes 41 seconds West a distance of 646.40 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.

Together with all easements and appurtenances in favor of said real property.

Subject to all real estate taxes and special assessments; all covenants easements, reservations, restrictions and roadways of record or in place, if any; all prior reservations, exceptions or conveyances of the coal, oil, gas or other minerals, if any; and building, use and occupancy restrictions imposed by state and local governments, zoning laws and ordinances, if any.

Parcel Number: 21-33.0-300-021

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #7 NAME: **Craig Hall**

DOCKET NUMBER: **2019-008**

ADDRESS: **6895 Mansion Road, Chatham, IL 62629**

PETITIONER: **Justin Dennis**

PRESENT ZONING CLASSIFICATION: **“A” Agricultural District.**

REQUESTED ZONING CLASSIFICATION: **A Conditional Permitted Use (CPU) for a lawn care business and a variance to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat.**

AREA: **5.31 acres**

COMMENTS: **None**

OBJECTORS: **Yes**

PLANNING COMMISSION RECOMMENDATION: **Recommend approval of the requested Conditional Permitted Use to allow a lawn care business with the following conditions: 1) no outside storage of materials or equipment related to the proposed business, 2) the business will not have a retail operation or be open to the public, 3) the hours of operation are limited to 7 AM to 8 PM, and 4) a maximum of six (6) employee vehicles be parked outside on the subject property at any given time. The nature of the proposed lawn care business will have the employees driving to customers' houses instead of customers coming to the subject property. This creates a unique circumstance to grant the requested paving variance since the proposed business on the subject property will not be open to the**

6-6

**public or have a retail operation.
This is consistent with action taken
on other recent cases. 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: 2019-008
Justin Dennis)	
)	PROPERTY LOCATED AT:
)	6895 Mansion Road
)	Chatham, IL 62629

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 **April 18, 2019** 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: **6895 Mansion Road, Chatham, IL 62629** 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 **agricultural storage and pasture.**
- 5. That the proposed land use of said property is a **lawn care business.**
- 6. That the requested **Conditional Permitted Use and variance** of said property is a **Conditional Permitted Use for a lawn care business 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 for a lawn care business with the following conditions:**
 - 1) **no outside storage of materials or equipment related to the proposed business,**
 - 2) **the business will not have a retail operation or be open to the public,**
 - 3) **the hours of operation are limited to 7 AM to 8 PM, and**
 - 4) **a maximum of six (6) employee vehicles may be parked outside on the subject property at any given time; and,****a variance to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat 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, with the above noted conditions, and variance be approved.**


 CHAIRMAN

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 **Conditional Permitted Use** be **approved with the following conditions:**

- 1) no outside storage of materials or equipment related to the proposed business,**
- 2) the business will not have a retail operation or be open to the public,**
- 3) the hours of operation are limited to 7 AM to 8 PM, and**
- 4) a maximum of six (6) employee vehicles may be parked outside on the subject property at any given time; and, a variance which was duly seconded by Andrew Spiro.**

The vote of the Board was as follows:

YES: **Charlie Chimento, Tony Mares, Don Wulf, Andrew Spiro, Larry Beaty**

NO:

PRESENT:

ABSENT:



 RECORDING SECRETARY

6-10

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

Case #: **2019-008**

Address: **6895 Mansion Road, Chatham**

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.

To minimize the adjacent effects the lawn care business could have on the surrounding area, staff has proposed the following conditions: 1) no outside storage of materials or equipment related to the proposed business, 2) the business will not have a retail operation or be open to the public, 3) the hours of operation are limited to 7 AM to 8 PM, and 4) a maximum of six (6) employee vehicles be parked outside on the subject property at any given time.

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

Conditions have been suggested to not allow any outside storage of materials or equipment for the business, not allow the business to be open to the public, limit the hours of operation to 7AM to 8PM, and limit the number of employee vehicles parked outside on the subject property to six.

- (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.

- (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

6-11

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2019-008**

Address: **6895 Mansion Road, Chatham**

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 petition states "The lawn care business involves the care and maintenance of the land and the use of machinery, equipment and supplies similar to those used in a farming operation." Requiring paving could have a negative impact on the reasonable return on the subject property as it would be in excess of what is required for other agricultural properties that utilize similar equipment and are not required to pave.

- (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 nature of the proposed lawn care business will have the employees driving to customers' houses instead of customers coming to the subject property. This creates a unique circumstance to grant the requested paving variance since the proposed business on the subject property will not be open to the public or have a retail operation. This is consistent with action taken on other recent cases.

- (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.