

**GRANTING A CONDITIONAL PERMITTED USE AND A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
12400-12500 BLOCK OF HORSE CREEK 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 a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Ryan Maltby**, has petitioned the Sangamon County Board requesting **pursuant to Chapter 17.58 and Section 17.10.020 a Conditional Permitted Use for field tile installation and facilities; and, pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved instead of the required bituminous seal coat; and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **May 21, 2020** 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 a Conditional Permitted Use and a variance; and,**

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

FILED

MAY 28 2020

Don Hays
Sangamon County Clerk

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NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **9th Day of June, 2020** 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 field tile installation and facilities; and,
- Pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved instead of the required bituminous seal coat.

Signed and passed by the Sangamon County Board in session on this **9th day of June, 2020**.

COUNTY BOARD CHAIRMAN

ATTEST:

SANGAMON COUNTY CLERK

EXHIBIT A

TRACT B DESCRIPTION:

A TRACT OF LAND LYING IN AND BEING A PART OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 14 NORTH, RANGE 4 WEST, 3RD P.M., SANGAMON COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

COMMENCING AT A SET IRON PIN MARKING THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 31; THENCE SOUTH 89°47'49" EAST ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 31, A DISTANCE OF 354.34 FEET TO A SET MAG SPIKE ON THE CENTERLINE OF HORSE CREEK ROAD, ALSO BEING THE POINT OF BEGINNING; THENCE NORTH 12°30'04" WEST ON SAID CENTERLINE, 422.22 FEET TO A SET MAG SPIKE MARKING THE BEGINNING OF A NON-TANGENT CURVE HAVING A RADIUS OF 795.07 FEET; THENCE ON SAID CENTERLINE OF ROAD AND CURVE TO THE LEFT WITH A BEARING OF NORTH 20°53'45" WEST AND CHORD DISTANCE OF 193.09 FEET TO A SET MAG SPIKE; THENCE NORTH 35°12'57" WEST ON SAID CENTERLINE ROAD, 177.62 FEET TO A SET MAG SPIKE; THENCE NORTH 29°59'58" WEST ON SAID CENTERLINE, 39.75 FEET TO A SET MAG SPIKE; THENCE (LEAVING SAID CENTERLINE OF ROAD) NORTH 88°35'43" EAST, 82.80 FEET TO A FOUND STEEL POST IN THE BRANCH OF HORSE CREEK; THENCE DOWN SAID CREEK FOLLOWING THE MEANDERINGS, 1966.24 FEET M/L THEREOF TO ITS MOUTH; THENCE UP THE CENTERLINE OF HORSE CREEK FOLLOWING THE MEANDERINGS, 2038.75 FEET M/L THEREOF TO THE INTERSECTION OF THE SOUTH LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 89°47'51" WEST ON SAID SOUTH LINE, 201.95 FEET TO THE INTERSECTION OF HORSE CREEK CEMETERY EAST LINE FENCE; THENCE NORTH 01°42'56" WEST, 18.96 FEET TO THE NORTHEAST CORNER THEREOF; THENCE SOUTH 88°30'07" WEST ON THE NORTH LINE OF SAID CEMETERY FENCE, 638.35 FEET TO A SET IRON PIN ON SAID SOUTH LINE; THENCE NORTH 89°47'51" WEST, 25.00 FEET TO THE POINT OF BEGINNING, CONTAINING 24.942 ACRES m/l; WITH THE ABOVE DESCRIBED SUBJECT TO THAT PORTION NOW BEING USED FOR ROADWAY PURPOSES (HORSE CREEK ROAD); ALL AS PER SURVEY IN SEPTEMBER OF 2019 OF HANS B. DISTLEHORST, ILLINOIS PROFESSIONAL LAND SURVEYOR #035-3271.

PARCEL NUMBER: 30-31.0-200-014.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #4 NAME: **Jeff Thomas**

DOCKET NUMBER: **2020-011**

ADDRESS: **12400-12500 Block of Horse Creek Road, Pawnee, IL 62558**

PETITIONER: **Ryan Maltby**

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

REQUESTED ZONING CLASSIFICATION: **Pursuant to Chapter 17.58 and Section 17.10.020 a Conditional Permitted Use for field tile installation and facilities; and, pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved instead of the required bituminous seal coat.**

AREA: **24.942 ac.**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION STAFF RECOMMENDATION: **Recommend approval. The requested Conditional Permitted Use is to establish a field tile business, which is an agriculture-related business and one which could be expected to be in a rural area. There are limited residential uses in the area and no negative impacts are anticipated.**

SANGAMON COUNTY ZONING 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: 2020-011
Ryan Maltby)	
)	PROPERTY LOCATED AT:
)	12400-12500 Block of Horse Creek Road
)	Pawnee, IL 62558

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 a 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 **May 21, 2020** 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: **12400-12500 Block of Horse Creek Road, Pawnee, IL 62558** 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 **Vacant building (under construction), timber, cropland and floodplain.**
5. That the proposed land use of said property is **Field tile installation and facilities, timber, cropland, and floodplain.**
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 field tile installation and facilities; and, pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved 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 and a 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 following request(s) **are hereby approved:**

- **Pursuant to Chapter 17.58 and Section 17.10.020 a Conditional Permitted Use for field tile installation and facilities; and,**
- **Pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved instead of the required bituminous seal coat.**



CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Don Wulf**, 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 field tile installation and facilities; and,**
- **Pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved instead of the required bituminous seal coat.**

which was duly seconded by **Larry Beaty**.

The vote of the Board was as follows:

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

NO:

PRESENT:

ABSENT:



 RECORDING SECRETARY

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

Case #: 2020-011

Address: 12400-12500 Block of Horse Creek Rd., 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 requested Conditional Permitted Use is to establish a field tile business, which is an agriculture-related business and one which could be expected to be in a rural area. There are limited residential uses in the area and no negative impacts are anticipated.

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

The nature of the proposed business is such that most of the impacts from the labor, materials, equipment will occur away from the subject property except for brief periods at the beginning and the end of the day.

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

Negative impacts to the surrounding property values are unlikely. The surrounding uses are a building site and farm buildings (owned by the petitioner), a cemetery, floodplain, timber, and cropland.

- (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

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2020-011**

Address: **12400-12500 Block of Horse Creek Rd., Pawnee**

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 business will use heavy construction equipment that would move around a lot on the subject property and have a detrimental effect on a paved surface and result in a reduced reasonable return for the owner on the subject property.

- (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 proposed business is of an agricultural nature located in a heavily agricultural/rural area where there are few if any paved parking surfaces and has machinery that will consistent damage a paved surface.

- (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.