

CASE# 2017-005  
RESOLUTION NUMBER 8-1

**DENYING A USE VARIANCE**  
FOR CERTAIN PROPERTY LOCATED AT  
**14670 NAVE ROAD, MECHANICSBURG**  
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 **deny a Use Variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

**See Exhibit A**

WHEREAS, the Petitioners, **William & Christie Rincker**, have petitioned the Sangamon County Board **to replace the existing Use Variance (petition 2015-047) which grants the following uses: a single-family residence, a dog kennel limited to no more than twenty (20) dogs boarded/kenneled at any time with proof of adequate waste disposal, and a horse boarding/breeding business; with the following: (1) a single-family residence, (2) dog agility training (classes), (3) dog herding training (classes), and (4) dog agility trials;** and,

WHEREAS, a public hearing was held at the Sangamon County Building on **January 19, 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 **deny the Use Variance;** and,

**FILED**

**JAN 25 2017**

*Don Hay*  
Sangamon County Clerk


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 7<sup>th</sup> Day of February, 2017 that the request to replace the existing Use Variance (petition 2015-047) which grants the following uses: a single-family residence, a dog kennel limited to no more than twenty (20) dogs boarded/kenneled at any time with proof of adequate waste disposal, and a horse boarding/breeding business; with the following: (1) a single-family residence, (2) dog agility training (classes), (3) dog herding training (classes), and (4) dog agility trials on the above described property is hereby denied.

Signed and passed by the Sangamon County Board in session on this 7<sup>th</sup> day of February, 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

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\_\_\_\_\_  
LINDA FULGENZI

\_\_\_\_\_  
LISA HILLS

\_\_\_\_\_  
MIKE SULLIVAN

\_\_\_\_\_  
ROSE RUZIC

**ATTEST:**

\_\_\_\_\_  
SANGAMON COUNTY CLERK

\_\_\_\_\_  
COUNTY BOARD CHAIRMAN

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**EXHIBIT A**

THE EAST 28.66 ACRES OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 15 NORTH, RANGE 3 WEST OF THE THIRD PRINCIPAL MERIDIAN.

EXCEPTING THEREFROM THAT PART CONVEYED TO JAMES F. WORLEY AND CLARA BELLE WORLEY, HUSBAND AND WIFE, BY WARRANTY DEED DATED OCTOBER, 14, 1994 AND RECORDED OCTOBER 18, 1994 AS DOCUMENT NO. 94-41369, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER, NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 15 NORTH, RANGE 3 WEST OF THE THIRD PRINCIPAL MERIDIAN, THENCE WESTERLY ALONG THE NORTH LINE OF THE NORTHWEST QUARTER, NORTHEAST QUARTER OF SAID SECTION 12, 338.0 FEET, THENCE SOUTHERLY PARALLEL WITH THE EAST LINE OF THE NORTHWEST QUARTER, NORTHEAST QUARTER OF SAID SECTION 12, 450.0 FEET, THENCE EASTERLY PARALLEL TO SAID NORTH LINE, 338.0 FEET, THENCE NORTHERLY ALONG SAID EAST LINE, 450.0 FEET TO THE POINT OF BEGINNING.

EXCEPT ALL COAL AND MINERALS TOGETHER WITH THE RIGHT TO MINE AND REMOVE SAME.

AND EXCEPTING:

PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 15 NORTH, RANGE 3 WEST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED MORE PARTICULARLY AS FOLLOWS:

COMMENCING AT AN IRON PIN MARKING THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE AFOREMENTIONED SECTION 12, THENCE SOUTH 00 DEGREES 22 MINUTES 49 SECONDS WEST ALONG THE QUARTER, QUARTER SECTION LINE A DISTANCE OF 449.03 FEET MEASURED, (450 FEET DEED) TO THE TRUE POINT OF BEGINNING, THENCE CONTINUING SOUTH 00 DEGREES 22 MINUTES 49 SECONDS WEST ALONG THE QUARTER, QUARTER SECTION LINE A DISTANCE OF 128.95 FEET TO AN IRON PIPE, THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST 337.88 FEET TO AN IRON PIPE, THENCE NORTH 00 DEGREES 22 MINUTES 49 SECONDS EAST 128.95 FEET TO AN IRON PIN, THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST 337.88 FEET MEASURED, (338 FEET DEED) TO THE TRUE POINT OF BEGINNING. SAID PARCEL CONTAINS 1.00 ACRES, MORE OR LESS, ALL IN THE COUNTY OF SANGAMON, STATE OF ILLINOIS.

BASIS OF BEARING IS SOUTH 00 DEGREES 22 MINUTES 49 SECONDS WEST ALONG THE QUARTER, QUARTER SECTION LINE.

AND EXCEPTING:

PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 15 NORTH, RANGE 3 WEST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED MORE PARTICULARLY AS FOLLOWS:

COMMENCING AT AN IRON PIN MARKING THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE AFOREMENTIONED SECTION 12, THENCE SOUTH 00 DEGREES 22 MINUTES 49 SECONDS WEST ALONG THE QUARTER, QUARTER SECTION LINE A DISTANCE OF 577.98 FEET MEASURED, TO AN IRON PIPE MARKING THE TRUE POINT OF BEGINNING, THENCE CONTINUING SOUTH 00 DEGREES 22 MINUTES 49 SECONDS WEST ALONG THE QUARTER, QUARTER SECTION LINE A DISTANCE OF 128.95 FEET TO AN IRON PIPE, THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST 337.88 FEET TO AN IRON PIPE, THENCE NORTH 00 DEGREES 22 MINUTES 49 SECONDS EAST 128.95 FEET TO AN IRON PIN, THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST 337.88 FEET MEASURED, (338 FEET DEED) TO THE TRUE POINT OF BEGINNING. SAID PARCEL CONTAINS 1.00 ACRES, MORE OR LESS, ALL IN THE COUNTY OF SANGAMON, STATE OF ILLINOIS.

BASIS OF BEARING IS SOUTH 00 DEGREES 22 MINUTES 49 SECONDS WEST ALONG THE QUARTER, QUARTER SECTION LINE.

AND EXCEPTING:

PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 15 NORTH, RANGE 3 WEST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED MORE PARTICULARLY AS FOLLOWS:

COMMENCING AT AN IRON PIN MARKING THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE AFOREMENTIONED SECTION 12, THENCE SOUTH 00 DEGREES 22 MINUTES 49 SECONDS WEST ALONG THE QUARTER, QUARTER SECTION LINE A DISTANCE OF 706.93 FEET MEASURED, TO AN IRON PIPE MARKING THE TRUE POINT OF BEGINNING, THENCE CONTINUING SOUTH 00 DEGREES 22 MINUTES 49 SECONDS WEST ALONG THE QUARTER, QUARTER SECTION LINE A DISTANCE OF 617.76 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, THENCE SOUTH 89 DEGREES 55 MINUTES 31 SECONDS WEST ALONG THE QUARTER, QUARTER SECTION LINE A DISTANCE OF 337.99 FEET TO AN IRON PIPE, THENCE NORTH 00 DEGREES 22 MINUTES 49 SECONDS EAST 618.22 FEET TO AN IRON PIPE, THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST 337.88 FEET TO THE TRUE POINT OF BEGINNING. SAID PARCEL CONTAINS 4.793 ACRES, MORE OR LESS, ALL IN THE COUNTY OF SANGAMON, STATE OF ILLINOIS.

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BASIS OF BEARING IS SOUTH 00 DEGREES 22 MINUTES 49 SECONDS WEST ALONG  
THE QUARTER, QUARTER SECTION LINE.

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**RECAP**  
(For County Board Use)

COUNTY BOARD MEMBER: # 3                      NAME: David Mendenhall

DOCKET NUMBER: 2017-005

ADDRESS: 14670 Nave Road, Mechanicsburg, IL 62545

PETITIONER: William & Christie Rincker

PRESENT ZONING CLASSIFICATION: **“A” Agricultural District a with Use Variance which grants the following uses: a single-family residence, a dog kennel limited to no more than twenty (20) dogs boarded/kenneled at any time with proof of adequate waste disposal, and a horse boarding/breeding business.**

REQUESTED ZONING CLASSIFICATION: **“A” Agricultural District replacing the existing Use Variance with the following Use Variance: (1) a single-family residence, (2) dog agility training (classes), (3) dog herding training (classes), and (4) dog agility trials.**

AREA: 18.33 acres

COMMENTS: None

OBJECTORS: Yes

PLANNING COMMISSION RECOMMENDATION: **Recommend denial of the requested amendment to the Use Variance. The previous Zoning Case #2015-047 granted a Use Variance to allow three (3) uses (a single-family residence, a dog kennel limited to no more than twenty (20) dogs boarded/kenneled at a given time with proof of adequate waste disposal, and a horse boarding/breeding business). The petitioner is requesting to replace the current Use Variance with the proposed uses of (1) a single-family residence, (2) dog agility and dog herding training (classes), and (3)**

dog agility trials. While the petitioner self-imposes limitations on the number of cars (exhibitors/judges) who will be in attendance at the dog agility trials, these estimates do not consider additional traffic counts related to any spectators who may attend the event. Such additional traffic would further increase the intensity of the uses. The petitioner did not provide evidence related to how the limitations on the number of cars would be monitored by the owners and the mechanism by which the petitioners would ensure that the self-imposed traffic limitations were not exceeded for both the dog agility trials and the training classes. Nave Road is narrow with steep shoulders making it difficult for cars to meet safely. Staff has concerns that additional traffic generated on the subject property could impair access of emergency vehicles to properties to the east.

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: <b>2017-0005</b>
<b>William &amp; Christie Rincker</b> )	)
)	PROPERTY LOCATED AT:
)	<b>14670 Nave Road</b>
)	<b>Mechanicsburg, IL 62545</b>

RECOMMENDATION OF THE BOARD OF APPEALS

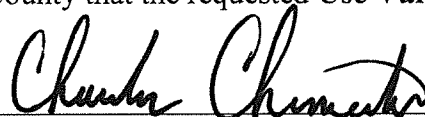
THIS MATTER, Coming on for a hearing before the Sangamon County Zoning Board of Appeals of Sangamon County, Illinois, and it appearing to said Board that a petition for a **Use Variance** of the Zoning Regulations of said County has been filed herein by the above captioned petitioner (s); that legal publication has been made pursuant to law; and that a public hearing was held on **January 19, 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: **14670 Nave Road, Mechanicsburg, IL 62545** and more particularly described as:

**See Exhibit A**

- 3. That the present zoning of said property is **“A” Agricultural District a with Use Variance which grants the following uses: a single-family residence, a dog kennel limited to no more than twenty (20) dogs boarded/kenneled at any time with proof of adequate waste disposal, and a horse boarding/breeding business.**
- 4. That the present land use of said property is **a single-family residence, four (4) barns, livestock, crops, and dog agility trials.**
- 5. That the proposed land use of said property is **a single-family residence, four (4) barns, livestock, crops, dog agility training, dog herding training, and dog agility trials.**
- 6. That the requested **Use Variance** of said property is **to allow the following uses: (1) a single-family residence, (2) dog agility training (classes), (3) dog herding training (classes), and (4) dog agility trials.**
- 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 **Use 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 **Use Variance** be **denied**.

  
 CHAIRMAN *YC*

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Merilyn Herbert**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **denied** which was duly seconded by **Anthony Mares**.

The vote of the Board was as follows:

YES: **Charles Chimento, Anthony Mares, Don Wulf, Merilyn Herbert and Andrew Spiro**

NO:

PRESENT:

ABSENT:

  
RECORDING SECRETARY

**RECOMMENDED STANDARDS FOR USE VARIATIONS  
(SINGLE-FAMILY RESIDENCE, DOG AGILITY TRAINING, DOG HERDING TRAINING, & DOG AGILITY  
TRIALS)**

Case #: 2017-005

Address: 14670 Nave Road, Mechanicsburg

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 can still operate with the Use Variance that was granted in Zoning Case #2015-047. The hardship in this case appears to be self-imposed.**

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

**There continue to be concerns about increasing the intensity of usage on the subject property as Nave Road is still narrow and in rough condition. The increase in intensity is not compatible with the trend of development in 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 proposed increase in intensity of use has questionable benefit to the community at this location due to the poor condition of the road and does not appear to be in harmony with the general purpose and intent of the Zoning 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.

**While the petitioner self-imposes limitations on the number of cars (exhibitors/judges) who will be in attendance at the dog agility trials, these estimates do not consider additional traffic counts related to any spectators who may attend the event. Such additional traffic would further increase the intensity of the uses. The petitioner did not provide evidence related to how the limitations on the number of cars would be monitored by the owners and the mechanism by which the petitioners would ensure that the self-imposed traffic limitations were not exceeded for both the dog agility trials and the training classes. Nave Road is narrow with steep shoulders making it difficult for cars to meet safely. Staff has concerns that additional traffic generated on the subject property could impair access of emergency vehicles to properties to the east.**