

FILED

MAR 26 2010

Joe Aiello
Sangamon County Clerk

CASE# 2010-13
RESOLUTION NUMBER 9-1

**GRANTING A VARIANCE, CONDITIONAL PERMITTED USES,
AND USE VARIANCES**
FOR CERTAIN PROPERTY LOCATED
IN THE 1300-1400 BLOCK OF HORSE FARM ROAD, DIVERNON
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 variance, conditional permitted uses and use variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Mike Heren DBA The Stables on Horse Farm Road**, has petitioned the Sangamon County Board for a **variance to allow two (2) parcels less than forty (40) acres, conditional permitted uses to allow riding stables and a veterinarian clinic on proposed tract # 1, a rezoning from "A" Agricultural District to "B-3 General Business District on proposed tract # 2 and a rezoning from "A" Agricultural District to "I-1" Restricted Industrial District on proposed tract # 3; and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **March 18, 2010** 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 variance to allow two (2) parcels less than forty (40) acres, and conditional permitted uses for riding stables and veterinarian clinic on proposed**

tract #1. Recommend denial of rezoning from "A" Agricultural District to "B-3" General Business District to allow for a lodging house and internet service business on proposed tract # 2, but, in the alternative grant use variances. Recommend denial of the rezoning from "A" Agricultural District to "I-1" Restricted Industrial District to allow for a farrier school on proposed tract # 3, but, in the alternative, grant a use variance; 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 6th day of April, 2010 that the request for a variance to allow two (2) parcels less than forty (40) acres and conditional permitted uses to allow riding stables and a veterinarian clinic on proposed tract # 1 is hereby approved. The request for a rezoning from "A" Agricultural District to "B-3" General Business district to allow for a lodging house and internet service business on proposed tract # 2 is hereby denied but, in the alternative, use variances are granted. The request for a rezoning from "A" Agricultural District to "I-1" Restricted Industrial District to allow for a farrier school on proposed tract # 3 is hereby denied but, in the alternative, a use variance is granted.

Signed and passed by the Sangamon County Board in session on this 6th day of April, 2010.

Respectfully submitted,

PUBLIC HEALTH, SAFETY & ZONING COMMITTEE OF THE SANGAMON COUNTY BOARD



TIM MOORE, CHAIRMAN

ABE FORSYTH, VICE CHAIRMAN

JOHN FULGENZI

DAVID MENDENHALL

SAM SNELL

DON STEPHENS

GREG STUMPF

LINDA DOUGLAS WILLIAMS

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

Exhibit A

Part of Lot 29 and the South Part of Lot 30 of the Subdivision of Section 32, Township 14 North, Range 5 West of the Third Principal Meridian, Sangamon County, Illinois, As Recorded in the Recorder's Office of Sangamon County, Illinois In Book 68, Page 633, and More Particularly Described as Follows: From the Southeast Corner of said Section 32, West on the South Line of Section 32, 1576.66 Feet to the Point of Beginning, Thence continuing West on said South Line, 566.04 Feet; Thence Deflecting to the Right 88 Degrees 15 Minutes 00 Seconds, 361.50 Feet, Thence Deflecting to the Right 97 Degrees 29 Minutes 08 Seconds, 40.34 Feet; Thence Deflecting to the Left 97 degrees 29 Minutes 08 Seconds, 106.34 Feet; thence Deflecting to the Left 11 Degrees 30 Minutes 00 Seconds, 142.42 feet; Thence Deflecting to the Right 9 Degrees 30 Minutes 00 Seconds, 161.81 Feet; Thence Deflecting to the Left 92 Degrees 11 Minutes 46 Seconds, 40.03 Feet; Thence Deflecting to the Right 92 Degrees 11 Minutes 46 Seconds 46.66 Feet; Thence Deflecting to the Left 35 Degrees 30 Minutes 00 Seconds, 82.31 feet; Thence Deflecting to the Right 38 Degrees 45 Minutes 00 Seconds, 450.88 Feet to a Point on the Quarter Quarter Section Line, Being the North Line of the South Part of Afore Described Lot 30; Thence East on said North Line, 679.32 Feet; Thence Deflecting to the Right 90 Degrees 06 Minutes 40 Seconds, 1323.55 feet to the Point of Beginning. Containing 18.501 Acres More or Less. Situated in Sangamon County, Illinois.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 5 NAME: Don Stephens Jr.

DOCKET NUMBER: 2010-13

ADDRESS: In the 1300-1400 Block of Horse Farm Rd., Divernon, IL. 62530

PETITIONER: Mike Heren, DBA The Stables on Horse Farm Road

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: A variance to allow two (2) parcels less than forty (40) acres, a conditional permitted use to allow riding stables and a veterinarian clinic on proposed tract # 1, a rezoning from "A" Agricultural District to "B-3" General Business District to allow for a lodging house and internet service business on proposed tract # 2, and a rezoning from "A" Agricultural District to "I-1" Restricted Industrial District to allow for a farrier school on proposed tract # 3.

AREA: 18.5 acres

COMMENTS: None

OBJECTORS: Yes

PLANNING COMMISSION RECOMMENDATION: See Exhibit B

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Grant the variance to allow two (2) parcels less than forty (40) acres, conditional permitted uses for riding stables and veterinarian clinic for proposed tract #1. Recommended denial of rezoning but, in the alternative, grant use variances for lodging house and internet business for proposed tract #2, and a farrier school for proposed tract #3.

Cyndi Knowles
RECORDING SECRETARY

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Exhibit B

PLANNING COMMISSION STAFF RECOMMENDATION: **Recommend approval of** the requested variance to allow two (2) parcels less than 40 acres and CPU on Tract # 1 to allow for riding stables and a veterinarian clinic. The standards for variation are met. Recommend denial of the requested I-1 and B-3 zoning as both are too intense. Staff recommends that a use variance for a lodging house on Tract # 2 may be appropriate. Staff recommends that a use variance for a farrier school may be appropriate on Tract # 3.

The petitioner seeks to add the veterinarian clinic, farrier school and associated lodging facilities as agricultural-related businesses to support the existing operation of the riding stables. While staff recommends that use variances may be appropriate, the petitioner should provide additional information to ensure that such use variances will limit the negative impact on the area. For example, information should be provided regarding the number of individuals to be housed in the lodging house at one time, frequency and duration of stays, address issues related to kitchen facilities and the intent to provide meals for students, and other information needed to identify the level of intensity and hours and method of operation of this use. It is also recommended that if a use variance is granted for a lodging house that it only be granted to support the farrier school if a use variance is granted for a farrier school.

The petitioner also requested that Tract # 2 be used for an internet business. Staff does not recommend that a use variance be granted for this purpose given the proposed use for the parcel will be the lodging house to support uses other adjacent parcels. If this parcel is to be converted to support agricultural-related uses, then an internet business is inconsistent with the uses proposed by the petitioner.

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SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: 2010-13
Mike Heren, DBA The Stables on Horse Farm Road

)
) PROPERTY LOCATED AT:
) 1300-1400 Block of Horse Farm Rd.,
) Divernon, IL. 62530

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 **variance, conditional permitted uses and amendments** 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 **March 18, 2010** 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: the **1300-1400 BLOCK OF HORSE FARM ROAD, DIVERNON, IL.** 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 **a riding stable.**
- 5. That the proposed land use of said property is **a riding stable and veterinarian clinic on proposed tract # 1, lodging house and internet service business on proposed tract # 2, and a farrier school on proposed tract # 3.**
- 6. That the requested **variance** of said property is to allow two (2) parcels less than forty (40) acres, **conditional permitted uses** to allow riding stables and a veterinarian clinic on proposed tract # 1, a **rezoning** from **"A" Agricultural District** to **"B-3" General**

Business District to allow for a lodging house and internet service business on proposed tract # 2, and a **rezoning** for a farrier school on proposed tract # 3.

- 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** is in the public interest and is not solely in the interest of the petitioner(s) but, in the alternative, the evidence adduced at the hearing **does** support granting **use variances** for a lodging house and an internet business for proposed tract #2, and a farrier school for proposed tract #3.

IT IS, THEREFORE, the recommendation of the Sangamon County Zoning Board of Appeals to the County Board of Sangamon County that the requested **variance, conditional permitted uses, and recommended use variances be approved.**

Charles Chimento /ck
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Marvin Traylor**, to concur with the findings of fact and amended recommendation of the Regional Planning Commission and recommend to the County Board that the staff recommendation be **approved**, which was duly seconded by **Peggy Egizii**.

The vote of the Board was as follows:

YES: **Charles Chimento, Byron Deaner, Peggy Egizii, Judith Johnson, Marvin Traylor**

NO:

ABSENT:

Cynadi Knowles
RECORDING SECRETARY