

CASE# 2013-003  
RESOLUTION NUMBER 91

**DENYING A REZONING, GRANTING A USE VARIANCE AND VARIANCE**  
FOR CERTAIN PROPERTY LOCATED AT  
**11631 BUCKHART 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 an amendment but grant a use variance and variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See **EXHIBIT A**

WHEREAS, the Petitioners, **Charles & Tina Ealey**, have petitioned the Sangamon County Board for a **rezoning from "R-1" Single-Family Residence District to "B-3" General Business District, a Conditional Permitted Use to allow a public and private outdoor recreation center, a variance of Section 17.50.060 Development of parking facilities and access ways to allow the parking areas to remain grass instead of improving with a bituminous seal coat or paving, and a variance to allow two (2) principal uses on one (1) parcel to allow for a single-family residence and a dirt kart track ; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **April 18, 2013** 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

**FILED**

APR 29 2013

*Joe Aiello*  
Sangamon County Clerk

that the Sangamon County Board deny the rezoning, but in the alternative, grant a use variance and 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 14<sup>th</sup> day of May, 2013 that the request to rezone from "R-1" Single-Family Residence District to "B-3" General Business District is hereby denied but, in the alternative, a use variance to allow a single-family residence and a dirt kart tract, providing that the dirt kart tract operates only on Saturdays from 12 noon to 10:00 p.m. and that the public address system will only be utilized at the beginning of the first race to play the national anthem and a variance to Section 17.50.060 to allow the parking areas to remain grass instead of improving with a bituminous seal coat or paving on the above referenced property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 14<sup>th</sup> day of May, 2013.

Respectfully submitted,

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



\_\_\_\_\_  
GREG STUMPF, CHAIRMAN

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DAVID MENDENHALL, VICE CHAIRMAN

\_\_\_\_\_  
JOHN FULGENZI

\_\_\_\_\_  
CRAIG HALL

\_\_\_\_\_  
SAM SNELL

\_\_\_\_\_

ABE FORSYTH

\_\_\_\_\_  
JASON RATTS

\_\_\_\_\_  
LINDA DOUGLAS WILLIAMS

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

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

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

**ATTEST:**

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

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

## EXHIBIT A

Part of the East half of the West half of the Northeast quarter of Section 16, Township 15 North, Range 3 West of the Third Principal meridian, in Sangamon, County, Illinois. Described as follows: Beginning at an iron pin at the Southwest Corner of the East half of the West half of the Northeast quarter of Section 16, thence North 89 degrees 53 minutes 21 seconds East 206.65 feet to A.P.K. nail; thence North 315.57 feet to an iron pin, thence West 116.77 feet to an iron pin; thence North 0 degrees 01 minutes 22 seconds West 762.84 feet to an iron pin; thence South 83 degrees 46 minutes 43 seconds East 330-18 feet to an iron pin; thence South 167.24 feet to an iron pin; thence North 89 degrees 53 minutes 40 seconds East 249.00 feet to an iron pin; thence North 983.63 feet to an iron pin; thence south 89 degrees 53 minutes 40 seconds West 667.55 feet to an iron pin; thence South 0 degrees 01 minute 22 seconds East 1858.63 feet to the point of beginning. Containing 16.33 acres more or less. Situated in Sangamon County, Illinois.

Subject to coal, minerals, and mining rights heretofore conveyed or reserved of record.

**RECAP**  
(For County Board Use)

COUNTY BOARD MEMBER: # 3                      NAME: David Mendenhall

DOCKET NUMBER: 2013-003

ADDRESS: 11631 Buckhart Rd., Mechanicsburg, IL. 62545

PETITIONER: Charles & Tina Ealey

PRESENT ZONING CLASSIFICATION: "R-1" Single-Family Residence District

REQUESTED ZONING CLASSIFICATION: "B-3" General Business District with a Conditional Permitted Use to allow a public and private outdoor recreation center, a variance of Section 17.50.060 to allow the parking areas to remain grass instead of improving with a bituminous seal coat or paving, and a variance to allow two (2) principal uses on one (1) parcel.

AREA: 16.33 acres

COMMENTS: None

OBJECTORS: No

PLANNING COMMISSION RECOMMENDATION: **Recommend denial of the requested B-3 zoning as it is seen as too intense for the immediate area and would be considered spot zoning in a primarily residential and agricultural area. Recommend denial of the requested variance to allow two (2) principal uses on the subject property and denial of the requested Conditional Permitted Use to allow for a public and private outdoor recreation center as the standards have not been met. There is a concern with the effect of a public and private outdoor recreation center might have on the character of the area as it is primarily single-family residences along Buckhart Road. Also, there is no information from the proposed**

use and an acceptable parking plan that meets County standards was not submitted with the petition. **AMENDED:** Recommend denial of the petition as originally submitted. The petitioners desire to continue to operate a dirt kart track to the north of the single-family residence located on the property. The general purpose of the Zoning Regulations is to locate such facilities in areas that will benefit the community for the enjoyment of county residents while not having a detrimental effect on the immediate area. Operating a dirt kart track at this location is suitable and meets the intent of the regulations. As such, staff recommends approval of a Use Variance for a single-family residence and a dirt kart track on the parcel providing that the dirt kart track operates only on Saturdays from 12 noon to 10:00 p.m. and that the public address system will only be utilized at the beginning of the first race to play the national anthem. Recommend approval of the variance related to the parking area. The standards for variation are met.

SANGAMON COUNTY BOARD OF APPEALS  
RECOMMENDATION:

Approval as amended by staff to allow a Use Variance and variance with provisions that the dirt kart track operates only on Saturdays from 12 noon to 10:00 p.m. and that the public address system will only be utilized at the beginning of the first race to play the national anthem.

  
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:            )     DOCKET NO: **2013-003**  
**Charles & Tina Ealey**                            )  
  )  
  )     PROPERTY LOCATED AT:  
  )     **11631 Buckhart Rd.**  
  )     **Mechanicsburg, IL. 62545**

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 an **amendment, variances and Conditional Permitted Use** 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, 2013** 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: **11631 Buckhart Rd., Mechanicsburg** and more particularly described as:

See **EXHIBIT A**

- 3. That the present zoning of said property is **"R-1" Single-Family Residence District.**
- 4. That the present land use of said property is **a single-family residence and dirt kart tract.**
- 5. That the proposed land use of said property is **a single-family residence and dirt kart tract.**
- 6. That the requested **rezoning, variances and Conditional Permitted Use** of said property are **from "R-1" Single-Family Residence District to "B-3" General Business District, a Conditional Permitted Use to allow a public and private outdoor recreation center, a variance of Section 17.50.060 to allow the parking areas to remain grass instead of improving with a bituminous seal coat or paving, and a variance to allow two (2) principal uses on one (1) parcel.**
- 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).

IT IS, THEREFORE, the recommendation of the Sangamon County Zoning Board of Appeals to the County Board of Sangamon County that the requested **rezoning** be **denied but, in the alternative, grant a use variance to allow a single-family residence and a dirt kart tract providing that the dirt kart track operates only on Saturdays from 12 noon to 10:00 p.m. and that the public address system will only be utilized at the beginning of the first race to play the national anthem and approval of the variance related to the parking area.**

Charles Chimento /cc  
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 petition be **approved as staff amended**, which was duly seconded by **Byron Deaner**.

The vote of the Board was as follows:

YES: **Charles Chimento, Byron Deaner, Don Wulf, Peggy Egizii, Judith Johnson**

NO:

PRESENT

:

ABSENT:

*Cyrdi Knowles*  
RECORDING SECRETARY

SANGAMON COUNTY  
RECOMMENDED - FINDINGS OF FACT

Case #: 2013-003

Address: 11631 Buckhart Road, Mechanicsburg

- (i) Existing uses of property within the general area of the property in question.

To the north is some timber and a sand and gravel operation. To the east is cropland, a mobile home and a single-family residence. To the south is a single-family residence. To the west is cropland.

- (ii) The zoning classification of property within the general area of the property in question.

To the west, north and south is Agricultural zoning. To the east is R-1 and Agricultural zoning.

- (iii) The suitability of the property in question to the uses permitted under the existing zoning classification.

There is a single-family residence on the property and is suited to the current zoning classification. A portion of the area containing the dirt kart track is in the floodplain.

- (iv) The trend of development, within the vicinity since the property was originally classified.

The subject property was rezoned from Agricultural to R-1 in 2003. Property to the west and further north was granted a conditional permitted use to allow a sand and gravel operation in 2000. The area along Buckhart Road has remained stable.

911

**SANGAMON COUNTY  
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: 2013-003

Address: 11631 Buckhart Road, Mechanicsburg

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 property can continue to be used as a single-family residence; however, adding a public and private outdoor recreation center could allow the property to yield a higher return. **AMENDED:** The property can continue be used with the single-family residence; however, the petitioners are seeking to add the dirt kart track in a floodplain without placement of permanent structures. Locating a dirt kart track on this parcel provides a benefit to the community.

- (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 rear of the property is located within the 100-year floodplain as is a portion of the dirt kart track. Other properties in the area also contain floodplain so there are no circumstances unique to this property that are not present with other properties in the immediate area. **AMENDED:** While other properties in the area also contain floodplain, the petitioners are seeking to maximize usage of their property without placement of permanent structures that will hamper water flow during a flooding event.

- (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.

There is a concern with the effect of a public and private outdoor recreation center might have on the character of the area as it is primarily single-family residences along Buckhart Road. Also, there is no information in the petition in regards to the amount of traffic that is anticipated to be generated from the proposed use. **AMENDED:** The petitioners submitted an adequate parking plan. Buckhart Road is a county highway that is wide enough and well constructed so that it will handle additional traffic.

SANGAMON COUNTY - RECOMMENDED FINDINGS OF FACT  
FOR CONDITIONAL PERMITTED USES

Case #: 2013-003

Address: 11631 Buckhart Road, Mechanicsburg

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.

There is a concern with the effect on the character a public and private outdoor recreation center would have on the residences in the immediate area. **AMENDED:** The hours of operation will be on Saturdays only, from 12 noon to 10:00 p.m. with the public address system only operating at the beginning of the first race to play the national anthem. Staff finds that these limitations will result in no negative impact on the immediate area.

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

This appears to be the case, although this standard cannot be fully evaluated as specific information is lacking in the petition. **AMENDED:** See above.

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

There is a concern for adjacent residences. **AMENDED:** See above.

- (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.

The proposed access would be from Buckhart Road.

- (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

Case #: 2013-003

Address: 11631 Buckhart Road, Mechanicsburg

The Zoning Board of Appeals has 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 property consists of 16.33 acres and contains a single-family residence near the road. The back acreage of the property is located in the floodplain and is considered to be unusable for permanent structures. A use variance to allow the dirt kart track will allow the property located in the floodplain to be used.

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

The property is located in a rural area. The development in the area consists of single-family residences along the road and a sand and gravel operation to the north. The area also consists of cropland and timber. Given the proximity of the sand and gravel pit to the north, the area can be characterized as having mixed development.

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

The petitioners desire to continue to operate a dirt kart track to the north of the single-family residence located on the property. The general purpose of the Zoning Regulations is to locate such facilities in areas that will benefit the community for the enjoyment of county residents while not having a detrimental effect on the immediate area. Operating a dirt kart track at this location is suitable and meets the intent of the 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.

The petitioners have modified their request and provided limitations on the method and hours of operations. The dirt kart track will only be operational on Saturdays from 12 noon to 10:00 p.m. The public address system will only be used to play the national anthem at the beginning of the first race. Given the limitations requested by the petitioners, and the parking plan submitted, staff finds that there will be no negative impact on the immediate area.