

**GRANTING A CONDITIONAL PERMITTED USE AND VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
9450 GINDER ROAD, ROCHESTER
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 variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioners, **Hummingbird Stables LLC (Darryl Dragoo and Amy Nelson)**, have petitioned the Sangamon County Board requesting **pursuant to Chapter 17.58 and Section 17.10.020, a Conditional Permitted Use for a riding stable; pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow two (2) principal uses on one (1) parcel: (1) single-family residence and (2) riding stable; and, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat; and,**

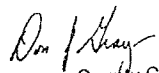
WHEREAS, a public hearing was held at the Sangamon County Building on **May 18, 2021** after proper notice was posted on said property and given by news publication, as is required by said Ordinance, and all procedural and jurisdictional requirements of the Sangamon County Zoning Ordinance have been 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 variances; and,**

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

FILED

MAY 26 2021


Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **8th Day of June, 2021** 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 a riding stable;
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow two (2) principal uses on one (1) parcel: (1) single-family residence and (2) riding stable; and,
- Pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat.

Signed and passed by the Sangamon County Board in session on this **8th day of June, 2021**.

COUNTY BOARD CHAIRMAN

ATTEST:

SANGAMON COUNTY CLERK

EXHIBIT A

PART OF THE NORTH HALF OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 4 WEST OF THE THIRD PRINCIPAL MERIDIAN, SANGAMON COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

FROM THE SOUTHWEST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 14, NORTH ON THE QUARTER QUARTER SECTION LINE 464.02 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH ON SAID QUARTER QUARTER SECTION LINE 164.02 FEET; THENCE DEFLECTING TO THE RIGHT 91 DEGREES 36 MINUTES 14 SECONDS, 1328.50 FEET; THENCE DEFLECTING TO THE RIGHT 88 DEGREES 23 MINUTES 46 SECONDS, 164.02 FEET; THENCE DEFLECTING TO THE RIGHT 91 DEGREES 36 MINUTES 14 SECONDS, 1328.50 FEET TO THE POINT OF BEGINNING.

ALSO,

FROM THE SOUTHWEST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 14, NORTH ON THE QUARTER QUARTER SECTION LINE 628.04 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH ON SAID QUARTER QUARTER SECTION LINE 164.02 FEET; THENCE DEFLECTING TO THE RIGHT 91 DEGREES 36 MINUTES 14 SECONDS, 1328.50 FEET; THENCE DEFLECTING TO THE RIGHT 88 DEGREES 23 MINUTES 46 SECONDS, 164.02 FEET; THENCE DEFLECTING TO THE RIGHT 91 DEGREES 36 MINUTES 14 SECONDS, 1328.50 FEET TO THE POINT OF BEGINNING.

SITUATED IN THE COUNTY OF SANGAMON, STATE OF ILLINOIS.

PARCEL NUMBER: 30-14.0-100-010.

RECAP
(For County Board Use)

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

DOCKET NUMBER: **2021-021**

ADDRESS: **9450 Ginder Road, Rochester, IL 62563**

PETITIONER: **Hummingbird Stables LLC (Darryl Dragoo and Amy Nelson)**

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

REQUESTED ZONING CLASSIFICATION: **Pursuant to Chapter 17.58 and Section 17.10.020, a Conditional Permitted Use for a riding stable; pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow two (2) principal uses on one (1) parcel: (1) single-family residence and (2) riding stable; and, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat.**

AREA: **10 acres**

COMMENTS: **None**

OBJECTORS: **Yes**

PLANNING COMMISSION STAFF RECOMMENDATION: **Recommend approval. The Conditional Permitted Use is appropriate at this site as it has been in operation since 2014 without apparent negative effects on the area and the owners intend to limit the size of the operation. For the two uses variance, approval is appropriate due to the recommended approval of the Conditional Permitted Use since there is also a residence on the property. For the paving variance, due to the size of this particular training facility there will be a limited number of patrons per week; the business plan states no more than 5 stalls are available per day and that horses undergoing training must be kept at the facility overnight. The patrons will be dropping off and picking up horses, and might stay to be part of the training process. The Standards for Variation are met.**

SANGAMON COUNTY ZONING BOARD OF APPEALS RECOMMENDATION:
Approval of Staff Recommendation.



RECORDING SECRETARY

7-5

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2021-021
Hummingbird Stables LLC)	
(Darryl Dragoo and Amy Nelson))	PROPERTY LOCATED AT:
)	9450 Ginder Road
)	Rochester, IL 62563

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 variances** 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 18, 2021** 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: **9450 Ginder Road, Rochester, IL 62563** 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 **Single family residence with riding stables, accessory structures, and timber.**
5. That the proposed land use of said property is **Single family residence with riding stables, accessory structures, and timber.**
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 a riding stable; pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow two (2) principal uses on one (1) parcel: (1) single-family residence and (2) riding stable; and, a variance of Section 17.50.060(A) 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 and variances** are 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 a riding stable;**
- **Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow two (2) principal uses on one (1) parcel: (1) single-family residence and (2) riding stable; and,**
- **Pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock) 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, **Tony Mares**, which was duly seconded by **Andrew Spiro**, 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 a riding stable;
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow two (2) principal uses on one (1) parcel: (1) single-family residence and (2) riding stable; and,
- Pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat.

The vote of the Board was as follows:

YES: **Charlie Chimento, Tony Mares, Don Wulf, Andrew Spiro, JD Sudeth**

NO:

PRESENT:

ABSENT:



RECORDING SECRETARY

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

Case #: **2021-021**

Address: **9450 Ginder Road, Rochester, IL**

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.

This stable has operated in this location since 2014 with no known negative impacts on the surrounding area.

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

Yes, the stable has operated at this site since 2014 and the proposed site plan is not substantially different from the existing conditions.

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

No, adjacent properties are low traffic agricultural uses.

- (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

- (f) Adult-use cannabis business establishments as defined in Chapter 17.04:
- 1) that the following distances be maintained from the principal structure of an adult-use cannabis business establishment to the property line of a use defined in Chapter 17.04 as a "sensitive area":
 - (A) Adult-use cannabis craft grower – 1,500 feet
 - (B) Adult-use cannabis cultivation center – 1,500 feet
 - (C) Adult-use cannabis dispensing organization (dispensary) – 250 feet
 - (D) Adult-use cannabis infuser organization (infuser) – 1,500 feet
 - (E) Adult-use cannabis processing organization (processor) – 1,500 feet
 - (F) Adult-use cannabis transporting organization (transporter) – 1,500 feet
 - 2) On-premise consumption of cannabis at cannabis dispensing organizations and smoking lounges in unincorporated Sangamon County is prohibited.

N/A

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2021-021**

Address: **9450 Ginder Road, Rochester, IL**

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.

Due to the size of this particular training facility there will be a limited number of patrons per week; the business plan states no more than 5 stalls are available per day and that horses undergoing training must be kept at the facility overnight. The patrons will be dropping off and picking up horses, and might stay to be part of the training process. Requiring paving is unnecessary as this is a low traffic agricultural business and would create a less reasonable return.

- (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 plight of the owner is due to unique circumstances. This property is in an agricultural area and hosts an agricultural business. Many of the residential and agricultural drives along Ginder Road in the area are rocked, leaving the parking area unpaved fits the trend in the area. The business plan states that there will be no events and a limited number of patrons each day. The visitors will be dropping off and picking up horses or will be part of the horse training process themselves.

- (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.

The variations are not expected to alter the locality. The residence and business currently exist, and the area predominantly has unpaved drives.

**SANGAMON COUNTY
RECOMMENDED STANDARDS FOR USE VARIATIONS**

Case #: **2021-021**

Address: **9450 Ginder Road, Rochester, IL**

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.

Yes, the stable has operated at this site since 2014 and the proposed site plan is not substantially different from the existing conditions.

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

The area is a rural agricultural area and there is no discernable new trend. The agricultural business is appropriate.

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

The requested variance will provide benefit to the community by offering another space for specialized horse training in a rural area. This attracts people to Sangamon County and demonstrates that the County supports agricultural related businesses. The proposed use is agricultural in nature and will not alter the existing bulk of the structures, building setbacks, or the dimensions of the property and is therefore in harmony with the 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.

No negative impact is anticipated.