

**DENYING A REZONING AND VARIANCES AND GRANTING A USE VARIANCE
AND VARIANCES**

FOR CERTAIN PROPERTY LOCATED AT
6030 STATE ROUTE 97, PLEASANT PLAINS
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 and variances, but in the alternative, grant a Use Variance and variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Mark Boggs**, has petitioned the Sangamon County Board for **a rezoning from “R-1” Single-Family Residence District to “B-1” Neighborhood Business District; a variance to allow two (2) uses on one (1) parcel: a single-family residence, and a dog obedience school; a variance to allow a single-family residence in the “B-1” Neighborhood Business District; a variance to allow the lot depth to be greater than two and one-half (2.5) times the lot width; and, a variance 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 16, 2019** 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 rezoning and variances, but in the alternative, grant a Use Variance and variances; and,**

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

FILED

MAY 29 2019

Don J. Hay
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 11th Day of June, 2019 that the requests for a rezoning from “R-1” Single-Family Residence District to “B-1” Neighborhood Business District, a variance to allow a single-family residence in the “B-1” Neighborhood Business District, and a variance to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat are denied, but in the alternative, a Use Variance to allow for a dog obedience school with the following conditions:

- 1) the dog obedience school is limited to the area as written and shown on the site plan included with the petition,
- 2) no overnight boarding of dogs,
- 3) a limit of no more than 15 dogs per day,
- 4) the hours of operation are limited to 9 AM to 5 PM,
- 5) no retail sales, and
- 6) no events/dog trials/shows are allowed;


a variance to allow two (2) uses on one (1) parcel: 1) single-family residence and 2) dog obedience school; and, a variance to allow the lot depth to exceed 2.5 times the lot width on the above described property are hereby approved.

Signed and passed by the Sangamon County Board in session on this 11th day of June, 2019.

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

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ROSE RUZIC

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 17 NORTH, RANGE 6 WEST OF THE THIRD PRICIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A STONE AT THE SOUTHWEST CORNER OF THE EAST HALF OF SAID SOUTHEAST QUARTER, MEASURE EAST ALONG THE SOUTH LINE OF SAID EAST HALF SOUTHEAST QUARTER 492.47 FEET; THENCE DEFLECTING LEFT 89 DEGREES 55 MINUTES 20 SECONDS MEASURE 300.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE LAST DESCRIBED COURSE MEASURE 200.00 FEET; THENCE DEFLECTING LEFT 97 DEGREES 03 MINUTES 30 SECONDS MEASURE 610.58 FEET; THENCE DEFLECTING 08 DEGREES 45 MINUTES MEASURE 300.00 FEET; THENCE DEFLECTING LEFT 63 DEGREES 00 MINUTES MEASURE 280.64 FEET TO A POINT ON THE PROPOSED RIGHT OF WAY LINE AS SURVEYED OF ROUTE 97; THENCE DEFLECTING LEFT 93 DEGREES 59 MINUTES MEASURE 200.00 FEET; THENCE DEFLECTING LEFT 86 DEGREES 00 MINUTES MEASURE 120.00 FEET; THENCE DEFLECTING RIGHT 54 DEGREES 44 MINUTES 55 SECONDS MEASURE 806.00 FEET TO THE POINT OF BEGINNING.

SITUATED IN SANGAMON COUNTY, ILLINOIS.

PARCEL NUMBER: 05-29.0-451-022

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #1 NAME: Tom Fraase, Jr.

DOCKET NUMBER: 2019-019

ADDRESS: 6030 State Route 97, Pleasant Plains, IL 62677

PETITIONER: Mark Boggs

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

REQUESTED ZONING CLASSIFICATION: "B-1" Neighborhood Business District; a variance to allow two (2) uses on one (1) parcel: 1) single-family residence and 2) dog obedience school; a variance to allow a single-family residence in the "B-1" Neighborhood Business District; a variance to allow the lot depth to exceed two and one-half (2.5) times the lot width; and, a variance to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat.

AREA: 4.86 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: Recommend denial of the requested B-1 zoning and accompanying variance to allow a single-family residence in the B-1 district. B-1 would be considered spot zoning and there is a residential trend in the area. However, a business has been located immediately west of the subject property prior to 1969 which staff believes justifies granting a of the subject property with certain restrictions. Therefore, staff recommends approval of a Use Variance for a dog obedience school with the following restrictions: 1) the dog obedience school is limited to the area as written and shown on the site plan included with the petition, 2) no overnight boarding of dogs, 3) a limit of no more than 15 dogs per day, 4)

the hours of operation are limited to 9 AM to 5 PM, 5) no retail sales, and 6) no events/dog trials/shows are allowed. Recommend approval of the requested variance to allow two (2) uses on one (1) parcel: 1) single-family residence and 2) dog obedience school. As staff recommends approval of a Use Variance to allow a dog obedience school on the subject property, the Standards for Variation are met. Recommend approval of the requested variance to allow the lot depth to exceed 2.5 times the lot width. The subject property is unique in that the parcel was created prior to 2001 when the lot depth regulation was added to the Zoning Ordinance, so the variance will bring the subject property into compliance. The Standards for Variation are met for this request.

Recommend denial of the requested paving variance. Paving and striping the parking lot will help with internal vehicular circulation, especially since the petitioner's driveway to the residence cuts through the parking lot. No particularly unique circumstances were mentioned in the petition. The Standards for Variation are not met for this request.

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: **2019-019**
Mark Boggs)
))
)) PROPERTY LOCATED AT:
)) **6030 State Route 97**
)) **Pleasant Plains, IL 62677**

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 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 16, 2019** 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: **6030 State Route 97, Pleasant Plains, IL 62677** 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 outbuilding.**
- 5. That the proposed land use of said property is a **single-family residence and dog obedience school.**
- 6. That the requested **rezoning and variances** of said property is a **rezoning from “R-1” Single-Family Residence District to “B-1” Neighborhood Business District; a variance to allow two (2) uses on one (1) parcel: a single-family residence, and a dog obedience school; a variance to allow a single-family residence in the “B-1” Neighborhood Business District; a variance to allow the lot depth to be greater than two and one-half (2.5) times the lot width; and, a variance 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 not** support the proposition that the adoption of the proposed **rezoning, variance to allow a single-family residence in the “B-1” Neighborhood Business District, and variance to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat** is in the public interest and is not solely in the interest of the petitioner(s) but, in the alternative **does** support the proposition that the adoption of a Use Variance to allow for a dog obedience school with the following conditions:
 - 1) the dog obedience school is limited to the area as written and shown on the site plan included with the petition,
 - 2) no overnight boarding of dogs,
 - 3) a limit of no more than 15 dogs per day,
 - 4) the hours of operation are limited to 9 AM to 5 PM,
 - 5) no retail sales, and
 - 6) no events/dog trials/shows are allowed;
 a variance to allow two (2) uses on one (1) parcel: 1) single-family residence and 2) dog obedience school; and, a variance to allow the lot depth to exceed 2.5 times the lot width 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 and variances** be **denied, but in the alternative, a Use Variance with the above noted conditions and variances** be **approved.**


 CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **JD Sudeth**, 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, but in the alternative, grant a Use Variance to allow for a dog obedience school with the following conditions:**

- 1) the dog obedience school is limited to the area as written and shown on the site plan included with the petition,**
- 2) no overnight boarding of dogs,**
- 3) a limit of no more than 15 dogs per day,**
- 4) the hours of operation are limited to 9 AM to 5 PM,**
- 5) no retail sales, and**
- 6) no events/dog trials/shows are allowed;**

a variance to allow two (2) uses on one (1) parcel: 1) single-family residence and 2) dog obedience school; and, a variance to allow the lot depth to exceed 2.5 times the lot width which was duly seconded by Tony Mares.

The vote of the Board was as follows:

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

NO:

PRESENT:

ABSENT: **Charlie Chimento**



RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: 2019-019

Address: 6030 State Route 97, Pleasant Plains

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

**North – Residence. East – Cropland. South – Residence and vacant.
West – Sharpening business and residence.**

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

North, East, & South – Agricultural. West – I-2 and Agricultural.

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

The proposed dog obedience school is not permitted in the current R-1 district. Staff believes the subject property is better suited to the existing classification as B-1 would be considered spot zoning.

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

The trend of development for the area is residential, but a business has been located immediately west of the subject property prior to 1969. In 1997, the subject property was rezoned from A to R-1. In 2003, a petition was withdrawn for the subject property asking for a rezoning from R-1 to B-1 to have retail sales. In 2005, the subject property was denied a rezoning from R-1 to B-1 to have dog boarding, dog obedience school, and retail sales. In 2018, R-1 was granted for a parcel west of the subject property. In 2007, variances were granted for parcels north of the subject property. In 1986, a front yard variance was granted for a parcel south of the subject property.

**RECOMMENDED STANDARDS FOR USE VARIATIONS
[USE VARIANCE & MULTIPLE USES]**

Case #: **2019-019**

Address: **6030 State Route 97, Pleasant Plains**

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.

A business has been located immediately west of the subject property prior to 1969 which staff believes justifies granting a Use Variance for a business on the west side of the subject property with the proposed restrictions.

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

The trend of development for the area is residential, but a business has been located immediately west of the subject property prior to 1969. As the proposed dog obedience school will be located next to the adjacent business, the proposed variance, to allow the dog obedience school and the single-family residence, is compatible with 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 restrictions proposed on the Use Variance should allow the proposed dog obedience school to be a benefit for the community at this location as it will provide a unique service to the area.

- (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.

Negative impacts are not anticipated.

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2019-019**

Address: **6030 State Route 97, Pleasant Plains**

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.

Lot-width-depth variance: The subject property was created prior to 2001 when the lot depth regulation was added to the Zoning Ordinance, so the variance will bring the subject property into compliance while allowing a continued reasonable return.

Paving variance: Paving and striping the parking lot will help with internal vehicular circulation, especially since the petitioner's driveway to the residence cuts through the parking lot.

- (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.

Lot-width-depth variance: The subject property is unique in that the parcel was created prior to 2001 when the lot depth regulation was added to the Zoning Ordinance, so the variance will bring the subject property into compliance.

Paving variance: No particularly unique circumstances were mentioned in the petition.

- (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.

Lot-width-depth variance: Negative impacts are not anticipated.

Paving variance: Paving the lot could ease internal traffic circulation on the subject property.