

CASE# 2011-061 U-1
RESOLUTION NUMBER

DENYING A CONDITIONAL PERMITTED USE AND A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
5841 IRON BRIDGE ROAD, CHATHAM
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 Conditional Permitted Use and a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioners, **Larry & Susan Perko**, have petitioned the Sangamon County Board for a **Conditional Permitted Use to allow a landscaping business and a variance of the rear setback requirements to be six (6) feet instead of the required thirty (30) feet; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **December 15, 2011** 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 Conditional Permitted Use and a variance; and**

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

FILED

JAN 03 2012

Joe Aiello
Sangamon County Clerk

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NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 24th day of January, 2012 that the request for a Conditional Permitted Use to allow a landscaping business and a variance of the rear setback requirements to be six (6) feet instead of the required thirty (30) feet on the above described property is hereby denied.

Signed and passed by the Sangamon County Board in session on this 24th day of January, 2012.

Respectfully submitted,

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

Tim Moore /ex

TIM MOORE, CHAIRMAN

ABE FORSYTH, VICE CHAIRMAN

JOHN FULGENZI

DAVID MENDENHALL

SAM SNELL

GREG STUMPF

JASON RATTTS

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

Part of the Southwest Quarter of the Southwest Quarter of Section 29, Township 15, North, Range 5 West of the Third Principal Meridian, described as follows:

Commencing at an iron pin at the Southeast corner of said Quarter Quarter Section 29; thence North 0 degrees 20 minutes 43 seconds West, 664.29 feet along the sixteenth Section line to an iron pin and the true point of beginning; thence North 89 degrees 06 minutes 04 seconds west, 244.94 feet to an iron pin; thence North 22 degrees 56 minutes 13 seconds East, 619.55 feet along the East right of way line G.M. & O. Railroad to an iron pin; thence South 0 degrees 20 minutes 43 seconds East, 574.42 feet to the true point of beginning, Containing 1.61 acres, more or less. Except that part sold to the State of Illinois by Deed recorded November 8, 1990 as Document Number 90J29520.

Situated in Sangamon County, Illinois.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #13 NAME: Sam Montalbano

DOCKET NUMBER: 2011-061

ADDRESS: 5841 Iron Bridge Road, Chatham, IL 62629

PETITIONER: Larry & Susan Perko

PRESENT ZONING CLASSIFICATION: "A" Agricultural District.

REQUESTED ZONING CLASSIFICATION: "A" Agricultural District with a Conditional Permitted Use to allow a landscaping business and a variance of the rear set back requirements to be six (6) feet instead of the required thirty (30) feet.

AREA: 1.69 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: **Recommend denial of the requested Conditional Permitted Use to allow for a landscaping company. Testimony is needed regarding hours of operation, truck and trailer traffic, and additional information on the overall intent of the business that could possibly have an effect on the residences to the east and south. An acceptable parking plan that meets County regulations should be submitted for review. Recommend approval of the requested variance to allow rear setback requirements of six feet. The standards for variation are met.**
AMENDED: Recommended denial of the requested Conditional Permitted Use. Testimony was provided related to the method and hours of operation, and concerns were raised regarding the additional traffic that would be

using Iron Bridge Road as a result of the business. It is the opinion of staff that allowing a landscaping business at this location would have a negative impact on the immediate area especially to the residential properties to the south and east. Recommend denial of the variance as it is not needed unless the Conditional Permitted Use is granted.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Denial of the Conditional Permitted Use and variance.



RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2011-061
Larry & Susan Perko))
)	PROPERTY LOCATED AT:
)	5841 Iron Bridge Road
)	Chatham, IL 62629

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 **Conditional Permitted Use and 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 **December 15, 2011** 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: **5841 Iron Bridge Road, Chatham, 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 an old pole barn and garage.
- 5. That the proposed land use of said property is a landscaping business.
- 6. That the requested **Conditional Permitted Use and variance** of said property is to **allow for a landscaping business and a variance of the rear setback requirements to be six (6) feet instead of the required thirty (30) feet.**
- 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 **Conditional Permitted Use and 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 **Conditional Permitted Use and variance** be **denied**.

Charles Chimento/ck
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Charles Chimento**, to concur with the amended 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 **John Luchessi**.

The vote of the Board was as follows:

YES: **Charles Chimento, Byron Deaner, Peggy Egizii, Judith Johnson, John Luchessi**

NO:

ABSENT: **Marvin Traylor**

Cyndi Knowles
RECORDING SECRETARY

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

Case #: **2011-061**

Address: **5841 Iron Bridge Road, Chatham**

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 are single family residences to the east and south. Testimony is needed regarding hours of operation, truck and trailer traffic, and additional information on the overall intention of the business that could possibly have an effect of the adjacent residences. Also an acceptable parking plan should be submitted for review.

AMENDED: The testimony provided related to the method of operation. There was concern that the business would have outside storage of rock and mulch in an area that is primarily residential. Staff agrees that this would have a negative impact on the area.

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

Testimony is needed to fully evaluate this finding.

AMENDED: Testimony was provided related to the high number of vehicles that use Iron Bridge Road. Furthermore there was a concern from area residents that trucks with trailers pulling from the subject property may pose an increase risk of traffic accidents. Staff agrees that this is of concern.

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

Testimony is needed. Although the clean up of the property would have a positive effect on the value of the surrounding area, steady truck and trailer traffic could be a detriment.

- (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) 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**

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2011-061**

Address: **5841 Iron Bridge Road, Chatham**

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 request is made to allow a six foot setback from the rear property line so landscape trucks and trailers can turn around, therefore increasing efficiency and overall operation of the business which could yield a reasonable return of the property.

- (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 property is unique in that it has an odd lot configuration and is triangle shape, unlike most in the area.

- (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.

No negative impact is anticipated related to the variance request. The rear of the property is adjacent to railroad tracks and the six foot setback would not negatively affect the residences to the east and south.