

CASE # 2005-26
RESOLUTION NUMBER 13-1

GRANTING A CONDITIONAL PERMITTED USE
FOR CERTAIN PROPERTY LOCATED AT
8872 STATE ROUTE 124
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** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See **EXHIBIT A**

WHEREAS, the Petitioners, **Brian D. & Stephannie Adair Olysav**, have petitioned the Sangamon County Board for a **conditional permitted use for a lawn care and landscaping business**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **April 21, 2005**, 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 conditional permitted use**; and

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

FILED

APR 29 2005

Joe Quillo
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 10th day of May, 2005 that the request for a conditional permitted use to allow for a lawn care and landscaping business on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 10th day of May, 2005.

Respectfully submitted,


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

DAN VAUGHN, CHAIRMAN

ABE FORSYTH

BILL MOSS

TYRONE PACE



TIM MOORE

DON STEPHENS

ATTEST:



SANGAMON COUNTY CLERK



COUNTY BOARD CHAIRMAN

EXHIBIT A

Part of the Northwest Quarter of Section 14, Township 17 North, Range 5 West of the Third Principal Meridian, Sangamon County, Illinois described as follows: Beginning at the Northeast corner of said Section 14; thence South on the Section line 837.02 feet; thence South 88 degrees 46 minutes 26 seconds West, 240.00 feet; thence South 42 degrees 40 minutes 39 seconds West, 171.52 feet; thence North 80 degrees 46 minutes 09 seconds West, 1495.57 feet to a point on the East right of way line of Illinois Route 124; thence North 14 degrees 43 minutes 26 seconds East on said right of way line, 2.76 feet; thence continuing on said right of way line, North 06 degrees 12 minutes 49 seconds East, 17.27 feet; thence South 80 degrees 46 minutes 09 seconds East, 1367.05 feet; thence North 01 degrees 16 minutes 11 seconds West 915.77 feet to a point on the Section line; thence East on the Section line 482.93 feet to the point of beginning.

Except all coal, minerals and mining rights heretofore conveyed or reserved of record.

Situated in Sangamon County, Illinois.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 2 NAME: Dale "Dan" Vaughn

DOCKET NUMBER: 2005-26

ADDRESS: 8872 State Route 124, Sherman, IL. 62684

PETITIONER: Brian D & Stephanie Adair Olysav

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: "A" Agricultural District with a conditional permitted use to allow for a lawn care and landscaping business.

AREA: 10.38 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: **Recommend denial due to other residences in view of property and access through a shared residential driveway for business use.**

SANGAMON COUNTY BOARD OF APPEALS RECOMMENDATION: **Approval**

Randy Armstrong
RECORDING SECRETARY *DR*

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2005-26
Brian D. & Stephanie Adair Olysv)	
)	PROPERTY LOCATED AT:
)	8872 State Route 124
)	Sherman, IL. 62684
)	

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** 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 21, 2005** 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 or contract to purchase the property commonly known as **8872 State Route 124, Sherman, IL. 62684** 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 and Pole Barn under Construction.**
- 5. That the proposed land use of said property is **Single Family Residence and Lawn Care Business.**
- 6. That the requested **conditional permitted use** of said property is: **to allow for a lawn care and landscaping business.**
- 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** 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** be **approved.**

Charles Chimento, /DM
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Donn Malwick based on the amended findings to recommend to the County Board that the petition be approved,** which was duly seconded by **Patrick Somers.**

The vote of the Board was as follows:

YES: **Charles Chimento, Donn Malwick, John Goleman, Patrick Somers, Marvin Traylor**

NO:

ABSENT:

Randolph Armstrong / DM
RECORDING SECRETARY

13-7



CASE #: 2005-26

INDEX #: 06-14-200-057

DATE: 4-7-05

INSPECTED BY: DK LW

ZONING AMENDMENT CHECK LIST

PETITIONER: Olysav, Brian D. & Stephanie Adair

ADDRESS: 8872 State Route 124 TWP. 17N RANGE 5 W SEC. 14 ¼ SEC. NE
 (OR NEAREST IDENTIFIABLE ROAD) TWP. _____ RANGE ____ W SEC. _____ ¼ SEC. _____

CITY OR VILLAGE OR NEAREST ONE: Sherman

EXISTING ZONING: A PROPOSED ZONING: A With CPU*

LAND AREA: 10.38 acres ROAD FRONTAGE: 20 Lineal Ft. ROAD COND: Good

EXISTING LAND USE: Single Family Residence and Pole Barn under Construction

PROPOSED LAND USE: Single Family Residence and Lawn Care Business

TYPE OF STRUCTURE: Residential CONDITION OF STRUCTURE: Good

EXISTING YARDS: Front Varied ft. Side _____ ft. Rear _____ ft.

SPOT ZONING: NA
 Yes No

- NEARBY LAND USE:
- a. To North Timber, Cropland
 - b. To South Vacant, Single Family Residences
 - c. To East Timber
 - d. To West Single Family Residences

OTHER COMMENTS: ***A Conditional Permitted Use is requested to allow a lawn care business.**

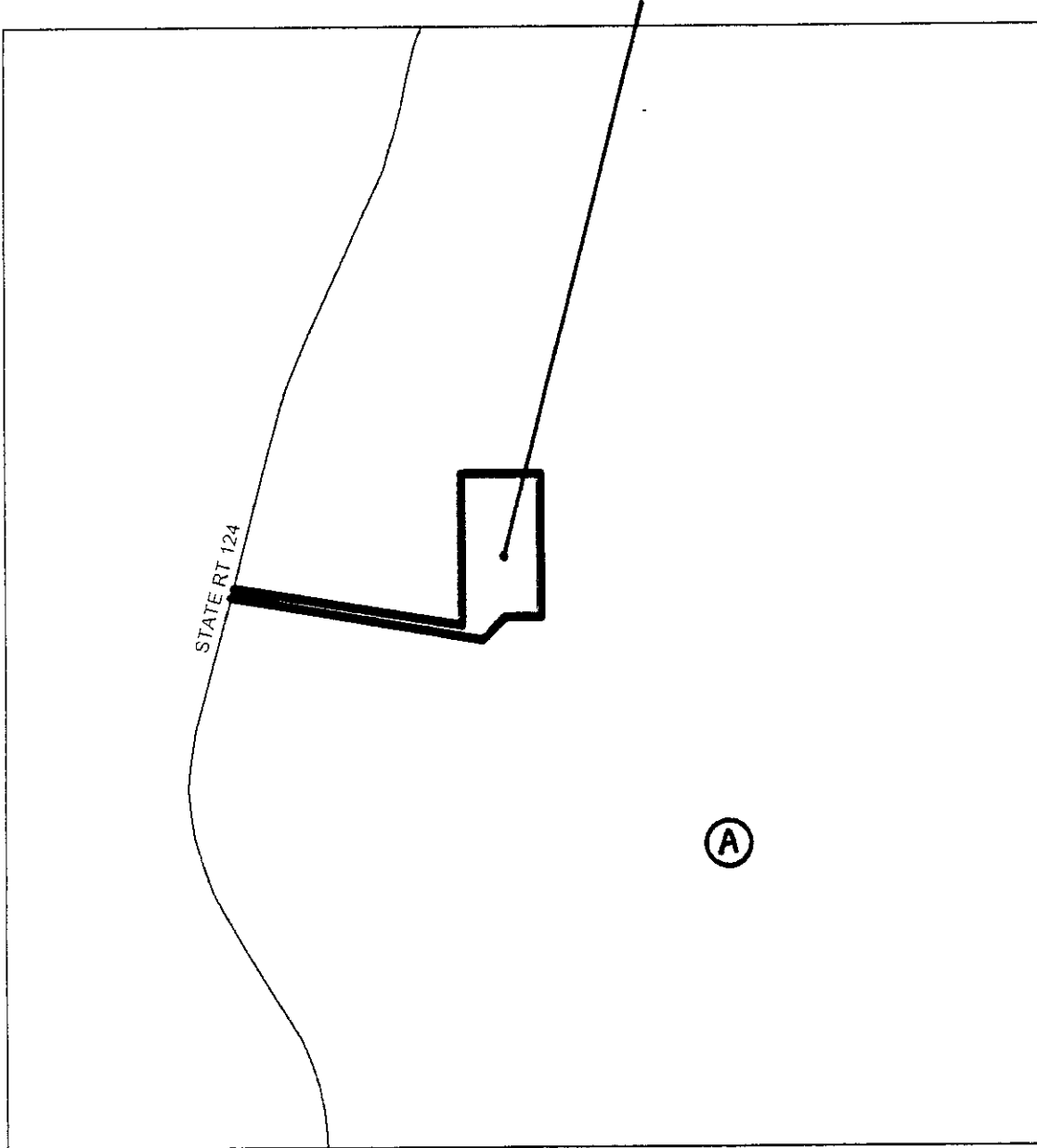
Staff Estimate of the Effect of the Amendment on the Area		None	Slight	Mod.	Great
CONTRASTS: CURRENT VS. PROPOSED	land use			X	
	appearance			X	
	height	X			
	parking spaces		X		
PROBLEMS FORESEEN	drainage	X			
	sewer	X			
	traffic flow	X			
WILL USE INCREASE	pop. density	X			
	dwelling density	X			
	school pop.	X			
	traffic volume		X		



RECOMMENDATIONS: **Recommend denial due to other residences in view of property and access through a shared residential driveway for business use.**

County Zoning

Case# 2005-026

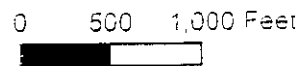


County Zoning

	RM-4		I1
	R3		I2
	R2		B3
	R1a		B2
	R1		B1
	OFF		A

City Zoning

	R5		H1		OFF
	R1		H2		PUD
	R2		H3		B1
	R3a		S1		B2
	R3b		S2		I1
	R4		S3		I2



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County Zoning

Case# 2005-026

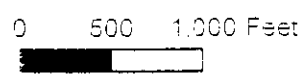


County Zoning

	RM-4		I1
	R3		I2
	R2		B3
	R1a		B2
	R1		B1
	OFF		A

City Zoning

	R5		H1		OFF
	R1		H2		PUD
	R2		H3		B1
	R3a		S1		B2
	R3b		S2		I1
	R4		S3		I2





RECOMMENDED FINDINGS OF FACT FOR CONDITIONAL PERMITTED USES

Case #: 2005-26

Address: 8872 State Route 124

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.

The property is located amongst a residential "flag lot development". The owners of residences built in close proximity to the property probably would not have expected a business nearby.

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

At least one other property shares the same lengthy driveway as would be used by the trucks for the proposed lawn care business.

- (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 the nearby residences in view of the property and the property that shares the same private driveway.

- (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.

NA

- (b) Mobile home parks - must meet the requirements of Section III(R) Large Scale Development.

NA

- (c) Tourist home, motels, hotels - that the proposed use must be located on or within 400 feet of a major thoroughfare.

NA

- (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.

NA