

CASE # 2005-61 4-1
RESOLUTION NUMBER _____

**GRANTING A CONDITIONAL PERMITTED USE
FOR CERTAIN PROPERTY LOCATED AT
4674 STARWALT LANE, SHERMAN
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 Petitioner, **Bryan Meyerhoff**, has petitioned the Sangamon County Board for a **conditional permitted use to allow horse riding lessons**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **September 15, 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

SEP . 2005

Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 11th day of October, 2005 that the request for a conditional permitted use to allow horse riding lessons on the above referenced property is hereby approved.

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

DAVID MENDENHALL

ATTEST:



SANGAMON COUNTY CLERK



COUNTY BOARD CHAIRMAN

EXHIBIT A

PARCEL 1:

Part of the Southwest quarter of the Northeast quarter of Section 32, Township 17 North, Range 4 West of the Third Principal Meridian, described more particularly as follows:

Commencing at an iron pipe marking the Northwest corner of the Southwest quarter of the Northeast quarter of the aforementioned Section 32, thence North 89 degrees 55 minutes 30 seconds East along the quarter, quarter Section line a distance of 395.00 feet to an iron pipe, marking the true point of beginning, thence continuing North 89 degrees 55 minutes 30 seconds East along the quarter, quarter Section line a distance of 430.10 feet to an iron pipe, thence South 00 degrees 03 minutes 55 seconds West a distance of 331.83 feet to an iron pin, thence North 09 degrees 59 minutes 52 seconds West a distance of 165.02 feet to an iron pin, thence South 00 degrees 04 minutes 07 seconds West a distance of 660.15 feet to an iron pin, thence South 89 degrees 57 minutes 47 seconds West a distance of 440.00 feet to an iron pipe, thence North 00 degrees 03 minutes 48 seconds East a distance of 720.46 feet to an iron pipe, thence North 89 degrees 55 minutes 30 seconds East a distance of 175.00 feet to an iron pipe, thence North 00 degrees -3 minutes 48 seconds East a distance of 271.00 feet to the true point of beginning.

Except the coal and other minerals underlying the surface of said land and all rights and easements in favor of the estate of said coal and minerals.

Situated in Sangamon County, Illinois.

PARCEL 2:

Easement for purposes of ingress and egress for the benefit of Parcel 1 over and across the North 22 feet of the Southwest quarter of the Northeast quarter of Section 32, Township 17 North, Range 4 West of the Third Principal Meridian.

Situated in Sangamon County, Illinois.

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

► As Recommended by the Zoning Board of Appeals ◀

Case #: 2005-61

Address: 4674 Starwalt Lane, Sherman

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.

Yes. The petitioner stated that he will be relocating the arena to minimize the effect on the property owner to the west.

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

Yes, see above. Furthermore, the Sangamon County Department of Public Health inspected the site and found no violations (letter date June 21, 2005).

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

No. The use has been on the property for many years and is similar in impact to the boarding of horses, which is a permitted agricultural use.

(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:

NA

RECAP
(For County Board Use)

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

DOCKET NUMBER: 2005-61

ADDRESS: 4674 Starwalt Ln., Sherman, IL. 62684

PETITIONER: Bryan Meyerhoff

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: "A" Agricultural District with a Conditional Permitted Use to allow horse riding lessons

AREA: 10.19 acres

COMMENTS: none

OBJECTORS: yes

PLANNING COMMISSION RECOMMENDATION: **Denial. The proposed operation is located in close proximity to several residences and access is via a private lane on adjacent property. The potential increase in traffic caused by the commercial use of the subject site is seen as having a possible adverse impact on other residential uses sharing the private lane and causing a possible increase in maintenance costs of the lane.**

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


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: 2005-61
 Bryan Meyerhoff)
)
) PROPERTY LOCATED AT:
) 4674 Starwalt Ln.
) 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 **September 15, 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:

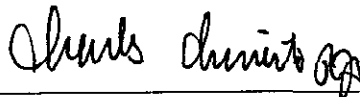
1. That said Board has jurisdiction to consider the petition filed herein.
2. That the above-captioned petitioner(s) is the owner(s) and/or has a beneficial interest in or contract to purchase the property commonly known as and more particularly described as:

See **EXHIBIT A**

Page 2

- 3. That the present zoning of said property is "A" **Agricultural District.**
- 4. That the present land use of said property is a **Single Family Residence and horse breeding, boarding and riding lessons.**
- 5. That the proposed land use of said property is a **Single Family Residence and horse riding lessons.**
- 6. That the requested **conditional permitted use** of said property is: **to allow horse breeding, boarding and riding lessons.**
- 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.**



CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

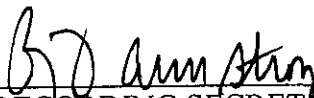
There was a motion by Zoning Board Member **Patrick Somers** based on the new findings to recommend to the County Board that the petition be **approved**, which was duly seconded by **Donn Malwick.**

The vote of the Board was as follows:

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

NO:

ABSENT:



RECORDING SECRETARY

4-8

SSCRPC

**Springfield
Sangamon County Regional
Planning Commission**

CASE #: 2005-61

INDEX #: 07-32-200-053

DATE: 8-3-05

INSPECTED BY: DK LW

ZONING AMENDMENT CHECK LIST

PETITIONER: Meyerhoff, Bryan

ADDRESS: 4674 Starwalt Lane TWP. 17N RANGE 4 W SEC. 32 ¼ SEC. NE
(OR NEAREST IDENTIFIABLE ROAD) TWP. _____ RANGE _____ W SEC. _____ ¼ SEC. _____

CITY OR VILLAGE OR NEAREST ONE: Spaulding

EXISTING ZONING: A PROPOSED ZONING: A with CPU*

LAND AREA: 10.19 acres ROAD FRONTAGE: -0- Lineal Ft. ROAD COND: Poor

EXISTING LAND USE: Single Family Residence and Horse Breeding, Boarding and Riding Lessons

PROPOSED LAND USE: Single Family Residence and Horse Breeding, Boarding and Riding Lessons

TYPE OF STRUCTURE: Residential/Barn CONDITION OF STRUCTURE: Good

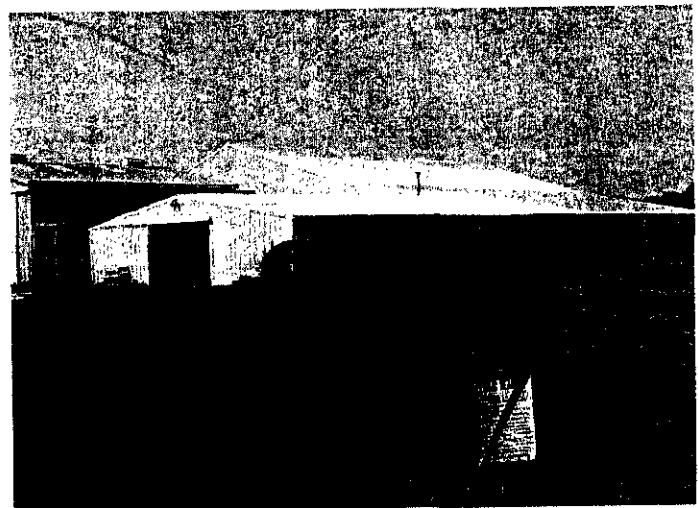
EXISTING YARDS: Front Varied ft. Side _____ ft. Rear _____ ft.

SPOT ZONING: NA
Yes No

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

OTHER COMMENTS: **A Conditional Permitted Use is requested to allow horse breeding, boarding and riding lessons.**

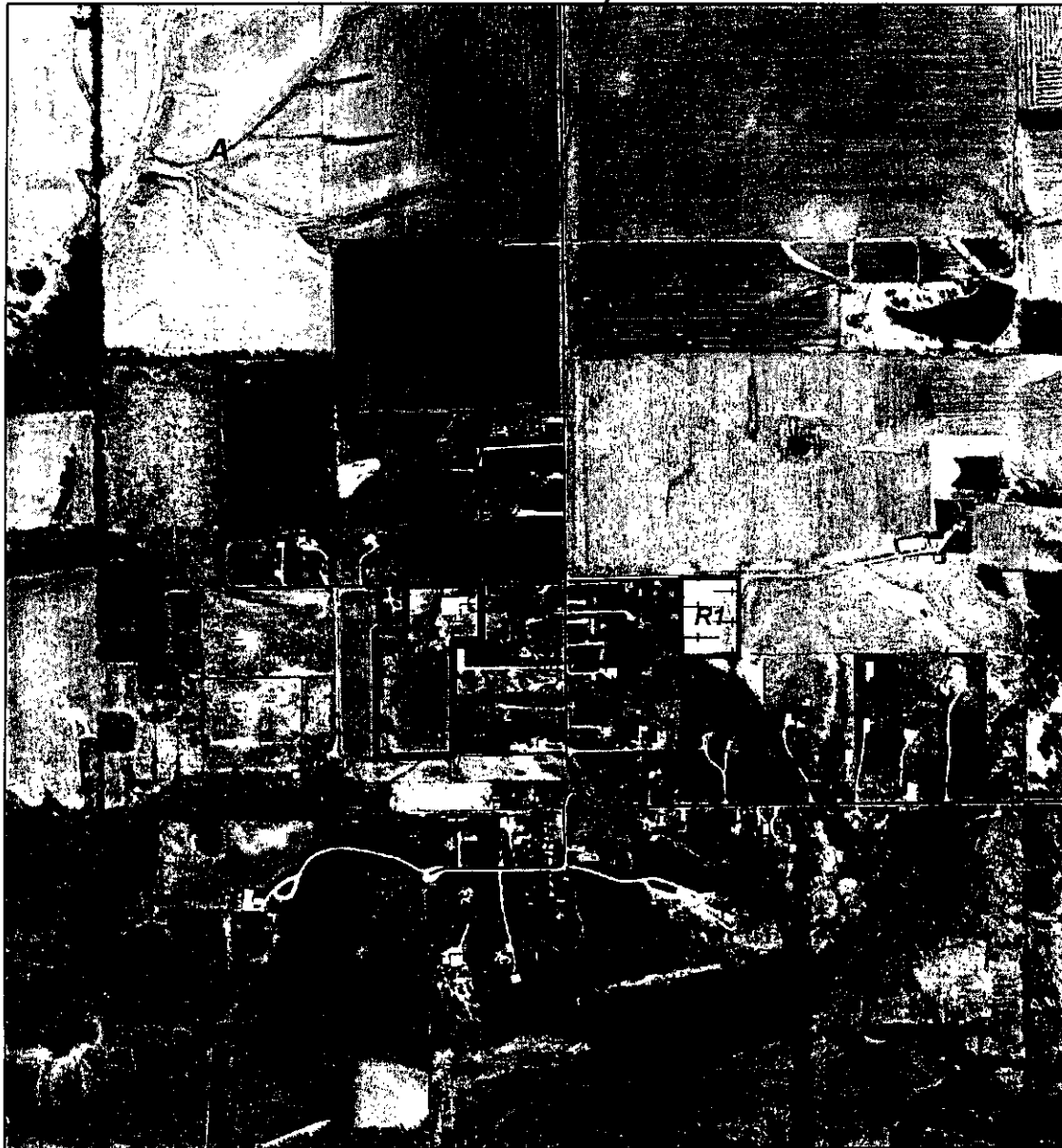
Staff Estimate of the Effect of the Amendment on the Area		None	Slight	Mod.	Great
CONTRASTS: CURRENT VS. PROPOSED	land use			X	
	appearance			X	
	height	X			
	parking spaces	X			
PROBLEMS FORESEEN	drainage	X			
	sewer	X			
	traffic flow			X	
WILL USE INCREASE	pop. density	X			
	dwelling density	X			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



RECOMMENDATIONS: **Recommend denial. The proposed operation is located in close proximity to several residences and access is via a private lane on adjacent property. The potential increase in traffic caused by the commercial use of the subject site is seen as having a possible adverse impact on other residential uses sharing the private lane and causing a possible increase in maintenance costs of the lane.**

County Zoning

Case# 2005-061

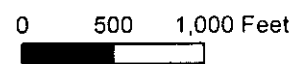


County Zoning

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

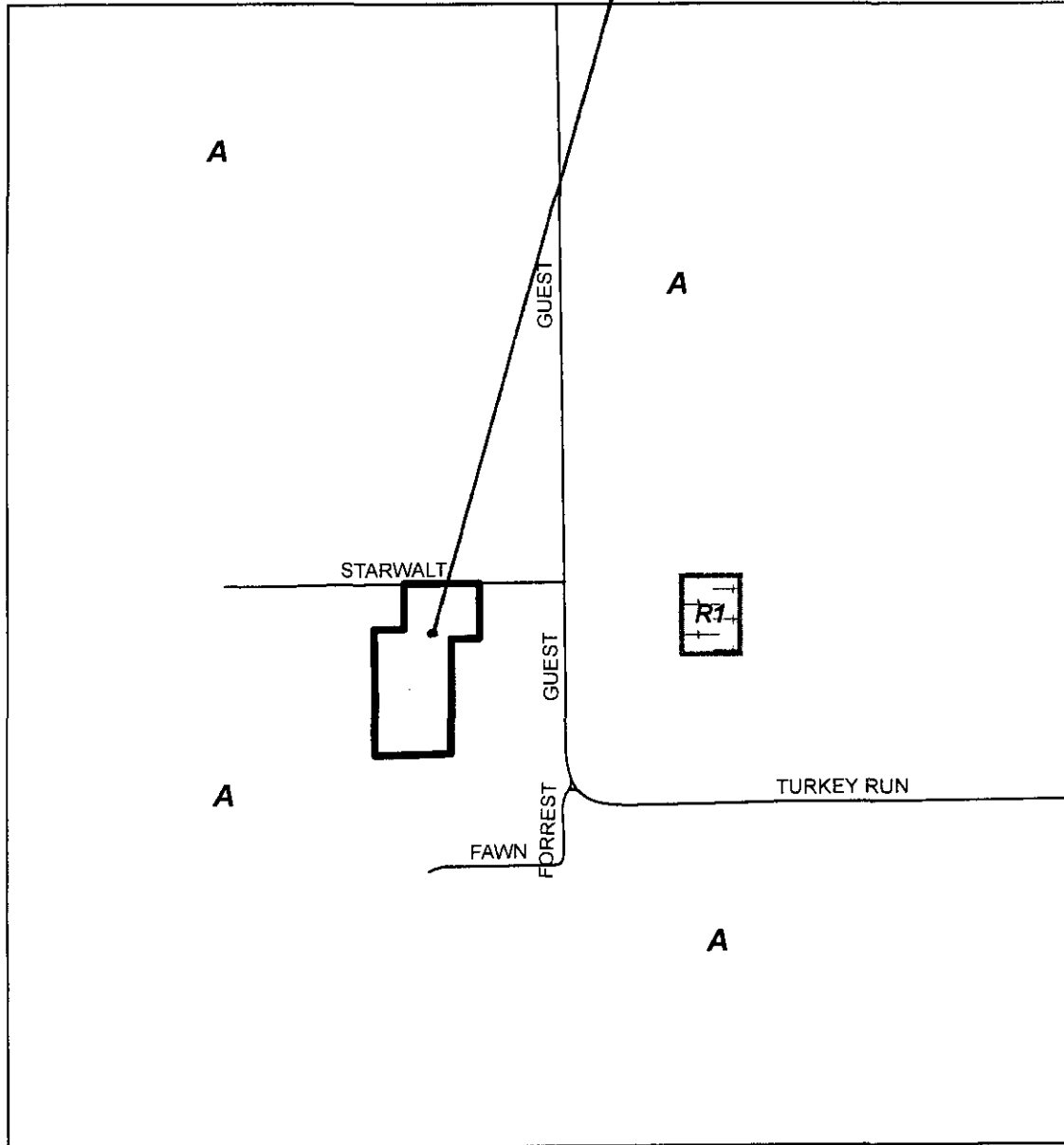
City Zoning

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



County Zoning

Case# 2005-061

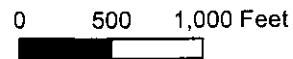


County Zoning

	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 #: 2005-61

Address: 4674 Starwalt Lane

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 several residences in close proximity to the property and the additional traffic and activity would have an effect on the area.

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

It appears so although no details were submitted.

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

The property is located on a private lane. A court order has established access to the property along this private lane. The additional traffic generated by horse breeding, boarding and riding lessons at this property may place a financial burden on the other property owners and otherwise adversely affect other residential uses sharing the lane.

- (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