

CASE # 2005-65
RESOLUTION NUMBER 8-1

DENYING A REZONING
FOR CERTAIN PROPERTY LOCATED AT
6030 STATE ROUTE 97, PLEASANT PLAINS (SALISBURY)
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** to 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 to "B-1" Neighborhood Business District**; 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 **deny the rezoning**; and

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

FILED

SEP 30 2005

Gene A. Hill
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 to rezone the above referenced property from "R-1" Single Family Residence District to "B-1" Neighborhood Business District is hereby denied.

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

DAN VAUGHN, CHAIRMAN

ABE FORSYTH

BILL MOSS

TYRONE PACE

TIM MOORE

DON STEPHENS

DAVID MENDENHALL

ATTEST:

Joe Ardillo

SANGAMON COUNTY CLERK

A. Vas Metts

COUNTY BOARD CHAIRMAN

EXHIBIT A

That part of the following described property that forms a rectangle with 200' of frontage along State Route 97 and extending to the northeast, perpendicular to State Route 97, 175' in depth.

That part of the Southeast Quarter of Section 29, Township 17 North, Range 6 West of the Third Principal 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 of the 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 second, measure 610.58 feet; thence deflecting right 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.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 1 NAME: Harry "Tom" Fraase

DOCKET NUMBER: 2005-65

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

AREA: .8 acre

COMMENTS: none

OBJECTORS: yes

PLANNING COMMISSION RECOMMENDATION: **Denial. The trend of development in the area has been residential so the existing zoning is seen as appropriate.**

SANGAMON COUNTY BOARD OF APPEALS RECOMMENDATION: **denial.**

RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2005-65
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** 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 **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 **vacant except for a metal pole building.**
- 5. That the proposed land use of said property is **A canine boarding and training kennel with indoor/outdoor kennel runs, bathing facilities and grooming facilities with the Retail sale of pet products, canine training equipment and pet food and a Single Family Residence.**
- 6. That the requested **rezoning** of said property is: **from “R-1” Single Family Residence District to “B-1” Neighborhood Business District.**
- 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** 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** be **denied**.

CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **John Goleman** 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**, which was duly seconded by **Patrick Somers**.

The vote of the Board was as follows:

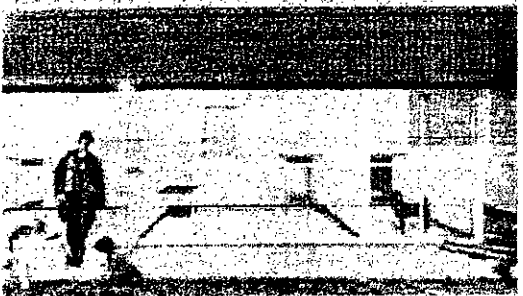
YES: **Charles Chimento, Donn Malwick, John Goleman, Patrick Somers, Marvin Traylor**

NO:

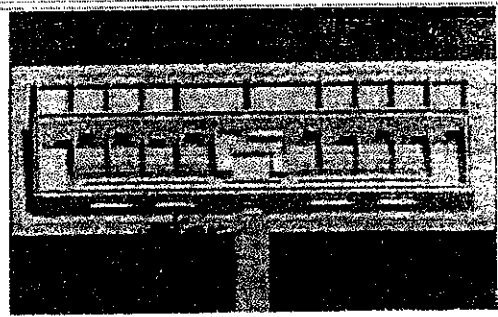
ABSENT:

RECORDING SECRETARY

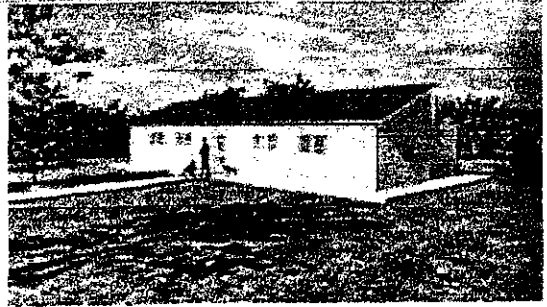
3D images of the kennels



Elevation



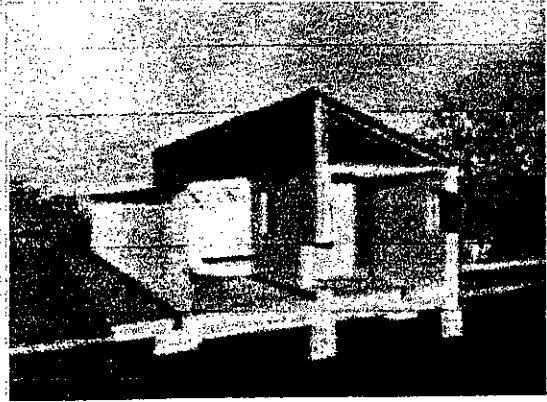
Bird's eye view



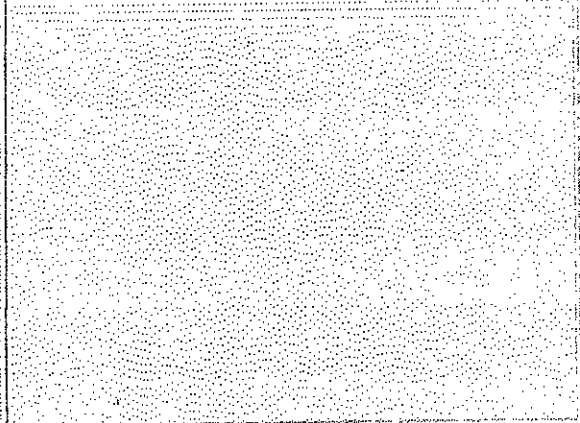
Front & Side Elevation



Kennel runs



Typical Section



APPENDIX

8-8



CASE #: 2005-65
 INDEX #: 05-29-451-022 pt.
 DATE: 8-30-05
 INSPECTED BY: DK LW

ZONING AMENDMENT CHECK LIST

PETITIONER: Boggs, Mark A.
 ADDRESS: 6030 State Route 97 TWP. 17N RANGE 6 W SEC. 29 ¼ SEC. SE
 (OR NEAREST IDENTIFIABLE ROAD) TWP. _____ RANGE _____ W SEC. _____ ¼ SEC. _____
 CITY OR VILLAGE OR NEAREST ONE: Salisbury

EXISTING ZONING: R-1 PROPOSED ZONING: B-1

LAND AREA: .8 acre ROAD FRONTAGE: 200 Lineal Ft. ROAD COND: Good

EXISTING LAND USE: Vacant and Metal Pole Building
 PROPOSED LAND USE: Dog Boarding and Training Kennel with Sale of Pet Products

TYPE OF STRUCTURE: NA CONDITION OF STRUCTURE: NA

EXISTING YARDS: Front -- ft. Side -- ft. Rear -- ft.

SPOT ZONING: X
 Yes No

NEARBY LAND USE:

- a. To North Residences
- b. To South Residences
- c. To East Residences, Cropland
- d. To West Fabrication Business, Single Family Residences

OTHER COMMENTS:

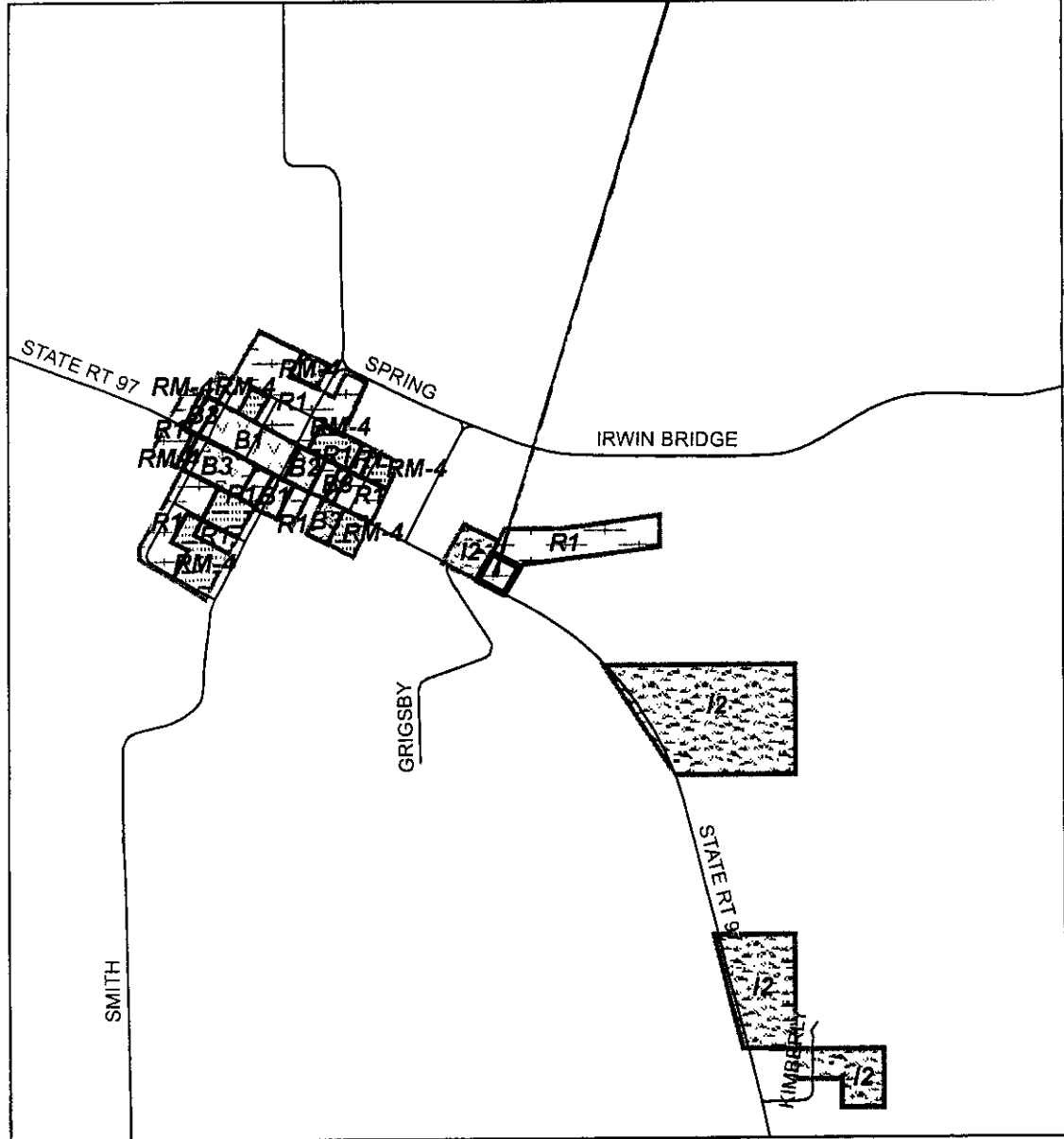
Staff Estimate of the Effect of the Amendment on the Area		None	Slight	Mod.	Great
CONTRASTS: CURRENT VS. PROPOSED	land use			X	
	appearance		X		
	height	X			
	parking spaces		X		
PROBLEMS FORESEEN	drainage	X			
	sewer		X		
	traffic flow		X		
WILL USE INCREASE	pop. density	X			
	dwellings, density	X	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



RECOMMENDATIONS: **Recommend denial. The trend of development in the area has been residential so the existing zoning is seen as appropriate.**

County Zoning

Case# 2005-065

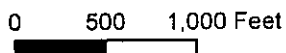


County Zoning

	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

Case #: **2005-65**
Address: **6030 State Route 97**

- (i) Existing uses of property within the general area of the property in question.
To the north and south are residences.
To the east are residences and cropland. To the west is a fabrication business and further west are residences.
- (ii) The zoning classification of property within the general area of the property in question.
To the north, east and south is A.
To the west is I-2 and A.
- (iii) The suitability of the property in question to the uses permitted under the existing zoning classification.
In 1997 the property was rezoned from A to R-1. There are several residences in the area.
- (iv) The trend of development, within the vicinity since the property was originally classified.
There have been many residences built in the area.