

CASE# 2015-047
RESOLUTION NUMBER 3-1

GRANTING A USE VARIANCE AND
DENYING A REZONING, CONDITIONAL PERMITTED USE AND VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
14670 NAVE ROAD, MECHANICSBURG
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 Use Variance and deny an amendment, Conditional Permitted Use and variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioners, **William & Christie Rincker**, have petitioned the Sangamon County Board for a **rezoning from "A" Agricultural District to "B-1" Neighborhood Business District; a variance to allow four (4) principal uses on one (1) parcel (Single-Family Residence, dog obedience training/kennel, horse boarding/breeding, and a camping & tent park); a variance to allow a single-family residence in the B-1 District; a variance to allow agricultural uses in the B-1 District; a variance to allow the parking area to remain grass rather than being paved; and, a Conditional Permitted Use to allow a camper and tent park; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **January 21, 2016** 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

FILED

JAN 29 2016


Sangamon County Clerk

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, Conditional Permitted Use, and variances but, in the alternative, grant a Use Variance to allow three (3) uses (a single-family residence, a dog kennel limited to no more than twenty (20) dogs boarded/kenneled at a given time with proof of adequate waste disposal, and a horse boarding/breeding business);** and

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

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 9th Day of February, 2016 that the request for a rezoning from "A" Agricultural District to "B-1" Neighborhood Business District; a variance to allow four (4) principal uses on one (1) parcel (Single-Family Residence, dog obedience training/kennel, horse boarding/breeding, and a camping & tent park); a variance to allow a single-family residence in the B-1 District; a variance to allow agricultural uses in the B-1 District and, a Conditional Permitted Use to allow a camper and tent park is hereby denied; but, in the alternative, approve a Use Variance to grant three (3) uses (a single-family residence, a dog kennel limited to no more than twenty (20) dogs boarded/kenneled at a given time with proof of adequate waste disposal, and a horse boarding/breeding business) on the above described property.

Signed and passed by the Sangamon County Board in session on this 9th day of February, 2016.

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

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

THE EAST 28.66 ACRES OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 15 NORTH, RANGE 3 WEST OF THE THIRD PRINCIPAL MERIDIAN.

EXCEPTING THEREFROM THAT PART CONVEYED TO JAMES F. WORLEY AND CLARA BELLE WORLEY, HUSBAND AND WIFE, BY WARRANTY DEED DATED OCTOBER, 14, 1994 AND RECORDED OCTOBER 18, 1994 AS DOCUMENT NO. 94-41369, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER, NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 15 NORTH, RANGE 3 WEST OF THE THIRD PRINCIPAL MERIDIAN, THENCE WESTERLY ALONG THE NORTH LINE OF THE NORTHWEST QUARTER, NORTHEAST QUARTER OF SAID SECTION 12, 338.0 FEET, THENCE SOUTHERLY PARALLEL WITH THE EAST LINE OF THE NORTHWEST QUARTER, NORTHEAST QUARTER OF SAID SECTION 12, 450.0 FEET, THENCE EASTERLY PARALLEL TO SAID NORTH LINE, 338.0 FEET, THENCE NORTHERLY ALONG SAID EAST LINE, 450.0 FEET TO THE POINT OF BEGINNING.

EXCEPT ALL COAL AND MINERALS TOGETHER WITH THE RIGHT TO MINE AND REMOVE SAME.

AND EXCEPTING:

PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 15 NORTH, RANGE 3 WEST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED MORE PARTICULARLY AS FOLLOWS:

COMMENCING AT AN IRON PIN MARKING THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE AFOREMENTIONED SECTION 12, THENCE SOUTH 00 DEGREES 22 MINUTES 49 SECONDS WEST ALONG THE QUARTER, QUARTER SECTION LINE A DISTANCE OF 449.03 FEET MEASURED, (450 FEET DEED) TO THE TRUE POINT OF BEGINNING, THENCE CONTINUING SOUTH 00 DEGREES 22 MINUTES 49 SECONDS WEST ALONG THE QUARTER, QUARTER SECTION LINE A DISTANCE OF 128.95 FEET TO AN IRON PIPE, THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST 337.88 FEET TO AN IRON PIPE, THENCE NORTH 00 DEGREES 22 MINUTES 49 SECONDS EAST 128.95 FEET TO AN IRON PIN, THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST 337.88 FEET MEASURED, (338 FEET DEED) TO THE TRUE POINT OF BEGINNING. SAID PARCEL CONTAINS 1.00 ACRES, MORE OR LESS, ALL IN THE COUNTY OF SANGAMON, STATE OF ILLINOIS.

BASIS OF BEARING IS SOUTH 00 DEGREES 22 MINUTES 49 SECONDS WEST ALONG THE QUARTER, QUARTER SECTION LINE.

AND EXCEPTING:

PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 15 NORTH, RANGE 3 WEST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED MORE PARTICULARLY AS FOLLOWS:

COMMENCING AT AN IRON PIN MARKING THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE AFOREMENTIONED SECTION 12, THENCE SOUTH 00 DEGREES 22 MINUTES 49 SECONDS WEST ALONG THE QUARTER, QUARTER SECTION LINE A DISTANCE OF 577.98 FEET MEASURED, TO AN IRON PIPE MARKING THE TRUE POINT OF BEGINNING, THENCE CONTINUING SOUTH 00 DEGREES 22 MINUTES 49 SECONDS WEST ALONG THE QUARTER, QUARTER SECTION LINE A DISTANCE OF 128.95 FEET TO AN IRON PIPE, THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST 337.88 FEET TO AN IRON PIPE, THENCE NORTH 00 DEGREES 22 MINUTES 49 SECONDS EAST 128.95 FEET TO AN IRON PIN, THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST 337.88 FEET MEASURED, (338 FEET DEED) TO THE TRUE POINT OF BEGINNING. SAID PARCEL CONTAINS 1.00 ACRES, MORE OR LESS, ALL IN THE COUNTY OF SANGAMON, STATE OF ILLINOIS.

BASIS OF BEARING IS SOUTH 00 DEGREES 22 MINUTES 49 SECONDS WEST ALONG THE QUARTER, QUARTER SECTION LINE.

AND EXCEPTING:

PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 15 NORTH, RANGE 3 WEST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED MORE PARTICULARLY AS FOLLOWS:

COMMENCING AT AN IRON PIN MARKING THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE AFOREMENTIONED SECTION 12, THENCE SOUTH 00 DEGREES 22 MINUTES 49 SECONDS WEST ALONG THE QUARTER, QUARTER SECTION LINE A DISTANCE OF 706.93 FEET MEASURED, TO AN IRON PIPE MARKING THE TRUE POINT OF BEGINNING, THENCE CONTINUING SOUTH 00 DEGREES 22 MINUTES 49 SECONDS WEST ALONG THE QUARTER, QUARTER SECTION LINE A DISTANCE OF 617.76 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, THENCE SOUTH 89 DEGREES 55 MINUTES 31 SECONDS WEST ALONG THE QUARTER, QUARTER SECTION LINE A DISTANCE OF 337.99 FEET TO AN IRON PIPE, THENCE NORTH 00 DEGREES 22 MINUTES 49 SECONDS EAST 618.22 FEET TO AN IRON PIPE, THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST 337.88 FEET TO THE TRUE POINT OF BEGINNING. SAID PARCEL CONTAINS 4.793 ACRES, MORE OR LESS, ALL IN THE COUNTY OF SANGAMON, STATE OF ILLINOIS.

36

BASIS OF BEARING IS SOUTH 00 DEGREES 22 MINUTES 49 SECONDS WEST ALONG
THE QUARTER, QUARTER SECTION LINE.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #3 NAME: **David Mendenhall**

DOCKET NUMBER: **2015-047**

ADDRESS: **14670 Nave Road, Mechanicsburg, IL 62545**

PETITIONER: **William & Christie Rincker**

PRESENT ZONING CLASSIFICATION: **“A” Agricultural District with a variance to allow one parcel less than 40 acres.**

REQUESTED ZONING CLASSIFICATION: **“B-1” Neighborhood Business District; a variance to allow four (4) principal uses on one (1) parcel (Single-Family Residence, dog obedience training/kennel, horse boarding/breeding, and a camping & tent park); a variance to allow a single-family residence in the B-1 District; a variance to allow agricultural uses in the B-1 District; a variance to allow the parking area to remain grass rather than being paved; and, a Conditional Permitted Use to allow a camper and tent park.**

AREA: **18.33 Acres**

COMMENTS: **None**

OBJECTORS: **Yes**

PLANNING COMMISSION
RECOMMENDATION:

Recommend denial of the requested B-1 zoning classification. The LESA score of 196 indicates the property is suitable for agricultural use only. The property is developed with a single-family residence, several barns, and other improvements of an agricultural nature. Most of the B-1 uses would be considered to be too intense and inappropriate for the area.

Following the initial staff opinion on the first petition for this case, the petitioner submitted a revised proposal dated December 14, 2015. This second proposal indicated a substantive increase in the number of agility

events and the types of dog operations on the subject property, suggesting a much larger impact than initially proposed. Staff has significant concerns pertaining to the requested increase to the number of dog agility events and dog operations on the subject property.

The revised proposal is silent as to how many people might be on the subject property from all activities at capacity. Both the petitioner's attorney's letter (Page 1 of 2) and Attachment 1 (Page 2 of 3) indicate twelve (12) dog agility trials per year, however, neither references the combined number of people and animals that might be on the subject property from one dog agility event plus if all the various dog training courses were to occur simultaneously on the subject property. Because of this staff is unable to make infrastructure determinations, (e.g. septic field sizing and sizing of paved parking areas) related to scale of operations and likely impact on the character of the surrounding area to adequately determine if the proposal would be detrimental. As the subject property sits on a rough, narrow road, and is on well and septic rather than public sewer and water, until further information is provided to adequately gauge possible intensity of use, staff believes it is premature to recommend approval of a use variance to allow more dog agility events than was initially proposed. Therefore, staff recommends denial of the Use Variance request pertaining to dog agility events on the subject property.

In the alternative to the requested B-1 zoning, staff recommends approval of a Use Variance to grant three (3) uses (a single-family residence, a dog kennel limited to no more than twenty (20) dogs boarded/kenneled at a given time with proof of adequate waste disposal, and a horse boarding/breeding business). Staff notes the following special circumstances related to the subject property: (1) the subject property is currently zoned Agricultural, which allows horse breeding and boarding and single-family residences as of right; and, (2) a dog kennel business is a Conditional Permitted Use [CPU] in the Agricultural District, indicating the County Board thought it an appropriate use with conditions.

Recommend denial of the requested CPU to allow a camper and tent park. As noted, the sole access to the subject property is a narrow, somewhat substandard

road. Staff has concerns for public safety access to a potential camper and tent park if events bring a large number of vehicles to the area. Staff also has concerns regarding whether an RV park is compatible with the subject property, given that RVs have definite water and sewage impacts and that vehicular access will be on a narrow and sub-standard road.

Recommend denial of the requested variance to not pave the parking area. The revised information dated December 14, 2015, increased the scope of the petitioner's request in terms of the number of people and vehicles that could be visiting the property through the petitioner's multiple businesses. Based on inadequate information, it would be impossible to verify the number of parking spaces actually needed at this time. Due to the narrow width of Nave Road, on-street parking is not a viable option.

AMENDED: Staff amends the recommendation to delete the last paragraph above and replace it with the following: After a review of the ordinance, staff finds that the variance is not needed. While the ordinance does not apply, staff finds that the lack of an adequate parking plan to adequately provide on-site parking for the multiple uses proposed, that there would be a negative impact on the neighboring properties and the roadway.

SANGAMON COUNTY BOARD OF APPEALS

RECOMMENDATION: Approval of amended staff recommendation.

Cyndi Knowles
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS
SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: **2015-047**
William & Christie Rincker)
)
) PROPERTY LOCATED AT:
) **14670 Nave Road**
) **Mechanicsburg, IL 62545**

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, variances and 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 **January 21, 2016** 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: **14670 Nave Road, Mechanicsburg, IL 62545** and more particularly described as:

See Exhibit A

3. That the present zoning of said property is **“A” Agricultural District with a variance to allow one parcel less than 40 acres.**
4. That the present land use of said property is **a single-family residence, 3 barns, livestock & crops.**
5. That the proposed land use of said property is **single-family residence, 4 barns, livestock, crops, dog obedience training/kennels, horse boarding and breeding, and a camping and tent park.**
6. That the requested **rezoning, variances and Conditional Permitted Use** of said property is **a rezoning from “A” Agricultural District to “B-1” Neighborhood Business District; a variance to allow four (4) principal uses on one (1) parcel (Single-Family Residence, dog obedience training/kennel, horse boarding/breeding, and a camping & tent park); a variance to allow a single-family residence in the B-1 District; a variance to allow agricultural uses in the B-1 District; a variance to allow the parking area to remain grass rather than being paved; and, a Conditional Permitted Use to allow a camper and tent park.**
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, variances and Conditional Permitted Use** is in the public interest and is not solely in the interest of the petitioner(s) but **does** support the proposition that the adoption of the proposed **Use 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 **rezoning, variances and Conditional Permitted Use** be **denied, but in the alternative, recommend approval of a Use Variance to grant three (3) uses (a single-family residence, a dog kennel limited to no more than twenty (20) dogs boarded/kenned at a given time with proof of adequate waste disposal, and a horse boarding/breeding business).**

Charles Chimento/ck
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Andrew Spiro**, to concur with the findings of fact and amended recommendation of the Regional Planning Commission and recommend to the County Board that the requested **rezoning, variances and Conditional Permitted Use** be

denied but, in the alternative, recommend approval of a Use Variance to grant three (3) uses (a single-family residence, a dog kennel limited to no more than twenty (20) dogs boarded/kenneled at a given time with proof of adequate waste disposal, and a horse boarding/breeding business) which was duly seconded by Anthony Mares.

The vote of the Board was as follows:

YES: Anthony Mares, Don Wulf, Andrew Spiro, Merilyn Herbert, & Janet Dobrinsky

NO:

PRESENT:

ABSENT: Charles Chimento



RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: **2015-047**

Address: **14670 Nave Road, Mechanicsburg**

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

To the north and the south are timber and cropland. To the east and west are residences, timber, and cropland.

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

The property in the general area is zoned Agricultural.

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

The property is zoned Agricultural and is located in an agricultural area. The LESA score of 196 indicates the property is suitable for agricultural use only. The property is developed with a single-family residence, several barns, and other improvements of an agricultural nature. Most of the B-1 uses would be considered to be too intense and inappropriate for the area.

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

A variance for the lot width-depth ratio was granted (Zoning Case # 2012-31) benefitting property immediately to the east of the subject property. The trend of development is a mix of large lot residential, timber, cropland, and other agricultural uses.

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

Case #: 2015-047

Address: 14670 Nave Road, Mechanicsburg

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.

While the revised proposal mentions eight (8) potential RVs, there was not enough evidence submitted to determine if there are adequate resources on the property to support these vehicles.

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

The new proposal mentions eight (8) RVs plus family RVs at a given time. The petition indicates the property is on well and septic, so a camper/tent park could have a definite impact.

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

A camper and tent park could diminish the neighbors' enjoyment of their properties.

- (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**

**RECOMMENDED STANDARDS FOR USE VARIATIONS
[TO ALLOW FOUR (4) PRINCIPAL USES (SINGLE-FAMILY RESIDENCE,
DOG OBEDIENCE TRAINING/KENNEL, HORSE BREEDING/
BOARDING, AND A CAMPER/TENT PARK)]**

Case #: **2015-047**

Address: **14670 Nave Road, Mechanicsburg**

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.

Two (2) of the four (4) proposed uses, i.e. residence and horse breeding/boarding, are permitted uses in the Agricultural District and are compatible with the trend of development in the area. A dog kennel and a camper/tent park are Conditional Permitted Uses in the Agricultural District; thus, the County Board has seen fit to allow these uses in the Agricultural Zoning District with the option of additional conditions. The property is developed with a residence, several buildings of an agricultural nature related to horses, and a dog obstacle course. The revised proposal did not adequately address whether there are special circumstances that justify the activities on the property.

Staff has definite concerns with the compatibility of the increased number of dog agility events and the proposed number of dog training opportunities proposed on the subject property. Dog agility events could potentially generate traffic, especially considering that the petitioner proposed a more intense number of events (12) with the second proposal than with the first proposal (6). The revised proposal is silent as to how many people might be on the subject property from all activities at capacity. Both the petitioner's attorney's letter (Page 1 of 2) and Attachment 2 (Page 2 of 3) indicate twelve (12) dog agility trials per year, however, neither references the combined number of people and animals that might be on the subject property from one dog agility event plus if all the various dog training courses were to occur simultaneously on the subject property. Because of this staff is unable to make infrastructure determinations, (e.g. septic field sizing and paved parking areas) related to scale of operations and likely impact on the character of the surrounding area to determine if the proposal would be detrimental. As the subject property sits on a rough, narrow road, and is on well and septic rather than public water and sewer, until

further information is provided on intensity of use, staff believes it is premature to recommend approval of a use variance to allow more dog agility events than was initially proposed. The fourth proposed use, i.e. a camper/tent park, seems inappropriate for this site as it could generate significant amounts of RV vehicular traffic and generate definite water and sewage concerns as well as adding a number of vehicles to a rough and very narrow road.

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

Staff believes two (2) of the four (4) uses (a single-family residence, a horse boarding/breeding facility, and a dog obedience training/kennels facility) are appropriate for the property because they are permitted uses in the Agricultural District. Pertaining to the dog kennel, the County Board has seen fit to make this a Conditional Permitted Use in the Agricultural District, and therefore appropriate for the subject property with reasonable conditions. Staff believes a dog kennel could be compatible in the surrounding area, provided it is limited to no more than twenty (20) animals kenneled as proposed by the petitioner, and provided there is proof of adequate waste disposal.

Staff has definite concerns with the compatibility of the increased number of dog agility events and the proposed number of dog training opportunities proposed on the subject property. Dog agility events could potentially generate traffic, especially considering that the petitioner proposed a more intense number of events (12) with the second proposal than with the first proposal (6). The revised proposal is silent as to how many people might be on the subject property from all activities at capacity. Both the petitioner's attorney's letter (Page 1 of 2) and Attachment 2 (Page 2 of 3) indicate twelve (12) dog agility trials per year, however, neither references the combined number of people and animals that might be on the subject property from one dog agility event plus if all the various dog training courses were to occur simultaneously on the subject property. Because of this staff is unable to make infrastructure determinations, (e.g. septic field sizing and paved parking areas) related to scale of operations and likely impact on the character of the surrounding area to determine if the proposal would be detrimental. As the subject property sits on a rough, narrow road, and is on well and septic rather than public water and sewer, until further information is provided on intensity of use, staff believes it is premature to recommend approval of a use variance to allow more dog agility events than was initially proposed. The fourth proposed use, i.e. a camper/tent park, seems inappropriate for this site as it could generate significant amounts of RV vehicular traffic and generate definite water and sewage concerns as well as adding a number of vehicles to a rough and very narrow road.

- (iii) that the variance will benefit the community and be in harmony with the general purpose and intent of the Zoning Regulations.

While there could be some benefit to having dog agility events at this location, e.g. a completed dog agility course and a somewhat large acreage to roam, there was not enough information provided in the

revised proposal to adequately demonstrate the maximum number of people on the subject property would not cause harm to the surrounding 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.

The road to access the property is narrow and considered somewhat substandard and inadequate to handle additional significant traffic. Public safety vehicular access could be a problem if the road were blocked. It is possible that many dog trials could have a noticeable effect on the neighbors' quiet enjoyment of their properties, even if it does not produce a noticeable impairment of property values. Negative impacts related to the other factors are not anticipated.

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS
[Section 17.50.060 PAVING REQUIREMENT]**

Case #: **2015-047**

Address: **14670 Nave Road, Mechanicsburg**

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 revised proposal would have a larger impact than previously proposed. It seems premature to not pave the parking area until the full extent of the proposed number of people on the subject property at a given time is known.

- (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.

Not enough information was provided in the revised proposal to adequately determine if unique circumstances are applicable.

- (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.

Based on the information dated December 14, 2015, there could be a significant number of vehicles travelling to the property on any given day. Staff is particularly concerned about there being inadequate and unorganized parking available during the dog agility trials for which no evidence was provided as to the expected number of attendees.

LAND EVALUATION AND SITE ASSESSMENT

Part 1: Site Assessment

	Available Points	Points
<u>AGRICULTURAL/RURAL LAND WITHIN .5 MILE</u>		
90% or more	20	
75-89%	10	
50-74%	5	20
Under 50%	0	
<u>CONTIGUOUS AGRICULTURAL/RURAL LAND</u>		
90% or more	20	
75-89%	10	
50-74%	5	10
Under 50%	0	
<u>PERCENTAGE OF SITE AGRICULTURAL/RURAL</u>		
75-100%	10	
50-74%	5	5
Under 50%	0	
<u>COUNTY SECTOR</u>		
Rural	20	
0.5 mile from incorporated area	10	20
Incorporated area	0	
<u>SOIL WITH SEVERE RESTRICTIONS FOR ON-SITE WASTE DISPOSAL</u>		
75% or more	20	
50-74%	10	
25-49%	5	5
Less than 25% or sewer available	0	
<u>ENVIRONMENTAL IMPACT OF PROPOSED USE</u>		
Negative impact	15	
Little or none with protective measures	5	0
Little or none	0	

<u>IMPACT ON UNIQUE HISTORICAL/CULTURAL FEATURES</u>		
Negative impact	10	0
No impact	0	

<u>CONDITION OF ROAD</u>		
unpaved, <40' ROW, or < 16' pavement	20	20
16'-18' pavement, 40' ROW	15	
18'-20' pavement, 40' ROW	10	
> 20' pavement, 40' ROW or County or State Highway	0	

<u>AVAILABILITY OF PUBLIC SEWER</u>		
Not available	15	15
Sewer over 600'-1200' away	8	
Private central sewage system	5	
Sewer 600' or less away and available	0	

<u>AVAILABILITY OF PUBLIC WATER</u>		
Not available	20	20
1,000-1,500' away	15	
Less than 1,000' away	5	
Public water available at site	0	

<u>DISTANCE FROM RESPONDING FIREHOUSE</u>		
Not in fire protection district	20	5
More than 5 miles or fire protection by assignment	10	
2.6-5 miles	5	
0-2.5 miles	0	

<u>DRIVING TIME TO HIGH SCHOOL</u>		
Over 30 minutes	10	0
15-30 minutes	5	
Less than 15 minutes	0	

SITE ASSESSMENT TOTAL		120
------------------------------	--	------------

Part 2: Agricultural Land Evaluation (Based on Sangamon County Soil Survey)

<u>Soil</u>	<u>Name</u>	<u>Type</u>	<u>%</u>	<u>Relative Value</u>	<u>Points</u>
198A	Elburn	P		100	
199A	Plano	P		100	
43A	Ipava	P		100	
7148A	Proctor	P		100	
46A	Herrick	P		100	
7037A	Worthen	P		100	
705A	Buckhart	P		98	
199B	Plano	P		98	
36B	Tama	P		98	
244A	Hartsburg	P2		98	
257A	Clarksdale	P2		98	
68A	Sable	P2		87	
679B	Blackberry	P		87	
705B	Buckhart	P		87	
86B	Oscos	P		87	
684B	Broadwell	P		87	
50A	Virden	P2		87	
712A	Spaulding	P2		87	
127B	Harrison	P		87	
3077A	Huntsville	P3		87	
138A	Shiloh	P2		87	
249A	Edinburg	P2		87	
242A	Kendall	P2		87	
7242A	Kendall	P2		87	
134A	Camden	P		87	
17A	Keomah	P2	25	87	22
3451A	Lawson	P3		75	
3107A	Sawmill	P5		75	
7075B	Drury	P		75	
8396A	Vesser	P2		75	
3074A	Radford	P3		75	
3073A	Ross	P3		75	
3284A	Tice	P3		75	
279B	Rozetta	P	51	75	38
45A	Denny	P2		75	
134B	Camden	P		75	
112A	Cowden	P2		75	
685B	Middletown	P		75	
3405A	Zook	P5		75	
131C2	Alvin	P		75	
86C2	Oscos	I		74	
36C2	Tama	I		74	
684C2	Broadwell	I		74	
119C2	Elco	I		74	

119D	Elco	I		74	
127C2	Harrison	I		74	
119D2	Elco	I	4	74	3
567C2	Elkhart	I		74	
134C2	Camden	I		74	
259C2	Assumption	I		74	
685C2	Middletown	I		74	
280D2	Fayette	I	17	74	13
119D3	Elco	N		74	
259D2	Assumption	I		74	
212C2	Thebes	I		74	
630C2	Navlys	I		74	
630D2	Navlys	I		74	
630D3	Navlys	I		57	
131D2	Alvin	I		57	
8D	Hickory	I		50	
8D2	Hickory	I		50	
280D3	Fayette	I		44	
8D3	Hickory	I		44	
8F	Hickory	N		44	
549G	Marseilles	N		0	
533	Urban Land	N			
536	Dumps	N			
830	Orthents, Land	N			
862	Pits, Sand	N			
864	Pits, Quarries	N			
801C	Orthents, Silty	N			
W	Water				

Prime/Important Farmlands Designations:

P: Prime farmland

P2: Prime where drained

P3: Prime where protected from flooding or flooding is less often than once in two years during the growing season.

P5: Prime where drained and either protected from flooding or flooding is less often than once in two years during the growing season.

I: Important farmland

N: Not Prime/Important Farmland

AGRICULTURAL LAND EVALUATION TOTAL	76
---	-----------

GRAND TOTAL	196
--------------------	------------

Fewer than 150 points shall be deemed acceptable for non-agricultural development.

From 150 - 175 points is considered marginal requiring mitigating factors for non-ag development.

Greater than 175 points shall be considered suitable for agricultural use only.