

Sangamon County, Illinois
ZONING BOARD OF APPEALS

The Zoning Board of Appeals met on October 17, 2019 at 7:00 P.M. in the County Board Chamber in the County Complex.

ATTENDANCE (X) denotes present

(X) Chairman Chimento	(X) Committee Member Mares
() Committee Member Wulf	(X) Committee Member Sudeth
(X) Committee Member Spiro	(X) Committee Member Beaty

STAFF PRESENT:

Molly Berns, Executive Director, Spfld-Sang County Regional Planning Commission
Steve Keenan, Senior Planner, Spfld-Sang County Regional Planning Commission
Emily Prather, Associate Planner, Spfld-Sang County Regional Planning Commission
Joel Benoit, Assistant States Attorney, States Attorney's Office
Trustin Harrison, Zoning Administrator, Sangamon County Zoning

Chairman Chimento called the meeting to order.
Approval of September 19, 2019 Minutes

Committee Member Larry Beaty made a motion to approve the September 19, 2019 minutes.

Committee Member Tony Mares seconds the motion.

Motion carries 5/0/0

Docket 2019-033 Lillian Marie Callahan for property located at 1705 Henry Street, Springfield, IL 62703

PETITIONER(S): Lillian Marie Callahan

OBJECTOR(S): Yes

PRESENT ZONING CLASSIFICATION: "R-2" Single-Family and Two-Family Residence District

Lillian Marie Callahan and Tracy Goumaz were sworn in.

Emily Prather: The petitioner has requested pursuant to Chapter 17.68 and 17.18, a rezoning from "R-2" Single-Family and Two-Family Residence District to "RM-4" Manufactured Home District. Staff has recommend denial of the requested RM-4 zoning. The trend of development for the block bounded by Henry, Woodward, Hoover, and Knox Street extended around the subject property has remained R-2.

ZBA Chimento: Ok, any questions? County board? Objectors? Ok, do you have a spokesman or does each one to talk?

Molly Berns: Mr. Chairman, perhaps the petitioner would like some things to add first before the opponents.

Goumaz: My mom is legally blind and this property that she bought, I can see from my backyard. And all I have to do is go out my fence and I'm there. She is on disability and legally blind and I just want her to be closer to me. We measured the property its 50'x100'...her trailer is 14'x70'; so it's right in the middle and will fit perfectly fine with this property that she has.

Callahan: I will have more than 3' on each side.

ZBA Chimento: You already bought the ground?

Goumaz: Yes, and that's why we are trying to rezone it so we can put her trailer on it. It's a manufactured home and all remodeled on the inside and she takes very good care of it.

ZBA Chimento: Ok...

Goumaz: There is 11 of them in the block radius already, so it has nothing to do with property value. I bought my house two years ago and it was fine.

ZBA Chimento: Swears in objector...

Dorothy Ciotti was sworn in.

Ciotti: I own my house on Woodward and I own the house which is across the street from me, which is adjacent to where they want to put the trailer. It's a bad area for something like that. There are no stop signs coming in from Stevenson Drive and around the corner by Fox Bridge Road, people go fast there. There's a problem with people parking on the streets. It will de-value my house and my property. That's what trailers do. Ms. Callahan pays \$669.00 in taxes; I pay \$1,560.92 in taxes. I have a bad trailer next door to me that's been sitting there 20 years empty. Bill Fox owns it, but that's another subject. The county has down nothing about him having to rewire, or plumbing.

ZBA Chimento: That has nothing to do with this.

Ciotti: Well I know this but it's a trailer and that's how trailers are. They aren't the same value has houses, trailers will devalue. And devalue my property.

ZBA Chimento: Ok, any questions for this lady...County board? Any other objectors? Hearing none entertained a motion.

Committee Member Tony Mares made a motion to recommend approval of staff recommendation.

**Committee Member Andrew Spiro seconded the motion.
Motion carries 5/0/0**

ZBA Chimento: The Paul R. LeJeune case has been postponed till next month, so if there's anyone here to listen on that case, it won't be heard tonight.

Docket 2019-034 Tracy Withers for property located at 1829 N. 32nd Street, Springfield, IL 62702

PETITIONER(S): Tracy Withers

OBJECTOR(S): No

PRESENT ZONING CLASSIFICATION: "I-1" Restricted Industrial District

Tracy Withers was sworn in.

Emily Prather: The petitioner has requested pursuant to Chapter 17.68 and 17.12, a rezoning from "I-1" Restricted Industrial District to "R-1" Single-Family Residence District; pursuant to Chapter 17.66, for Proposed Parcel 1: a variance of Section 17.38.030 to allow the existing residence on a parcel less than one (1) acre (approximately 0.5 acres) where public sewer is not available; and, for Proposed Parcel 2: a variance of Section 17.36.010(A) and Section 17.38.010 to allow an existing accessory structure within the front yard with a front yard setback to be approximately six (6) feet instead of the required thirty (30) feet. Staff recommended approval of the requested R-1 District. The trend of development for the area is single-family residential. Recommend approval of the requested variances. There is a non-conforming garage that straddles the property line between the parcels ending in -015 and -027. To correct the non-conformity, a reconfiguration is being proposed. In reconfiguring the properties ending in -015 and -027 (both of which are currently under one acre), Proposed Parcel 1 will become larger, gaining 0.1 acres from approximately 0.4 to 0.5 acres. Proposed Parcel 2 will be combined with the property immediately to the east ending in -013 to become one acre, but needs a variance to allow the existing garage in the front yard due to the regulations deeming Ridgewood as the front yard. Helping alleviate some of these non-conformities will help improve the reasonable return for the proposed parcels. The Standards for Variation are met.

Trustin Harrison: Mr. Chairman I do have a comment from public health, Allen Alexander. They would like to state: Should the existing septic system for the home fail, they have concerns that there would be adequate space to place a new private sewage system on the property. The average life of a septic system in Illinois is 15 years so at some point in the future it is possible that the home could be unlivable because no sewage disposal is available. They have concerns because the closest connection to the public sewer is over 800' away. And at some point during failure could deem this property inhabitable.

Withers: The whole reason we are doing this is so we can divide the property. The parcel with the house and the two car garage, we are going to have all that surveyed and selling to my son and his wife. We are retaining the other vacant property to attach to our primary residence. If our son and our daughter in-law should decide to sell that property, we have a right of first refusal and we are going to be purchasing that property, so it's not like it will ever be out of myself, or husband or son's ownership.

Harrison: Public Health just wants to make aware that putting a septic system on that property may be difficult or impossible if it does fail.

Withers: Ok.

ZBA Chimento: Any questions? County board? Objectors? Hearing none entertained a motion.

Committee Member Larry Beaty made a motion to recommend approval of staff recommendation.

**Committee Member Tony Mares seconded the motion.
Motion carries 5/0/0**

Docket 2019-035 Gary Ingles for property located at 14879 Sparrow Road, Pleasant Plains, IL 62677

PETITIONER(S): Gary Ingles

OBJECTOR(S): No

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

Gary Ingles and Cynthia Ingles were sworn in.

Emily Prather: The petitioner has requested pursuant to Chapter 17.66, a variance of Chapter 17.04 (Dwelling) to allow a recreational trailer to be used as a dwelling for a period not to exceed eighteen (18) months. Staff has recommended denial. Allowing a recreational trailer to serve as a dwelling for an extended period of time is contrary to effective planning principles. No unique circumstances exist to justify allowing a recreational trailer to be used as a dwelling for 18 months at this location. The Standards for Variation are not met.

ZBA Chimento: Ok.

Ingles: The reason we are in this position is this is not the land we don't own... we own 25 acres out there. A 20 acre parcel and a 5 acre parcel. The neighbor's cows graze the pastures, which is all pasture except for the house. He wanted to buy the house and continue to have the pasture for his cows to graze. He wanted to buy the house now because his son is moving from out of state and he wanted a place for his son to live. So out of the 25 acre parcel, we surveyed off 15 and we kept 5 and 5, so we have 10 acres. We lived in the house for 16 years. We aren't talking about a subdivision here we are talking about 10 acres here, I mean you can't even see it from the road unless you know where to look. It's a heavy timber area. I understand the parts of the value and I have those concerns too, we have over \$100k invested in that 10 acres. And beyond that we spent another \$10k for water, \$7k we contracted for septic system for a 3 bedrooms house and not to continue living in this RV. We both still work. Part of the reasons we have been discussing if we were doing a manufactured home or a stick-built home. We were hoping over the next year to gradually start putting up a home. We have about \$175k total invested in this property. So we aren't going to just go off and move. We bought it fully and top of the line for what it is. It's a fully equipped RV, not a piece of junk. We aren't asking for it to be rezoned. We have llamas, alpacas and 5 dogs and we take care of them. We can't just move somewhere else. We don't know what to do with our animals or what we are going to do, if we can't live there long enough through the winter. Maybe we don't need the full 18 months. If there's anyway we can do perhaps a shorter amount of time and come to an agreement? It's a hardship and even if it's our fault it's still a strong financial hardship. I am more concerned about our animals if there isn't someone there to feed and provide water for them and care for

them. We aren't asking for a rezoning or trying to pull a fast one on anyone; we are just asking for time to get through the winter at minimum and then if I have to after the winter I will get a permit. We may have got ourselves in bind. We weren't trying to circumvent anything...we can't get our septic permit issued because we don't have the variance. Water is there. I know this sounds like a personnel problem and it is. I don't know if there is a way we can do a lesser way maybe 6 months just to get through the winter and get done what we have to get done.

ZBA Chimento: Ok, Tom?

CB Fraase: So is there a separate septic system on that piece of property?

Ingles: It will be done as soon as we can get a permit to put it on there.

CB Fraase: Ok, so this RV would be hooked on it?

Ingles: Yes, absolutely. And we put in a well. They didn't want to put the electrical out there because they said the RV wasn't enough electricity for Ameren to make money, so they didn't want to do it. If we signed a piece of paper saying we would stay at a minimum of 3 years they would hook up the electric for us. That's no problem for us because we aren't going anywhere. We have separate septic, water and electric.

CB Fraase: This might be a question for staff but what would happen if this did get an approved and it wasn't done in 18 months? Would you make them move it out?

Harrison: Anytime when the variance comes to an end, that basically would have to come back before this committee and the evidence would have to be presented to this committee and most recent one that we had was about a 3-4 month process, so the 18 months then is turning into anywhere from 20-24 months, so that was one of the concerns with stretching something out like this was the compliance issue, to actually bring them back in. I did explain to the petitioner that in most cases once a building permit has been pulled, we do allow people to stay in a camper for a short time period, so they can build. To my understanding there were some financial concerns to actually pull a permit at this time; that's why the request was made for the variance.

CB Fraase: So if they pull a permit for the house, you would be ok with that?

Harrison: Correct, in most cases permits are good for six months and they would have to come in for another to extend the permit six months at that point you would be at a year. At that point we really would not want them in a recreational vehicle any longer.

Ingles: Can we amend this and give us 6 months and get this done...that wasn't our plan and not the best situation for us but we are determined to get this done and get through the winter and we be there for our animals

ZBA Chimento: That's a unique circumstance.

ZBA Spiro: Yes, I would say 6 months would be adequate.

Ingles: If that's what it takes, that's what we have to do.

ZBA Spiro: I like to make a findings of fact amendment to the decision of staff's findings of fact. We find a general trend in the area is ag and rural residential. The unique circumstance is it would cause an undue hardship for the owner, which is in the process of permits and development; these are unique to the property and investments and all in process. The status of the temporarily recreational vehicle will not alter the surrounding area, which is agricultural and rural residential. And of course it's only temporary and go ahead and allow him 6 months.

ZBA Chimento: Is 6 months the limit?

Harrison: The 6 months are you saying...that after 6 months they would have pulled a building permit? Is that the intent you are going.

ZBA Spiro: Yes, you could put that as a condition of the variance.

Harrison: So basically when someone pulls a building permit the permit is good for 6 months. We do allow people to come in and do an extension of the building permit but in case like this we most likely would only allow one extension of the building permit; that way they aren't living in the camper or RV for an extended period of time. That's why I was asking if after the 6 months they must have a building permit pulled at that time.

ZBA Spiro: When you say building permit pulled, do they already have a permit pulled?

Harrison: They do not. They have pulled permits for things such as a well, I believe. And a septic. We have not approved the septic yet because we are waiting for this petition. When I say building permit I am referring to the structure itself, the residence.

ZBA Spiro: They have to get the septic and all these other permits before they get the building permit, correct?

Harrison: Typically they go together, so the question I am asking you...are you requiring them to have a building permit for the structure pulled at the 6 months, once the 6 months expires?

ZBA Sudeth: I guess that's the question to them....

Ingles: The truth of the matter is we have already been talking to someone about this and what we are going to do. I would probably be able to make the 6 months work...

ZBA Spiro: We will do the 6 months and if he can get the permit...because he is asking for 18months...and I certainly wouldn't go over 18 months because I do see it as a non-conforming use, but given the circumstance I think the 6 months variance would be ok as a condition.

Ingles: I have no problem with that.

Committee Member Andrew Spiro made a motion...

ZBA Beaty: I like to know what this motion is...

ZBA Spiro: Motion to amend staff recommendation to approve the variance on the conditions...

Harrison: Actually the amendment will be...you're going to amend the request to go from 18 months to 6 months...

ZBA Spiro: Correct.

Harrison: And you provided your recommendation to support the amendment from 18 months to 6 months?

ZBA Spiro: Yes

Harrison: So you're requesting to approve your request for 6 months?

ZBA Spiro: Yes.

ZBA Sudeth: Is there a building permit request that needs to be done within these 6 months?

Harrison: At the expiration of the 6 months. If they don't at this point then it will be back before you; the variance is not something you are going to include on the variance, it's just for the 6 months but if they don't request a variance at that time then I will be back before you and revoke the variance.

Committee Member Andrew Spiro made a motion to approve the request as amended to the 6 months.

**Committee Member Charlie Chimento seconded the motion.
Motion carries 5/0/0**

Ingles: I have a question because of the weather being so bad, they are holding up the septic systems. Is it ok to go ahead and complete the septic?

ZBA Chimento: Sure.

Harrison: Actually, we do not allow actions on permit till action has been taken by County Board. This is something I would have to refer to legal. Typically this is not something we do because if we go forward with something like this and then it's denied. In most cases we have never done this before. I would have to get back to you on that.

Ingles: before the next meeting what if we got our building permit.

ZBA Chimento: You have 6 months to get your building permit.

Docket 2019-037 Carol Swettman for property located at 5656 Richland Road, Pleasant Plains, IL 62677

PETITIONER(S): Carol Swettman

OBJECTOR(S): No

PRESENT ZONING CLASSIFICATION: “A” Agricultural District

Carol Swettman was sworn in.

Emily Prather: The petitioner has requested for Proposed Parcel 1: pursuant to Chapter 17.68 and 17.12, a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District; pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow the lot width to be approximately forty-two (42) feet instead of the required eighty (80) feet; and, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width. Staff recommended approval of the requested R-1 zoning for Proposed Parcel 1. The LESA score of 197 indicates the property is suitable for agricultural use only. However, the petitioner is proposing to divide the residence from the cropland and rezone Proposed Parcel 1 with the residence to R-1. This property is unlikely to ever be converted back to cropland and the 7 acres is consistent with the rural residential trend in the area. Recommend approval of the requested variances. In order to reconfigure the subject property to provide road access to the residence and to separate the existing residence while maintaining all of the cropland, the requested lot width variance is needed. The location of the residence, which has been on the subject property for over thirty (30) years, necessitates the variance for lot width-to-depth when the property is reconfigured. The Standards for Variation are met.

ZBA Chimento: Ok. Yes sir.

Attorney Bochenek: If there are any questions from the committee we will be happy to answer those. We are seeking approval based on our petition and staff’s recommendation.

ZBA Chimento: Ok. Any questions? County board? Objectors? Hearing none entertained a motion.

Committee Member Tony Mares made a motion to recommend approval of staff recommendation.

Committee Member JD Sudeth seconded the motion.

Motion carries 5/0/0

Docket 2019-038 Robert Anderson for property located at 1701 N. Dirksen Parkway, Springfield, IL 62702

PETITIONER(S): Robert Anderson

OBJECTOR(S): No

PRESENT ZONING CLASSIFICATION: “B-3” General Business District

Chad Deiters was sworn in.

Emily Prather: The petitioner has requested pursuant to Chapter 17.58 and Section 17.26.020 a Conditional Permitted for a tavern (approximately 350 sq. feet); pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow two (2) principal uses on one (1) parcel: (1) sign shop and (2) tavern (approximately 350 sq. feet); a variance of Section 17.58.080(D)(4) to allow a tavern property line to be approximately seventeen (17) feet from a residence instead of the required one hundred (100) feet; and, a variance of Section 17.50.060(B) to allow vehicles to back into a street or alley rather than accessing it in a forward manner. Staff has recommended approval of the requested Conditional Permitted Use for a tavern with the following conditions: 1) the tavern is limited to approximately 350 square feet as shown on the site plan in the petition, 2) no live entertainment and dancing are allowed, and 3) the hours of operation are limited to the Sangamon County Liquor Ordinance. Recommend approval of the requested variances. The building was previously utilized for a motorcycle sales and service business. The existing business is a sign shop that does not utilize the total area of the building for their business. Allowing an additional use on the subject property will fill the vacant space and increase the economic yield for the property. There are unique circumstances in that the customer entrance to the proposed tavern will be over 100 feet away from a residence, and the subject property has had the same parking layout, with vehicles backing out into the road/frontage road, for over 30 years for the commercial uses that have been on the property. The Standards for Variation are met.

ZBA Chimento: Ok.

Deiters: It's just a small gaming café/bar and will be serving alcohol.

ZBA Chimento: Is it yours?

Deiters: No, sir it is Mr. Anderson's.

ZBA Chimento: You're representing him?

Deiters: Yes, sir.

ZBA Chimento: Are you his attorney?

Deiters: No, I am in the gaming business. I work as a gaming consultant.

ZBA Chimento: Any questions? County board? Objectors? Hearing none entertained a motion.

Committee Member Larry Beaty made a motion to recommend approval of staff recommendation.

Committee Member Tony Mares seconded the motion.

Motion carries 5/0/0

Motion to Adjourn:

Committee Member JD Sudeth made a motion to adjourn.

**Committee Member Charlie Chimento seconded the motion.
Motion Carries 5/0/0**

Meeting adjourned.

Respectfully submitted,


Recording Secretary


Chairman

Minutes of October 17, 2019

Full record of minutes available upon request in the Zoning Department