

Sangamon County, Illinois
ZONING BOARD OF APPEALS

The Zoning Board of Appeals met on **January 16, 2020** 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
(X) Committee Member Wulf	() Committee Member Sudeth
(X) Committee Member Spiro	() Committee Member Beaty

STAFF PRESENT:

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 **December 19, 2019** Minutes

Committee Member Don Wulf made a motion to approve the December 19, 2019 minutes.

Committee Member Tony Mares seconds the motion.
Motion carries 4/0/0

Docket 2020-001 Andrew R. Beck for property located at 4816 & 4818 Oak Hill Rd., Rochester, IL 62563

PETITIONER(S): Andrew R. Beck

OBJECTOR(S): No

PRESENT ZONING CLASSIFICATION: Ag

REQUESTING: Petitioner requests for Proposed Parcel 1: pursuant to Chapters 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 road frontage to be approximately seventy (70) 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; for Proposed Parcel 2: pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 5.5 acres); and, for Proposed Parcel 3: pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 5 acres); 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.
Andrew Beck was sworn in.

Emily Prather: The petitioner has requested for Proposed Parcel 1: a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District; and a variance of Section 17.38.030 to allow the road frontage to be approximately seventy (70) 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; for Proposed Parcel 2: a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 5.5 acres); and, for Proposed Parcel 3: a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 5 acres); 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. The planning commission staff has recommend approval. The LESA score of 112 indicates the property is acceptable for non-agricultural development. There is a trend toward residences in the area with the Rochester corporate limits surrounding the subject property and housing developments to the east, west, and south. The requested variances will help the subject property yield a reasonable return by placing the single-family residence, horse stable, and two outbuildings on separate lots. Proposed Parcel 1 will reconfigure parcel -007 and will only contain the single-family residence. Proposed Parcel 2 will combine the remainder of parcel -007 with parcel -010 to allow the entire horse stable to be on one parcel. Proposed Parcel 3 will combine parcels -018 and -016 which will eliminate parcel -016 being a landlocked parcel. The Standards for Variation are met.

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

Committee Member Andrew Spiro made a motion to recommend approval of staff recommendation.

**Committee Member Don Wulf seconded the motion.
Motion carries 4/0/0**

Docket 2020-002 Perry & Vickie, Greg & Megan Walter for property located at 1339 N. Oak Rd., Rochester, IL 62563

PETITIONER(S): Perry & Vickie, Greg & Megan Walter

OBJECTOR(S): No

PRESENT ZONING CLASSIFICATION: Ag

REQUESTING: Petitioners request pursuant to Chapter 17.66, a variance of Section 17.36.010(A) and Section 17.38.010 to allow an existing accessory structure to be expanded within the front yard with a front yard setback to be approximately ten (10) feet instead of the required thirty (30) feet.

Perry L. Walter was sworn in.

Emily Prather: The petitioner has requested a variance of Section 17.36.010(A) and Section 17.38.010 to allow an existing accessory structure to be expanded within the front yard with a front yard setback to be approximately ten (10) feet instead of the required thirty (30) feet. The planning commission has recommend approval. The plight of the petitioner is unique because the previous owner of the subject property did not obtain a building permit for the existing accessory structure, a process that would have identified the non-compliance. However, the petitioner bought the subject property and inherited the non-conforming accessory structure with the intent of expanding the existing accessory structure. The subject

property is unique in that the location of the accessory structure is nowhere near the road (approximately 600 feet away) so it will not have a visual impact on the area or adjacent parcels. The Standards for Variation are met.

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

Committee Member Don Wulf made a motion to recommend approval of staff recommendation.

Committee Member Tony Mares seconded the motion.

Motion carries 4/0/0

Docket 2020-003 Harvey Horton for property located at 4000 N. Peoria Rd., Springfield, IL 62702

PETITIONER(S): Harvey Horton

OBJECTOR(S): No

PRESENT ZONING CLASSIFICATION: B-2

REQUESTING: Petitioner requests pursuant to Chapters 17.68 and 17.26, a rezoning from “B-2” Retail Business District to “B-3” General Business District; and, pursuant to Chapter 17.66, a variance of Chapter 17.04 (Cargo Container) to allow no more than one hundred (100) cargo containers to be used as mobile and valet storage instead of the permitted one (1) container on a parcel that is between one (1) acre and five (5) acres in size.

Harvey Horton was sworn in.

Emily Prather: The petitioner has requested “B-3” General Business District; and, a variance of Chapter 17.04 (Cargo Container) to allow no more than one hundred (100) cargo containers to be used as mobile and valet storage instead of the permitted one (1) container on a parcel that is between one (1) acre and five (5) acres in size. The planning commission has recommend approval. The proposed B-3 zoning is acceptable as the subject property is adjacent to B-3 zoning to the west and east, and there is a commercial trend along Peoria Road. The petitioner is proposing to develop a mobile and valet storage business on the parcel. However, rather than building a structure to be used for storage units, which is a permitted use in the B-3 zoning district, the petitioner is proposing to utilize cargo containers to be transported to customers, filled, and then returned to the subject property for storage. Staff finds that this business model is consistent with other permitted uses in the requested zoning district. The Standards for Variation are met.

ZBA Chimento: Any questions? County Board?

CB Greg Stumpf: I have to say that in our Public Health Safety Zoning committee when we reviewed these cases tonight, when this one came up...and we reviewed the substance of it. It didn't go over very well with the County Board members that were in there; we had a lot of discussion on this, for about a year we discussed a lot about cargo containers for the zoning for that. Just on the front of this when you look at it, we allow one container per a parcel that's between one acre and five acres; and here you are talking about changing that to one hundred. There was a lot of discussion on that and I wanted to state that; I don't know if there was really one person in there that thought this was ok. I know that staff said

this is ok but I just wanted to note that. And I don't know if you guys realize this or not but we review these cases in committee before the ZBA hearings.

ZBA Chimento: Linda...

CB Linda Fulgenzi: In the meeting it wasn't the B3 zoning change that was found objectionable. That was not the problem because there is B3 zoning on either side of the street, the problem was the containers and like Greg said when we started talking about these containers and the discussion and that's why we came up with one container and that was not for permanent storage, that would have been for like temporary storage. In Ag, it was different because they need different kinds of storage than like we do within the City. In looking at the site plan there were a number of us that had a problem with this and maybe you can help us with this. There are more than one person who is familiar with building on the committee and the concern about these containers being 20' long and 8' wide which is a standard container is the driveway between being 20' and the containers themselves being right up against each other. It doesn't show a space between them. We would like to know...how is your intent to move these in and out to do valet delivery.

Horton: I would have them laid out to have about 6"- 8" on either side of these and then the way the drawing is they are straight, but I would have them angled so they would be more angled and not the full 20' but the other way I am planning on using these is those are going to move on a regular basis would be those on a regular run would be easier to access them. I would use a forklift big enough to pull these up and move them around.

CB L. Fulgenzi: A forklift big enough to pick up an 8' by 20' long container?

Horton: Right. Those weigh about 5,000 lbs....so I would need a forklift that would probably be 10,000-15,000 lbs., if I had something in them.

CB L. Fulgenzi: Yes, you would definitely need something bigger than that, if you're moving them back and forth. And then you would take that forklift and set them...

Horton: Yes, on a trailer/truck and those would be hauled and then dropped at a location...the customer could have it left there while they are maybe remodeling or something like that, or if they just want to fill them up and bring them back, that's the idea.

CB L. Fulgenzi: In your business plan, did you anticipate in anyway where these containers are going to be taken? Because you can't just take them anywhere and set them...can we?

Harrison: We do treat these considerably as pods, when it's a temporary structure and so it would be for a temporary time period. Now if that time period becomes more permanent then at that point they need to meet the bulk requirements of an accessory structure. So for a temporary use, yes you can drop off on a driveway to be loaded or unloaded. However long term at that point you would be required to get a permit.

Horton: All of these would usually be set and lifted and taken back within two weeks at the most.

CB L. Fulgenzi: So, the drawing we have is not an accurate portrayal?

Horton: It's not, my engineer when he drew that I told him I need to have something to represent to Trustin, so he drew them to where they were just staggered right next to each other. I was wanting to basically turn

those a 35° angle so it would be easier to get in and out. But all of these are not going to be multi-colored, old beat up pieces of crap that we all see in various places. These are supposed to be a “business setting” so all of these are going to be the same color, brand new, doors on each end so you can access on either side. I am going to be able to sub-divide them inside with moveable walls, so a 20’ container can be two 10’ or a 5’ and a 15’. I am also going to have these where, if I need to that if a customer wants shelving units I can do that as well. I can do any kind of interior design to them, if a customer is going to be having it long term. The idea being this is to look uniform, I would not want to represent an eye-sore to the community. These are going to be in the same condition as you would find a brand new storage facility being built. They would all be newly painted, doors on each end. This will probably take two years from what you see in front of you. I am only taking these on as I take on more storage units. I am not going to start with one hundred units on day one.

CB L. Fulgenzi: I am representing four people from the meeting who couldn’t stay and the questions are: that intent is one thing and accomplishment is possibly something else and once you are given this zoning change to a B3 and your use is permitted, there isn’t a whole lot that we can do; I mean you could be shutdown, if you don’t adhere to what you said, but we as a board and as a department really can’t control how they look. You could paint them all purple or pink and could especially be an eye-sore along this road and some members are trying to become a reliable accessory to the City.

Horton: I don’t have any intentions of doing anything, well obviously you don’t like the word intentions...

CB L. Fulgenzi: No, I like the word but...

Horton: A good business man never sets himself in a position where his neighbors or customers, which is all the drive-by traffic is not going to like. That would make no sense for me to do that. So as a business man I view it is... what would I want to see? I drive by it every day, I live in Sherman. I look at the area there and I don’t want to do anything to ruin anything that’s already there. I want to take something and put something there that I am going to be proud of. I am going to fence this entire lot; this is not going to be what I have seen some places look like. I’m going to set it up to where customers are going to feel good to come in there and do business with me. All of these are going to be a standard tan color and neutral. I’m going to put a 6’ fence all the way around. I’m going to have LED directional lighting, I’m going to have video cameras on it. I will have a decorative 6’ fence across the front with two gates.

CB L. Fulgenzi: Why don’t you just build storage units?

ZBA Spiro: It’s essentially a different concept of self-storage.

Horton: It is.

ZBA Spiro: But it is a self-storage?

Horton: It is. We are going to do self-storage, mobile storage and we are also going to do valet storage. I have some other twists in there that make it even more attractive. The purpose of this is the reason I went this way is to be honest... this is the most secure storage you can have, in other words they developed these things in the 50’s to ship all kinds of product all over the world to where they were going to sell it; and what they were finding was that the guy that invented these in the 50’s is that they had to go over oceans for months at a time hauling goods and new inventory and had to be sellable when they got there. So shipping containers were used back then to haul these goods so they were in good shape when they got to

market. So my design is if it's the best to ship from China to US; then I have to think it has to be the best place to store things when you aren't using them; because its wind and water tight. I can take the new ones and literally dunk in a tank of water and there won't be water when I open it. You can't do that with a standard self-storage unit. Those self-storage units are built in a way that they have to breathe; and when they do that they allow for rodents, pests, bugs and fire to spread from one unit to the other and they are easier to break in to because the lock you can just cut off. Here with the containers it's a steel lock and have to have a welding torch to get into the container. Mine has better security and asset preservation better than anything out there, right now.

ZBA Chimento: Who would be your typical customer?

Horton: I would be serving residential customers, as well as commercial customers. So a typical customer could be anyone in this room that has extra things they need to store and whether they wanted to do it themselves or rent a truck and bring it in. Or if they have an entire house or apartment...I may bring a 10' or 20' unit to their house and let them fill it up and whether I am storing it or moving it, it's the same thing. And then the valet side of it is we aren't bringing the entire unit to you but we are bringing you bins so you can take pictures of your stuff, store it, tie or zip tie it and we will barcode it and then we will take it back for you and if you need something back, we will then scan it out of inventory and bring it back to you and then when you are done with it, we will pick it up and take it back, so you will never have to visit your storage unit. The whole idea there is the idea of convenience, whether that's holiday decorations.

CB L. Fulgenzi: The problem that we are having in committee is the number of containers. We spent almost a year to get it to be one container up to 5 acres. And now you want to put one-hundred on just a little over one acre piece of ground.

Horton: Is there a way for us to work together, to come up with a way to that only applies to a business setting that's going to be renting or selling or something like that; I am open to work with you guys if it's going to make you feel better with it. You can put a restriction on it, like I said I don't see myself getting to one-hundred for at least two years and I already have other land outside the City for overflow because again if I start looking at the valet or delivery pickup method then I don't have to store all of them right there, as I grow I can have land outside the City and store them out there and I have land like that setup. This would be my retail position.

CB G. Stumpf: There again even if you are going to store somewhere else on overflow, we still only allow one container.

ZBA Chimento: If it's in Sangamon County?

CB G. Stumpf: Yes, correct.

Harrison: One question that I know was a concern is how many at one time do you think are going to be considered portable? Will it be ten? Dozen?

Horton: Well if we got up to one-hundred on that land...I would say probably no more than 20%.

Harrison: Ok.

Horton: I have been working on this project for three years and it's been met with a lot of excitement by the people I have talked to. Like I said the relevancy here is to work with you guys to make it comfortable with whatever everyone is happy with and restrictions.

ZBA Chimento: Personally putting one container on an acre of ground is wasting a lot of ground. Then at five acres you are really wasting a lot of ground.

CB G. Stumpf: Our committee when this first started to come in to place....this was over a series of 4-5 months wasn't it Trustin?

Harrison: Yes.

CB G. Stumpf: And our committee hashed it out over and over and it's what we came up with. A lot of them are being used for storage and putting 2-4 on there and break them out and welding them into homes and then of course have to go through building codes.

CB L. Fulgenzi: We did not want to see a City of cargo containers...and this is a "little city". One hundred cargo containers is a lot of container storage; we had information and some lots in the City that are 40' wide and some that are even less than that and can't be used for anything but if you have a cargo container and can put it on a lot that's 30' wide and the lot is 20' wide and you have your 10' on either side, then you have a house and can live in it. A container that is 20'x 8' you can live in it. It's a trailer. It's a mobile home, old style. This is what we were trying to prevent is a "city of cargo containers".

ZBA Wulf: I am having a hard time grasping it...the business context and what the difference between the storage facility off of I-72 that has 35-40 attached 10'x20' structures in a business sense the container concept except for the fact that he can pick up and move them around, it's a permanent land based structure. May be I am missing the point but...

ZBA Spiro: Yes, me too. You mentioned a mobile home but there are lots of mobile homes on Peoria Road and there are lots of storage units, so I am having a hard time. Like Charlie said one container on five acres that seems to be a bit restrictive, I get you don't want to see an eye-sore or mobile home parks or self-storage, but where he is at on Peoria Road both of those businesses already exists on Peoria Road.

ZBA Chimento: How come the planning commission didn't make any restrictions?

ZBA Wulf: Are we between a rock and a hard place here with the fact that we have an ordinance that says one thing and you have to go to the B3 to even allow this, don't you?

Harrison: The B3 district is for the mini-storage that's what seems to be the best place for this.

ZBA Mares: With regards to the one unit on five acres, was that just for residential or for all zoning classifications?

Harrison: The intent of that was at the time we went through this, the cargo containers was becoming more prevalent in our area and I think this was the first step to allow it and see what the outcome would be. As you noticed the one acre eliminated us from having these old lots of record that are 40' wide, allow the cargo containers, so that's why the limit of the one acre. So that is why they figured if someone wanted two above five acres, and if someone had a unique circumstance then they could come in and request a

variance. This is something that the committee could always address in the future to make a change in the use or requirements from the public that may have us change those requirements. The original intent is this was the first step to allowing this when we had nothing at all.

ZBA Mares: It was allowed for what kind of zoning?

Harrison: All zoning classifications, as an accessory structure.

ZBA Mares: Including B3?

Harrison: Yes.

ZBA Wulf: I would certainly much rather have good looking canisters sitting there than an old beat up tractor trailer that has been sitting there on flat tires for months and months. Which there are quite a few...

ZBA Mares: So question for staff do we need to change the original?

Harrison: No what is in front of you is an amendment request...that is from B2 to B3 with a variance. So like any other time you can either accept staff's recommendations or send to County Board for them to make the determination, or you can deny.

ZBA Chimento: We are just a recommending body.

Harrison: That's correct.

CB G. Stumpf: That's the way it is every month.

ZBA Chimento: Yes, right. We can go by what the planning commission as recommended too.

Harrison: That's what I am saying, they recommended approval. So you can choose to either accept or deny the recommendation. Or come up with your own recommendations.

ZBA Chimento: Ok.

ZBA Wulf: I will recommend that we accept staff's recommendation.

Committee Member Don Wulf made a motion to recommend approval of staff recommendation.

Committee Member Andrew Spiro seconded the motion.

Motion carries 4/0/0

Docket 2020-004 Darby Sabo for property located at 10800 Block of Gordon Dr., Chatham, IL 62629

PETITIONER(S): Darby Sabo

OBJECTOR(S): No

PRESENT ZONING CLASSIFICATION: Ag

REQUESTING: Petitioner requests for Proposed Parcel 1: pursuant to Chapters 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 Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width; and, a variance of Section 17.36.010(B) to allow an accessory structure to be approximately twenty-four (24) feet instead of the maximum height of eighteen (18) feet allowed in the "R-1" Single-Family Residence District; and, for Proposed Parcel 2: pursuant to Chapter 17.66, 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; and, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 23 acres).

Darby Sabo was sworn in.

Emily Prather: The petitioner has requested for Proposed Parcel 1: "R-1" Single-Family Residence District; 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; and, a variance of Section 17.36.010(B) to allow an accessory structure to be approximately twenty-four (24) feet instead of the maximum height of eighteen (18) feet allowed in the "R-1" Single-Family Residence District; and, for Proposed Parcel 2: pursuant to Chapter 17.66, 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; and, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 23 acres). The planning commission has recommend approval. While the LESA score of 179 indicates the property is suitable for agricultural use only, the bank is requiring the petitioner to split the subject property to finance the construction of the proposed residence. Allowing an accessory structure to be 24 feet instead of 18 feet in the R-1 District would be consistent with the height of accessory structures located on properties in this area that are zoned Agricultural, which has no height restriction. The other variances to allow the lot depth to exceed 2.5 times the lot width for the two proposed parcels and allow one parcel less than 40 acres are necessary for the split and negative impacts are not anticipated. The Standards for Variation are met.

ZBA Chimento: 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 Don Wulf seconded the motion.

Motion carries 4/0/0

Motion to Adjourn:

Committee Member Don Wulf made a motion to adjourn.

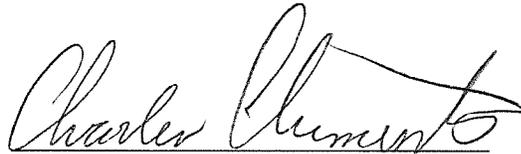
Committee Member Tony Mares seconded the motion.

Motion Carries 4/0/0

Meeting adjourned.

Respectfully submitted,


Recording Secretary


Chairman

Minutes of **January 16, 2020**

Full record of minutes available upon request in the Zoning Department