

**Sangamon County, Illinois**  
**ZONING BOARD OF APPEALS**

The Zoning Board of Appeals met on October 19, 2017, 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 I Beaty
(X) Committee Member Spiro	() Committee Member II Sudeth
(X) Committee Member Lathan	

**STAFF PRESENT:**

Molly Berns, Assistant Director, Spfld-Sang County Regional Planning Commission  
Steve Keenan, Senior Planner, Spfld-Sang County Regional Planning Commission  
Dwayne Gabb, Assistant States Attorney, States Attorney's Office  
Trustin Harrison, Zoning Administrator, Sangamon County Zoning

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Chairman Chimento called the meeting to order.  
Approval of September 21, 2017 Minutes

**Committee Member Don Wulf made a motion to approve the September minutes.  
Committee Member Tony Mares seconds the motion.**

5/0/0

**\*\*\*Cases were heard out of order per Chairman. Case #2017-047 was heard first\*\*\***

**Docket 2017-044 James & Sandra Farris for property located at 7563 New City Road, Rochester, IL 62563**

PETITIONER(S): James & Sandra Farris

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: R-1

REQUESTING: Petitioners request a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width for both parcels.

James and Sandra Farris were sworn in.

Farris: We want to split ten (10) acres into two (2) five (5) acre plats.

ZBA Chairman: What are you going to do with those two (2) five (5) acre plats?

Farris: We plan to build eventually on them and share with our kids and keep them close by.

**Chairman Chimento asked if any questions, hearing none read the staff recommendation.**

STAFF RECOMMENDATION: Recommend approval. The purpose of the requested variance is to allow the property owner to split the property into two pieces. The subject property contains a natural split north to south such that any division would result in the need for a lot width-depth variance. Also, the property is zoned residential and the split will not have any effect on any farm ground in the area. The Standards for Variation are met.

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

**Committee Member Tony Mares seconded the motion.**

**Motion Carries 5/0/0**

**Docket 2017-045 Dennis Branner for property located at 2727 S. Pasfield Street, Springfield, IL 62704**

PETITIONER(S): Dennis Branner

OBJECTOR(S): Yes

PRESENT ZONING CLASSIFICATION: R-2

REQUESTING: Petitioner requests a rezoning from “R-2” Single-Family and Two-Family Residence District to “B-3” General Business District.

Dennis and Norma Branner were sworn in.

Branner: We want to rezone property for our business for a glazier contractor’s business. I have talked to Trustin before about B3 zoning; I don’t necessarily need a B3, I would be fine with a B1 or B2, or a use variance at this time. B3 appropriate for the type of business I operate. This piece of property was our plan for when we retire. The last thing we want to do is take down the property value in the area. We have multiple properties throughout town.

ZBA Chimento: Have you seen the recommendation from staff?

Branner: Yes.

ZBA Chimento: That will work for you?

Branner: Yes, at this particular time. I didn't want to leave just as use variance for the simple reason is when we retire, we wanted to be able to rent that building out and keep as a business; that's why I was looking for a B1 or B2 zoning.

Harrison: The petition was requested for a B3, we require a contractor with no outside storage to request a B3.

ZBA Wulf: You are aware of the conditions?

Branner: I did see those conditions and we do have the trailers for storage and a couple of vehicles and fenced in part and all the trailers, car, etc will be in the fenced in area.

ZBA Wulf: You are willing to accept those conditions?

Branner: I will have equipment within the enclosed area.

ZBA Chimento: Asked if any questions? County Board? Objectors?

Lori Knous was sworn in.

Knous: I live right next to the property. The concern I have is...is this going to lower my property value? And right now it's just grassy lot, is there going to be a fence?

Branner: The zoning does require for a fence and I will be putting a fence up and will have my trailers and everything will be in the fenced in area.

Knous: Will there be a survey of the line, so we know where the property line is?

Branner: There has to be.

Knous: Can I see that?

ZBA Chimento: That's not our job....you might want to get an attorney.

Branner: We have had lots of surveys and when I get fence installed, the surveyor will mark where the pins are going.

Knous: I'm fine with it; I just want to make sure it's all legal.

Harrison: He would be required to come in to zoning office and apply for fence permit and the inspector goes to site as well prior to fence installation. He is required to show where the property line is.

Branner: One of the reasons why she is sitting there is because he has a fence right there on her property and me putting a fence up there is almost going to be personally rough on her.

Knous: So why would you do it?

Branner: Well, I don't know. There will be a 5'-6' space.

Knous: Is that going to lower our property value?

ZBA Chimento: I run meeting and we have other cases.

**Chairman Chimento read staff recommendation.**

STAFF RECOMMENDATION: Recommend denial of the requested B-3 zoning. The list of uses permitted in the B-3 district is too intense. However, due to the commercial nature of the building and the number of rezonings in the area, it is felt that a use variance is appropriate. Therefore, staff recommends approval of a use variance to allow a glazier contractor's business provided: (1) there is no outside storage of materials; (2) outside equipment storage is limited to the two enclosed trailers requested in the petition, to be completely surrounded by a solid fence in compliance with the Zoning Ordinance; and, (3) the business is not open to the public.

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

**Committee Member Don Wulf seconded the motion.**

**Motion Carries 5/0/0**

**Docket 2017-046 Victoria Nwaobasi for property located at 3220 Stanton Street, Springfield, IL 62703**

PETITIONER(S): Victoria Nwaobasi

OBJECTOR(S): Yes

PRESENT ZONING CLASSIFICATION: B-2

REQUESTING: Petitioner requests a variance to allow for multiple uses in a mall setting.

Dan Ernst was sworn in.

Ernst: She has purchased Strike N Spare to remodel it and would love to have one tenant in there but if not will be looking at rental spaces.

ZBA Chimento: How many spaces does she have? Do you know?

Ernst: She doesn't have any tenants just yet. She has a conceptual design currently of the layout of the building, that being 15 spaces at 2,000-3,000 sq. ft. but will work with tenants if need more room.

ZBA Chimento: Anybody have any questions? County Board? Objectors?

Carolyn Cooper was sworn in.

Cooper: I live adjacent to the back of the bowling alley. We have heard lots of rumors of things that may or may not happen. We were hoping for a single use, or a warehouse type of a situation. My fence faces the back in the alley and there is 12' and when you look at the conceptual drawing, it isn't clear to me are they knocking out the exits and putting doors in to the alley space, or is that an easement? That is a concern for an increase in traffic. I do have some pictures on my phone. We maintain that 12' alley me and the neighbors. **[Cooper goes on to discuss further about her property and the fence line around her house and the bowling alley property].**

I have a concern about the value of my property, a single use gives me a more peace of mind, but if a fast food I don't know that I would want that.

ZBA Wulf: You are referring to the alley that's at the rear of this, correct?

Cooper: Yes.

ZBA Chimento: Trustin, is that a utility easement?

Harrison: Yes, the bowling alley property line runs along the fence, so actually the area of which the overhead power lines are going would be on the property of the petitioner.

Cooper: The power pole in my backyard. Can I show you a picture?

Harrison: Sure.

**[Cooper goes to show ZBA members pictures on her cell]**

Gab: Mr. Chairman point of order in regards to the record if we don't have document as part of, I really don't think appropriate to show pics to others if she can't produce pictures to show everyone.

Harrison: There is approx. 15' between the structure and the property line which meets the zoning setbacks.

ZBA Wulf: That is not an alley?

Harrison: No.

ZBA Chimento: Who wants to speak next?

Kenneth Elmore was sworn in.

Elmore: I am a long term resident of Laketown which consists of about 1,100 residents. I am glad to see improvements in the area. I would like to see a proposed site plan. My concern too is the petitioner lives out of state. **[Elmore goes on to voice his concerns of the surrounding area]** My basic concern is the types of businesses that will be going in the area.

Harrison: The types of businesses allowed would be anything permitted in the B1 or B2 zoning districts.

**\*\*Lost Audio\*\***

ZBA Wulf: Has the client engaged with any contractors?

Ernst: No, other than myself to work on conceptual drawings.

ZBA Wulf: Has she hired any management consultant to handle property?

Ernst: No.

ZBA Mares: Is she the owner of record?

Ernst: Yes, she is.

ZBA Chimento: Any other objectors?

Vick Muchow was sworn in.

Muchow: My concern is they going to be tearing down the chain link fence? If so, the trash from other surrounding businesses will be blowing across and then goes into my yard.

Ernst: No plans as of now to take down fence.

ZBA Chimento: Any other objectors?

Monica McClelland was sworn in.

McClelland: I am with the Lake Town Neighborhood Association. We have recently posted polls showing that 50% are for re-development and 50% are against. The other concerns were the types of businesses allowed with the zoning of B2 district and also the hours of operation.

ZBA Wulf: Would she be willing to work with the neighborhood association?

Ernst: Yes, of course. Victoria is easy to work with and would love to just have one tenant in the building. The design of building again is only conceptual at this time.

**Chairman Chimento read staff recommendation.**

STAFF RECOMMENDATION: Recommend approval. The building is a large vacant commercial space (approximately 40,000 square feet) formerly used as a bowling alley. The previous use and large size make it difficult to repurpose without some zoning relief. The building was closed for approximately three years prior to its purchase by the current owner. This constitutes a hardship since the property's owners have had some difficulty attracting a single client for the property, despite its B-2 zoning along an arterial roadway with high traffic counts.

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

**Committee Member Tony Mares seconded the motion.**

**Motion Carries 5/0/0**

**Docket 2017-047 Text Amendment Chapter 17.37 Solar Energy Systems**

REQUESTING: Amending Chapter 17.06.060 Exceptions From Applicability and creating Chapter 17.37 Solar Energy Systems.

Harrison: Text amendment is to do a modification of how we treat personal solar energy systems, for people with residence, farms and businesses. In addition, adding language for solar farms...what this does is going to allow companies to come in, in the agricultural or I-1 or I-2 zoning districts to put up a solar farm. It will require a conditional permitted use. This committee would have the opportunity to see each solar permit come through. There are a few things that are outlined in amendment as far as placement, 50' setbacks on side and also want to make sure they comply with FAA regulations; UL listing standards...they will have to submit a decommissioning plan as well. The public health, solid waste and zoning committee would be a part of as well and the final county board. There will also be a 5yr review of the decommissioning plan as well.

**Chairman Chimento asked if any questions, hearing none read the staff recommendation.**

STAFF RECOMMENDATION: Staff finds the attached ordinance meets the standards applicable to text amendments and recommends approval by the County Board after a public hearing and recommendation by the Zoning Board of Appeals.

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

**Committee Member Don Wulf seconded the motion.**

**Motion Carries 5/0/0**

**Docket 2017-048 Beverly Buck for property located at 11124 Green Ridge Lane, Dawson, IL 62520**

PETITIONER(S): Beverly Buck

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: A

REQUESTING: Petitioner requests a variance to allow the side yard setback to be zero (0) feet instead of the required fifteen (15) feet side yard setback on a corner lot.

Beverly Buck was sworn in.

Buck: The last 7-8years we have construct 1 carport and then added on to make it 2 carport garage. It is within the fence and thought "ok" because we were told by the road commissioner it was fine. We have closed the carport in because our neighbors have stolen from us. I am here today because of my neighbor and a dispute that happened over the summer. They were shooting fireworks and landed on our property and caused \$1,000 worth of damage.... At that time we called the County cops and there was nothing that would be done. The neighbors turned around and turned us in for our carport and why I am here requesting a variance. We plan to move in the next 4-5 years once I retire, we are leaving the state. We need time to teardown structure...I am 61 years old and my husband is disabled.

Harrison: I am willing work with Ms. Buck given the circumstances and we are heading into the cooler months ahead. I am aware this will take some time and will consider.

**Chairman Chimento read the staff recommendation.**

STAFF RECOMMENDATION: Recommend denial. The property has a detached garage that was added to over time. In 2007, the central garage was the only structure. By 2011, two carports had been added, one of which was approximately zero (0) feet from the corner side lot line. No building permits were obtained. It appears a new roof was constructed over the combined garage/carports sometime between 2011-2015. The Standards for Variation are not met.

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

**Committee Member Don Wulf seconded the motion.**

**Motion Carries 5/0/0**

**Docket 2017-050 Elizabeth Vala et. al. for property located at 4309 Yankee Town Road, Pleasant Plains, IL 62677**

PETITIONER(S): Elizabeth Vala et. al.

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: A

REQUESTING: Petitioners request a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width and a variance to allow one (1) parcel less than forty (40) acres for Proposed Parcel 3 (approx. 34.5 acres).

Attorney Nathan Wetzel: The first petition the clients are splitting the approx. 159 acres into 3 proposed parcels, the variances are requested to settle an estate per an agreement among the family members.

ZBA Chimento: Anyone have any questions? County Board? Objectors?

**Chairman Chimento read the staff recommendation.**

STAFF RECOMMENDATION: Recommend approval. The variances are requested to settle an estate per an agreement among the family members. There will be no negative impacts on the immediate area. The Standards for Variation are met.

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

**Committee Member Tony Mares seconded the motion.**

**Motion Carries 5/0/0**

**Docket 2017-051 Elizabeth Vala et. al. for property located at 14981 Walbaum Road, Pleasant Plains, IL 62677**

PETITIONER(S): Elizabeth Vala et. al.

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: A

REQUESTING: Petitioners request a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width for Proposed Parcels 1 & 2; and, a variance to allow four (4) parcels less than forty (40) acres for Proposed Parcel 1 (approx. 35.5 acres), for Proposed Parcel 2 (approx. 25.5 acres), for Proposed Parcel 4 (approx. 2 acres), and for Proposed Parcel 5 (approx. 3 acres).

Attorney Nathan Wetzel: The first petition the clients are splitting the approx. 160 acres into 5 proposed parcels, the variances are requested to settle an estate per an agreement among the family members.

ZBA Chimento: Anyone have any questions? County Board? Objectors?

**Chairman Chimento read the staff recommendation.**

STAFF RECOMMENDATION: Recommend approval. The variances are requested to settle an estate per an agreement among the family members. There will be no negative impacts on the immediate area. The Standards for Variation are met.

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

**Committee Member Tony Mares seconded the motion.**

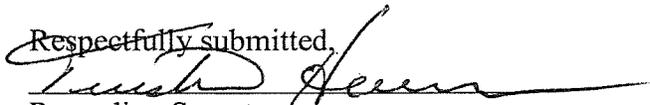
**Motion carries 5/0/0**

**Committee Member Tony Mares made a motion to adjourn.**

**Committee Member Don Wulf seconded the motion.**

Meeting adjourned.

Respectfully submitted,

  
Recording Secretary

  
Chairman

Minutes of October 19, 2017

Full record of minutes available upon request in the Zoning Department