

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

The Zoning Board of Appeals met on December 21, 2017, at 7:00 P.M. in the County Board Chamber in the County Complex.

**ATTENDANCE**      **(X) denotes present**

<b>( ) Chairman Chimento</b>	<b>(X) Committee Member Mares</b>
<b>(X) Committee Member Wulf</b>	<b>(X) Committee Member Beaty</b>
<b>(X) Committee Member Spiro</b>	<b>(X) Committee Member Sudeth</b>
<b>(X) Committee Member Lathan</b>	

**STAFF PRESENT:**

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

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Chairman Don Wulf called the meeting to order.  
Approval of November 16, 2017 Minutes

**Committee Member Larry Beaty made a motion to approve the November minutes.**

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

**5/0/0**

**Docket 2017-057 David & Corey House for property located at 1405 & 1409 Adlai Stevenson Drive, Springfield, IL 62703**

PETITIONER(S): David & Corey House

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: B-3

REQUESTING: Petitioners request a Conditional Permitted Use for a tavern; a variance to allow multiple businesses; a variance to allow a tavern to be in same building as a church (approximately zero (0) feet) instead of the required one hundred (100) feet; and, a variance to allow a tavern to be approximately six (6) feet from a residence instead of the required one hundred (100) feet.

David House was sworn in.

House: We want to open a gaming room at 1405 Stevenson Drive. We saw the recommendation and it was denied because of the church. It used to be two separate buildings but they have connected it trying to fit another suite in strip mall. There are maybe 5-6 people that meet at the church maybe twice a week for an hour. On the opposite side is where our gaming parlor would be approx. 175 feet. There's no visual line of site...we have a letter from the preacher which states he can't see patrons at gaming parlor and that he doesn't mind. And two separate parking lots as well. This is a perfect location for us. The IL gaming board has a stipulation if it's in a strip mall they have an understanding of that as long as it meets the distance from building to building. I know there was a fear of maybe setting a precedent.

ZBA Wulf: Asked if any questions? County Board? Hearing none read the staff recommendation.

STAFF RECOMMENDATION: Recommend denial of the Conditional Permitted Use and the requested variances pertaining to the tavern within 100 feet of a church and a residence. The standards for a Conditional Permitted Use cannot be met because the proposed tavern would be located in the same building as a church and within 100 feet of a residence. No unique circumstances related to the property were provided by the petitioner. There is also a concern about setting a negative precedent if the requested variances for the tavern are granted. Recommend approval of the variance to allow multiple businesses. The building has been used as a business strip mall for over 34 years. It is unlikely that it could be economically converted to one use.

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

**Committee Member Larry Beaty seconded the motion.**

**Motion carries 5/0/0**

**Docket 2017-058 J & L Strawn Properties, LLC for property located at 7836 Johnson Road, Rochester, IL 62563**

PETITIONER(S): J & L Strawn Properties, LLC

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: A

REQUESTING: Petitioner requests for Proposed Parcels 1-6: a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District; and, a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width.

Jeremy and Lisa Strawn were sworn in.

Strawn: We have 43 acre parcel and currently in agricultural and has been forever...years ago taken out of timber soil. The ground doesn't produce good crops and across the road and everywhere not producing. So our solution to that is try to sell it off into five 8 acre tracts. We got our recommendation back and indicating that it's agricultural however there are homes all around and touching our ground too. There is a subdivision near that's less than ¼ mi away. The soil restrictions are suitable for septic for residential. The water we were also approved. This ground is not the best for production, so I am trying to sell these tracts and bring some tax revenues to the area and school district. The water would have city water which has been approved too. We also know there's interest in people wanting to purchase these 8 acre tract.

ZBA Wulf: Any questions? County Board?

CB Madonia: I need some clarification on this LESA score of 204. I want clarification from staff on the LESA score and what they found when they went to site.

Keenan: There's two components to a LESA score. The first one is 0-100 and this scored an 84. The second part is site suitability which had a score of 120. Some of the things that the petitioner hit on is...there's is over 90% agricultural land within a ½ a mile, contiguous land is surrounded on several sides by agricultural ground, the nearest subdivision is about 2/3 mile away, the site also has severe restrictions on septic fields.

Strawn: We looked at the same exact things before we purchased the ground. We had the entire farm checked, so we could know if able build homes on the ground.

Keenan: The lack of public sewers and also it's away from infrastructure, with the exception of water. 120 is high for site suitability and the 84 points on the soil is where the 204 LESA comes in; anything over 175 is considered suitable for agricultural use only.

CB Madonia: Are you building homes there or 20 residences?

Strawn: We plan to do 6 lots; the 6<sup>th</sup> lot would be 3.3 acres and the rest would be 8 acre tracts for SFR.

ZBA Wulf: Any other questions?

Brett Pier was sworn in.

Pier: I am the adjacent property owner just wanted to know about the parcel lay out that was sent out, is the map something that needs to be approved now or can it be approved later?

Keenan: No, as long as the parcels they are creating are greater than 5 acres they can go thru tract survey, where they can divide them off through administrative plats.

ZBA Wulf: Any other questions? Comments? Hearing none read the staff recommendation.

STAFF RECOMMENDATION: Recommend denial. The LESA score of 204 indicates the subject property is suitable for agricultural use only. The trend is cropland and timber with very few single-family residences on large parcels. The nearest subdivision is 2/3 of a mile away. For the variance, creating six (6) residential lots on the subject property when it is over 40 acres and under active cropland production goes against goals set by the County Board in 2001 to protect prime farmland. Additionally, no particular unique circumstances regarding the subject property were discussed in the petition. The Standards for Variation are not met.

**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 2017-059 Eric Oswald & Sara Workman-Hodgson for property located at 1000 Block of Farmingdale Road, New Berlin, IL 62670**

PETITIONER(S): Eric Oswald & Sara Workman-Hodgson

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: A

REQUESTING: Petitioners request a variance to allow two (2) parcels less than forty (40) acres (approximately 25 acres for both parcels).

Eric Oswald was sworn in.

Oswald: My sister and I are co-executors of my aunt's estate and one of the assets is a 50 acre tract. We are at the process of the will where we decided to divide the 50 acres and create two parcels less than 40 acres. It will remain agricultural, no plans to build residential.

ZBA Wulf: Any questions? County Board? Hearing none read the staff recommendation.

STAFF RECOMMENDATION: Recommend approval. The petitioner is requesting the variance to split a tract into two (2) approximately 25-acre tracts to settle an estate. Both parcels will remain in cropland. 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 2017-060 Kevin Sullivan for property located at 12000 Block of Irish Road, New Berlin, IL 62670**

PETITIONER(S): Kevin Sullivan

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: A

REQUESTING: Petitioner requests a variance to allow one (1) parcel less than forty (40) acres (approximately 37 acres) and a variance to allow the lot depth to be greater than two and one-half (2 ½) times lot width.

Kevin Sullivan was sworn in.

Sullivan: We have an estate we are trying to settle and one of the tracts of land is currently 117.25 acres according to requirements of the will we need to split that tract into two different tracts, but one of those tracts is going to be approx. 37 acres and the other 80 acres.

ZBA Wulf: Any questions? County Board? Hearing none read the staff recommendation.

STAFF RECOMMENDATION: Recommend approval. The subject property will have a 37-acre tract split off to meet the requirements of a trust. No change in land use is contemplated. The Standards for Variation are met.

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

**Committee Member Larry Beaty seconded the motion.**

**Motion carries 5/0/0**

**Docket 2017-061 Scott & Christina Pearce for property located at 2189 Haven Lane, New Berlin, IL 62670**

PETITIONER(S): Scott & Christina Pearce

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: A

REQUESTING: Petitioners request a Conditional Permitted Use for a riding stable; a variance to allow two (2) uses on one (1) parcel: a) single-family residence and b) riding stable; and, a variance to allow the parking to remain unpaved (rock), instead of the required bituminous seal coat.

Scott & Christina Pearce were sworn in.

C. Pearce: We put up a pole barn and would like to make the last 30' of the pole barn as a "man cave" for our 23 year old son. He stays and helps with the cattle/horses. We found some horse stalls down the road and bought them we only have 3 horses and there's 5 stalls, so we thought about renting the last 2 stalls out.

S. Pearce: We have been through all the proper permits for everything we have done out there. We are the point now to start building the apartment.

ZBA Wulf: Any questions?

ZBA Lathan: The unpaved parking?

Pearce: This is out in the middle of nowhere and with a gravel lot/driveway to our barn.

ZBA Lathan: It's required, so maybe I need to refer to staff for clarification.

Keenan: In ordinance it states a bituminous seal coat, so they are seeking a variance so they can keep the gravel lot as it currently is. And in looking at this particular area a lot of times especially closer to town want pavement to create orderly flow and runoff. The cons of having gravel is the dust but this is a rural area.

ZBA Beaty: Do you have parking on the west end of your building?

S. Pearce: Yes.

ZBA Beaty: So, you have room to turn a trailer or other vehicles and equipment?

S. Pearce: Yes.

ZBA Mares: Do you have any clients at this particular point that are going to boarding with you?

Pearce: No.

ZBA Wulf: County Board any questions?

Harrison: I want to make a clarification that the "man cave" is not a full out dwelling unit. This "man cave" is not going to be a full out living space and can't rent out.

ZBA Mares: Is there running water in “man cave”?

Pearce: Yes, for the horses.

Harrison: In ordinance currently the definition of a living space is a full functioning kitchen and this isn't the case here.

ZBA Wulf: Any questions? County Board? Hearing none read the staff recommendation.

STAFF RECOMMENDATION: Recommend approval of the Conditional Permitted Use provided the number of horses on the subject property is limited to no more than three (3) which are not the owners'. The petitioner seeks to rent out three (3) stalls for horses as a riding stable. Haven Lane is narrow and in poor/fair condition. The suggested limitation on the number of horses reflects the condition of the access road and limits potential traffic increases resulting from the proposed Conditional Permitted Use. Recommend approval of the requested variances. The variance to allow multiple uses is required due to the recommended approval of the Conditional Permitted Use. For the paving variance, the proposed uses will be low-impact on the area and are agricultural in nature. The Standards for Variation are met.

**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 2017-062 Guy Taylor for property located at 7595 Mechanicsburg Road, Springfield, IL 62712 TABLED BY ZBA**

PETITIONER(S): Guy Taylor

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: A

REQUESTING: Petitioner requests a variance to allow a solid privacy fence in the required front yard; and, a variance to allow a portion of the fence within the proposed County right-of-way (approximately twenty (20) feet).

Guy Taylor was sworn in.

Taylor: I have a privacy fence that I constructed in my front yard and get security. I was unaware that I needed a permit. I did get a letter from zoning department that I need to apply for a fence permit, on doing so found there were some other issues. I am asking that the fence be allowed where it is now. I know some issues was the visibility on the

blacktop. I talked to my neighbors and they have signed saying there are no issues with visibility.

ZBA Wulf: I have seen that fence and drive by it every day and the infringement on the easement is a risk, if they plan on doing any work. Would you be willing to make adjustments on the fence, if you have to?

Taylor: Yes, I would be willing to.

ZBA Wulf: If he removed any parts of the fence would that help with the variance?

Keenan: They would have to move the part of the fence that's in the ROW. It's in the proposed ROW and almost up to the sidewalk.

ZBA Wulf: How many feet?

Keenan: Its about 20 feet that projects into the ROW to really eliminate the visibility issues coming down Sowers Road, it would be hard to eliminate that unless really move.

Taylor: The pictures we have taken show there are no issues at all.

Molly Berns: The policy is whether or not the County wants to allow a fence to be constructed and remain in a proposed County right-of-way. That's the question. I want to focus that in terms of what is going on here.

Taylor: I talked to me neighbor across the street and have a picture of his fence and he was allowed a variance to let his fence stay up and his fence is closer to the street.

Harrison: The fence that he's referring to was allowed through a fence permit which at the time there were portions of the ordinance that weren't enforced.

ZBA Wulf: It was "grandfathered"?

Harrison: Yes, to some extent.

ZBA Spiro: How wide is the easement? 2 or 4 lane?

Taylor: 75 feet, I believe.

Harrison: Its 150 feet total, 75 feet from the center of the road.

ZBA Spiro: How much of that is to front?

Taylor: Yes, pretty much going to be to front part of my house, but the other issue I have is Sowers Road which is to the east of my property there's a 15 feet ROW variance there.

Harrison: Sowers Road is considered a platted road. So he is on a corner lot which means he has to be 50% of the front yard setback, so in this case his property is zoned ag so front setback is 30 feet so he has to be 15 feet off of that corner.

ZBA Spiro: I am trying to figure out a way we can re-configure this so he doesn't lose a lot, but still meets the requirements somehow.

ZBA Mares: What was the purpose of building the fence?

Taylor: We have dogs and trying to keep them from getting to the blacktop.

ZBA Mares: You did not seek a permit?

Taylor: No. I had the post in ground and the zoning inspector noticed when in the area. I go the letter pretty much by the time fence done.

ZBA Mares: Did you contract this or do it yourself?

Taylor: Myself.

ZBA Mares: Staff is there a way we can make this work with some modifications?

Harrison: The front of the house is what I would say is the approximate proposed ROW...east to west which is what the fence is running it could be in ROW, hard telling without survey but it's close to property line, so at that point anything going to the south would be in that proposed ROW. It's about a 20 feet section in ROW.

ZBA Spiro: The east to west part along Mechanicsburg Road is ok, right?

Harrison: Yes.

ZBA Spiro: The north to south section of fence along Sowers Road, is the issue?

Taylor: Yes.

ZPA Spiro: Proposed ROW, so it's not official?

Harrison: No, it has not been conveyed.

ZPA Spiro discusses with Molly Berns (Staff) on the findings of fact. Molly Berns clarifies that they will not be amending their recommendation. Berns goes on to clarify that ZBA can find their own findings of fact, or they can table the case.

ZBA Mares: If we could help a citizen and a tax pater what would be appropriate so we can modify this to get him out of the ROW and no zoning issues.

Berns: Taylor could either modify his site with administrator, or if you want a modification could ask the petitioner to provide that site at the next meeting.

ZBA Wulf: If petitioner asked that we keep till next meeting. Or can table it till next ZBA meeting and working around this.

Harrison: He is also requesting that the fence be a privacy fence and in a front yard a privacy fence has to be 50% open and also requesting the variance for the fence in proposed ROW.

CB Stumpf: I want to clarify that if this comes before county board for a recommendation for approval for a variance in county ROW... we are then saying that its ok and then if we do widen the road we would not we would have the right to do so. Is that correct?

Berns: No, you would still have the right to do so but you would have to deal with the property owner as it relates to the fence in the ROW.

CB Stumpf: How tall is this fence? And sending it to the board in this fashion it will get tabled quickly. There's too many things not answered and would remand it back to you if you send it to us like this.

Harrison: Either ZBA amend staff recommendations or adopt staff's recommendation.

**Discussion goes on how to handle the fence and if ZBA going to amend or adopt staff recommendation.**

ZBA Wulf: Read staff recommendation.

STAFF RECOMMENDATION: Recommend denial. The petition did not provide unique circumstances related to the property to justify granting variances that would allow a solid fence within the front yard as well as in the proposed County right-of-way. Additionally, it appears the property owner did not seek a building permit prior to constructing the new fence in the front yard. The Standards for Variation are not met.

**Committee Member Tony Mares made a motion to table till January 18, 2018 ZBA meeting.**

**Committee Member Andrew Spiro seconded the motion.**

**Motion carries 3/2/0**

**ZBA by vote decides to TABLE till January 18 meeting.**

**Docket 2017-063 Bruce & Annette Settles for property located at 4521 Mechanicsburg Road, Springfield, IL 62712**

PETITIONER(S): Bruce & Annette Settles

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: A

REQUESTING: Petitioners request a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District; a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width; a variance to allow an accessory structure to be greater than the maximum height allowed in the “R-1” Single-Family Residence District of eighteen (18) feet (approximately 24 feet) for Proposed Parcel 1; and, a variance to allow one (1) parcel less than forty (40) acres for Proposed Parcel 2.

Mike Curtis was sworn in.

Curtis: My clients are wishing to rebuild a house and in doing so for financing they have to split off 5 acres from existing and the land will stay in farm ground. It's for finance purposes.

ZBA Wulf: Any questions? County Board? Hearing none read the staff recommendation.

STAFF RECOMMENDATION: Recommend approval. The LESA score of 175 indicates the property is marginal requiring mitigating factors. The property had a residence that was demolished. The owners propose constructing a new single-family residence, and the bank is requiring the property to be split for financing. When a new single-family residence will be constructed on property and when zoning is required to facilitate the division of land, petitioners are required to request R-1 zoning. The R-1 district restricts the height of garages to 18 feet. The petitioner is requesting a variance to allow the garage to be approximately 24 feet in height which would have been allowed had the property remained zoned Agricultural. Granting the variance will not have a negative impact on the immediate area. The other variances are needed to allow a lot less than 40 acres and the R-1 parcel to have a depth more than 2.5 times its lot width. There will be no negative impact and the Standards for Variation are met.

**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**

**Docket 2017-064 Chronister Oil Company for property located at 3124 S. 11<sup>th</sup> Street, Springfield, IL 62702**

PETITIONER(S): Chronister Oil Company

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: B-3

REQUESTING: Petitioner requests for Proposed Parcel 1: a Conditional Permitted Use for the sale of packaged liquor and a variance to allow the liquor store property lines to be within one hundred (100) feet of a residential structure; and, for Proposed Parcels 2-4: a variance to allow an off premise sign.

Pete Wagoner was sworn in.

Wagoner: I am representing Chronister Oil Company. City of Springfield is doing some modifications on Stevenson and 11<sup>th</sup>, so we are expanding the store. We need to expand the store and get a CPU for a liquor license on one lot. And we also want to add some signs all the way down to Cottonwood and requesting a variance for those.

ZBA Wulf: Any questions?

ZBA Lathan: I need clarification on the expansion.

Wagoner: Chronister Oil owns that whole lot and we are going to be hopefully submitting our plans to Sangamon County for our additions the expansion will have only liquor license on the one lot and the signs will be at Cottonwood and 11<sup>th</sup> and another sign on 12<sup>th</sup>.

ZBA Mares: They meet all their requirements with current liquor license, correct?

Harrison: That's correct.

ZBA Wulf: Any other questions? County Board? Hearing none read the staff recommendation.

STAFF RECOMMENDATION: Recommend approval of the Conditional Permitted Use on Proposed Parcel 1, i.e. PINs 22-10-454-006 and -007, and approval of the requested variances. The petitioner is adding onto the building and is required to extend the existing Conditional Permitted Use to the new addition. No additional negative impact is expected. In 1999, a variance was granted to allow liquor sales within 100 feet of a residence. Due to the changes in 11th Street, the ingress/egress to the property will change. The petitioner is adding onto the building to accommodate the changes. Denying the CPU on the additional parcels to accommodate the building addition would result in the petitioner being unable to continue to sell alcohol thus removing the ability of the

petitioner to continue to yield a reasonable return. The off-premise signs will be directional in nature and help patrons navigate the subject property when the 11th and Stevenson improvements are done. The Standards for Variation are met.

**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 2017-065 A to Z Radiator & Air Conditioning for property located at 2807 E. Cook Street, Springfield, IL 62703**

PETITIONER(S): A to Z Radiator & Air Conditioning

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: B-3/RM-4

REQUESTING: Petitioner requests a rezoning from “B-3” General Business District and “RM-4” Manufactured Home District to “I-1” Restricted Industrial District; a Conditional Permitted Use for auto body repair with spray painting; a variance to allow three (3) uses on one (1) parcel: a) radiator repair, b) auto repair, and c) auto body repair with auto sales; a variance to allow the front yard setback for building four (4) to be approximately ten (10) feet instead of the required twenty (20) feet; and, a variance to allow the transitional side yard to be zero (0) feet instead of the required fifteen (15) feet.

Edward Thomas was sworn in.

Thomas: I am just trying to bring our property into compliance with the zoning ordinance. We have been there since 2003.

ZBA Wulf: Any questions?

ZBA Beaty: Where are the auto sales going to be located at?

Thomas: It will be in the front of building #4...east side of the property.

ZBA Mares: Your address is Cook Street, but you're more off of the frontage road in the back

Thomas: No, there is no road there...it used to be Route 36 from Decatur years ago. The front of our property faces Cook Street only.

ZBA Wulf: Any other questions? County Board? Hearing none read staff recommendation.

STAFF RECOMMENDATION: Recommend approval of the requested I-1 zoning. The uses on the block face on the north side of Cook between Eastdale and Wesley have been light industrial for many years; and therefore, the existing R-2 and B-3 classifications are inappropriate. Thus, the proposed I-1 is not seen as spot zoning. Recommend approval of the Conditional Permitted Use with the following conditions: (1) all painting shall be conducted inside a paint booth enclosed in a building; and, (2) all wrecked cars are stored on the subject property behind the buildings and screened by a solid fence in compliance with the Zoning Ordinance. Recommend approval of the requested variances. The variance to allow multiple uses is appropriate because the uses work in conjunction with one another. The variances to allow the reduced setbacks are also seen as appropriate as they will correct discrepancies with the existing buildings (which were granted building permits in the past). The Standards for Variation are met.

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

**Committee Member Larry Beaty seconded the motion.**

**Motion carries 5/0/0**

**Docket 2017-066 Nick Kieffer for property located at 1485 N. Oak Road, Rochester, IL 62563**

PETITIONER(S): Nick Kieffer

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: A

REQUESTING: Petitioner requests a rezoning from "A" Agricultural District to "I-1" Restricted Industrial District; and, a Conditional Permitted Use for garage auto service, auto body repair with spray painting for auto restoration (no outside storage).

Nick Kieffer was sworn in.

Kieffer: I am asking for a zoning change from A to I-1 and I have been restoring classic cars for over 20 years. The building that this is on is on floodplain and not much else that can be done with the property and nowhere good to build a house on property either and the neighbors are all good with it.

ZBA Wulf: Do you restore these?

Kieffer: Yes. We do everything in house right now except for the paint work...we farm that out, but when we talked to Trustin we said when talking about doing paint work in house we figured best to request the zoning.

ZBA Wulf: Any restrictions that fall on property now?

Harrison: No, the zoning is different than the EPA restrictions.

ZBA Spiro: The building was here before you bought it, was it a pole barn or what was it before?

Kieffer: It was a pole barn but now has a heated floor and storage.

ZBA Spiro: Is there a reason that it has to go to I-1 or can they get a lesser zoning?

Harrison: He first has to request the I-1 zoning for spray painting; as far as the use variance goes staff would have to recommend denial of the zoning and grant a use variance and in this case they did not...and if you (ZBA members) accept staff recommendation he could withdraw petition and file for a UV petition and let staff review petition again.

ZBA Wulf: I-1 is intense in the area you are in.

Keiffer: I realize but I followed Trustin's recommendation on it.

Harrison: You would have to take action first and deny it. And he would have to withdraw petition and then file for a UV petition.

**Molly Berns clarifies on withdrawing petition and if staff recommends denial and then petitioner has the option before it goes before CB he can withdraw and file for UV petition.**

ZBA Wulf: Any questions? Hearing none read staff recommendation.

STAFF RECOMMENDATION: Recommend denial. The LESA score of 152 indicates the property is marginal requiring mitigating factors for non-agricultural use. Rezoning the property to I-1 is considered to be spot zoning and too intense for the immediate area which consists of rural residential properties. In addition, the site lacks the basic services of sewer and water which typically would be required to serve industrial-type uses. Recommend denial of the Conditional Permitted Use for garage auto service and auto body repair with spray painting as it is not relevant unless the I-1 zoning is granted.

**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 2017-067 Darrell Lynch for property located at 6495 Old Salem Lane, Springfield, IL 62711**

PETITIONER(S): Darrell Lynch

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: A

REQUESTING: Petitioner requests a Conditional Permitted Use for greenhouses.

Lynch was sworn in.

Lynch: I have a revised site plan showing a 16 x 24 greenhouse which would be located on the south corner of the property. One greenhouse is what I am requesting. **\*Lynch explains the drawing to the ZBA members\*** the usage of the greenhouse would be trees being grown and fruits and vegetables. It is a portable greenhouse. The reasons for the location of the greenhouse is because of a septic line. The County checked septic a year or so ago and septic runs along backside of house and on side.

ZBA Wulf: Have you seen the staff recommendation?

Lynch: Yes.

ZBA Wulf: Is this the first time staff has seen anything?

Keenan: Yes.

Lynch: The property currently is zoned agricultural, correct?

Harrison: Correct.

ZBA Wulf: You still need the conditional permitted use?

Lynch: Yes.

Keenan: Is it your testimony that you would like to do 3 greenhouses in your petition of a about 20 x 30, is that correct?

Lynch: Yes.

Keenan: What is the approximate size that you would like to do with the one greenhouse?

Lynch: The largest would be 16 x 24.

Keenan: Can you described what you would like to use this greenhouse for?

Lynch: Our intent is for fruits and vegetables. I have a 14 year old that can't work anywhere and wants something for personnel use.

Keenan: He ask for a moment to amend staff recommendation.

ZBA Wulf: Any questions? County Board?

CB Fulgenzi: The position of this would be where on the drawing it shows #3?

Lynch: Shows members pics. And states he is open to the location.

CB Fulgenzi: How far are you proposing it to be from the east boundary?

Lynch: The east boundary at least 65' - 70' off that line. I still would want at least 30' from tree line because of the shadow.

CB Fraase: You are going from three to one greenhouse?

Lynch: Yes.

CB Fraase: And in agricultural district, you are allowed a greenhouse? Is this a permanent structure or temporary?

Berns: He has to request the CPU in agricultural district, regardless of the size.

CB Scaife: Are you constructing this yourself or contract?

Lynch: I will be myself.

**Keenan explains the amended staff recommendation.**

ZBA Sudeth: What are you doing with materials outside of greenhouse?

Lynch: We have a shed we can store materials in and have power and equipment to do so.

STAFF RECOMMENDATION: Recommend denial. More information is needed about the proposed operations and locations of the greenhouses to evaluate if there would a negative impact on the adjacent residences.

**ZBA Spiro recused himself from voting.**

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

**Committee Member JD Sudeth seconded the motion.**

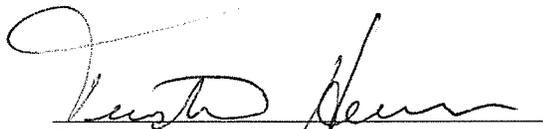
**Motion carries 5/0/0**

**Committee Member Don Wulf made a motion to adjourn.**

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

Meeting adjourned.

Respectfully submitted,

  
Recording Secretary

  
Chairman

Minutes of December 21, 2017

Full record of minutes available upon request in the Zoning Department