

Sangamon County, Illinois
ZONING BOARD OF APPEALS

The Zoning Board of Appeals met on December 20, 2018 at 7:00 P.M. in the County Board Chamber in the County Complex.

ATTENDANCE (X) denotes present

(X) Chairman Chimento	() Committee Member Mares
(X) 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
Emily Prather, Associate Planner, Spfld-Sang County Regional Planning Commission
Steve Keenan, Senior Planner, Spfld-Sang County Regional Planning Commission
Dwayne Gab, Assistant States Attorney, States Attorney's Office
Michael Gambach, Assistant States Attorney, States Attorney's Office
Trustin Harrison, Zoning Administrator, Sangamon County Zoning

Chaitman Chimento called the meeting to order.
Approval of November 15, 2018 minutes

Committee Member Larry Beaty made a motion to approve the November 15, 2018 minutes.

Committee Member JD Sudeth seconds the motion.

Motion carries 5/0/0

Docket 2018-055 Erik Karhliker for property located at 4040 Tuxhorn Road, Springfield, IL 62712

PETITIONER(S): Erik Karhliker

OBJECTOR(S): No

PRESENT ZONING CLASSIFICATION: A

REQUESTING: Petitioner requests a rezoning from "A" Agricultural District to "B-3" General Business District; a variance to allow an "A" Agricultural District Conditional Permitted Use (CPU) for a landscaping business in a "B-3" General Business District; a variance to allow a single-family residence in a "B-3" General Business District; a variance to allow three (3) uses on one (1) parcel: (1) plumbing business, (2) landscaping business and (3) single-family residence; and, a variance to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat.

Erik Karhliker was sworn in.

Attorney Randy Segatto was sworn in.

Attorney Segatto: He is requesting various things...including a B-3 General Business District, a variance to allow an "A" Agricultural District Conditional Permitted Use (CPU) for a landscaping business in a "B-3" General Business District; a variance to allow a single-family residence in a "B-3" General Business District; a variance to allow three (3) uses on one (1) parcel: (1) plumbing business, (2) landscaping business and (3) single-family residence; and, a variance to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat. My client has bought a 17.7 acre tract of land that used to be a horse barn and equestrian training facility. He is a sole proprietor of a landscaping and plumbing business. There will be no customers coming to the business; his business is based on cell phone and internet, his biggest source of contact is "word of mouth". He is asking for the various requests because we need to. He will keep everything inside... it's basically a truck and trailer and equipment associated with it. It will be located on the west side of the property. There are two existing buildings...one is on the west side it's a shed and the other is on east side of property and it's for feed for the cattle. There is no reason to pave this area due to the high costs. From the Use Variance standpoint it's a sole proprietorship and no employees and no customers going there. He will leave at 7-7:30am and come back around 4-4:30pm. The spring, summer and fall the landscape business and the rest of the year is the plumbing business.

ZBA Chimento: Anybody have any questions?

ZBA Beaty: Do you raise livestock there?

Karhliker: No, sir we have a few head for our own personnel feed.

ZBA Chimento: Anyone else questions? County board? Objectors? Hearing none read the staff recommendation.

STAFF RECOMMENDATION: Recommend denial of the requested B-3 zoning. The LESA score of 169 indicates the property is marginal requiring mitigating factors for non-agricultural development. B3 is considered to be inappropriate spot zoning and the list of uses is deemed too intense. The petition indicates no one from the public will be coming to the subject property and all equipment will be stored inside the shed along the west property line. It is reasonable that the businesses will be located on the same site as the single-family residence as is the case with other businesses located in a rural area. Therefore, staff recommends approval of a Use Variance to allow both a plumbing business and a landscape business on the subject property in the Agricultural District, provided there is no outside storage of materials or equipment related to the proposed businesses and the businesses are not open to the public. Recommend approval of the requested variance to allow three (3) uses on one (1) parcel: 1) plumbing business, 2) landscaping business, and 3) single-family residence. As staff recommends approval of a Use Variance to allow the two additional principal uses on the subject property, the requested variance is necessary to bring the subject property into compliance with the code.

Recommend approval of the paving variance. There will be only one truck and trailer for both businesses which will be stored inside the shed by the west property line not unlike which may be the

case for a pole barn storing agricultural equipment. Requiring paving could have a negative impact on the reasonable return on the subject property as it would be in excess of what is required for other similarly situated properties in the area, which are not required to pave because they are residences. The Standards for Variation are met.

The variance requests to allow an A Agricultural District Conditional Permitted Use (CPU) for a landscaping business in a B-3 General Business District and to allow a single-family residence in a B-3 General Business District are not necessary due to staff's recommendation of denial for the B-3 rezoning request.

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

Committee Member JD Sudeth seconded the motion.

Motion carries 5/0/0

Docket 2011-040 Brent Thomas for property located at 45 Judd Street, Glenarm, IL 62536

PETITIONER(S): Brent Thomas

PRESENT ZONING CLASSIFICATION: R-1 with UV for auto repair shop

REQUESTING: Requested action to remove the Use Variance to allow for an auto repair shop providing that no more than four (4) vehicles may be parked outside as part of the repair business awaiting for repairs or waiting to be picked up, that the gates will be kept closed except for a reasonable amount of time when moving/test driving repaired vehicles.

Trustin Harrison: Mr. Chairman this case has been brought to your attention because over the past two years there have been several visits and attempts to try and get Mr. Thomas to abide with the conditions set forth by this committee and by staff with their recommendations from 2011. Currently with the hearing department here...Mr. Thomas has admitted to the violations and paid his fines; with the time and effort through staff to bring this into compliance...on Oct 9 I made a decision to revoke his Use Variance since he isn't operating within the confines of the resolution. Mr. Thomas has since filed an appeal and now is being heard by you.

Brent Thomas was sworn in.

Dwayne Gab: Mr. Chairman just a point of order...I think it would be appropriate to identify all parties involved in the appeal... Mr. Thomas, Trustin Harrison (zoning administrator), Michael Gambach (attorney); so this is an appeal of the administrator's actions to remove the use variance.

Thomas: I admit they have had me a few times. I have another building...I just need till January 30 to operate. It's located in Chatham and I just need till January 30 to move by business there. I'm just asking basically a month to allow working and provide for my family.

Harrison: Mr. Chairman what I would like the committee to do is to remove the Use Variance and I would be more than happy to allow him till January 30 to get everything moved out but by that action the use variance is gone.

ZBA Chimento: Is that going to stop him from operating?

Harrison: That will let him continue till January 30 but if he is not moved out by January 30 it will get moved up to the states attorney's office.

ZBA Sudeth: Can we make this effective January 30 that it's been revoked?

Harrison: You can revoke it tonight and typically we would give 30 days anyway and I am ok with that and he can get his transition taken care of and we can accomplish what we are after.

Thomas: Within this time...this has been going on for years and I have been harassed since 2009; they say 2011... from the day I have moved in I have tried to please everyone. I have put up fences. If I am going to keep getting harassed I am going to take on as much work as I can and if they are going to complain about I will pay fines but now I have built this business over 20 years and I have done very well. Mr. Kluckman has been out there and said your business is doing very well. I am just tired of being harassed...we have opened up fences and gates wider so I can get deliveries...I have had part delivery services not wanting to deliver parts because of the harassment. I just don't want to be harassed in the 30 day timeframe when I am trying to get things taken care of

Harrison: I am going to allow you to operate till January 30 but anything going on between neighbors we are not responsible for and out of our control; but we will continue to monitor the property and I don't feel our office has harassed you I feel it's more of making sure you are in compliance. I am ok with January 30 as long as the chairman is...but anything else going on that's out of our control.

Gab: I am going to make a statement....Mr. Thomas I would love for all of us to get along but when you are saying you are going to take on more business and operate...I want to clarify that you don't do things that are more troubling within these next 30-45 days because I want you to know that we may take action.

Thomas: I understand. I just am saying if anyone should feel harassed it should be me. Yes, I have broken the use variance a few times but I have also put up fences and different gates; I have had different lines marked. I have had permits and put in a separate driveway as well (which was an issue for a while too). I was able to get that granted by Mr. Kluckman and Trustin. The neighbors since 2009 have seen me outside moving and struggling to try to move something and I quote Mr. Mike Blankenship has asked me before, "Do you not care about your neighbors?" I said, "I do care about the neighbors I have done several things to try and help out." Has anyone tried to help me out? No they call the police or watch me struggle.

ZBA Chimento: When you move to Chatham you won't have these kind of problems will you?

Thomas: No, absolutely not because I will have 27 parking spots and 3 bays.

Committee Member Don Wulf made a motion to revoke the Use Variance on subject property.

Committee Member Larry Beaty seconded the motion.

Motion Carries 5/0/0

Motion to Adjourn:

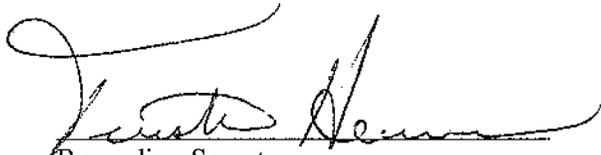
Committee Member Don Wulf made a motion to adjourn.

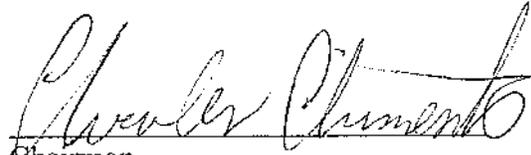
Committee Member JD Sudeth seconded the motion.

Motion Carries 5/0/0

Meeting adjourned.

Respectfully submitted,


Recording Secretary


Chairman

Minutes of December 20, 2018

Full record of minutes available upon request in the Zoning Department