

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

The Zoning Board of Appeals met on February 16, 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 Wulf

(X) Committee Member Spiro

(X) Committee Member Mares

(X) Committee Member Herbert

**STAFF PRESENT:**

Steve Keenan, Senior Planner, Spfld-Sang County Regional Planning Commission

Emily Prather, Associate 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 January Minutes

**Committee Member Don Wulf made a motion to approve the January Minutes.**

**Committee Member Mares seconds the motion.**

5/0/0

**Docket 2016-038 for property located at 2860 S. 15th Street, Springfield, IL 62703**

PETITIONER(S): Richard Fritz

OBJECTOR(S): Barb Carnduff

PRESENT ZONING CLASSIFICATION: R2

REQUESTING: Petitioner requests a variance to allow an accessory structure (garage) in the rear yard to be one (1) foot instead of the required three (3) feet from the property line.

Richard Fritz was sworn in.

Chimento asked what he would like to do.

Fritz: I wanted a garage I called three different people they came out...and I told them 30' back in back yard and 3' off lot line. I did not know where lot line was and it's

because the person that put the house there never should. The lots are so messed up. Half my driveway is the neighbors. I never knew that when I bought the house. So when they put the garage up there forms sat there for over a month because of so much rain. No one said anything. They came out checked off the permit, checked out the garaged, checked it off and two weeks later this is when it all started. I got in an argument with the neighbor because we were supposed to buy his house and he backed out and that's when this all started.

Chimento: Ok, any questions? County Board? Objectors?

Barbara Carnduff was sworn in.

Carnduff: I own property next to Mr. Fritz. I object to simply reason and I brought pictures and was told by zoning to get a survey done to prove my point. And I did get a survey done to prove my point...that garage is 6 inches from line and supposed to be further than that.

Fritz: Its 12 inches...

Carnduff: I dropped off survey to Joel Tjelmeland.

Fritz: It's truly an honest mistake. That's why I had professionals come in; I thought that's why you get a permit. And they come and check it off because honestly never dealt with because I have been in hospital for 2 months...nothing done intentionally. I just wanted a garage.

Chimento: You have anything else?

Carnduff: Well when he put the garage up I went to Building & Zoning and showed and gave them pictures and told them not right and told them on my property.

Fritz: Not on your property...

Carnduff: Well 6 inches from it.

Chimento: 3 feet?

Carnduff: Pardon me?

Chimento: Just 3' from side yard...3' isn't it?

Carnduff: Right, but he's 6 inches from that

Fritz: 12 inches

Chimento: Ok.

Carnduff: That's why I got a survey done.

Chimento: So you want him to move garage?

Carnduff: No, I just want reimbursed for the survey.

Chimento: That's not our deal.

Fritz: Extortion.

Chimento: We don't want to hear that, we are zoning.

**Chairman Chimento asked if there were any objectors...hearing none. Chairman Chimento read the staff recommendation.**

STAFF RECOMMENDATION: Recommend approval. The Building Department issued a permit for the garage, and it was later determined after inspection that the garage was built too close to the property line. Requiring the garage to be moved could result in a financial hardship for the property owner. The Standards for Variation are met.

**Committee Member Spiro made a motion to accept staff's recommendation.**

**Committee Member Herbert seconded the motion.**

**Motion carries 5/0/0**

**Docket 2017-006 for property located at 15845 Mechanicsburg Illiopolis Road Buffalo, IL 62515**

PETITIONER(S): Barbara A. Carlson, Karen L. Hubbs, Robert W. Lytle, Nancy L. Ledbetter and Eric T. Secoy (Lytle Farms)

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: A

REQUESTING: Petitioners request a variance to allow one (1) parcel less than forty (40) acres (approximately 20 acres).

Attorney Austin Hill was sworn in.

Hill: The context is that we are requesting a variance to split an 80 acres parcel into a 60 acre parcel and a 20 acre parcel. Our goal is for the 20 acre parcel is to convey it to Daniel and Catherine Henebry. The Henebry's have lived on it and farmed for over 20 years so now that Lytle's are looking to sell some of their farm holdings, they want to be near farm ground and continue to live there and farm there. History of farmland owned

for over four generations by the Lytle Family. Four individuals have a 1/6 interest, one individual has a 1/3 interest in the farmland...essentially they decided they didn't want that to continue to split into smaller interests. Start liquidating their holdings there. So once again we are looking to separate out 20 acres...the house, farm buildings located there and tree line and power lines that have naturally determined the boundaries. The use of the land won't change it will continue to be used as residence currently there and the tillable land/pasture will continue to be used for those purposes. I have seen there's already been a recommendation.

Chimento: Any questions? County Board?

Wulf: It's been ag for a long time and continue to be ag now and good stewards for the land

**Chairman Chimento asked if there were any objectors...hearing none. Chairman Chimento read the staff recommendation.**

STAFF RECOMMENDATION: Recommend approval of the requested variance. Granting the requested variance will help facilitate a division and sell part of the subject property (less than 40 acres) to a long-time tenant. The subject property has a part that will remain in cropland (60 acres) and another part that will likely remain in pasture (approximately 18 acres) with the house and farm outbuildings. Agricultural usage is the most reasonable use for both parcels as the larger portion will remain cropland and the smaller portion will likely remain pasture due to the presence of the creek.

**Committee Member Wulf made a motion to accept staff's recommendation.**

**Committee Member Mares seconded the motion.**

**Motion carries 5/0/0**

**Docket 2017-007 for property located at 1750 N. Walnut Road, Rochester, IL 62563**

PETITIONER(S): Paul & Amy Bulpitt

OBJECTOR(S): Tim Klubby

PRESENT ZONING CLASSIFICATION: A

REQUESTING: Petitioners request for Proposed Parcel 1 (approximately 7 acres): 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; and, for Proposed Parcel 2: a variance to allow one (1) parcel less than forty (40) acres (approximately 1 acre).

Attorney Rick Wilkerson was sworn in.

Wilkerson: This is a request to divide an 8 acre tract...2 tracts.. 1.1 acre tract existing house...7 acres for new residence for the Bulpitt's to build their home...and in order to do that we need to rezone from Ag to R1, also requesting a variance for the length versus width ratio.

Chimento: Any questions?

Mares: Will there be two residences on the one property?

Wilkerson: Correct, yes. There's one there now and then they will be building a new house on the Eastern portion of the property.

Mares: Have either of those plans been submitted for ingress, egress, for the new construction?

Harrison: There hasn't been any plans submitted, that's part of the ag to R1 since their intent is to construct a single family residence. That's why they are rezoning to R1.

Chimento: Any questions? County Board? Objectors?

Tim Klubby was sworn in.

Klubby: I just have couple of comments on the information in the petition for variance. My main concern is...won't increase traffic. A house and couple of cars won't increase traffic, but my house and this property are on a 1 mile stretch of road that's very narrow and continuous hills and curves and very limited visibility. I do have a concern about any increase traffic on that stretch of road. My second comment there's a statement here...it is compatible with the trend of development in the area. And this 1 mile stretch of road is residential with the varying sizes of lots. The 34 years we have lived here there have only been two of those properties subdivide for residences. So I guess I don't completely understand the statement of it being compatible with the trend. Other than that the house has been vacant for couple years and I'm very happy to see someone moving in to it and wish them the best.

Chimento: Any questions?

Greg: There's going to be a house on each parcel?

Wilkerson: Yes.

Greg: There won't be two on one parcel?

Wilkerson: Correct.

Greg: Ok, thank you.

**Chairman Chimento asked if there were any objectors...hearing none. Chairman Chimento read the staff recommendation.**

STAFF RECOMMENDATION: Recommend approval. The LESA score of 133 indicates the subject property is appropriate for non-agricultural development. For the variances, the subject property is situated in an area with several established rural residences, owing to a forty plus year trend toward residences in this area. The proposed sizes are consistent with other lots in the area, which given the timber and hills would be difficult to farm economically.

**Committee Member Herbert made a motion to accept staff's recommendation.**

**Committee Member Wulf seconded the motion.**

**Motion carries 5/0/0**

**Committee Member Herbert made motion to adjourn.**

**Committee Member Mares seconded the motion.**

Meeting adjourned.

Respectfully submitted,

  
Recording Secretary

  
Chairman 

Minutes of February 16, 2017

Full record of minutes available upon request in the Zoning Department