

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

The Zoning Board of Appeals met on July 17, 2014, at 7:00 P.M. in the County Board Chamber in the County Complex.

**ATTENDANCE**      (X) denotes present

(X) Chairman Chimento	(X) Committee Member Deaner
( ) Committee Member Wulf	(X) Committee Member Herbert
(X) Committee Member Spiro	(X) Alt. Committee Member Lucchesi
( ) Alt. Committee Member Dobrinsky	

**STAFF PRESENT:**

Abby Bybee, Associate Planner, Spfld-Sang County Regional Planning Commission  
Andrew Affunti, States Attorneys' Office  
Cyndi Knowles, Zoning Administrator, Sangamon County Zoning

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Chairman Chimento called the meeting to order.

Chairman Chimento asked if there was anyone here for Evergreen Market, they have been continued until the August meeting.

**Docket 2014-026 for property located at 624 N. Wesley, Springfield, IL. 62702**

PETITIONER(S): John Fifer

OBJECTOR(S): in writing only.

PRESENT ZONING CLASSIFICATION: "R-2" Single & Two-Family Residence District

REQUESTING: "B-3" General Business District and a variance to allow two (2) uses on one (1) parcel to allow for an auto repair shop in the existing garage.

STAFF RECOMMENDATION: Denial of the B-3 zoning as it is seen as spot zoning and too intense for the immediate area. In the alternative, staff recommends a use variance at this location with the restrictions that all work be done inside the existing building, there will be no outside storage anywhere on the parcel and there will be no more than three cars outside at any given time. Additionally, the business will have one employee and hours will remain 9 am – 5 pm Monday through Friday, as stated in the petition. There is a commercial business two (2) parcels to the north on Enos and Wesley that has been operating since the 1980s with no known negative impact on the neighborhood. Staff also recommends that no signage will ever be constructed on the property due to the precedent

that has been set by the County Board regarding signage. Staff recommends approval of the requested variance. The standards for variation have been met.

John Fifer was sworn.

John Fifer stated that he is trying to get zoned to run a business from his garage. I wish to use the garage for automotive repair.

County Board Member Ratts informed the chairman that he put 2 letters up on his desk.

County Board Member Ruzic stated that she was sorry, she was in the other meeting and was late to present the letters herself.

Chairman Chimento stated that he complies with most of what they are concerned about.

County Board Member Ruzic stated that they want to make sure he continues to comply with what their concerns are. They have seen tow trucks pulling in there from time to time.

John Fifer stated that there are tow trucks that run up and down that street all the time. That is how most broke down vehicles come.

Chairman Chimento asked if he is running this business there now.

John Fifer stated kinda. He was but is back to work now but will still be doing this as well.

Chairman Chimento asked if he was aware of the stipulations, did he have a copy.

John Fifer stated yes.

Chairman Chimento asked if he agreed with them.

John Fifer stated that it's no problem but, I want to know how the broke down cars are supposed to get there. We will not block the roads.

Committee Member Spiro stated that when he went by there, it was all pretty clean and orderly, as long as it stays that way, he wouldn't have a problem with it. The concern, over time, is this is residential, if you were to move on and sell, it may become a scrapyard, we want to avoid that. Is it my understanding that we are not going to do the zoning but grant a conditional use variance. Question to staff, if he sells the property does that run with the property?

Abby Bybee, staff, stated that I will clarify. It is a use variance not a conditional use variance. The use variance expires after two years if he ceases to run the business or sells the property and the new owners do not run the same type of business.

**Committee Member Deaner makes a motion to recommend approval as staff recommended.**

**Committee Member Spiro seconds the motion.**

**Motion carries 5/0/0**

**Docket 2014-027 for property located at 3200 Sangamon Ave., Springfield, IL. 62702**

PETITIONER(S): James Kolba

OBJECTOR(S): No objectors

PRESENT ZONING CLASSIFICATION: “R-1” Single-Family Residence District

REQUESTING: “B-3” General Business District to allow mini warehouse storage units.

STAFF RECOMMENDATION: Approval of the requested B-3 zoning to allow for the construction of mini-storage buildings and an office in the existing single-family residence. The petitioner states that there will be two (2) employees and the property will be fenced and gated with hours of operation to be 7 am – 10 pm, 7 days a week. Furthermore, there will be a key pad for renters to enter when the office is not open and appropriate parking will be provided around the office. Staff feels that the request is appropriate as this parcel will provide a buffer from the adjacent zoning to the west and the Use Variance that was granted in 2012 on the parcel to the east.

James Kolba was sworn.

No additional testimony was given.

**Committee Member Spiro makes a motion to recommend approval as staff recommended.**

**Committee Member Herbert seconds the motion.**

**Motion carries 5/0/0**

**Docket 2014-028 for property located at 3675 Luthin Rd., Sherman, IL. 62684**

PETITIONER(S): Dana Gathman

OBJECTOR(S): No objectors

PRESENT ZONING CLASSIFICATION: “A” Agricultural District

REQUESTING: A variance to allow a front yard setback of twenty-five (25) feet instead of the required thirty (30) feet.

STAFF RECOMMENDATION: Approval of the requested variance to allow the front yard setback to be twenty-five (25) feet instead of the required thirty (30) feet. There are no foreseen negative impacts in allowing the construction of an addition to the front of the property. Furthermore, staff is aware that the existing structure is located within floodplain. The owner has obtained a Letter of Map Amendment (LOMA) from the Federal Emergency Management Agency (FEMA), which removes the existing structure from the floodplain. The additions to the house are not included in the current LOMA and the property owner will be amending the LOMA to remedy the situation.

Dana Gathman was sworn.

No additional testimony was given.

**Committee Member Herbert makes a motion to recommend approval as staff recommended.**

**Committee Member Spiro seconds the motion.**

**Motion carries 5/0/0**

**Docket 2014-029 for property located at 3396 Central Point Rd., Cantrall, IL. 62625**

PETITIONER(S): Marygene & Steve Ritchie

OBJECTOR(S): No objectors

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTING: For proposed Parcel 1: a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District to allow for a Morton building and possibly a single-family residence in the future.

STAFF RECOMMENDATION: The petitioner would like to tear down the deteriorated single-family residence that is currently on the property and build a new one at a future date. The request is being made to divide ten (10) acres to do so. Staff recommends approval of the request to rezone the proposed ten (10) acre site to R-1. The property has a LESA score of 165 which requires mitigating factor for non-agricultural development. Much of the non-tillable property is included in timber with some located in the floodplain. Due to the topography of the property and the location of the existing residence that is not included in cropland, there are mitigating factors to justify this rezoning.

Steve Ritchie was sworn.

No additional testimony was given.

**Committee Member Deaner makes a motion to recommend approval as staff recommended.**

**Committee Member Lucchesi seconds the motion.**

**Motion carries 5/0/0**

**Docket 2014-030 for property located at 718 N. Dirksen Parkway, Springfield, IL. 62702**

PETITIONER(S): Stacey Sponsler

OBJECTOR(S): No objectors

PRESENT ZONING CLASSIFICATION: "B-2" Retail Business District

REQUESTING: A variance to allow the property line of an establishment with sales and service for the consumption of alcohol to be within 3 feet of a residence, a variance to allow three (3) uses within one (1) building and a Conditional Permitted Use to allow the sale of beer & wine in conjunction with video gaming.

STAFF RECOMMENDATION: Approval of the requested variances. The standards for variation are met. The property contains a strip mall and is located on Dirksen Parkway which is considered a major thoroughfare. There do not appear to be any negative impacts in allowing the proposed use at this location, given there will be no outside music and no outdoor seating. Staff recommends approval of the CPU to allow the sale of beer and wine in conjunction with video gaming providing there is no outside seating, no live music and provided that the business has greater than a majority of its revenues from sources other than the sale of alcohol. The petition states that hours will be 8 am- 1 am Monday through Sunday with the sale of beer and wine in conjunction with gaming machines and no seating for more than ten people. Staff feels these conditionals will minimize the effects on the character of the surrounding area, as no activity will be outside the building.

Stacey Sponsler was sworn.

Stacey Sponsler stated that she is requesting variances and a CPU to allow the sale of beer and wine in conjunction with gaming machines.

Chairman Chimento asked if she has gaming machines now.

Stacey Sponsler stated no, she does not.

Chairman Chimento asked if she was applying for one.

Stacey Sponsler stated that yes, she will once zoning is established.

Chairman Chimento asked if you have to be able to sell beer and wine in order to get one.

Stacey Sponsler stated yes, she has already been approved for her County liquor license.

Committee Member Deaner asked what her hours of operation will be.

Stacey Sponsler stated from either 8 to 1 or 7 to 1, 7 days a week, to start out.

Committee Member Spiro asked if this will be sales of packaged liquor.

Stacey Sponsler stated it will be for consumption on premises, no packaged liquor.

Committee Member Spiro asked if it will be a tavern atmosphere.

Stacey Sponsler stated, no, it will not be a tavern atmosphere, it will be maybe 10 seats in the building.

Chairman Chimento asked if there were any other questions from County Board. Any objectors.

County Board Member Stumpf asked what are the other sources of revenue, other than the sales of beer and wine.

Stacey Sponsler stated that it is conjunction with the gaming machine. I will probably have pizza, that would probably be about it.

Chairman Chimento states that the petition says you have a business already in there and a tattoo parlor.

Stacey Sponsler stated that she is actually closing that business.

Committee Member Spiro asked about the boutique. Also, do you own the other businesses in there?

Stacey Sponsler stated, yes, she owns the boutique. She does not own the other businesses in there.

Abby Bybee stated that it is a strip mall and there is currently 3 businesses in there. She is closing 1 to operate the gaming establishment and the other 2 will continue to operate.

County Board Member Stumpf asked if that will still meet the requirements for the majority of sales other than alcohol? I want to make sure when it goes to the County Board that I have this information.

Cyndi Knowles, staff, stated that she only rents the one section of the building and that is the only area that will have the gaming and sales of beer and wine in conjunction with the gaming. She does not own the building or the other businesses located there. She does however, have permission from the property owner to file on his behalf.

County Board Member Stumpf stated so this is only for her section of the property where she is renting.

Cyndi Knowles stated that is correct, it will only be for the section where the video gaming will be located.

Committee Member Lucchesi asked, isn't it a determination or not if a liquor establishment can have video gaming is by the liquor commission or the State of Illinois. If they find that a person is not meeting that percentage that they will come in and police that, correct.

Cyndi Knowles stated that is correct.

**Committee Member Deaner makes a motion to recommend approval as staff recommended.**

**Committee Member Lucchesi seconds the motion.**

**Motion carries 5/0/0**

**Docket 2014-031 for property located at 5505 Buffalo Hart Rd., Buffalo, IL. 62515**

PETITIONER(S): Mark Cochran, representative of Cravens Family, LLC

OBJECTOR(S): No objectors

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTING: A variance to allow one (1) parcel less than forty (40) acres.

STAFF RECOMMENDATION: Approval of the requested variance. The standards for variation have been met. There do not appear to be any foreseen negative impacts in allowing the proposed division.

Mark Cochran (attorney) was not sworn.

No additional testimony was given.

**Committee Member Spiro makes a motion to recommend approval as staff recommended.**

**Committee Member Lucchesi seconds the motion.**

**Motion carries 5/0/0**

**Docket 2014-032 for property located at 6123 Main St., Salisbury, IL. 62677**

PETITIONER(S): Scott Sponsler

OBJECTOR(S): 3 in person, 1 written petition SUPPORTER(S): 1 in person, 4 written

PRESENT ZONING CLASSIFICATION: “B-1” Neighborhood Business District

REQUESTING: “B-3” General Business District, a variance to allow a tavern property line to be within twenty-four (24) feet of a residential structure rather than the required one hundred (100) feet and a Conditional Permitted Use to allow for a tavern with an outdoor beer garden including live entertainment and dancing.

STAFF RECOMMENDATION: The property is currently zoned B-1 and has a long standing use of 55 years as a tavern. The expansion of the footprint of the building for the outdoor beer garden requires the petitioner to comply with County regulations, even though the use of the original building as a tavern is currently grandfathered. Recommend approval of the B-3 zoning as the business is located along Main Street, which has seen a mix of commercial zoning along this thoroughfare. Recommend approval of the CPU to allow for a tavern with live entertainment, with the stipulation that all live entertainment be contained to the original building and not allowed in the outdoor beer garden. Recommend approval of the requested variance to allow a tavern property line to be within twenty-four (24) feet of a residential structure rather than the required one-hundred (100) feet. The tavern is not seen as a detriment to the area and is an established part of the community. There are no foreseen negative impacts on the character of the area, traffic issues or impaired property values.

Chairman Chimento asked if counsel was here tonight.

Upon nodding that they were, Chairman Chimento stated that Gardner Township is a dry township. How long has this been closed, do you know?

Scott Sponsler stated a month, month and a half.

Andrew Affunti stated that he is not sure.

Cyndi Knowles stated that Dwayne Gabb and the attorney for Gardner Township is having conversation to that affect. However, until it is closed for 6 months, they are still grandfathered for what is existing.

Scott Sponsler was sworn.

Scott Sponsler stated it was kind of misleading in the paper. How it reads is that the tavern with an outdoor beer garden to have live entertainment and dancing. I already have a beer garden, which is what I am applying for. The license to have a bar out there to sell liquor so while people are out there smoking, they can still buy a drink, it will be a small bar so mostly bottled beer, in the beer garden. It will all be under the existing. I am not going to have live entertainment or dancing in the beer garden. The music and dancing will only be allowed inside the tavern. I just found out about the opposition, I think a lot of those people are thinking I want to do this outside, which I am not. All I am requesting is a bar out there. The bar has been open since 1960. I have owned it since 2000, I ran it for 9 years and then sold it contract for deed to Ryan Nolan. He ran it for about 6 years until he just walked away about a month and a half ago. When I ran it for the 9 years, I never had any problems with the liquor commission, County Board or any of the neighbors. I brought with me some letters of support for a few of the neighbors. There were some issues with the owner from the last 6 years, he let a lot go. Most of the issues on this objection petition where from the last owner. I do not agree with those things either, I try to run a clean establishment. As far as the parking, I try my best to do what I can. There were issues with people parking on the streets before. I did to the best of my ability to provide parking.

Chairman Chimento asked what the hours of operation will be.

Scott Sponsler stated they would be from 1pm to 1am, 7 days a week.

Chairman Chimento asked if he was going to run it.

Scott Sponsler stated yes, I am. It will be run under Sporten, Inc. which is how I ran it before. It will be called the Coyote Den, which it was called before.

Committee Member Spiro asked, so the music will be inside the tavern, it will not be outside in the beer garden.

Scott Sponsler stated that was correct.

Chairman Chimento asked how often do you have live music.

Scott Sponsler stated that he use to do it every other weekend and then on the weekends we didn't, we would have a DJ.

Chairman Chimento asked when he is intending to open up.

Scott Sponsler stated that he would like to be open by the end of August. I am applying for my liquor license this month and then I have to wait for the zoning to be fully approved.

Committee Member Lucchesi stated, I don't know what it is that you find to be misleading about this publication because your beer garden that you currently have is illegal as far as zoning. You may have purchased it like that but the beer garden has never received the appropriate zoning...is that correct?

Scott Sponsler stated that he thought it had.

Cyndi Knowles stated that a building permit had been received for the beer garden but did not have to meet the proper zoning at that time, in order to have the liquor license. It was inadvertently overlooked and we are trying to correct that now.

Chairman Chimento asked for objectors. Is there a spokesman?

Terry Spencer was sworn.

Terry Spencer stated that the statement that there has never been any trouble is false. There has been all kinds of trouble. Parking, People driving through the yards, we had to put up a fence to keep the grass alive on our side. There is issues with noise, you call the police and they close the back door then 10 minutes after they leave the door is back open again. We were under the impression that this live entertainment would be outside. However, the noise, when it's inside, is bad. You can drive out into the Country and still hear it. It is not like how it is presented here. We don't want for the B-3 zoning, to allow him the freedoms to move things outside and cause even bigger concerns. One of his false statements was that when he owned the bar before, none of us had any problems with him. We had fewer issues with the owner that just left, than we did before that.

Chairman Chimento asked Mr. Spencer how long he has lived there.

Terry Spencer stated that he has lived there for 11 years.

Chairman Chimento asked if there were any questions for Mr. Spencer...there were none.

Patricia Adamski was sworn. I have lived in Salisbury for 16 years. I own the restaurant and live upstairs from the restaurant. Some things are very misleading in here. I was under the impression there was going to be an outdoor beer garden, I didn't realize the structure in front was the beer garden. It also says the tavern has been operating for 55 years without any problems. When I first moved out there, I think there were 2 taverns that were open. You wouldn't even know they were in existence it was so quiet. As Terry just said, there have been a lot of problems with the tavern. The noise levels have been terrible. I have been awakened many times in the middle of the night with the racing up and down 97 and people coming out of the tavern drunk and driving around the block. Burnouts happening on 97, right outside the tavern with crowds standing around outside cheering. They trespass on my property, they come and park in my parking lot. They leave beer bottles and cups all over my property. One year when they had their bikini contest, at night, when I was awakened, I opened my shutters to find that every street was full of cars. The next year I rolled my 2 dumpsters out in front to block my parking

lot to keep them out. The next morning, I got up to find my trash scattered everywhere, all over 97 and my dumpsters were turned upside down.

Chairman Chimento asked if there were any questions.

Committee member Lucchesi stated that the tavern is legal non-conforming the major issue is the beer garden not meeting the setback from a residence, is that correct. If this was denied, he would still be able to run the tavern, he just would not be able to use the beer garden.

Cyndi Knowles stated that is correct.

Chairman Chimento asked if the beer garden was used in the past by the previous owner.

Scott Sponsler stated that the previous owner did not use the beer garden, he let people smoke and drink outside. I want to use the beer garden, that is what it was built for and that is what I want to use it for. As far as the doors being open and the music so loud. I will make sure that the back door will be shut and putting in extra insulation which should help cut down on the loudness of live music from inside the building. I intend to put some push bar doors on which will keep the doors closed and give added security.

Patricia Adamski stated, what about the people parking on our properties and leaving their beer bottles and cups.

Committee Member Spiro stated that she would need to call the County Sheriff.

Patricia Adamski stated that it doesn't help.

Committee Member Spiro stated you know we cannot close his business, we can deny his petition but not close his business.

Patricia Adamski stated that is not what she is saying, I am just saying that the doors have been open, there is a lot of noise – keeping residents awake and I run a respectable business. I have to get up early and work a 10 hour day. All I'm asking, is I would like to get some sleep and I would like to have some peace.

Committee Member Luchessi asked Counsel, in terms of the County issuing a permanent license, he is vested where it pertains to the beer garden to a certain degree, is he not?

Andrew Affunti stated that it would depend on zoning, there are times when you are operating without proper zoning, even though we haven't enforced it, then shut it down. You are still having to meet standards and the violations of zoning. You can still be prosecuted. There are 2 cases where a person has been prosecuted but generally their violation will not be prosecuted anytime soon.

County Board Member Fraase asked if he is allowed to play music until 1 am.

Cyndi Knowles stated that zoning does not specify regarding the music but the liquor license, I believe, has limitations.

County Board Member Fraase asked Mr. Sponsler if he would consider shutting down the music earlier at like 11 o'clock or something.

Scott Sponsler stated or around midnight on the weekends, sure. Friday and Saturday nights, being we are open until 1, I would be willing to do that, shut them down around 12 or 12:30.

County Board Member Fraase asked if he understood the concerns of the neighbors.

Scott Sponsler stated yes.

Chairman Chimento asked if there was anyone else.

Jeff Lyons was sworn.

Jeff Lyons stated that he lives 2 doors away and before that he lived right next door. He did use to call and complain. He told the officers that the only reason I was complaining was because I was barred from there. I have never been in this establishment, I don't drink. He tried making it look like it was just a situation because I was mad because I couldn't go there. They pee outside all the time, I have a teenage daughter. They will go out and use the back wall in broad daylight. When this property was sold contract for deed, you might want to check with the liquor commission, I believe the license was still under Scott Sponsler's name.

Cyndi Knowles stated that just for the record, the liquor license was not under Mr. Sponsler's name, the liquor license was, in fact, under Mr. Ryan Nolan's name.

Jeff Lyons stated that since the bar has been closed, there have been more families in the neighborhood out riding their bikes and enjoying the streets. I even see kids riding their bikes by themselves now.

County Board Member Stumpf stated that I just want everyone to be aware that they are going to base their decision tonight only on zoning. We also do at the County Board, you are still more than welcome to attend and speak there as well. I just want to throw that out there.

Scott Sponsler passed around and talked about the support letters that he brought with him.

Chairman Chimento called someone else down.

Adaline Woosley was sworn.

Adaline Woosley stated that her property is directly next door to the tavern. Her son lives in the house. They have never had any trouble with Scott. Sometimes parking is ridiculous because I have to go past the tavern to get to my own home but, that is usually only on the special bikini nights is about it. I am wondering if he couldn't maybe direct people to park behind his other establishment on those nights. It would be nice if they could work around it so that we could have some businesses besides the 2 churches. I do not have anything against any of this.

Chairman Chimento asked if there were any other questions...there were none.

**Committee Member Deaner makes a motion to recommend approval as staff recommended.**

**Committee Member Chimento seconds the motion.**

**Motion carries 3/2/0**

Meeting adjourned.

Respectfully submitted,

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Recording Secretary

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Chairman

Minutes of July 17, 2014

Full record of minutes available upon request in the Zoning Department