

Sangamon County, Illinois
ZONING BOARD OF APPEALS

The Zoning Board of Appeals met on May 15, 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	() Committee Member
() Committee Member	(X) Alt. Committee Member Lucchesi
(X) Alt. Committee Member Dobrinsky	

STAFF PRESENT:

Molly Berns, Senior Planner, Spfld-Sang County Regional Planning Commission
Abby Bybee, Associate Planner, Spfld-Sang County Regional Planning Commission
Dwayne Gabb, Assistant States Attorney, States Attorneys Office
Cyndi Knowles, Zoning Administrator, Sangamon County Zoning

Chairman Chimento called the meeting to order.

Committee Member Deaner made a motion to take the cases out of order at the Chairman's desecration.

Committee Member Dobrinsky seconded the motion.

Motion carries 4/0/0

Docket 2014-019 for property located at 12423 Pleasant Valley Rd., Waverly, IL. 62692

PETITIONER(S): Randall W. Segatto, Attorney for JPMorgan Chase Bank, N.A. as Trustee under Richard V. Henry, Jr. Trust dated August 8, 2008

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTING: "A" Agricultural District with a variance to allow two (2) parcels less than forty (40) acres.

STAFF RECOMMENDATION: Recommend approval of the requested variance to allow two (2) parcels less than forty (40) acres. The standards for variation are met. Allowing

the petitioner to divide the subject property to remain in cropland will have no negative effect on the immediate area as no land use changes are occurring.

No additional testimony was given.

Committee Member Lucchesi makes a motion to recommend approval of the variances.

Committee Member Deaner seconds the motion.

Motion carries 5/0/0

Docket 2014-020 for property located at 1000 Tansey Rd., Springfield, IL. 62712

PETITIONER(S): Dennis Taylor

OBJECTOR(S): Yes

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTING: "R-1" Single-Family Residence District, a variance to allow a front yard setback of ten (10) feet instead of the required (30) feet and a variance to allow one (1) parcel less than one (1) acre without a public sewer.

STAFF RECOMMENDATION: Recommend approval of the requested R-1 zoning. The Land Evaluation and Site Assessment score of 130 indicates the property is acceptable for non-agricultural development. Recommend approval of the requested variance of the front yard setback as there are no anticipated negative impacts in granting the variance. Recommend denial of the requested variance to allow the subject property to be less than one (1) acre without a public sewer given the fact that the one acre minimum lot area requirement is based on public health issues in relation to the maintenance of septic systems. The petitioner must provide evidence of availability of public sewer or evidence showing Public Health will issue a septic permit as testimony at the hearing.

AMENDED: In addition to the above recommendations of approval, also recommend approval of the approval of the variance to allow the subject property to be less than one (1) acre without a public sewer. Evidence regarding restrictions related to the type of septic system that could be installed was provided by the Department of Public Health. The Findings of Fact and Standards for Variations are met for the petition to be approved as submitted.

Dennis Taylor was sworn.

Dennis Taylor started off by stating that he was asked to bring in a letter regarding a signoff for sanitary. I went to Public Health to get this letter. I needed this for a variance for a parcel less than one acre. This parcel was old railroad property at one time. I wish to put a pole building, 50 X 80, and would like to have a residence within it. The nature of

the property is approximately 100 feet in depth. But if we go with the front yard of 30 feet and a rear yard of 30 feet, it only leaves me with a small strip to build on. I am requesting a variance to allow a 10 foot setback rather than a 30 foot setback from the road. Also I was told would have to rezone from Ag to Residential in order to do this. Then, I was told to bring that notice to you from Public Health stating that I could get a septic from them with a smaller lot, smaller than an acre.

Chairman Chimento asked if anyone had any questions. County Board? Any Objectors?

I am Justin Riekhart with Stratton Law. I am here on behalf of Springfield Metro Sanitary District. As a general policy, the Sanitary District objects to any new residential zoning to any property that adjoins the Sanitary District. His property adjoins the Sugar Creek Waste Water Treatment Plant. Generally we prefer not to have newer residences popping up there because, our objection is because we get lots of complaints from around there, they have issues with their property. We also want to make sure that we don't have problems with homeowners objecting to us in the future, if we were to build a sewer facility on this property the Sanitary District owns. We just want to be on record stating that we object.

Dennis Taylor stated that he has owned this property since 1997. The adjacent property was bought within recent time. During the entire time they have owned the property, I've heard that the wells out there are contaminated. We didn't really have a choice on the water. Ground Prairie has been trying for about 8 years to get water down there. Now, I have a water meter on the property and I am being billed over \$63 a month for water that I cannot use. I would really love to put this property to use. I can't really do that without having a building or a residence or something there.

Chairman Chimento asked Allen Alexander from Public Health, you can have septic on less than an acre with public water, is that right.

Allen Alexander, staff, stated that under certain variances, you can obtain a septic. It has to have been previous subdivision of that lot in order to qualify for the variance. According to the facts in this letter that he presented, he could qualify for a private sewage system depending on the soil analysis. The system that would have to go on this parcel would not be a conventional tank. Under current regulations, it could not be a surface discharge system either.

Greg Humprey, Springfield Metro Sanitary District, stated that the existing sewer lines are more than a ¼ mile away and there are no plans to service that area anytime in the near future.

Molly Berns, Staff, amended staff recommendation.

Committee Member Deaner makes a motion to recommend approval of amended staff recommendation.

Chairman Chimento seconds the motion.

Motion carries 5/0/0

Docket 2014-021 for property located at 11751 Clinton Rd., Auburn, IL. 62615

PETITIONER(S): Sam Snell, representative of the Clinton Farm Grantor Trust

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: “A” Agricultural District

REQUESTING: “A” Agricultural District with a variance to allow the lot width to be twenty-three (23) feet instead of the required one hundred fifty (150) feet, a variance to allow the lot width to be met at a distance greater than sixty (60) feet from a public road, a variance of the lot depth to be greater than two and one-half (2.5) times the lot width, and a variance to allow one (1) parcel less than five (5) acres.

STAFF RECOMMENDATION: Recommend approval of the requested variances. The standards for variation are met. There is a natural division of the two acre homestead from the cropland and granting the variances would allow the tillable acreage to be preserved and the homestead to be sold. There will be no negative impact in allowing the proposed division.

Sam Snell was sworn.

No additional testimony was given.

Committee Member Dobrinsky makes a motion to recommend approval of the variances.

Committee Member Lucchesi seconds the motion.

Motion carries 5/0/0

Docket 2014-017 for property located at 2348 Sand Hill Rd., Springfield, IL. 62707

PETITIONER(S): Joseph Chernis, Jr.

OBJECTOR(S):

PRESENT ZONING CLASSIFICATION: “B-3” General Business District

REQUESTING: “I-2” Restricted Industrial District, a Conditional Permitted Use to allow an automotive wrecking yard/recycling center, a variance of Section 17.30.020 to allow an automobile wrecking yard/recycling center to not be completely enclosed by a solid eight (8) foot fence, and a variance to allow two (2) principal uses on one (1) parcel.

STAFF RECOMMENDATION: Recommend denial of the requested I-2 zoning as it is seen as too intense for the immediate area. The County Board granted the subject property B-3 zoning in 2012 and this is seen as acceptable zoning given the uses in the immediate area. Recommend denial of the variance request to allow the property not be completely enclosed by a solid eight foot fence as this poses a public health and safety risk to the residents in the immediate area, as well as an aesthetic concern of Sand Hill Road. Recommend denial of the CPU to allow for the automobile wrecking yard and recycling center given the concern the use will not be completely enclosed by a solid eight foot fence. Staff does recommend, in the alternative, a Use Variance for the automobile yard and recycling center, however, the use which occupies the front six (6) acres must be completely and entirely enclosed by a solid eight foot fence to protect the safety of the residents in the area. Additionally, the wrecking yard must include only automobiles for the purposes of recycling, as stated in the petition. Staff recommends approval of the request for two uses on one parcel. The standards for variation are met.

Joseph Chernis was sworn.

Don Craven, Attorney for Joseph Chernis, stated that this is property right off of Peoria Rd. Explain the area once you turn off of Peoria Rd. onto Sandhill Rd.

Joseph Chernis stated, that as you leave Peoria Rd., North of Springfield, you turn onto Sandhill heading east. You will go approximately a ¼ mile and reach the Union Pacific Railroad. At that crossing right there, the Southside of the crossing, the 10 acres right there is the property we are requesting this zoning on.

Don Craven asked Joseph Chernis, when you turn off Peoria Rd., what property is there on the corner.

Joseph Chernis stated that the property on the corner is owned by Donnelly, Inc. and known as Info Corner.

Don Craven asked what activities are taking place on that corner.

Joseph Chernis stated it is primarily concrete recycling.

Don Craven asked, are there trucks pulling in and out of there?

Joseph Chernis stated, yes, there is frontage road where there is substantial truck traffic that goes in and out of that facility.

Don Craven stated that that property butts up to the railroad tracks.

Joseph Chernis stated that he is correct.

Don Craven that asked, what other businesses are along that road?

Joseph Chernis stated, along Sandhill Rd., once you get to us, adjacent to us is property owned by Mr. Skeeters. I believe his property is subject to "I-2". Across the street there is property owned by Donnie Beechler. He has several really old mobile homes stored. Adjacent to him then becomes Allied Waste, commonly known as Sangamon Valley landfill.

Don Craven asked if there is truck traffic in and out of Mr. Beechler' s property?

Joseph Chernis stated, yes there is.

Don Craven asked what time the trucks start coming in for the landfill.

Joseph Chernis stated that they start rolling in about 5:30 AM., the landfill is closed on weekends.

Don Craven then asked what time will your operations start?

Joseph Chernis stated that our operations will not start before 6 AM., 6:30 and 7:00 AM.

Don Cravens asked, what business do you operate out of this property right now.

Joseph Chernis stated that our primary business is trucking. Where we are hauling scrap metals and also we have a demolition business. We are mostly just trucking and demolition.

Don Cravens asked how many trucks they have.

Joseph Chernis stated 5.

Don Cravens asked about how many times a day the trucks come in and out of the property.

Joseph Chernis stated that on a normal day, the trucks would leave in the morning and be away from the property and not return until after 4 in the afternoon.

Don Cravens asked when they purchased the property.

Joseph Chernis stated that the property has actually been in the family since 1957. I took sole proprietorship in 2010.

Don Cravens asked if they have done any improvements to the property since then.

Joseph Chernis stated that yes they have. We had a building on there already. We did a 60 X 80 addition, a concreted entrance, we have cleared property. We have concreted parking. We have provided a lighting system and a security system. We are paying for street lights on Sandhill Rd. In general it has made the whole area more secure.

Don Cravens asked if the surveillance cameras have been used by the police.

Joseph Chernis stated that yes it has, within the last 6 months we have been contacted by the Sangamon County Sheriff's Department to view footage on our surveillance system to ascertain evidence for some criminal activity.

Don Cravens asked him to share a little bit about the business plan for this request that is before the board.

Joseph Chernis stated that there would be no noticeable change to the property. We are looking at becoming in compliance with statute. We are hauling scrap material and we want to be able to crush and haul automobiles. In order to do that, you would have to become a transfer station. To do that, you have to come through zoning. You cannot store recyclable items on property without having a recycle license.

Don Cravens asked if this petition was approved, would it add any additional truck traffic to the operation or any additional employees. Would there be public access?

Joseph Chernis stated no to all.

Don Cravens stated that there was paperwork submitted stating that you would be running a recycling center.

Joseph Chernis stated that is not the case at all. We are not attempting to run a recycling center, we just want to be compliant to be a transfer station. It will not be open to the public, it will not be a recycling center but a transfer station. There will be no scales involved, no sales back and forth.

Don Cravens stated that one of the issues involved in this matter that the staff noted was that you fence only along the front. One side of the property is the railroad tracks. Is that track slated for high speed rail?

Joseph Chernis stated that yes it is, that is the Union Pacific Railroad and it is designated for the high speed rail.

Don Cravens asked if there would be any changes to the crossing there on Sandhill?

Joseph Chernis stated that they would be replacing the crossing.

Don Cravens asked if there were limitations on fencing next to a high speed rail.

Joseph Chernis stated, if there will be sidewalk traffic, which there is not, then the railroad would be required to put fence up 150 feet each direction of the crossing. Because there will not be foot traffic there, you have to maintain visibility for 500 feet in each direction from that crossing for safety.

Don Cravens asked what runs along the back of this property.

Joseph Chernis stated that the back of the property actually abuts Dirksen Parkway.

Don Cravens then asked him to describe what is all along the 4th side of this property.

Joseph Chernis stated to the east, there is property that adjoins us and is already zoned I-2. Most of the land adjacent is weeds or timber. There are some beans planted along there. It wraps around and adjoins the Curry ground.

Don Cravens stated, just to clarify, you are asking to not fence any of the property, other than the front property, right along the building. It would be a huge burden to put a fence all the way along on this property. To the West, it would not be allowed to have a fence due to visibility along the high speed rail. To the east, I see no reason to put a fence up when it is covered in timber. This is rough ground and it is all private property, there is no pedestrian traffic, no bike trails...nothing.

Chairman Chimento asked if there were any questions.

Molly Berns, just to clarify, could you please list out the business operations that are currently occurring at that location?

Joseph Chernis stated that currently the business operating out of there is; we have a demolition business and also a trucking business.

Molly Berns stated that your testimony also stated scrap metal.

Joseph Chernis stated that we haul scrap metal for another company. We do not haul it for ourselves.

Cyndi Knowles asked if they have the scrap metal laying around on the property.

Joseph Chernis stated no.

Committee Member Deaner stated, you say you want to start crushing cars on the property. Will you be storing them on the property or will you bring them in, crush them and then send them back out?

Joseph Chernis stated, we would receive the vehicles, bring them in ourselves, crush them, load them on a trailer. Probably, as soon as the next day, they would be taken to Decatur.

Chairman Chimento asked if they were going to put in a press.

Joseph Chernis stated no.

Chairman Chimento asked how they intend to crush them.

Joseph Chernis stated with a track hoe.

Chairman Chimento asked the cars will come from who and where.

Joseph Chernis stated that it will vary. We would be buying them at auction.

Chairman Chimento asked what the hours of operation would be.

Joseph Chernis stated that it would probably be from 7 am to 4 pm, 5 days a week.

Chairman Chimento asked if it would require another employee or so to do that.

Joseph Chernis stated no.

Chairman Chimento asked if County Board had any questions.

County Board Member Stumpf stated the words transfer station; he had not seen that in any of this verbiage at all. If it is going to be a transfer station, that changes a lot of things. Was that the terminology you intended to use? My question then is to professional staff...if it is indeed going to be a transfer station, it's not in here at all, unless I am not seeing it, would it need a sighting from Sangamon County.

Molly Berns stated that it would certainly need yet another variance from the County for yet another use on the parcel.

County Board Member Stumpf stated to hold that thought for a moment. I also wanted to address a letter from Springfield Township that was sent to me, also to Andy Van Meter, among others. I don't know if you Joe received a copy of this letter. I would like to get a copy of that for you. I would also like to submit it into your findings here. There are three things that they are regarding. Opposition to the zoning petition regarding the above case. Opposition regarding, he is calling it a junk yard because of excessive debris left on the roadway by Joseph Chernis company. This includes oil and mud left on the roadways that cause unsafe road conditions for the residents of this area. Reason I bring this up, I want to find out from the State's Attorney here, is it possible for them to have a separate agreement with Springfield Township. I don't think we can do it here, it would be contract zoning, if I am not mistaken. Want to see if approved, if there can be some kind of agreement with the Township, kinda like they have with the land fill right now. He also complains about the complaint filed by the City of Springfield with the Midwest Demolition Company that is being run off this property. Can you address that being that this business comes from that parcel. Also, just the issues of the cleanup and the non-

fencing. I think it does have something to say about the business if they are going to operate this here on this property. If approved, can it be contingent upon an agreement with Springfield Township?

Molly Berns stated that she would like to address one of Mr. Stumpf's questions while Counsel is looking at the letter. The petition you have before you to request rezoning, also a variance to allow 2 uses. What I am hearing in testimony tonight is that ultimately, there would be three uses on the parcel. If that is in fact the case, the petition is invalid or, if it is adopted, he would be limited to only 2 uses on this parcel.

Don Cravens stated that due to the comments of the staff, he would like to request to amend the petition. We would like to hold over until next months' hearing.

Chairman Chimento asked if they were wanting to continue for a month.

Cyndi Knowles stated that as long as they come back in by Monday, I can continue it over and have it ready for next month.

Allen Alexander stated that there are a couple of things he wanted to bring up because he thinks they are important for the record. Sangamon County has a solid waste ordinance that requires local siting for any waste management facilities within Sangamon County. By definition, a transfer station is a facility where waste that is mixed with recyclables is brought to the facility and then the waste is separated from the recyclable and waste taken for disposal and rest taken for recycling. We have also had some ongoing issues with open dumping and other illegal solid waste activities on the property.

Don Cravens stated that it may not be next month, looks like we have a little more to address than initial thought.

Meeting adjourned.

Respectfully submitted,

Recording Secretary

Chairman

Minutes of May 15, 2014

Full record of minutes available upon request in the Zoning Department