

Sangamon County, Illinois
ZONING BOARD OF APPEALS

The Zoning Board of Appeals met on September 18, 2014, at 7:00 P.M. in the County Board Chamber in the County Complex.

ATTENDANCE (X) denotes present

(X) Chairman Chimento	() Committee Member
() Committee Member Wulf	(X) Committee Member Herbert
(X) Committee Member Spiro	(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.

Docket 2014-022 for property located at 501 N. Dirksen Parkway, Springfield, IL. 62702

PETITIONER(S): Evergreen Market, Inc.

OBJECTOR(S): Yes, written

PRESENT ZONING CLASSIFICATION: "I-1" Restricted Industrial District

REQUESTING: Petitioner requests a variance to allow a liquor store property line to be five (5) feet from a residential structure instead of the required one-hundred (100) feet, a variance to allow three (3) uses on one (1) parcel and a Conditional Permitted Use to allow for the sale of packaged liquor.

STAFF RECOMMENDATION: The petitioner's request for the Conditional Permitted Use to allow the sale of liquor is not necessary as it is allowed in the I-1 zoning district per section 17.28.010 of the Sangamon County Zoning Ordinance. The regulations state that permitted uses in the I-1 district include "...Conditional Permitted Uses in the B-1, B-2 and B-3 districts...". Since a liquor store is an at-will use outlined under Conditional Permitted Uses in the B-3 district, the request of the petitioner is not needed therefore staff did not address these standards. The variance requests still apply. Staff recommends approval of the requested variance to allow the sale of packaged liquor to be within 5 feet of a residential structure. The standards for variation are met. In 1984, Mr. Michael Welch filed a petition requesting that the County Board grant an amendment to

rezone the property to I-1 (Zoning Case 84-A-13). Variances to reduce the transitional yard requirements were also granted. The Zoning Board of Appeals' Findings of Fact for the case state that the "neighbors on both sides of the property have been notified and are not in objection to the rezoning." The subject property is located on the corner of a major thoroughfare with significant traffic. The parcels to the north, east and south of the subject property are being utilized with commercial and retail uses. While there is a residence adjacent to the west of the subject property, given the commercial nature of the area, it is unlikely the variance will negatively affect the surrounding parcels. Staff recommends approval of the requested variance to allow three uses on one parcel. The request is compatible with the immediate area as there is a trend to allow multiple uses in a building as a strip-mall. No negative impacts are anticipated.

CONTINUED

Committee Member Lucchesi makes a motion to recommend this petition be continued.

Committee Member Spiro seconds the motion.

Motion carries 5/0/0

Docket 2014-033 for property located at 3710 S. 13th St., Springfield, IL. 62703

PETITIONER(S): H & C Copper Plus, Inc.

OBJECTOR(S): Yes, in person

PRESENT ZONING CLASSIFICATION: "I-2" General Industrial District

REQUESTING: Petitioner requests a variance to allow three (3) uses in one (1) building, a variance to allow an eight (8) foot chain link fence instead of the required eight (8) foot solid fence and a Conditional Permitted Use to allow a recycling center with some outside storage.

STAFF RECOMMENDATION: Recommend denial of the requested Conditional Permitted Use to allow a recycling center at this location. Not enough information was submitted in the petition to fully evaluate the findings. Recommend denial of the requested variance to allow an eight (8) foot chain link fence instead of the required eight (8) foot solid fence. The standards for variation are not met. The zoning regulations require a solid privacy fence to block visibility from adjacent parcels and maintain the aesthetic character of the neighborhood. There is nothing unique to the property that would allow the petitioner to keep the current chain link fence, which is out of character for the area and could be a detriment. While it appears that the Standards are met to allow three (3) uses on the property within the commercial building, staff does not recommend the variance for three uses on one parcel be granted, as it is not needed since it is recommended the CPU be denied.

(Moved to end of hearing because petitioner was not present)

Committee Member makes a motion to recommend .

Committee Member seconds the motion.

Motion carries 5/0/0

Docket 2014-034 for property located at In the 4200 Block of Hogan Rd., Auburn, IL. 62615

PETITIONER(S): Gary Hamilton

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

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

STAFF RECOMMENDATION: Recommend approval of the requested variances. The standards for variation are met. The property owner is requesting to divide ten acres from the existing parcel to deep to the adjacent land owner and the land will continue to be farmed. The remaining acreage will also remain in agricultural production.

Gary Hamilton was 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 2014-035 for property located at 5626 N. Walnut Street Rd., Springfield, IL. 62707

PETITIONER(S): Doug Schmidgall

OBJECTOR(S): Yes, in person

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTING: Petitioner requests a variance to allow two (2) principal uses on one (1) parcel, a variance to allow zero (0) feet of road frontage instead of the required one hundred-fifty (150) feet, a variance to allow for an off-premise sign and a Conditional Permitted Use to allow an outdoor gun range in conjunction with firearm safety classes and occasional sales of firearms.

STAFF RECOMMENDATION: Recommend approval of the requested Conditional Permitted Use to allow an outdoor gun range. To the extent that providing a location for gun safety classes is a community benefit, the remote nature of the subject property is suited to the proposed use and protects the health, safety and welfare of area residents. The petition states that there will be one 16-hour class each month which will cover 2-3 days per month. Furthermore, the petition states that students will be shooting to the south in to the Sangamon River Valley at designated targets and the bluff the students will be shooting from has a 90 foot drop. There is a distance of 5,000 feet before the land begins an uphill grade of approximately 90 feet. Recommend approval of the requested variances. The standards for variation are met. The subject property is already a landlocked parcel of record with zero feet of road frontage. The signage is for directional purposes, which is justified given the remote location of the proposed use. If the variance is granted, staff recommends the sign not exceed the size and height of the current sign.

Doug & Therese Schmidgall were sworn.

Doug Schmidgall stated that they live on a farm and wish to have conceal and carry classes. We would like a variance in order to teach out of our house and also have an outdoor shooting range on the farm, and sell firearms on occasion; we will not become a very big store.

Chairman Chimento asked if he already had his firearms.

Doug Schmidgall stated that he did.

Chairman Chimento asked if anybody had any questions.

Committee Member Spiro asked if this was for the property that was marked out.

Doug Schmidgall stated yes however, that is only one section of the farm. The farm is about 900 acres. The 160 acres is just where the house is.

Committee Member Spiro stated oh ok, that is where the house is.

Doug Schmidgall stated yes, actually I own 2 of the houses up there and my sister owns the other house that is there.

Committee Member Spiro stated so I assume the gun range is going to be not facing the highway.

Doug Schmidgall stated no, it would be facing the river bottoms.

Chairman Chimento asked if there were any other questions. Hearing none, he called for objectors.

Jerry Tice, attorney for objectors who are adjacent land owners north of the Schmidgall property. Karen & Ben Baker, who live in Texas, Beverly and John Warner, who live in Connecticut, and their farm tenant, Ray Bell, who farms that ground. I have some questions for the Schmidgalls. (Mr. Tice submitted some maps to committee). This is the Sangamon County Plat Map of Fancy Creek, as well as, Springfield Township. The property owned by the Warner's and Baker's is outlined in yellow. The subject property is outlined in red. It is difficult for me to tell from the map that is attached to the applicants petition, just exactly where this shooting range will be. There are no measurements on the application. There is no detail as to the dimensions or actual location of the range. The objectors and their farm tenant raise cattle on their 140 acres. The application does state that the firing range will be to the South, however, according to this map, the gun range appears to be within 3/8th of a mile from where cattle will be running. Therefore the objectors are asking that the conditions be imposed upon this permit, if it is granted, that requires the gun range to be of a certain size, that all shooting is done directly to the South and away from any livestock that may be located along the property. In addition, there is the application for the Conditional Permitted Use for gun sales. When I look at the County zoning map, it just says this land is zoned agricultural. Under Conditional Permitted Uses, there is no listing for gun sales. Based on their own zoning ordinance, they shouldn't issue a Conditional Permitted Use. In addition to that, there should be certain restrictions imposed, that the use of it be no more than what the application has represented in their application. Which is one class a month, consisting of 2-3 days (16 hours) and that the gun range be used, only for practice of conceal and carry weapons, which I understand are handguns and would not include riffles and other forms of weaponry. These may have a farther range once they are fired. We are also opposed on this permit, if the use is granted, that all safety concerns are met. There should be targets set. With respect to the request itself, by examination of the petition, I find that Mr. Schmidgall is not the sole owner of this property. I believe it should be signed by all of the owners, giving their consent, stating they are all aware of this request. At this time, I do not feel that you can make a recommendation for this request. Petition indicts that the gun range will be used for instruction purposes for the conceal and carry classes, it also says it would be used for gun sales and that the gun sales will be from 5 – 9 Tuesdays – Fridays and sometimes on Saturdays. By that, there is an implication that a potential customer, wishing to buy a gun with the gun sale business, will be able to go out and use the gun range to shoot. I believe that is not appropriate in the ordinance to grant the Conditional Permitted Use for gun sales in agricultural. I request that the gun range be limited to, in association with, the instruction of the conceal and carry classes and the time requested for those classes in his application. That the gun range be located at least a mile away from the objector's property. That when using the range, the guns be shot in a southerly direction, away from the objector's property.

Chairman Chimento asked staff, where are gun sales?

Cyndi Knowles, staff, stated that a gun sale actually falls under our home occupation and he meets all those guidelines to have the gun sales already.

Chairman Chimento asked Mr. Schmidgall if he had anything further to say.

Doug Schmidgall stated yes, however, he spit out so much stuff, that I am not sure I will cover it all. Obviously, I am not going to shoot any cattle. I am good with guns; I have been certified, as far as teaching and shooting, almost all of my life. We have the shooting range sitting on top of a 90 foot bluff and will be shooting down into that bluff, in the opposite direction of the gentleman's land owner's property. The risk is negligible. As for firing firearms during the day, I have had a few people request to do that and I haven't done it yet because I am not approved to do that yet. I do not plan to do that anymore than maybe once or twice a year because; it is a lot of work to do that. I am not wanting to do that yet but, it will be shot also into the river bottoms. From my bluff to the bluff across the river is approximately 5,000 feet. There are no houses across from me and no people in that direction. Any ammunition would go into the dirt. To put a berm up like he was asking for, on a hill that drops over 90 feet, would be almost impossible to do. I am using the natural land to absorb all the ammunition. I am the executive officer of the estate, if you want something from the others; I can have something here by the next meeting.

Jerry Tice stated that all of the owners of the property need to sign the petition or have given written approval for this petition to have been filed. He has worked many zoning cases and they have always required that all of the property owners who are owner of property for the petition must give their consent for the request to be made.

Dan Mosher, staff, stated that as long as Mr. Schmidgall can acquire the additional signatures before the next meeting, as he claims he can do, then that would be sufficient.

County Board Member Stumpf wants to know how he guarantees that no ammo will go onto anyone else's property and also want to clear up with professional staff that Mr. Tice said that a Conditional Permitted Use was not allowed under agricultural, would like you to touch on that. Will this be under the watch of the EPA because of the lead content?

Doug Schmidgall stated that it would require rounds and rounds on a daily basis to create that much lead contamination in the ground, I do not intend to have anything near that amount at any time. Farming this property is my main income; I am not going to do anything to jeopardize that. I have been shooting deer on this property for over 55 years and EPA has never had any trouble with that. We will be shooting to the South and I own all that land, all the way to the creek. The gun range will stay towards the South; we will not have any riffles that shoot that far or that high in the air. I am an RSO (Range Safety Officer) and so is my wife. We are able to go to any range within the United States and conduct classes or operate that range. We have safety courses before they shoot, there are limits to the left and right and everyone has to shoot to the South. There is no shooting to the North at all. Your gun is not even loaded until you are standing up at the firing line

and facing to the South. If somebody turns around with a loaded gun in my class, they are done, it is just not going to happen.

County Board Member Greg Stumpf asked if professional staff could verify for County Board that he meets the requirements for a CPU.

Staff, Molly Berns, stated that first I believe that you are addressing 2 issues here. One is the home occupation issue that Mr. Tice brought up. It is the opinion of the Zoning Administrator that, in fact, gun sales will be internal and incidental to the primary use of residential nature of the structure and is in fact, eligible for a home occupation under the definitions section, included in our code. I think what he is trying to get at is that the gun sales needs a CPU and this particular Zoning Ordinance, for Sangamon County, does not address gun sales as a CPU anywhere in the Ordinance. Furthermore to say that because of the nature of it, it should be in the ordinance and because the Agricultural District does not specifically call out gun sales, would be like saying that home daycares, that are home occupations, can't be home occupations because they are listed under the R-1 as a permitted use. So I disagree with Counsels approach on this. The Zoning Administrator's definition and ruling is that the gun sales do meet the criteria of A through I in the definitions and so a CPU is not needed for that. To take it a step further with the CPU, with as many of the exceptions as Mr. Tice outlined, certainly the board is able to put conditions on the CPU. The gun range is the CPU.

Jerry Tice stated that is correct, it is a CPU. The ordinance itself has to be restrictive and you have to follow what it says you can use agricultural land for. If it is the choice of the County Board to make gun sales a Conditional Permitted Use within agricultural district then they have to take the legislative action and amend the zoning ordinance to do it. Gun sales themselves should be set forth within your zoning ordinance in order to be considered by the Zoning Board of Appeals and the County Board. You can put almost anything under a home occupation. It means an occupation that is separate within your house. If you take the opinion of the Zoning Administrator here then there is nothing to prevent someone from coming in and asking for a home occupation and prevent them constructing a separate building, a store, on the Schmidgall land or any other persons' land that is zoned agricultural and ask for a Conditional Permitted Use. As his business grows, he could expand to have 4-5 classes a month.

Doug Schmidgall stated that he does not have enough students to have 4-5 classes a month.

Committee Member Lucchesi makes a motion to recommend approval as staff recommended with letters of consent from all other property owners of this land.

Committee Member Spiro seconds the motion.

Motion carries 5/0/0

Docket 2014-036 for property located at 2701 S. State St., Springfield, IL. 62704

PETITIONER(S): Michael Clair

OBJECTOR(S): None

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

REQUESTING: Petitioner requests a variance to allow a six (6) foot privacy fence twenty (20) feet from the front yard property line instead of the required twenty-five (25) feet and a variance to allow a six (6) foot privacy fence zero (0) feet from a side property line that adjoins a street instead of the required twelve and one-half (12 ½) feet.

STAFF RECOMMENDATION: Recommend denial. The standards for variation are not met. There do not appear to be circumstances unique to the property that is unlike any other property in the area in order for the owner to comply with the current regulations. Additionally, allowing a six (6) foot solid privacy fence could pose a visibility issue as it is located on a corner lot and regulations require a four and one-half (4 ½) foot 50% open privacy fence for this reason.

Continued

Committee Member Lucchesi makes a motion to recommend this petition be continued.

Committee Member Spiro seconds the motion.

Motion carries 5/0/0

Docket 2014-037 for property located at In the 200 Block of W. Browning Rd., Springfield, IL. 62707

PETITIONER(S): John & Deborah Staff

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: “I-1” Restricted Industrial District

REQUESTING: Petitioners request a variance of Section 17.62.130B to allow a sign with a maximum of four-hundred (400) square feet area instead of the required two-hundred (200) square feet area and a variance of section 17.62.030H to allow an off premise sign.

STAFF RECOMMENDATION: Recommend approval of the requested variances to allow an off-premise sign with a maximum of an area of 400 square feet. The request is being made to allow construction of a sign on the proposed vacant parcel that is adjacent to the business in order to increase visibility of the business. The topography of the

proposed site of the sign is low and in the floodplain. The proposed sign will not affect the character of the area as the parcel is located on a major thoroughfare and is bound on two sides by a total of 525' of road frontage.

Paul Hebron was sworn.

No additional testimony was given.

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

Committee Member Lucchesi seconds the motion.

Motion carries 5/0/0

Docket 2014-038 for property located at 3975 leach Rd., Rochester, IL. 62563

PETITIONER(S): Mark Walker

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTING: Petitioner requests a variance to allow two (2) principal uses on one (1) parcel and a Conditional Permitted Use to allow a Landscaping Business.

STAFF RECOMMENDATION: Recommend approval of the requested Conditional Permitted Use to allow a landscaping business in the existing pole barn, provided the hours and method of operation remain as stated in the petition, and all storage related to the business remain in the pole barn. The landscaping business has been operating for approximately ten years and is not visible from the public road, making it secluded from adjacent properties. The business has been operating with no negative effects on the character of the surrounding area, public health and safety has been protected and property values have not been negatively impacted. Staff recommends approval of the requested variance to allow two uses on one parcel, as the standards for variation have been met.

Mark Walker was sworn.

No additional testimony was given.

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

Committee Member Dobrinsky seconds the motion.

Motion carries 5/0/0

Docket 2014-039 for property located at 1103 W. Calhoun Ave., Springfield, IL. 62702

PETITIONER(S): Anthony Curtis

OBJECTOR(S): Yes

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

REQUESTING: Petitioner requests a rezoning from “R-2” Single-Family and Two-Family Residence District to “O” Office and College District to allow for a commercial daycare Center.

STAFF RECOMMENDATION: Recommend denial of the requested Office zoning to allow for a commercial daycare center, as this is considered spot zoning in this R-2 zoning district. Staff does recommend a Use Variance is appropriate at this location, as the standards have been met. The building was originally built for a church and it is unlikely the property will be converted to a residential use. Furthermore, there is a trend in the immediate area as the property immediately to the east was granted a Use Variance in 1989 to allow a commercial daycare center. There are no negative impacts anticipated on the character of the surrounding neighborhood.

Anthony Curtis was sworn.

Anthony Curtis stated that it is currently a church, which they are outgrowing and so they would like to use the building as a daycare. The thing I got says something about a use variance, please forgive me because, I just got off a plane and only received this an hour ago so I didn't have time to call in and ask about it.

Committee Member Spiro asked if he was the pastor.

Anthony Curtis stated that he is.

Committee Member Spiro asked if they are outgrowing the building.

Anthony Curtis stated that they are. They have tried to sell the building but have not found any churches that are interested so they would like to turn it into a daycare. We have had plans to make this into a daycare for the last 4 years but we just haven't found a place.

Chairman Chimento asked if members of the Church will be running the daycare.

Anthony Curtis stated that they would be for the most part.

Committee Member Herbert asked if there was a daycare next door.

Anthony Curtis stated that there is a daycare about a block away and that they use the house next door for about 8-9 kids.

Chairman Chimento asked how many children they intend to have there.

Anthony Curtis stated that they would have about 25 children there.

Committee Member Lucchesi stated that the Petitioner stated under oath that he is not aware of the use variance so perhaps before we consider that and he agrees to accept that, maybe it should be explained.

Staff, Molly Berns, stated that a use variance is something that rezoning the property would be inappropriate for your area. So, the recommendation is to deny the rezoning but, in exchange for that, grant a use variance to allow you to operate and run the daycare center. You would still get what you petitioned for but it would not open up the property to all the allowed uses that would be available under the zoning district that you requested.

Anthony Curtis stated ok but can I ask a question. So let's say that 10-15 years from now, we have found another place, moved and we want to attach the daycare to wherever we are at. Would I only be able to sell it as a church, or say another daycare wanted to purchase it, would they be able to.

Staff, Cyndi Knowles, stated that you could sell it as a church or, as long as, the daycare did not cease for 2 years, you could sell it as a daycare as well.

Anthony Curtis said ok.

Chairman Chimento asked if there were any other questions, County Board, any objectors?

Committee Member Lucchesi asked Mr. Curtis if he would be willing to accept a use variance.

Anthony Curtis stated yes.

Jennifer Owens was sworn.

Jennifer Owens stated that her question was just answered. That is what I worried about, change the zoning, would it be able to go into like a tavern or something else along those lines. What would happen to the property values around there if other commercial businesses were going to be allowed. We already have Selvaggio Steel down there on the corner.

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

Committee Member Spiro seconds the motion.

Motion carries 5/0/0

Docket 2014-040 for property located at 1101 Adlai Stevenson Dr., Springfield, IL. 62702

PETITIONER(S): Chronister Oil Company

OBJECTOR(S):

PRESENT ZONING CLASSIFICATION: “B-3” General Business District with a CPU for sign and packaged liquor and variances.

REQUESTING: Petitioner requests a Conditional Permitted Use to allow the sale and service of alcohol in conjunction with gaming machines.

STAFF RECOMMENDATION: Recommend denial of the requested Conditional Permitted Use to allow the sale and service of alcohol in conjunction with gaming machines at a high traffic and established fuel station could pose a negative impact on public health, safety and welfare. Furthermore, there is a concern with the effect the proposed use could have on parking as allowing a second use on the property is not seen as sound planning principles.

Grady Chronister was sworn.

Grady Chronister stated they want to apply for video gaming machines in their store. In order to do so at this location, we have to have or be able to serve people while they are playing. I noticed it was denied by the planning commission and if I can address those issues, I would like to. There is a concern with the proposed use that it could have on the parcel. This location appears to be busy and allowing a second use is not seen as sound planning practices. We do have additional property right adjacent to us. If parking is an issue, we will certainly address that, we can't afford to have parking be a problem. 2nd, it says proposed to be operated so that the public safety and welfare will be protected. They say allowing sale of alcohol by the glass in conjunction with gaming machines in a high traffic area and fuel station could cause a negative impact on the area. If I may, I will pass along drawings. It is not our plan, and not what we do, we don't serve only people that are gaming to have alcoholic beverages. We built a room for the gaming as you can see by our drawings. We do not have it to where you can just sit down and start having a few drinks unless they are gaming. It's not been a problem anyplace else.

Committee Member Spiro asked if he has this any place else.

Grad Chronister stated that yes, they are in Jacksonville. We also have gaming in other stores, as well as, Bloomington/Normal.

Committee Member Spiro stated that it won't be a tavern.

Grady Chronister stated no, it will not be a tavern; it will be a small room with gaming machines. They will only have beer or small bottles of wine while gaming.

Committee Member Dobrinsky asked if they will purchase their alcohol at the counter in the convenience store.

Grady Chronister stated yes they will.

Committee Member Dobrinsky stated that it will be pretty much out in the open when people come in. Like if someone comes in and wants to buy a beer to go back to the gaming machines and there will be other people around waiting to pay for their purchases.

Grady Chronister stated that is correct.

Committee Member Spiro asked what if someone came in and bought a big gulp and a half-pint?

Grady Chronister stated that as long as they are gaming, they could do that.

County Board Member Craig Hall, this is a question to our legal staff, on our liquor committee we have 2 different licenses. The 1st license is for open alcohol and the other is for closed alcohol. You are asking to have an open alcohol. Is there any place in Sangamon County that has a gas station with an open alcohol license? If we allow this, are we opening ourselves up for a lot more of this? Is there anything that we have concerns about if we let Quik N Ez and then every other convenience store to do this?

Staff, Dan Mosher, stated that I am not aware of any other locations.

Chairman Chimento asked if they aren't allowed just so many permits.

Grady Chronister stated no, just all depends on how many you qualify for.

Committee Member Lucchesi asked how many seats will you have in this gaming room?

Grady Chronister stated that they will have 5 seats.

Committee Member Lucchesi asked how many additional parking spaces would this impose upon. I have been in there many times and there is already limited parking, how much more would it impose?

Staff, Molly Berns, stated, a couple of issues, while Cyndi is looking that up, there is nothing specific in the code on how many parking spaces you need for how many gaming machines. 2nd of all, if Mr. Chronister were going to rely on parking for his facility, that

is on a separate parcel to the north, then he would need a variance request for off street parking not on the same parcel as the primary use served. So, if you would, this raises a whole other issue. Or you could connect the parcels. Let's lay that aside because it really is not a part of this petition. To date, the County has not had before it, any requests coming in wanting gaming licenses or variances to allow pour of alcohol. There may be some location in the County that already had the liquor license to pour and gaming machines were added. As you know, there have been a lot of them come through in the City.

County Board Member Greg Stumpf stated that even if this was approved tonight, it still has to pass County Board and the liquor committee. While I have the floor, I would just like to say, it is a very well-run facility but it does have some serious problems with parking.

Staff, Cyndi Knowles, stated that regarding required parking, we are looking at 1 per every 3 employees and 1 per every 200 square feet devoted to the public.

Grady Chronister stated that I certainly recognize that there could be a parking problem and I don't want to tear down the building and relocate it at this time but, eventually we will have to.

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

Bonita Trams was sworn.

Bonita Trams stated that she lives about 2 blocks north and is there every day. I have an issue with serving alcohol at a gas station. There have been issues of drunk drivers causing issues in my neighborhood, most of which have purchased alcohol from the Quik N Ez. Also, there are major issues with the parking, I am handicapped and you only have 2 handicapped parking spaces, which many times have been full. It's the idea of serving alcohol within the store, and if no one is monitoring how much they drink, then they get behind the wheel of a vehicle.

Committee Member Spiro makes a motion to recommend to support the staff recommendation because, I don't think there is anything wrong with his petition but, I think the State made a big mistake with saying that these gaming machines have to have liquor.

Committee Member Lucchesi seconds the motion.

Grady Chronister decided to withdraw his petition.

Committee Member Lucchesi made a motion to accept Mr. Chronister's withdrawal.

Committee Member Spiro seconds the motion.

Motion carries 5/0/0

Docket 2014-041 for property located at In the 11,750 – 12,250 Blocks of Old Jacksonville Rd., New Berlin, IL. 62670

PETITIONER(S): Congita Farquhar

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: “A” Agricultural District

REQUESTING: Petitioner requests for Parcels One (1) and Two (2): a variance to allow one (1) parcel less than forty (40) acres; for Parcel Three (3): a variance to allow one (1) parcel less than forty (40) acres and a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width.

STAFF RECOMMENDATION: Recommend approval. The standards for variation are met. The petitioner is requesting to divide the properties to fulfill a Will and the property will remain in agricultural production.

Mike Curtis was sworn.

No additional testimony was given.

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

Committee Member Herbert seconds the motion.

Motion carries 5/0/0

Docket 2014-042 for property located at 1735 S. Camp Butler Rd., Springfield, IL. 62703

PETITIONER(S): Butler Cemeteries, LLC d/b/a/ Roselawn Memorial Park

OBJECTOR(S):

PRESENT ZONING CLASSIFICATION: “A” Agricultural District

REQUESTING: Petitioner requests a Conditional Permitted Use to allow the installation and operation of a crematory at the existing Roselawn Memorial Park site.

STAFF RECOMMENDATION: Staff recommends denial of the petition as submitted as the petition is not complete. According to the Zoning Administrator, the petitioner must apply for a CPU to allow a pet crematory, a CPU to allow a cemetery and a variance to

allow two uses on one parcel. Staff cannot fully address the findings of fact and standards for variation as the petitioner did not provide enough evidence in the petition.

Continued

Committee Member Lucchesi makes a motion to recommend this petition be continued.

Committee Member Spiro seconds the motion.

Motion carries 5/0/0

Referred back to HC Cooper Plus

Chairman Chimento asked if there were still objector's for H & C Cooper Plus. Counsel, is there any issues if we hear the objections without the petitioner's being present?

Staff, Dan Mosher, stated that since the petitioner isn't here but there are objector's, we can take testimony and put it on record but we shouldn't vote.

Chairman Chimento asked why they shouldn't vote, we have done it before.

Staff, Dan Mosher stated that he believes they voted before because there were no objectors in those cases.

Chairman Chimento stated, ok, we will take their testimony.

Curt Reeves was sworn.

Curt Reeves stated that he lives next door to this property. I don't want to be a bad neighbor and I don't want to own property in an industrial area. We own the Mobile Home Community, so it is a residential use. My main concern is the fence. I have maybe 20-25 homes that actually border this property and he wants to put chain link fence. It will be a big eyesore with outside storage, recycling and such. I am against the variance that they put up to not have a solid fence.

Bobby Graves was sworn.

Bobby Graves stated he manages the Mobile Home Community. He has received many complaints from the community about rodents coming from the recycling place. They are talking of moving due to the unsightliness of the business next door. They keep the materials on the ground at all times. Also, stuff they are moving in there is staying there. There is noise coming from there and it is a big eyesore. We would like a privacy fence put up. They have had campers in there, and all kinds of items that they dismantle. Plus people drive through our community to get into there.

Chairman Chimento asked if there were any other objectors.

Bobbi Baker was sworn.

Bobbi Baker stated they own property down the street there. It is hurting property values. There are rats, pests, etc. There are trailers that live all around that property, they are seeing junk piling all around, it is not good for health and safety. You see people pushing shopping carts full of stuff going there every day. It has raised the theft rate in the area. People stealing items as they head that way. It has been quite a problem.

Committee Member Lucchesi made a motion to continue until next month.

Committee Member Spiro seconded the motion.

Meeting adjourned.

Respectfully submitted,

Recording Secretary

Chairman

Minutes of September 18, 2014

Full record of minutes available upon request in the Zoning Department