

Sangamon County, Illinois
ZONING BOARD OF APPEALS

The Zoning Board of Appeals met on April 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
(X) Committee Member Wulf	() Committee Member
() Committee Member	(X) Alt. Committee Member Lucchesi
() 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 2014-014 for property located at 4047 & 4055 W. Jefferson St., Springfield, IL. 62707

PETITIONER(S): Phoenix Westside Properties, LLC

OBJECTOR(S): Gordon Gates for Ed & Ann Midden

PRESENT ZONING CLASSIFICATION: Parcel 1: "I-2" General Industrial District;
Parcel 2: "I-2" General Industrial District with variances.

REQUESTING: Parcel 1: A variance to allow four (4) principal uses on one (1) parcel, a variance of Section 17.62.130B to allow two (2) free standing signs, a variance of Section 17.62.130B to allow two (2) free standing signs to have a total square footage of two hundred (200) square feet, a variance of Section 17.62.130F to allow two (2) free standing signs zero (0) feet from a state right-of-way instead of the required ten (10) feet, and a variance of Section 17.62.130F to allow one (1) free standing sign zero (0) feet from a vehicular area instead of the required ten (10) feet; Parcel 2: A variance of Section 17.62.130F to allow one (1) free standing sign zero (0) feet from a State right-of-way instead of the required ten (10) feet.

STAFF RECOMMENDATION: Recommend approval of the sign variances for Parcel 1 and Parcel 2. The standards for variation are met. The existing signs are currently zero feet from the right-of-way instead of the required ten feet and do not interfere with traffic

visibility when exiting onto Jefferson Street. Furthermore, if the signs were to comply with regulations, they would appear too close to the existing structures and would not be aesthetically in character with similar uses in the area. Recommend approval of the request to allow four (4) uses on Parcel 1. The two existing uses have had no negative affect on the character of the area, however, since it is difficult to determine if the additional two uses will negatively affect the area, staff recommends these future uses be limited to the existing building that has been subdivided for business uses.

Tressa Hartman was sworn.

Tressa Hartman stated that they purchased this property in September. We own the property next door, Phoenix Collision. When we purchased the property, we knew she was grandfathered in to have the 4 businesses that she had allowed to run there for many years and that if they were gone for a 6 month period that the grandfather clause would go away. We wanted to make sure, going forward, that we could continue to use the property as it has been used. Another issue is the signage on the road. We rent to Ben-Mar; they rent one of the warehouse areas and a business space. When they tried to move their sign over, they found out their sign was too large for that area. We began to understand that things have changed since Georgiana Kirbach owned this land and had put her signs in. So they went ahead and used the sign we already had out there existing from Georgiana but, going forward we wanted to make sure that any future tenants can have signage there and other office space, that has never had a sign in front of it, could also have signage if they need to. We also found out that the existing sign, because it has been there for so long, sits within the 10' buffer. There is 30' that comes out for the right-of-way for the State Highway and then there is a 10' buffer. I think her sign sits 4' in from the right-of-way line and our sign that we thought Ace Sign had gotten the permit but did not, is several feet into that buffer. Because of the last office space having very little room there between the actual office and the state highway, we are looking for a variance to go down to 0 so that it would be 30' off but to allow a sign to go there and our signs to be grandfathered into that as well.

Chairman Chimento asked if there were any questions. County Board. Objectors.

Gordon Gates, attorney for Ed & Ann Midden, introduced himself.

Gordon Gates stated that they are the property owners across the street from this property. This property as you may know has been before the board before. There have been several variances and other forms of zoning relief granted to this property over the years, back to 2006 and then again in 2011. We objected to some of the things that were asked for in 2011 and they were granted over our objections. Every time that they have asked, the uses have become more and more intensive. The property has become more and more congestive. At some point and time I think you have to say no to some of these requests. You heard Ms. Hartman say, she found out this, she found out that, I understand how that happens but, some of the things they are asking for here today are the classic asking for forgiveness as opposed to asking for permission. The issues we have relate to this laundry list of things that they are asking for today. First, the idea of being able to put

4 uses on a single lot, there is a reason we have rules that prevent that. The rules are pretty simple, that we don't want a bunch of businesses crammed into a very small space. They have tried to use every square inch of this parcel of ground, there is no parking really, no place to turn around, no place to move, it's just crammed in there. They are asking for the right to have 4 businesses on Parcel 1 and of course, their business on Parcel 2. So you are looking at 5 businesses on this chunk of ground that is just a little bit less than 3 acres. That will give you 5 different businesses, 5 different sets of employees, 5 different sets of customers. You are gonna have 5 different sets of delivery trucks, garbage trucks, service trucks. It's the reason why we have rules; it's to prevent exactly that from happening. The other thing, from my clients perspective, is the most troubling, is where this property is and the access to it. Notice there are 2 access points onto W. Jefferson, which will service 5 businesses. The speed limit on Jefferson is 50 mph, most people do 55 mph. You have 5 sets of customers and 5 sets of suppliers and 5 sets of employees pulling out onto this highway where you are going to be going from 0 to 55 mph in a matter of feet. More troublesome is not the people pulling out of this particular area but, the people pulling in. So they are gonna be stopped if they are going east, waiting for traffic going west to pass so they can turn into the property. You have a 2 lane highway that is 50 mph. There are no turn lanes here, there are no stop signs, there are no stop lights. You are gonna have people who are blocking traffic, it's not just going to be 1 or 2, it's gonna be a bunch because, Ms. Hartman would like all 5 businesses to be successful businesses. You are gonna have a lot of people pulling in and pulling out of this. We know what is gonna happen here, unfortunately, it's already happened. You have 55 mph traffic and you have people stopping to turn into this business, it's a problem already. My clients entryway is directly across the street. It's a problem as it exists, it's been a problem in the past, people have died because of this problem. It's gonna get worse if we stick 5 businesses coming in and out of these 2 lanes. We move onto the next idea that they are asking for. This idea about putting up 3 free standing signs. They want to put them all 0' from the right-of-way and they want them to be big. They have asked for variances of the total square footage, they have asked for variances from the distances of the line and they have asked for the right to put 3 signs on this small piece of property. We understand why they want to put the signs so close to the road, it's because they don't have room on this property because they have crammed so much onto it, they can't put the signs where you would expect them to be. We would ask that this be denied.

Chairman Chimento asked if there were any questions.

County Board Member Ratts asked if the signs were lit now or will they be lit at all.

Tressa Hartman stated that both signs are lit.

County Board Member Stumpf asked professional staff, what constitutes from the state that a turn lane going into these businesses.

Molly Berns, staff, states that generally turn lanes are authorized by DOT to do a construction project of that nature. I'm assuming with road improvements, there would

have to be a traffic study; obviously it is going to depend on capital funding in order to do that. I know that in a long range plan for DOT there is a plan for 97 to have turn lanes, 1 at Hazlet and also at various places and close to Bradfordton to have actually 3 lanes. I am not sure if it goes down into this area. I do not know when it will be on the DOT list, I know it is not to accrue next year.

Tressa Hartman wants to make it clear that we are not asking for any additional businesses that haven't been operating there for 20 plus years. The businesses may change but, she had 5 businesses operating out of her side. The congestion, the traffic, nothing is changing there. If anything, since 2006, we have asked for all these variances and when we have come back to you, the only thing that would change about this property from how it originally existed was to be able to put our body shop there. That is the only thing we ever came and asked permission for. We needed a variance because we understood about the paint shop would require that in order to be there. Always did she have 5 businesses, we are only asking for 4 because we combined 2 offices. We just want to run this property as it has been run all this time. We have cleaned up this property and continue to work on cleaning up this property.

County Board Member Stumpf asked professional staff, I need to be crystal clear when I tell our County Board Members, we are not talking about any more businesses here...that is why I pose the question.

Tressa Hartman stated no more businesses.

Gordon Gates stated that the petition request 4 uses on 1 parcel. Yes they are asking for that.

Molly Berns, staff, states, yes Counselor, you are correct in that. However, it would be the existing mini-storage, the existing Ben-Mar business and then there is a commercial business that Ms. Kirbach rented out on a regular basis to multiple contractors and what the petitioner is requesting, is for that building to have 2 uses in it so it is a total of 4 uses on Parcel 1. Obviously the 2 uses are already applicable on Parcel 2. Ms. Kirbach was legal non-conforming so she could rotate as many uses in and out as possible, they bought it and now they are codifying the 4 uses.

Gordon Gates stated, if I might add, there is a reason we have these rules regarding grandfathering, we actually want them to die. Grandfathering doesn't mean you get to use it forever; it has rules in place because we eventually want everything to comply. This is when grandfathering stops, that is why she is here asking for a variance. She doesn't have the right to put 4 businesses in there right now, unless you give it to her, is that not correct.

Cyndi Knowles, staff, stated that is not correct. As long as she has 4 businesses in there and there is not a 6 month lapse in any of those businesses, she can continue to rotate out. It is for when 1 leaves for 6 months or more that she could no longer bring a new business in on that one, if there were 3 continuing, she could still continue with the 3.

Gordon Gates, so if the 6 months expires, unless you give her the variance, the grandfather expires.

County Board Member Stumpf stated, 4 businesses that exist already, correct.

Tressa Hartman stated that 5 businesses have been operating out of there, right now, there are 3 businesses and we are getting ready to rent the other one. I am still in that 6 month window and I can rent it out tomorrow. We all know how commercial businesses go, it could sit vacant for a while, I just want to use the space the way it has always been uses.

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

Committee Member Wulf seconds the motion.

Motion carries 5/0/0

Docket 2014-015 for property located at 10 Country Lake Rd., Springfield, IL. 62711

PETITIONER(S): Jay Shattuck

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTING: Proposed Parcel 1: a variance to allow one (1) parcel less than forty (40) acres and for Proposed Parcel 2: a rezoning from "A" Agricultural District to "R-1" Single Family Residence District.

STAFF RECOMMENDATION: Recommend approval of the requested R-1 zoning for proposed Parcel 2. The Land Evaluation and Site Assessment score of 146 indicates the property is deemed acceptable for non-agricultural development. Recommend approval of the requested variance for proposed Parcel 1. The standards for variation are met.

Jay Shattuck was sworn.

No additional testimony was given.

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

Committee Member Lucchesi seconds the motion.

Motion carries 5/0/0

Docket 2014-016 for property located at 3508 W. Jefferson St., Building B, Springfield, IL. 62702

PETITIONER(S): Patricia Hudspeth

OBJECTOR(S): None

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

REQUESTING: Rezoning from “B-1” Neighborhood Business District to “R-1” Single-Family Residence District and a variance to allow a side yard setback from ten (10) feet to six (6) feet.

STAFF RECOMMENDATION: Recommend approval of the requested R-1 zoning. Given the current use of the parcel and similar uses in the area, it is the opinion of staff that R-1 is appropriate at this location. Recommend approval of the requested variance. The standards for variation are met. The lending institution will not refinance the property until it is zoned residential and there do not appear to be any negative impacts in rezoning the property so that zoning is consistent with the use.

Patricia Hudspeth was sworn.

No additional testimony was given.

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

Committee Member Lucchesi seconds the motion.

Motion carries 5/0/0

Docket 2014-018 for property located at 1180 Willowbrook Dr. & 4063 Thornbrook Dr., Springfield, IL. 62711

PETITIONER(S): Barbara & Bradley DeLuka & Claude Potts

OBJECTOR(S): None

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

REQUESTING: Proposed Parcel 1: A variance to allow a total side yard of twelve point thirty-seven (12.37) feet instead of the required fifteen (15) feet total, a variance to allow a zero (0) foot common wall side yard instead of the required minimum five (5) feet, a variance of the road frontage of sixty-one point seventeen (61.17) feet instead of the

required eighty (80) feet, and a variance to allow total square foot area of six-thousand seven-hundred and fifty-two (6,752) square feet instead of the required eight-thousand (8,000) square feet; and for Proposed Parcel 2: A variance to allow a zero (0) foot rear yard setback along a common wall instead of the required twenty (20) feet.

STAFF RECOMMENDATION: Recommend approval. The owners are seeking to establish separate legal descriptions and parcel identification numbers to allow each housing unit to be sold separately with individual ownership. The property contains a duplex and the variances are required in order to allow separate fee-simple ownership as required by lending institutions.

Bradley DeLuka was sworn.

No additional testimony was given.

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

Committee Member Wulf seconds the motion.

Motion carries 5/0/0

Meeting adjourned.

Respectfully submitted,

Recording Secretary

Chairman

Minutes of , 2014

Full record of minutes available upon request in the Zoning Department