

Sangamon County, Illinois
ZONING BOARD OF APPEALS

The Zoning Board of Appeals met on January 16, 2014, at 7:00 P.M. in the County Board Chamber in the County Complex.

ATTENDANCE (X) denotes present

(X) Chairman Chimento	() Committee Member Egizii
(X) Committee Member Wulf	(X) Committee Member Deaner
(X) Committee Member Johnson	(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
Trustin Harrison, Zoning Inspector, Sangamon County Zoning

Chairman Chimento called the meeting to order.

Docket 2013-057 for property located at 3313 N. Mount Pulaski Rd., Illiopolis, IL. 62539

PETITIONER(S): Crystal Lappe

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: "A" Agricultural District with a CPU for boarding & training horses & a variance to allow two (2) principal uses on one (1) parcel for a single-family residence and a business.

REQUESTING: "A" Agricultural District with a CPU for boarding & training horses & for proposed parcel 1, a variance to allow one (1) parcel less than forty (40) acres; for proposed parcel 2, a variance to allow one (1) parcel less than five (5) acres (approximately 2.5 acres); and, a variance to allow the lot depth to be greater than two and one-half (2.5) times the lot width for both parcels.

STAFF RECOMMENDATION: Recommend approval of the requested variances. The standards for variation are met. The parcel contains three uses and is currently allowed by ordinance two uses from a variance granted by the County Board in February 2013. Allowing the division will bring the property into compliance with the regulations.

Crystal Lappe was sworn.

Crystal Lappe stated that this is a continuation from last month and that she would like to modify the petition. I wish to amend my petition to reflect a variance to allow one parcel less than forty acres for proposal. For proposed Parcel 1, a variance to allow one parcel less than five acres (approximately 2.5 acres) and a variance to allow the lot depth to get greater than two and one-half times the lot width for both parcels. This will allow me to divide the parcel and keep the use variance for the horse boarding and training facility and have one mobile home on the larger parcel and one mobile home on the smaller parcel.

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

Molly Berns, staff, commented that in light of the petitioner amending her petition, staff would also like to amend its staff analysis. Staff finds that the request is being made to facilitate division of the property to allow a 2.5 acre parcel with 1 manufactured home. Parcel contains 3 uses, currently allowed by ordinance, 2 uses granted by the County Board in February of 13. Doing so allowed the property to be in compliance. No negative impact in the area. As such, Staff recommends approval of the requested variances. Standards for variation are now met. The parcel currently allows 3 uses, 2 uses granted by County Board in Feb 13. Granting the variances will allow to bring the property into compliance.

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

Committee Member Wulf seconds the motion.

Motion carries 5/0/0

Docket 2014-001 for property located at 13560 Bab Rd., Auburn, IL. 62615

PETITIONER(S): Bobby Oller

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTING: "A" Agricultural District with a variance of the side yard setback from ten (10) feet to three (3) feet to allow an addition to an existing shed.

STAFF RECOMMENDATION: Recommend approval of the requested variance of the side yard setback to be three (3) feet instead of the required ten (10) feet. There is no anticipated negative impact in allowing construction of an addition to the existing shed on the property. The standards for variation are met.

Bobby Oller was sworn.

No additional testimony was given.

Committee Member Johnson makes a motion to recommend approval of the variance.

Committee Member Deaner seconds the motion.

Motion carries 5/0/0

Docket 2014-002 for property located at 4907 Gaule Rd., Springfield, IL. 62712

PETITIONER(S): Chris Schaller

OBJECTOR(S): Yes, but inquiry only

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

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

STAFF RECOMMENDATION: Recommend approval of the requested variances. The standards for variation are met. There will be no negative impact on the area in allowing the variances. The petitioner is requesting that the lot lines be reconfigured to accommodate a larger yard and there will be no land use changes to the subject property.

Chris Schaller was sworn. Mike Curtis was sworn.

No additional testimony given at this time.

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

Luke Gaule was sworn.

Luke Lee Gaule stated that the only thing he wanted to ask is...the second parcel, the bigger parcel, are they just going to build one home on there or are they gonna build more than one?

Chris Shaller stated that there will be just one home.

Luke Gaule stated that is fine and we all agree then. Just wanted to make sure they weren't going to be going back and doing flag lots to us.

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

Committee Member Deaner seconds the motion.

Motion carries 5/0/0

Docket 2014-003 for property located at 6429 S. Cantrall Creek Rd., Cantrall, IL. 62625

PETITIONER(S): Timber Ridge Properties

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTING: For: proposed Parcel 1, a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District; and, for proposed Parcel 2, a variance to allow one (1) parcel greater than five (5) acres.

STAFF RECOMMENDATION: Recommend approval of the requested R-1 zoning for proposed Parcel 1 that already contains a single-family residence. Although it is not required by County Ordinance that the petitioner rezone the property, it is the petitioners' wish to do so, given the current use and size of the parcel. Additionally, the Land Evaluation and Site Assessment score is 146 indicating the property is deemed acceptable for non-agricultural development. Recommend approval of the requested variance for proposed Parcel 2. There is no foreseen negative impact and the standards for variation have been met.

Frank Vala was sworn.

Frank Vala stated that he bought this land because he wanted the alfalfa fields for his horses. A young farmer down the road wanted to purchase the house so he wants to carve the house and garage off to sell to the young farmer.

Chairman Chimento asked if there were any questions.

County Board Member Mike Sullivan stated that he has received calls that a lot of trees are being removed from the property and asked if the property was going to remain farmland or did he intend to build a house on it.

Frank Vala stated that he is removing some of the trees to make more room for the tractor. A lot of those trees are walnut and oaks.

County Board Member Mike Sullivan asked if he had any plans to build on it at all.

Frank Vala said no.

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

Committee Member Deaner makes a motion to recommend approval of the rezoning and variance.

Committee Member Dobrinsky seconds the motion.

Motion carries 5/0/0

Docket 2014-004 for property located at 8220 Farmington Cemetery Road & In the 8200 Block of Farmington Cemetery Road, Pleasant Plains, IL 62677

PETITIONER(S): Robert & Beth Kaufmann

OBJECTOR(S): Yes

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTING: For: Proposed A (consisting of Proposed Lots 1-19 and 1001), rezoning from "A" Agricultural District to "R-1" Single-Family Residence District and a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width for Proposed Lots 4, 5, 13, 14 and 1001; and, for Proposed B, 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 of the requested R-1 zoning for proposed Portion A. The Land Evaluation and Site Assessment score of 146 indicates the property is deemed acceptable for non-agricultural development. There have been several single-family residences built in the immediate area and this appears to be the trend of development. Recommend approval of the requested variances for proposed Portion B. The standards for variation are met. Allowing the proposed subdivision will likely increase the traffic, however, the parcel is located on the corner of two major County roads and there will be access to the proposed residential lots from both roads. Public water is also available at the site.

Robert Kaufmann was sworn.

Robert Kaufmann stated that he has 2 proposals. The one proposal is to allow for the land to be subdivided so that Farmingdale/Pleasant Plains wants to put a substation for a fire station down there and we want to be able to have our kids and us put other houses on there. Proposal B is where we are living right now. My daughter is interested in buying that and they want to buy it all the way back to the trees. That creates a lot that is greater than 2 ½ times its width. Also in proposal A, there are a few lots that don't fit the width to depth ratio and so a variance for those as well. The way they are laid out there, they are following the contours of the land, the drainage and everything.

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

Tom McMillan was sworn.

Tom McMillan stated that their concern is we hunt on our adjacent farm. If he subdivides that, with all the restrictions that the conservation puts on where you can hunt at, we are only going to have about an acre in the far southwest corner. The whole 60 some, 70 some acres, we won't be able to hunt on. Also, with all the talk with all the County Health Department, they are talking like they are going to do away with regular septic tanks after a while and going to go to aeration systems. Aeration systems dumps the water in the ditch. The ditch comes right to our property. If we ever wanted to build a pond there, all it would be is a giant septic pool.

County Board Member Greg Stumpf asked staff to read the state law of hunting into the record.

Molly Berns read the state law into record.

Nancy Ramsey was sworn.

Nancy Ramsey stated that she doesn't care if he has a subdivision but, she doesn't want someone telling her what she can and can't do with her property. I make a living off that farmland and a tenant on 15 acres back there. If we don't control the deer and wildlife back there, we have no income off of that property.

County Board Member Greg Stumpf asked Mr. Kaufmann if he would be willing to set a covenant to protect the adjacent owner's hunting rights.

Robert Kaufmann stated that he would be willing however; he believed that the state law would supersede any covenant he put into place.

Tom McMillan asked if he would be willing to put in a buffer between lots 4 & 5.

Robert Kaufmann stated again that he didn't know if legally he could.

Molly Berns stated that legal counsel is looking into it to see if you might be able to do a covenant. Covenants are enforced by law, the zoning office cannot enforce them, Regional Planning cannot enforce them. I would agree that there may be some problem having a covenant say that, and oh by the way, the neighbor can hunt in violation of a state law. However, I do believe that you could plat the subdivision to where on those 2 lots, you could put a stipulation that nothing could be built beyond a certain line, if you had the space to be able to do that.

Committee Member Deaner makes a motion to recommend approval rezoning and variances.

Committee Member Wulf seconds the motion.

Motion carries 5/0/0

Docket 2014-005 for property located at 1616 Pulliam Rd., Springfield, IL. 62707

PETITIONER(S): Elizabeth A. Mendenhall as Trustee for Norma T. & Robert Lee Pulliam Trust

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: “A” Agricultural District

REQUESTING: For: proposed Parcel 1, a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District with a variance of Section 17.04 to allow the lot depth to be greater than two and one-half (2 ½) times the lot width; and, for proposed Parcel 2, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres to allow the property to be divided and a single-family residence constructed.

STAFF RECOMMENDATION: Recommend approval of the requested R-1 zoning for proposed Parcel 1. There have been several residences built in the vicinity and the request is in line with the trend of development in the area. The Land Evaluation and Site Assessment score of 142 indicates the property is deemed acceptable for non-agricultural development. Recommend approval of the requested variances for proposed Parcels 1 and 2. The standards for variation are met. The division is being requested in order to satisfy the requirements of a trust.

Don LaBue was sworn.

No additional testimony was given.

Committee Member Wulf makes a motion to recommend approval of the rezoning and variances.

Committee Member Deaner seconds the motion.

Motion carries 5/0/0

Docket 2014-006 for property located at In the 5600 Block of E. Divernon Rd, Pawnee, IL 62558

PETITIONER(S): Deborah McTaggart

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: “A” Agricultural District

REQUESTING: For: proposed Parcel 1, a variance to allow one (1) parcel greater than five (5) acres; and, for proposed Parcel 2, a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width to allow ten (10) acres to be divided off the existing thirty-five (35) acre tract.

STAFF RECOMMENDATION: Recommend approval of the requested variances. The standards for variation are met. The request is being made for inheritance purposes. Additionally, the subject parcel to the south is landlocked and granting the variances will allow the parcel to have road frontage on Divernon Road. No negative impacts are anticipated in allowing the requested division.

Deborah McTaggart was sworn.

No additional testimony was given.

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

Committee Member Dobrinsky seconds the motion.

Motion carries 5/0/0

Meeting adjourned.

Respectfully submitted,

Recording Secretary

Chairman

Minutes of January 16, 2014

Full record of minutes available upon request in the Zoning Department