

Sangamon County, Illinois
ZONING BOARD OF APPEALS

The Zoning Board of Appeals met on March 20, 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
(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
Andrew Affrunti, States Attorney's Office
Cyndi Knowles, Zoning Administrator, Sangamon County Zoning

Chairman Chimento called the meeting to order.

Docket 2013-056 for property located at 509, 513, 525 & 533 N. Lincoln & 1213 W. Reynolds Ave., Springfield, IL. 62704

PETITIONER(S): John & Perry Broughton

OBJECTOR(S): Yes

PRESENT ZONING CLASSIFICATION: "R-2" Single & Two-Family Residence District & "B-3" General Business District

REQUESTING: "I-1" Restricted Industrial District

STAFF RECOMMENDATION: Recommend denial of the requested I-1 zoning as it is seen as too intense and could be a detriment to the residences adjacent to and west of the subject property. In the alternative, staff recommends B-3 zoning is appropriate for the entire subject property as this would act as a buffer between the industrial uses to the east and the residences to the west.

Attorney, Randy Passwater, was not sworn.

Attorney Randy Passwater stated, we are asking that the property identified here be zoned I-1. The staff recommendation was to approve B-3. I think it is ok with my client, they are willing to go to B-3 for this entire parcel. Part of it is already zoned B-3.

Chairman Chimento asked if John was going to testify any. We need to swear him in if he is. Anyone have any questions? County Board? Objectors?

Michelle Spicer was sworn.

Michelle Spicer stated anything that needs to go in there, maybe should be a park. No commercial anything. We have enough problems with traffic, from people that are dealing drugs and anything else that goes through that area. We do not need more trucks, traffic from people from who knows where. What kind of businesses are we talking about? We do not need the noise or the pollution. It will run down the value of our home and any surrounding homes.

Chairman Chimento asked if there were any questions for this opponent.

LaRue Bartel was sworn.

LaRue Bartel stated I just want to know what they want to do with it. They have other property further down on Lincoln, further out.

Randy Passwater stated that we were not aware of any objectors or we would have contacted them to see what their objections were to see if we could pacify them. Basically this is vacant land and they want to put in a shop, a contractor's office. They haven't been able to use it for some period of time.

Chairman Chimento asked if the Broughton's are wanting to do it themselves.

Randy Passwater stated yes.

County Board Member David Mendenhall stated, just as a point of clarification from staff, the difference between I-1 and B-3 what is the difference, for say outside storage, is that not allowed in B-3.

Staff, Cyndi Knowles stated that is correct.

County Board Member Katie Sheehan asked how long they have been trying to sell this property.

Randy Passwater stated that it has been probably 15 years.

Jason Bartels was sworn.

Jason Bartels stated he does have nice things and nice cars, he should be able to do what he wants with some aspects, it is his property. In 15 years, they haven't done anything, even on the corner where it keeps washing out in the rain. It's ended up in this ladies yard and the drainage down there...if they were going to do anything, in 15 years, he couldn't

even fix the area where it was overflowing. I think it is going to be just another area where they throw stuff. It might be in a pole barn, it might not be, I don't know.

John Broughton was sworn.

John Broughton stated we do maintain, we do mow it. Yes, have done maintenance on it on a regular basis. As far as increased traffic, it is already a very busy neighborhood, especially along Lincoln St.

LaRue Bartel asked if they were going to use Lincoln or Park as their entrance.

John Broughton stated that Lincoln is the main thoroughfare, we will be using Lincoln. That is not to say that we won't have a time that we won't use Park.

Chairman Chimento asked if there was anyone else.

Jason Bartel asked if they were planning to put up a bordering fence, 10' or something else.

Chairman Chimento stated, they can't put up a board fence that high.

Jason Bartel asked if there was going to be any fence at all. K-9 dogs running loose?

Steve Poggemiller was sworn.

Steve Poggemiller stated that he just has a real simple question. Just wanted to clarify that all the lots are just going to B-3, there is not an I in there, there is no way he will get an I. I was nervous with the I zoning but I am ok with the B-3. It will keep a good buffer between the Industrial area and the residential area.

Chairman Chimento stated that it will all be B-3.

Committee Member Deaner makes a motion to recommend approval of B-3 zoning as staff recommended.

Committee Member Wulf seconds the motion.

Motion carries 5/0/0

Docket 2014-010 for property located at 4243 & 4235 Stone Rd., Springfield, IL. 62707

PETITIONER(S): Alan Ashbaugh

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: “A” Agricultural District

REQUESTING: For proposed Parcel 1, a variance to allow one (1) parcel less than five (5) acres. For proposed Parcel 2: a Conditional Permitted use with a variance to allow one (1) parcel less than forty (40) acres, a variance to allow road frontage of forty three point sixty four (43.64) 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 to allow the lot depth to be greater than two and one-half (2 ½) times the lot width and a variance to allow two (2) principal uses on one (1) parcel to allow approximately 1.2 acres to be divided off with the existing residence (proposed Parcel 1) and allow a single-family residence and landscaping business proposed Parcel 2).

STAFF RECOMMENDATION: Recommend approval of the requested CPU to allow a landscaping business on proposed Parcel 2, provided the hours and method of operation remain as stated in the petition, and all storage remain inside the existing pole barn. The landscaping business has been operating for twenty years and is not visible from the public road, making it secluded from all 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 variances for proposed Parcel 1 and Parcel 2. The owner is requesting to combine acreage from the existing single-family residence with the parcel that contains the landscaping business and build a single-family residence. The acreage the petitioner proposed to be combined with the landscaping business is in the Conservation Stewardship Program, which exists to encourage landowners to advance the stewardship of the natural heritage of land by preserving plants, animals and natural communities. Not only does this make the property unique, but the reconfiguration of the lot lines will pose no negative effect to the character of the immediate area.

Alan Ashbaugh and Josh Ashbaugh was sworn.

No additional testimony was given.

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

Committee Member Deaner seconds the motion.

Motion carries 5/0/0

Docket 2014-011 for property located at 7398 Bunker Hill Rd., New Berlin, IL. 62670

PETITIONER(S): Jon & Susan Elmore

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: “A” Agricultural District

REQUESTING: “A” Agricultural District with a variance to allow one (1) parcel less than five (5) acres for proposed Parcel 1.

STAFF RECOMMENDATION: Recommend approval of the requested variance. The standards for variation are met. The petitioner is requesting to divide the home from the cropland and there do not appear to be any negative effects on the immediate area in granting the requested variance.

Hans Distlehorst was sworn. Jon Elmore was sworn.

No additional testimony was given.

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

Committee Member Dobrinsky seconds the motion.

Motion carries 5/0/0

Docket 2014-012 for property located in the 2200 Block of Jostes Rd., Rochester, IL. 62563

PETITIONER(S): John Vandenberg

OBJECTOR(S): Yes

PRESENT ZONING CLASSIFICATION: “A” Agricultural District

REQUESTING: A rezoning from “A” Agricultural District to “R-1” Single-Family Residence District to allow the property to be divided to allow four (4) single-family residences.

STAFF RECOMMENDATION: Recommend denial of the requested R-1 zoning. The LESA score for the proposed parcel is 177. LESA guidelines indicate that a score greater than 175 shall be considered suitable for agricultural use only. It does not appear that there are factors that can be mitigated to make it suitable for non-agricultural development.

John Vandenberg was sworn. Jake Ebert was sworn. Chris Schaller was sworn.

Brad Wilson, Attorney for petitioners, stated they are there to request a zoning change from Agricultural to Residential. The subject property consists of 20 acres located on the corner of Hendrickson and Jostes Rd. Mr. Vandenberg has entered into a contract with

Mr. Schaller for the sale of the 20 acres. Mr. Schaller's intent is to divide this 20 acres into 4 parcels of approximately equal size. Each will be at least 5 acres in size. Mr. Schaller also envisions that there will only be 1 house built on each lot. Given the size of the lot, these houses will be nice houses with a minimum of 3000 square feet, probably larger. By allowing this development, it will increase the tax value. Because there would only be 1 house on a lot, it would not impact the density of the area or increase traffic for the area. We recognize that Regional Planning has recommended denial of the rezoning because of the LESA score of 177. When considering the staff recommendation, I would ask you to consider keeping several factors in mind. First, the LESA suggests the details of suggested analysis. Different assessments may assign different scores to the same parcel of property. Keep in mind that the property that my clients want to change is only 20 acres. That is a small area of ground which does not make it feasible to independently farm in today's economy. There are other R-1 uses, including single-family residences and a mobile home in the immediate area. This 20 acres is particularly suited for residential use because it abuts 2 roads.

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

County Board Member David Mendenhall asked if there was public water available out there.

John Vandenberg stated that 6/10th of a mile down the road on Jostes, it goes west along Gaule Rd. and it is about 1.8 miles to the Chatham Water supply.

County Board Member David Mendenhall then asked, so if there is any building in the near future, they will have to go on wells correct?

John Vandenberg stated that no, they would be able to attach onto the new water system that Chatham has.

County Board member David Mendenhall stated, so if they were to build in the very near future, they would have to go onto wells...

John Vandenberg stated yes.

Chris Schaller stated that the lots would still have to be put on market so it is not like ground would be broken tomorrow. The price that these lots will be sold for will be attractive to only a limited number of people. Not everyone will be able to afford a 5 acre residentially zoned property.

County Board Member David Mendenhall stated that he gets that but his point is that public water is not a given at this point. If public water does not become available, are you still going to market these lots?

John Vandenberg stated yes.

County Board Member David Mendenhall stated, so they would have to then go on wells.

John Vandenberg stated yes.

County Board Member David Mendenhall stated, so it is my understanding that there is already some hardship and impact for the people around that have the wells, they haul water, and would it be safe to say, I know it is 5 acres tracts so you would have some buffer but, would it be safe to say that 4 additional wells could alter or create a hardship on the surrounding neighbors by affecting they wells or create a hardship for the people who purchase your lots?

John Vandenberg stated that he doesn't believe that it would because Chatham as sure pumped the dickens out of that area. I have lived across the road from that parcel for 17 years and I have a 52 foot deep well that has never dropped below 38 feet. I am not a water witch, I cannot answer that questions.

County Board Member David Mendenhall then asked professional staff, we referred to the LESA score, maybe there is a question as to how we obtained or use the LESA score, do you care to explain.

Molly Berns, staff stated, specifically, just to reference because this body was not present at the County Board meeting where the LESA score on a previous case came into play. Mr. Wilson stated, rightly so, that sometimes it can be a subjective process which is on the 1st half of the LESA score. Mr. Wilson, I don't think, went on to explain, the rest of the discussion at the County Board Hearing which was. When staff does a LESA score, we do it at the time that we are sitting there, in front of the property, based on the evidence we have in our hands at that time. There may be different things that occur between our site visit and the County Board Meeting, which is what happened during the Kauffman case. More evidence was brought in. What I think makes this case different is, there has been no evidence presented this evening that would cause staff to question the validity of the LESA score of 177. Unlike the other case where there was some evidence brought at a later time, the staff acknowledged, it could in fact change it however, the County Board also understood that at that time, and legal counsel agreed, that it is up to the County Board Members, as the legislative function, to evaluate the validity of that body of new evidence.

Chris Schaller stated that this property is very close to the edge of Rochester. You can see the fire department, you can see the intermediate school, you can see the water tower. I recently had a client bring water a similar distance that Mr. Vandenberg talked about and that hooked into the one that is point 6 miles away, he brought it a little bit further. The cost of that was under \$10,000.00 to bring it to his property. I have no problem with, in the development of this going forward, to bring water to this property. It would be a lot more cost effective to do so.

Chairman Chimento stated that what he has an issue with, the way they do the soil map. Those soil classification are not always exact. I don't know how they determine that.

Molly Berns, staff, stated that what we do, we use the USDA soil overlay and we do it on our GIS system so that when we have the parcel blown up, it pops the USDA soil identification by that parcel. If it is made up of several then we go by percentage and we use the actually formula that this board adopted when they adopted the LESA score that the USDA puts together.

Committee Member Lucchesi asked if it was going to be on an ariation system, septic or public sewer system. I only ask that question because, if you look at the big picture and the history of taking 100 acres of farm land and dividing it into 5 acres there will be use of a lot of septic systems and I lived in that kind of environment.

Chris Schaller stated that it would meet all the requirements. Illini Systems would be putting in the systems that would be used for these parcels. They are who I have used in the past for projects, and who I would use for this property.

Chairman Chimento asked if there were objectors.

Janet Campbell was sworn.

Janet Campbell stated that she is concerned about water, or lack of it, more importantly. When we moved to our property, there was an existing well that was 26 feet deep and it became apparent that it wasn't enough. We then dug a well, 52 feet into shell bedrock and it was dry. The second hole was 36 feet deep and it was also dry. On the third try, we finally found water at 40 foot, we had to stop there due to bedrock. However, both wells still do not completely do what we need to do. We have an energy efficient washer and dish washer and still during the dryer months, we are switching back and forth between the two wells. Last year during the drought, we were switching between the wells every 2 days. Our neighbors to the south haul water, when I see a tank in their yard, I go into conservative ops. mode. I worry about the ariation system, I don't want it dumping into the little creek that runs behind our property.

Chairman Chimento asked if there were any questions for this lady.

County Board Member David Mendenhall stated he understands the water problem that is a concern for all of us. If the zoning is granted, they will still have to go through public health. They will need soil borings to place ariation systems. It may be determined by that, that they may only be able to have 3 homes, 2 homes. If we grant the zoning does not mean it is a done deal.

Steve Hall, Staff for Department of Public Health stated that there have been a lot of changes to the state private sewage code. There probably won't be a whole lot of open discharge systems anymore. Mr. Schaller does have other properties and he does install them to code. Any open discharge from now will probably have to have a Federal NPDS permit. Sounds like Mr. Schaller has agreed to bring public water down the road that might be good for you the fact that you would be able to tap on then.

Chris Schaller stated that the gentleman that is directly adjacent to this property, who is not here and should be the one objecting, has a swimming pool and does not appear to have any trouble with water. I will gladly bring water down which will benefit everyone in the area and remove any water issues. Last thing I want to do is start a \$500,000 project and then find out there are water issues.

John Vandenberg stated that he understands everyone's concerns. He has lived across the street from the Campbell's since 1997. I have put over a half a million dollars into that little mobile home. I have a 52 foot well that was sufficient through the bad droughts to furnish my home and my aunt's home which was sitting next to my home at that time and is now gone. We have never hauled water. I have 2 variation septic systems in there, the discharge of which goes into that little pond.

Committee Member Lucchesi asked Steve from Public Health, whenever a person applies for a building permit, do you guys review it in terms of excellent water supply?

Steve Hall stated that the Land Subdivision regs states that public water supply is preferred but it also states that it is available if it is within 225 feet of the lot. Then it goes on to state that private well may be permitted if property is to be divided and plenty of water is available by drilling a test well. If they didn't bring water to the site, they would have to drill a test well, put a pump in it and see how well it is producing and how well it recovers.

Committee Member Lucchesi asked if they approve those tests.

Steve Hall stated that they approve those. Private sewage systems have to be approved when they get a building permit also.

Committee Member Wulf stated he has a question for staff. I've read the amendment ordinance for LESA Scores. Seems to me that the way the ordinance is written that a score above 175 makes it mandatory that it remain agricultural.

Molly Berns stated that it says anything above 175 shall be suitable for agricultural use only, ok. When you go to the actual assessment, it says that the site assessment is to be used as a tool for the advisability of a land use. Basically it makes it advisory, there is no mandate.

County Board Member Tom Fraase asked staff, if they run the water down to that property, what would it lower the LESA score to?

Molly Berns stated that it would lower it to 157.

Brian Campbell was sworn.

Brian Campbell stated that they aren't objecting to dividing the land, they just want something in writing about the water. They are concerned about the water.

**Chairman Chimento makes a motion to recommend approval.
Committee Member Deaner seconds the motion.**

Motion carries 5/0/0

Docket 2014-013 for property located at 1550 Knight's Recreation Dr., Springfield, IL. 62704

PETITIONER(S): Mark Beck

OBJECTOR(S): Yes

PRESENT ZONING CLASSIFICATION: "B-3" General Business District with a CPU for a Banquet Hall

REQUESTING: "B-3" General Business District with a Conditional Permitted Use to allow an indoor archery range, a Conditional Permitted Use to allow for a tavern with the sale of alcoholic beverages, and a variance to allow two (2) uses on one (1) parcel.

STAFF RECOMMENDATION: Recommend denial of the requested CPU to allow an indoor archery range, pro-shop and tavern with the sale of alcoholic beverages and the variance to allow two principal uses on one parcel. There is a concern with the proposed operation of a lounge that serves alcoholic beverages in conjunction with an indoor archery range. Allowing these two uses in one building are not good land use planning practices, primarily from a public health and safety standpoint. Although the property currently has a CPU that allows a banquet hall with alcohol sales, staff feels that allowing the two proposed uses would not be in the best interest of the residents of Sangamon County.

Mark Beck was sworn.

Mark Beck stated he wants to open Springfield Archery. I want to have a retail archery supply business along with an indoor archery range. Along those lines, there was a liquor license there before, all the equipment is there. My main business would be the retail sales. People like to try out the equipment before they spend 500 to 1000 dollars for a bow. That is what the range is for. We are also going to have leagues at night. I also want a lounge, it will be a high end environment, I'm not running a night club, I don't want to run a night club. It is just going to be for guys on league, say they want to go watch a game afterwards and just relax and have a few drinks. That is what that is for, it is very small, not many people can fit in it. There is a wall separation between where the lounge would be and the pro shop. There would be a strict no alcohol policy in the range. This is no uncommon, there are a lot of places, archery places that have bar and grill type establishments with them. The lounge is not something that is going to happen right away, want to get the business up and going first. I spoke with Cyndi about doing this

and felt it best to ask all at 1 time. When and if I do the lounge, it would be down the road, 6 months or a year. Just depends on how things go.

Chairman Chimento asked what the hours of operation are.

Mark Beck stated they are not set in stone but right now I am looking at 10 – 8 Monday through Friday, 9 – 6 on Saturday and 12 - 5 on Sunday. The only time that we would be open longer, say league night is maybe Wednesdays. The shop would close at 8, if people wanted to stay a little longer, say in the lounge, we were going to allow that. The lounge would have a separate exit and the Pro shop would be locked up. I know Planning was worried about public safety with archery and alcohol. On the surface, I see that appears to be an issue but, it's not like a gun, you don't carry around a loaded bow. That is secondary, my most important area is to get my archery shop and range.

Chairman Chimento asked how many employees he would have.

Mark Beck stated 4 to 5. 1 full time manager, then 3-4 part time people. We would be giving lessons too.

County Board Member Montalbano stated, with 1 full time employee and you have leagues, who is going to be minding the bar? Do you plan to open it to the public?

Mark Beck stated that we have no desire to stay open until 1 am. We would have 2 people there league night in the Pro shop. On league night, the Pro-shop would be closed at 8 and that person would then transition over into the lounge. It's not a full blown tavern, it is only open to the leagues and that sort of thing.

Molly Berns stated, just to clarify, you will have the archery range and the pro-shop, which is an ancillary use to the archery range and then the lounge and then you said something about for Ducks unlimited, you would contact them about doing their annual banquets?

Mark Beck stated yes.

Molly Berns then stated that means you would have 3 uses because that would be a banquet hall type of use. Which means your petition would have to be redone to include the banquet hall use.

Mark Beck stated that he wasn't aware and so he wouldn't do that, he will disregard the banquets.

County Board Member Fraase stated that he thinks the archery range is a good idea however, I don't agree with the alcohol. I think it isn't any different than having a gun range. Then if the archery range doesn't go through, he will have a tavern. If he is going to have a tavern, then there are other problems. Next door is the skating rink, with kids ranging anywhere from 3 years old up to 15. I've been out there when the other

establishment was there, they had all kinds of problems, trash outside. People picking their kids up, being concerned about getting in their cars. The people next door drinking which is probably within 100 feet of their front door. I think there are a lot of concerns if we let a tavern go in there. If you don't get the liquor part of it, are you still going to do the archery?

Mark Beck stated yes. If the family thing is a big concern then well, they gave Knight's Action Park a liquor license, which has more kids than any place in Springfield.

County Board member Fraase stated that is for the picnic area and not an everyday thing. It's not every night, 1 o'clock type of license. It's for events on weekends, Saturdays and Sundays, not during the week and at night.

Chairman Chimento asked if there were any objectors.

Mindy Smith was sworn.

Mindy Smith stated that it is her understanding that he has not yet purchased the property although, it is under contract with the bank to do so, with the purpose of a tavern and archery range. I'm not opposed to the zoning request for the archery range however, I am opposed to a tavern or Conditional Permitted Use for the sale of alcoholic beverages. I purchased Skateland 12 years ago and have worked diligently to provide a fun and safe entertainment venue. When I bought my property, it was a sales and storage of corvettes. It was sold in 2005 it became a banquet hall. This is when my trouble began. This property has only approximately 49 parking spaces and 4 designated as handicapped. There were not enough parking spaces so customers of the banquet hall would park in my parking lot. This created a burden and safety concern for me and ultimately forced me to hire an additional employee to monitor my parking lot. Most nights and weekends, my business needs every parking space I have. When the banquet hall failed and because it had a liquor license, it began to host rave parties which specifically cater to people over and under the age of 21. These parties were also a burden to my business and to the Sheriff's department due to safety concerns. This then lead me to hiring of off-duty deputies to protect my customers, staff and property. Since the banquet hall was foreclosed on, the neighborhood has been quiet and has returned to its roots, so to speak. I specifically ask that you not allow a tavern or sales of alcohol, next door to my business. It was a headache, a lot of trouble and very disheartening to have to deal with being a business owner. I know the law does not allow the sale of alcohol close to schools and although my business is not a school, my customers are school age children of this community.

Chairman Chimento asked if there was a fence between the two properties.

Mindy Smith stated that there is a fence.

Chairman Chimento asked about how many people he would expect to have come through there in a day.

Mark Beck stated that during this time of year it's slow, during July – September it's probably 50 – 100 though out the day. That is my busy time, it is a somewhat seasonal business. It is not a do or die with the lounge. I don't want to be lumped in with somebody who has rave parties, it's not fair and I am not that person.

Committee Member Lucchesi asked staff if they would need a petition just for an archery range.

Cyndi Knowles stated that a CPU is still required for an archery range.

Committee Member Lucchesi asked Mr. Beck if he was willing to accept a CPU for the archery range and pro shop without the lounge and sale of alcohol.

Mark Beck stated yes he is willing to accept a CPU for just the archery range and pro shop.

Molly Berns stated that with the extent of the testimony and the consent of the petitioner, Staff would like to amend their recommendation. We are going to recommend approval of the CPU to allow an indoor archery range and pro shop. Resulting in 1 principal use on the property because the range and the pro shop go together. Allowing the use in the building based on the testimony given tonight will not result in a public health and safety issue given the fact that we are recommending denial of the request of a tavern on that parcel.

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

Committee Member Deaner 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