

Sangamon County, Illinois
ZONING BOARD OF APPEALS

The Zoning Board of Appeals met on April 16, 2015, at 7:00 P.M. in the County Board Chamber in the County Complex.

ATTENDANCE (X) denotes present

(X) Chairman Chimento	(X) Committee Member Mares
(X) 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
Steve Keenan, 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.

Minutes for March 19, 2015 meeting approved.

Chairman Chimento informed room that Jason Dodd on Canadian Cross Rd. has withdrawn their petition.

Docket 2015-005 for property located at 4132 N. Peoria Rd., Springfield, IL. 62702

PETITIONER(S): Erin Hollinshead

OBJECTOR(S): Yes

PRESENT ZONING CLASSIFICATION: "B-3" General Business District

REQUESTING: A Conditional Permitted Use for a tavern.

STAFF RECOMMENDATION: Recommend denial of the CPU. The property contains a construction company and a cabinetry shop that adequately use the site. There is a question whether the public health, safety, and welfare will be protected with the request for a tavern at this location. The petitioner is requesting that a portion of a quasi-warehouse be used as a tavern so the proprietor can benefit from video gaming. There is also concern that adequate parking spaces can be provided given the small area of the subject property. The business plan indicates nine (9) spaces are available. However, thirteen (13) spaces would be required if these three (3) businesses were located on the

site. It appears that some parking on the west end of the building may be encroaching on the public right-of-way, and therefore would not be considered to be part of the available parking.

Erin Hollinshead was sworn.

Erin Hollinshead stated she would like to open a business at 4132 N. Peoria Rd. This building has 2 businesses located there, Zinn Construction and Monarch Cabinetry. I submitted a letter; I believe you all have a copy of that, stating that Zinn Construction would no longer be located at this property upon approval of this CPU. I did receive a copy of the recommendation from the planning commission and I do believe that we meet all of the conditional permitted usage with the parking being the main issue. There are currently 10 parking spots along the front of the lot and off to the west end there are 3 parking spots. I submitted some pictures of that so that you can see those. I do not feel it will cause substantial injury to the property. I feel it will bring a positive economic value to the property and surrounding area and a good impact on the County. It was also suggested that there was no maximum square footage that was in the petition. With that, the 680 square feet would be the maximum proposed.

Chairman Chimento asked if there were any questions.

Committee Member Wulf asked staff if they were aware of Zinn Construction moving out.

Staff, Molly Berns, stated we were made aware of that this afternoon.

Committee Member Wulf then asked if that changes staff's recommendation.

Staff, Molly Berns, stated no it does not.

Committee Member Mares wanted to know based on...

Staff, Molly Berns, stated based on, from what I understand, Zinn Construction only uses 1 of the parking spaces and if they move out, instead of requiring 13, they will still need 12 spaces. According to our calculations, we think she has 9, she thinks she has 10, she is still short.

Erin Hollinshead stated that if you consider that west end parking, those are additional parking spots that are there.

Committee Member Spiro asked if parking is the only issue with staff.

Staff, Molly Berns, stated yes, that is the primary issue. If you look at the top picture that she submitted with the white van, things that we advise you to look at in relation to public right-of-way, you will notice the end of the van and look at location to the street sign. It is

our belief and also the belief from our GIS mapping that that is still partially in public right-of-way. With that, our analysis at this time, we would not be amending.

Committee Member Mares stated so the way it is now, you believe they only have 9 or 10 parking spots.

Staff, Cyndi Knowles, stated yes.

Committee Member Mares asked what are the ADA requirements.

Staff, Cyndi Knowles, stated there was not a handicapped spot out there, one of those spots would have to be marked handicapped.

Committee Member Mares stated for them to do this, would it be ADA compliant plus 12 parking spaces?

Staff, Cyndi Knowles, stated give me just a moment.

Chairman Chimento asked what her hours of operation would be.

Erin Hollinshead stated 8:00 AM to 1:00 AM.

Chairman Chimento asked how many employees?

Erin Hollinshead stated 1.

Chairman Chimento asked if she is renting the area from Zinn Construction.

Erin Hollinshead stated yes.

Committee Member Mares asked if the 2 additional parking spaces would be facing Peoria Rd.

Erin Hollinshead stated that they are adjacent to Peoria Rd. and there are 3 along there.

Staff, Molly Berns, stated that while Cyndi is identifying that information for you, the other concern we have is, if you look at these pictures, I think what she is proposing is, to park on the lot at the base of the building and another row behind it, is that what you are thinking?

Erin Hollinshead stated no, I was not proposing another row of parking spots.

Committee Member Mares, what would happen with the area that the construction company is using?

Erin Hollinshead stated that 680 square feet would be used for gaming.

Committee Member Mares asked, between the 2 businesses, how much space is left?

Erin Hollinshead stated that 680 square feet will be used for the proposed gaming and a section in the middle of that building, there will be storage, that is about 1000 square feet and then Monarch uses is about 800 square feet.

Committee Member Mares stated so for every business we are required to have 13 spaces is that correct.

Staff, Cyndi Knowles, stated that parking is calculated by the type of business, when there is multiple uses, there is a special configuration to go with and then the state requires the handicapped, to answer your question earlier, would be, as it currently sits, if Zinn pulls out, 12 parking spaces with 1 of those spaces being handicapped. So 11 available as regular parking spaces and 1 handicapped. The way it was calculated, Zinn Construction, for the storage area, required 1 parking space; her 680 square feet is requiring 7 parking spaces; and the Cabinetry would be 1 space for every 3 employees and 1 space for every 200 square feet devoted to the public, where hers was calculated for every 100 square feet devoted to the public and the storage was calculated for how many employees.

Chairmen Chimento asked if there were any questions by County Board.

County Board Member David Mendenhall asked professional staff, if Zinn is moving out, does that mean that the building will remain empty or will it be available for rent at a later time?

Staff, Molly Berns, stated that that would be up to the property owner but presumably if they chose to at a later time, there may be a problem with parking again.

Chairman Chimento asked if there were any objectors.

Blair Suprenant was sworn.

Blair Suprenant stated that 2 other gentleman and himself have a contract to purchase Weebles, which is right next door. Last night we were approved for alcohol sales and gaming. That constitutes a little problem there. As you can see, there is a little problem with parking. I believe there are 4 rental units in that building. The very end of the building is set up with overhead garage doors, so if they need access to those doors, whoever is in there, they will be blocking those doors. We have a potential problem with security, being there will only be 1 employee. We see potential liability to surroundings. From their door to our front door is approximately only 50 – 60 feet. Also, on the side of our building, adjacent to their parking lot, we have access for delivery trucks for our outdoor coolers. If they were to put any other parking spots in there, close to our building, they wouldn't be able to because they would block our access to get our delivery trucks in and out of there.

Chairman Chimento asked if they own Weebles now.

Blair Suprenant stated we are under contract.

Chairman Chimento asked if anyone else had any questions. Hearing none, he allowed rebuttal.

Erin Hollinshead stated, to address the garage doors, the front entrance of Zinn Construction, Phil Zinn, who is the property owner, plans to match the front, like Monarch, to make the building look uniformed. The garage doors will not be there anymore. As for security, most other gaming, video gaming, do only have 1 employee. A security system will be in place, 24 hours, around the clock. I'm not sure how many delivery trucks deliver to Weebles but, Weebles has substantial area to park in.

Committee Member Mares asked if all the parking for this establishment is strictly in front of the building or is there any access to the rear of the exterior?

Staff, Molly Berns, stated that if you look at the map on page 3 of your zoning analysis, and the heavy lines, the building is placed close enough to the property line that it does not appear that there would be a space to put any public parking or even employee parking in the rear yard of this building.

Committee Member Wulf makes a motion to accept the recommendation of the staff.

Committee Member Mares seconds the motion.

Motion carries 5/0/0

Docket 2015-006 for property located at 11595 Lynn Rd., Buffalo Hart, IL. 62515

PETITIONER(S): Bobby & Lenee Kresse

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: "R-1" Single-Family Residence District

REQUESTING: A variance to allow an accessory structure to be built twenty-seven (27) feet high instead of the maximum height of eighteen (18) feet allowed in the "R-1" Single-Family Residence District.

STAFF RECOMMENDATION: Recommend approval of the variance. Given the R-1 zoning, there are few uses to which the new building could legally be used other than for personal vehicular storage. The standards of variation are met.

Robert Kresse was sworn.

No additional testimony was given.

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

Committee Member Mares seconds the motion.

Motion carries 5/0/0

Docket 2015-007 for property located at 2712 Old Rochester Rd., Springfield, IL. 62703

PETITIONER(S): MMC Entertainment LLC, DBA: Daisy's Lucky Slots

OBJECTOR(S): Yes

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

REQUESTING: A Conditional Permitted Use to allow a tavern.

STAFF RECOMMENDATION: Recommend denial of the CPU. The proposed tavern would be located on a parcel that contains several uses already, e.g. trucking, storage, and business offices. There is a question whether the public health, safety, and welfare will be protected with the request for a tavern at this location. The petitioner is requesting that a portion of a quasi-warehouse be used as a tavern so the proprietor can benefit from video gaming. Multiple industrial and other uses are located on this site because they are legal non-conforming. Adding yet another incompatible use, i.e. a tavern in an industrial area, is poor planning. There is also a concern that adding an extra use to an already overloaded site will cause impacts to the subject property such as poor internal vehicular access and circulation to the existing storage facilities.

Toni Allen was sworn.

Toni Allen stated that they are seeking to open a gaming parlor.

Committee Member Mares asked if they are the owner of the property or leasing it.

Toni Allen stated that they are leasing.

Committee Member Mares asked what the current use is.

Toni Allen stated that as far as she knows, it is vacant.

Committee Member Mares asked, so there are no other tenants.

Toni Allen stated that it is stand alone.

Committee Member Mares stated that the building is quite large, are you renting the whole building.

Toni Allen stated that they are just renting the front half of the building. I believe there is, I don't know what is in the back half of it.

Chairman Chimento stated that he only counted 4 parking spaces out there the other day.

Staff, Molly Berns stated there is limited parking. However, to address your specific issue, there are 10 different types of businesses/whatever in 6 buildings. You have the Springfield Police Department East Side Substation, Casey's Truck Rental, Central Illinois Motors, Office Crossfit, Casey's Truck Rental Storage Facility – there are multiple buildings. They are proposing the North end of one of the buildings to have this particular business.

Committee Member Mares asked, is it the building facing Old Rochester Rd., facing the smoke shop?

Staff, Cyndi Knowles & Molly Berns, both stated yes.

Committee Member Mares asked if anyone knew how many parking spaces are there.

Staff, Molly Berns, stated this is a very large parcel so parking was not necessarily a particular issue from a staff perspective. What was the issue the multiple industrial uses already on the parcel and now looking at adding another use that is not compatible with the existing multiple uses on the parcel.

Chairman Chimento asked if County Board had any questions. Hearing none...are there any objectors?

Ralph Harris was sworn.

Ralph Harris stated that he is the vice-president for East View Estates. We have some civil residential single-family homes fairly close to this proposed location. Our concern is that we are being encroached upon with any of these types of business. You have the smoke shop that sells liquor there, a liquor store about half a mile down the road. You have shop n save, of course, they sell liquor. Our neighborhood is in a situation where our kids are playing basketball in the streets so we would prefer to see a park in the neighborhood verses yet another place that sells liquor or a gambling business. There is also one of these types of businesses in the Capital City Shopping Mall. How many of these types of businesses do we need in a neighborhood like ours?

Chairman Chimento asked if there were any questions for Mr. Harris.

County Board Member David Mendenhall stated if this was a brand new piece of property getting marketed, you couldn't have 4-5 businesses, this has the potential to create a precedence.

Toni Allen stated that you have this listed as a tavern, it wouldn't be a tavern. It is a business, in our company; we have very strong regulations that are in place. We do not over serve, we are not in the bar business. When people come in, it is for gaming, not to have 6-7 beers.

Chairman Chimento asked how many stations they have here.

Committee Member Mares asked if there were all in the same County.

Toni Allen stated yeah. I have 1 that was just approved. We are in the process of one over by Winch Rd.; we have one over in Taylorville.

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

Committee Member Wulf seconds the motion.

Motion carries 5/0/0

Docket 2015-008 for property located at 1664 & 1668 N. Farmingdale Rd., Pleasant Plains, IL. 62677

PETITIONER(S): Stacey Stubblefield

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: "R-1" Single-Family Residence District

REQUESTING: A variance to allow two (2) principal uses on one (1) parcel; a variance to allow a single-family residence to be within four (4) feet of a rear property line instead of the required twenty (20) feet; and, a variance to allow a garage to be within three (3) feet of the required side yard property line instead of the five (5) feet minimum.

STAFF RECOMMENDATION: Recommend denial of the variance request to allow two principal uses on one parcel. A basic premise of a zoning ordinance is to allow the continuance of legal, but non-conforming uses, frequently called "grandfathered" uses. However, the Sangamon County Board has imposed limits on how long a property can sit vacant prior to requiring the property owner to bring the property into compliance. This period has been set at six (6) months per Section 17.64.040 of the Sangamon County

Zoning Ordinance. The basis for this case is the two residences on the subject property lost their legal non-conforming status because they sat vacant for a period in excess of six months.

The petitioners assert that the two existing residences and the garage have been in place for over sixty years. Aerial photography does indicate the existence of three buildings on this site in 1969. While there have likely been two residences on this property for an extended period, there are other properties in the county with two residences that have not been vacant for a period of six months. The petitioners did not assert any unique circumstances to the property to justify the variance request. Furthermore, the lot is one-half (1/2) acre in size. A lot of this size does not support two (2) residential units because there is insufficient space to handle septic system capacity.

Recommend denial of the variance to allow a single-family residence to be within four (4) feet of the rear lot line instead of the required twenty (20) feet. The petitioner did not assert any reasons to justify the variance request in the petition beyond the age of the property, and to caution that division of the subject property could result in two parcels less than one (1) acre each.

Recommend approval of the variance to allow a garage to be within three (3) feet instead of the minimum five (5) feet of the side lot line. While the garage is in a side yard, there is less of a detriment to the public interest in allowing a garage that is accessory to the residence to continue to encroach into a required setback than in allowing the second residence on the subject property.

Stacey Stubblefield & Jason Adacott was sworn.

Stacey Stubblefield stated that in 2013 she purchased this property from foreclosure. When they purchased it, there were 2 homes already on this property. They were going to live in the bigger home that is up front. We were going to use the smaller, back house as a guest house. My fiancée has a big family; most live in Pennsylvania and Ohio. His oldest son who is 24 just lost his job and was going to move back here until he can get back on his feet, we were going to fix it up for him. My father, who lives just down the road spoke with the Realtor and with someone in one of the offices, he doesn't know who...but they claimed that the 2 homes are grandfathered in. I went ahead and purchased the property thinking that everything was fine. When the appraiser called the Zoning Office that is when we found out that because the homes had sat vacant for more than 6 months that they were no longer grandfathered. Both of those houses have been on this property for 60 plus years. They have always been occupied up until the property was foreclosed on and sat vacant for over a year. That is why I am here; we want to establish that as a livable residence once again.

Chairman Chimento asked if anyone had any questions.

County Board Member Tom Fraase asked if there are 2 different tax bills.

Stacey Stubblefield stated that there is only 1 tax bill.

County Board Member Tom Fraase asked if it had been the same owners this whole time.

Stacey Stubblefield stated that yes; Jack and Jeanna had owned the property. Jack passed away then their kids occupied the property. There were 4-5 kids. Then they grew up, got married, started their families and moved away. The 1 daughter, Kim, she is the 1 who actually lost the property.

Committee Member Mares asked if the house in question is the one that had all the debris sitting in front of it.

Stacey Stubblefield stated yes.

Chairman Chimento asked what they could do with that if they are denied to use it as a residence.

Staff, Cyndi Knowles, stated that they would have an option of tearing it down. They could fully remove the kitchen, including any plumbing from underneath the house and use it as an accessory structure. That is pretty much it.

Committee Member Mares asked if they are trying to get an occupancy permit or what.

Staff, Cyndi Knowles, stated that they are trying to get approval to have 2 residences on 1 parcel. Which is a violation of the Current County Zoning Ordinance.

Committee Member Mares stated that it was previously zoned as such with 1 pin number.

Staff, Cyndi Knowles, stated that it was legal non-conforming. Both residences existed prior to 1969. However, our ordinance states that if it sits vacant for more than 6 months then the grandfather clause goes away. Therefore, it is no longer legal non-conforming.

Committee Member Mares asked if they could split the parcel.

Staff, Cyndi Knowles, stated that being that it is currently only ½ an acre. For well and septic reasons, we require 1 acre per dwelling unit. If there would be a problem with their water or septic then they would have a real issue.

Staff, Molly Berns, stated, while this is a zoning issue, we really don't deal with well and septic, that is another matter. The zoning deals with the size of the parcel. I understand what the property owners are going through, just so you understand. The way staff looks at it, if there were no residences there at all, or if there was 1, would we recommend approval for the 2nd residence. That is where we were coming from with that.

Chairman Chimento asked how long it sat vacant.

Jason Adacott stated that it sat for about 9 months to a year during the foreclosure.

Chairman Chimento asked if they had Curran/Gardner water.

Stacey Stubblefield stated, yes, Curran/Gardner water.

Jason Adacott stated that each property has its own septic system. This property has had its own since at least 1969. We do border a field that has several acres, which is probably why they work so well. But we do have 2 separate systems already on this property that are both working.

Chairman Chimento asked if there were any objectors. Hearing none.

Recommendation was read.

Committee Member Mares asked staff, if they had hooked up all the utilities and had access to water and waste, would this be a violation?

Staff, Molly Berns, stated yes, it would be a violation.

Committee Member Mares then asked if it would be enforceable.

Staff, Molly Berns called upon States Attorney Staff. Then stated that it would be a violation of the ordinance and compliance with the ordinance, certainly if... If County staff was made aware of the violation of the ordinance, there would be an investigation. It would go through the administrative process. If there was no resolution and the property brought into compliance then there would shirley be legal action taken.

Staff, Dan Mosher, States Attorney's office, stated that is a possibility.

Someone from the audience asked to make a comment.

Chairman Chimento called him forward to swear him in.

Rodney Ashbury was sworn.

Rodney Ashbury stated that this property has been this way for years. I don't see what the problem is, why can't they just get it back the way it was. They don't want anything new, anything different. They don't want to change anything. They just want to utilize what has been here for years and years.

Committee Member Wulf makes a motion to recommend to accept the staff recommendation. No second.

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

Committee Member Spiro seconds the motion.

Motion carries 5/0/0

Docket 2015-010 for property located at 4044 & In The 4100 Block of Stagecoach Rd., Springfield, IL. 62707

PETITIONER(S): Philip Brammer & William Phillips

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTING: For Proposed Lots 1 & 2: 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 Proposed Lot 4: a 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.

STAFF RECOMMENDATION: Recommend approval of the R-1 zoning for proposed Parcel 4. The LESA score of 154 indicates the site is marginal for agricultural purposes. The surrounding area contains a mixture of single-family residences, manufactured homes, and tillable ground. A variance was granted by the County Board in 2007 (Case # 2007-08) to facilitate new construction near the subject parcel. Recommend approval of the variance requests to allow two (2) parcels less than forty (40) acres for proposed Lots 1 and 2 and to allow the lot depth to be greater than two and one-half (2.5) times the lot width for proposed Lots 1, 2, and 4. Division of the property will help settle an estate. Also, there is a question as to whether the site could economically revert back to agricultural use. The standards of variation are met.

William Phillips was sworn.

No additional testimony was given.

Committee Member Mares makes a motion to recommend approval.

Committee Member Wulf seconds the motion.

Motion carries 5/0/0

Docket 2015-011 for property located at 15300 Darnell Rd., Mechanicsburg, IL. 62545

PETITIONER(S): Dale Ames

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTING: 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 proposed Parcel 1.

STAFF RECOMMENDATION: Recommend approval of the variances. A financial institution is requiring a smaller piece of ground to reconstruct the home on the site that was damaged by a tornado in February, 2014. This affects the reasonable return that the property owner can anticipate for the property. The variance request will facilitate this requirement through a division of the property into a smaller tract of approximately five acres. No negative impact is anticipated in allowing the variance. The standards for variation are met.

Dale Ames was sworn.

No additional testimony was given.

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

Committee Member Spiro seconds the motion.

Motion carries 5/0/0

Docket 2015-012 for property located at 9335 Prairie Creek Rd., New Berlin, IL. 62670

PETITIONER(S): Julie Rechner

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTING: for proposed Parcels 1 and 2; 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.

STAFF RECOMMENDATION: Recommend approval of the R-1 zoning. While the LESA score of 189 indicates the subject property is suitable for agricultural purposes, it may not be feasible to put it back into agriculturally productive use, given its small size, relatively narrow access to the road, timber, and the presence of a single-family residence. Recommend approval of the variance to allow the lot depth to be greater than

two and one-half (2.5) times the lot width for proposed Parcels 1 and 2. The variance request pertains to a long narrow lot. With the addition of a 10-foot strip from the neighbor to the west, the newly created parcels will meet the lot width requirements in the R-1 classification. The standards for variation are met.

Henson Robinson was sworn.

No additional testimony was given.

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

Committee Member Mares seconds the motion.

Motion carries 5/0/0

Docket 2015-013 Text Amendment regarding Definitions and Fee schedule

PETITIONER(S): Public Health, Solid Waste & Zoning Committee of the Sangamon County Board

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: N/A

REQUESTING: N/A

STAFF RECOMMENDATION: Recommend approval. The proposed text amendments are found to be advantageous to the immediate vicinity, community or region.

David Mendenhall explained the text amendment requests.

No additional testimony was given.

Committee Member Wulf makes a motion to recommend approval.

Committee Member Herbert seconds the motion.

Motion carries 5/0/0

Meeting adjourned.

Respectfully submitted,

Cyndi Knowles

Recording Secretary

Chairman

Minutes of April 16, 2015

Full record of minutes available upon request in the Zoning Department