

Sangamon County, Illinois
ZONING BOARD OF APPEALS

The Zoning Board of Appeals met on December 17, 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
() Committee Member Spiro	() Alt. Committee Member Lucchesi
() 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.

Approval of minutes of the October meeting.

Chairman Chimento made a motion to take case 2015-047 out of order.
Don Wulf seconded the motion.
Motion 4/0/0

Docket 2015-047 for property located at 14670 Nave Rd., Mechanicsburg, IL. 62545

PETITIONER(S): William & Christie Rincker

OBJECTOR(S): Yes, written petition and several people in attendance

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTING: Petitioners request a rezoning from "A" Agricultural District to "B-1" Neighborhood Business District; a variance to allow four (4) principal uses on one (1) parcel (Single-Family Residence, dog obedience training/kennel, horse boarding/breeding, camping & tent park); a variance to allow a single-family residence in the B-1 District, a variance to allow agricultural uses in the B-1 District; a variance to allow the parking area to remain grass rather than being paved; and, a Conditional Permitted Use to allow a camper and tent park.

STAFF RECOMMENDATION: Recommend denial of the requested B-1 zoning classification. The LESA score of 196 indicates the property is suitable for agricultural use only. The property is developed with a single-family residence, several barns, and other improvements of an agricultural nature. Most of the B-1 uses would be considered to be too intense and inappropriate for the area. In the alternative, staff recommends approval of a Use Variance to grant three (3) uses (a single-family residence, a dog training/kennel business, and a horse breeding/boarding business). Staff notes the following special circumstances regarding the property: (1) the subject property is currently zoned Agricultural, which allows horse breeding and boarding and single-family residences as of right; and , (2) a dog kennel business is a Conditional Permitted Use (CPU) in the Agricultural District, indicating the County Board thought it an appropriate use with conditions. Staff recommends the following conditions on the Use Variance: (1) the number of agility and/or herding events for dogs shall be limited to no more than six (6) within any 365 day period, to be hosted on Fridays, Saturdays, and/or Sundays only, with hours limited from 7:00 AM to 6:00 PM, and, (2) the number of animals for the dog training/kennel business is limited to no more than five (5) agility dogs, excluding personal pets of the owners, on the property at any given time.

Recommend denial of the requested CPU to allow a camper and tent park. The sole access to the subject property is located down a narrow, somewhat rough road. Staff has some concerns for public safety access to a potential camper and tent park if events bring a large number of vehicles to the area. The petition mentions neither the number of RVs/tents on the subject property at a given time, nor any hours of operation. Also, the petition notes the RVs will not have hookups. The petition indicates the property is on well and septic, so a camper/tent park could have a definite public health impact.

Recommend approval of the requested variance to allow a grass parking area instead of pavement. To the extent that the dog agility and/or herding events follow the suggested conditions of the Use Variance, the parking could be seen as for a temporary rather than a permanent event, consistent with prior approvals granted by the County Board, e.g. Zoning Case # 2013-58 – Rochester Lions Club. The Standards for Variation appear to be met.

Don Wulf stated that due to the submittal of a new business plan with substantial changes, a postponement is in order for staff to have time to review the new plan and determine if a new recommendation is warranted.

Committee Member Wulf makes a motion to recommend to postpone for one (1) month.

Committee Member Herbert seconds the motion.

Motion carries 4/0/0

Docket 2015-040 for property located at 1305 Adlai Stevenson Dr., Springfield, IL. 62703

PETITIONER(S): Kevin Guinan

OBJECTOR(S): Yes, Gary Smith in person

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

REQUESTING: Petitioner requests a Conditional Permitted Use to allow the sale & consumption of alcoholic beverages (tavern with beer & wine only), a variance to allow a tavern property line to be within forty (40) feet of a residential structure, and a variance to allow two (2) principal uses (a tattoo parlor and a tavern) on one (1) parcel, tavern limited to 2,139 square feet with 1,100 square feet devoted to the public.

STAFF RECOMMENDATION: Recommend approval of the requested conditional permitted use [CPU] limited to 1,100 square feet as per the site plan attached to the revised petition dated November 20, 2015. The revised petition indicated a 2,139 square foot tavern, with approximately 1,100 square feet available to the public through a separate entrance from the existing tattoo parlor. It should be noted that hours of operation were not mentioned in the petition. The petitioner should clarify the hours of operation at the public hearing. Recommend approval of the requested use variance to allow two (2) principal uses, a tattoo parlor and a tavern on the subject property. The building on the subject property has been modified over the years and is now considered to be a multi-use structure. Therefore, approving the request is consistent with recent County Board approvals for similar requests. Recommend approval of the request to allow a tavern to be within forty (40) feet of a residence. The subject property is located on a commercial corridor and has residences adjacent to the north property line. Such placement is consistent with developments on other commercial corridors. The entrances to the proposed tavern will face away from the residences. In addition, there is tavern located directly across the street to the west from the subject property. The Standards for Variation are met.

Kevin Guinan was sworn.

Kevin Guinan stated I have amended my petition, when I was here last time, I wasn't very prepared and things changed. I thought I would give you a little history of that place on Stevenson Dr. I bought it in 2003 and done a little work. Over time, I have looked at the property, what I want to do at 1305 is put the gaming parlor in there. I have a total square feet of 2,139. 1,100 is for public, that leaves 1,039 for storage only. What I would be doing, I would be handling beer and wine, water and soda, no hard liquor. The original meeting, when I was first thinking about it, it was going to be Styx's playground and was

going to be inside Styx's but, after talking to several people and the lady at the gaming system. She said I would be better off to get the property at 1305, it would be a better situation for me. I would like to change the name to Triple Play Gaming instead of Styx's Playground. The hours of operation would be from 7:00 AM to 1:00 AM., once I have a permit. Everything within 1305 is legal and up to code. Originally I did not have all the parking done but now it is all striped. I needed 36 parking spaces and I have 38 with 2 of them being handicapped.

Committee Member Mares stated I think you came before the zoning board within the last 6 months and you originally proposed a tavern/bar if I am not mistaken. Now you are changing it to a gaming parlor.

Kevin Guinan stated it is going to be a gaming/tavern. Where I originally had it was on the Southeast of my building but, after talking to some guys, the situation arose that I should try to get it away from the tattoo parlor. I tried to get the cost and see what it would cost me to put a new wall in with a commercial door in front, update the bathroom and such. At 1305, right next to it to the west, has everything I need.

Committee Member Mares asked what the principal use will be.

Kevin Guinan stated gaming.

Committee Member Mares stated as compared to when you came before us before for a full service bar/tavern.

Kevin Guinan stated that no before it was just the gaming area too but you have to have wine or beer at least. That is something I would have to do but everybody I have talked to that has gaming only doesn't sell much liquor.

Committee Member Mares stated. I understand that but the last time I believe there was

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

Committee Member Mares seconds the motion.

Motion carries 4/0/0

Docket 2015-043 for property located at 7749 Clarksville Rd., Rochester, IL. 62563

PETITIONER(S): Edward & Tracy Tuxhorn

OBJECTOR(S):

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTING: Petitioners request 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 less than forty (40) acres.

STAFF RECOMMENDATION: Recommend denial. The LESA score of 209 indicates the property is suitable for agricultural use only with the primary contributing factors being the quality of the soils and lack of essential services. There are no mitigating factors associated with the land that would support non-agricultural development. No circumstances unique to the property were identified to justify the requested variance. The Standards for Variation are not met.

was sworn.

Committee Member makes a motion to recommend .

Committee Member seconds the motion.

Motion carries 4/0/0

Docket 2015-044 for property located at In the 10,600 Block of Keplinger Rd., Loami, IL. 62661

PETITIONER(S): Brent & Halley Hustedde

OBJECTOR(S):

PRESENT ZONING CLASSIFICATION: “A” Agricultural District

REQUESTING: Petitioners request for Proposed Parcel 1: 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; and, for Proposed Parcel 2: a variance to allow 1 parcel less than 40 acres.

STAFF RECOMMENDATION: Recommend approval. The LESA score for the property is 194. While this score indicates that the land is suitable for agricultural use only, there is a significant mitigating factor associated with the land. The property is located immediately adjacent to the South Fork of Lick Creek resulting in a large portion of the property being in the floodplain and being subject to flood inundation. Given the proximity of the property to the creek, it is unlikely that the property could yield an adequate return if the land were used solely as cropland. The owner seeks to construct a home out of the floodplain and the bank has indicated the property must be divided to finance the development. The remaining portion of the property will continue to be used for pasture. The Standards for Variation are met.

was sworn.

Committee Member **makes a motion to recommend** .

Committee Member **seconds the motion.**

Motion carries 4/0/0

Docket 2015-045 for property located at 3419 Cannon Rd., Buffalo, IL. 62515

PETITIONER(S): Herrin, Ltd. & Rosen's Inc.

OBJECTOR(S):

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTING: Petitioners request for Proposed Parcel 1: a Conditional Permitted Use to allow a wholesale establishment for agricultural seed sales, storage and distribution warehouse and equipment storage, and a variance to allow one (1) parcel less than forty (40) acres; and, for Proposed Parcel 2: a Conditional Permitted Use to allow a wholesale establishment for sales, storage and distribution of crop protection and fertilizer products; a variance to allow one (1) parcel less than five (5) acres; 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 a rear yard setback of ten (10) feet instead of the required thirty (30) feet.

STAFF RECOMMENDATION: Recommend approval of the requested Conditional Permitted Use [CPU]. The purpose of the CPU and the variance requests are to allow an existing business (Rosen, Inc.) to split a building from the current property owner (Herrin's). No businesses will be added or changed on the current site. Rosen, Inc. provides wholesale crop protection and fertilizer product sales and distribution on the subject property. Herrin's provides agricultural seed sales and other agricultural products. Recommend approval of the requested variances. The rear yard setback variance is warranted as the split will require a re-orientation of the yards to face Cannon Road. Staff does not believe there will be added negative effects on the area in granting the variances over existing conditions. Also, the two businesses are situated approximately ½ mile from the nearest residence. Potential hazards should not be greater than current conditions. The Standards for Variation are met.

was sworn.

Committee Member **makes a motion to recommend** .

Committee Member seconds the motion.

Motion carries 4/0/0

Docket 2015-046 for property located at 4502 Gaule Rd., Springfield, IL. 62712

PETITIONER(S): Joseph & Lydia Hicks

OBJECTOR(S):

PRESENT ZONING CLASSIFICATION: “A” Agricultural District

REQUESTING: Petitioners request a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District on both parcels to allow the construction of a single-family residence on Proposed Parcel 2.

STAFF RECOMMENDATION: Recommend approval. The LESA score of 138 indicates the property is suitable for non-agricultural development. The R-1 zoning seems appropriate, as there is a trend toward single-family residences on large lots in the area, especially along Gaule and Tuxhorn Roads.

. was sworn.

Committee Member makes a motion to recommend .

Committee Member seconds the motion.

Motion carries 4/0/0

Docket 2015-048 for property located at In the 1,000 & 1,100 Blocks of Farley Rd. & In the 8,600 Block of Old Jacksonville Rd., Pleasant Plains, IL. 62677

PETITIONER(S): Janice D. Park

OBJECTOR(S):

PRESENT ZONING CLASSIFICATION: “A” Agricultural District

REQUESTING: Petitioner requests for Proposed Parcels 1, 2 & 3: a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District; and for Proposed Parcel 3: a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width.

STAFF RECOMMENDATION: Recommend denial. The LESA score of 195 indicates the property is suitable for Agricultural use only. The petition did not mention any circumstances unique to the property to justify the request for three (3) potential residences. While it is possible it might be economically unlikely to farm the property because of its size, i.e. approximately 27 acres, it is also equally likely the subject property could be economically use for cropland or at least pasture, if differently maintained. The Standards for Variation are not met.

was sworn.

Committee Member makes a motion to recommend .

Committee Member seconds the motion.

Motion carries 4/0/0

Docket 2015-049 for property located at 3108, 3102, 3100 S. 11th St. & 3105 S. 12th St, Springfield, IL. 62703

PETITIONER(S): Chronister Oil Co. & Grady Chronister

OBJECTOR(S):

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

REQUESTING: Petitioners request a rezoning from “R-2” Single-Family and Two-Family Residence District to “B-3” General Business District.

STAFF RECOMMENDATION: Recommend approval of the B-3 zoning. The zoning would be consistent with the trend in the area, especially along the 11th Street corridor.

was sworn.

Committee Member makes a motion to recommend .

Committee Member seconds the motion.

Motion carries 4/0/0

Meeting adjourned.

Respectfully submitted,

Recording Secretary

Chairman

Minutes of December 17, 2015

Full record of minutes available upon request in the Zoning Department