

Sangamon County, Illinois
ZONING BOARD OF APPEALS

The Zoning Board of Appeals met on January 15, 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
Trustin Harrison, Zoning Officer, Sangamon County Zoning

Chairman Chimento called the meeting to order.

Approval of minutes from the December meeting.

Motion made by Committee Member Wulf, seconded by Committee Member Spiro

Motion carries 5/0/0

Docket 2015-001 for property located at 16300 Old Route 36, Buffalo, IL 62515

PETITIONER(S): Robert Trapp Trust ETAL

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTING: "A" Agricultural District with a variance to allow one (1) parcel greater than five acres.

STAFF RECOMMENDATION: Approval. Granting the variance will facilitate selling the homestead to a family member in accordance with a trust. The low topography and the small amount of floodplain in a narrow strip near the western property line are unique circumstances limiting the practicality of reducing the proposed tract to a smaller size without additional zoning relief. The standards of variation are met.

Kathy Killhoffer was sworn.

No additional testimony was given.

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

Committee Member Herbert seconds the motion.

Motion carries 5/0/0

Docket 2015-002 for property located at 2935 E. Sangamon Ave, Springfield, IL 62702

PETITIONER(S): Hollinshead Auto Body

OBJECTOR(S): Yes

PRESENT ZONING CLASSIFICATION: “I-2” with a CPU for an Auto Body Repair Shop including spray painting.

REQUESTING: “I-2” with a CPU for an Auto Body Repair Shop including spray painting; a variance to allow two (2) principal uses on one (1) parcel; a variance to allow a tavern property line to be within twenty (20) feet of a residence instead of the required one-hundred (100) feet; and, a Conditional Permitted Use to allow a tavern with the sale and consumption of beer and wine.

STAFF RECOMMENDATION: Denial of the variance to allow two (2) principal uses on one (1) parcel. There was no evidence provided as to whether the variance to allow a second principal use, i.e. a tavern, will benefit the community at this location because a successful auto body shop is on the subject property. Recommend denial of the variance request to allow the tavern property line to be within twenty (20) feet of a residence instead of the required one-hundred (100) feet. The residence in question is located on property zoned I-2 and is considered to be “watchman’s quarters” for the property. It is expected that residences located in more intense zoning districts will be subject to more intense uses in the immediate area than would residences in a residentially zoned district. However, there is no evidence that the subject property cannot be economically used unless the tavern is located within one-hundred (100) feet of the residence. Therefore, the Standards for Variation are not met. Recommend denial of the CPU to allow a tavern with the sale of beer and wine. It appears that the video gaming/tavern business will be open until 1 am. The proposed hours of operation result in the business being open for the general public, not just patrons of the business as the petition indicates. As such, the proposed use for the property is more like a tavern with an auto body shop as an incidental use.

Jacob Hollinshead was sworn.

Jacob Hollinshead stated that at our current location there is a body shop, we have 2 offices that we don't use. We would like to block the offices off and make them their own suite, separate from the body shop and add a gaming parlor in there.

Chairman Chimento asked if anyone had any questions.

Chairman Chimento stated, in your petition, you said you were going to hire extra people.

Jacob Hollinshead stated yes, we would have an employee on staff that is not with the body shop. That person will run the game parlor.

Chairman Chimento asked, "The operation next to you, they own the storage facilities, is that a residence also?"

Jacob Hollinshead stated that he just found out from last month when we were going to have this meeting, that there was a residence above that building there.

Chairman Chimento asked County Board if they had any questions, objectors...

Robert Armstrong was sworn.

Robert Armstrong stated that we object to the petition for change of variance, change of use. This is really the 2nd time we have been around this because, 1st time we were here Mr. Hollinshead request was for change in use so they could put an office and body shop in. Our understanding was, that was going to be the use going forward. We are here a 2nd time, with a different use and I don't know what the future lies with that but, guess we deal with what the current issue is now. If you will just consider a couple thoughts here; number 1: this is a densely populated residential neighborhood to the south. Also, there are residences all around the property. There is at least a residence within 20' or so of the property. We think it is going to substantially alter the character of the neighborhood, to put a tavern. So I am guessing that a tavern is a tavern, doesn't matter what you serve or what you can serve in regards to alcohol. It is not just a wine tasting house or whatever, it's going to be a tavern. We think it is going to be a wrong use for this neighborhood. We went around and circulated petitions requesting denial of this. As you no doubt are well aware, this has been, by the staff of the Regional Planning Commission. We think the change of use will significantly harm the value of existing properties in the immediate area. Copies of the petitioners were turned into and stamped by the County Clerk's office and a copy taken up to Cyndi Knowles in the Zoning Department. I believe I see some of you looking at copies that have been presented.

Chairman Chimento asked to interrupt for just a moment. He proceeded to ask Mr. Armstrong what it is that he does for a living.

Robert Armstrong stated that he is the pastor for Living Water Church, next door to the petitioner. We have nothing against Mr. Hollinshead, he is good people. We just feel that in this instance, we feel like they are misguided. In regards to wanting a tavern, there are requirements, what will happen with parking? We do use our land, directly to the north of the Auto body shop. We use it for Sunday school children to go out and have events and activities. We do not feel that having a tavern that is open from 8 o'clock in the morning until 1 o'clock in the morning is a good use for that. So, we are asking and requesting for denial.

Chairman Chimento asked if there were any questions for Mr. Armstrong. Hearing none, are there any other objector's that have anything different to say that what Pastor Armstrong has already said?

Margaret Luporelli was sworn.

Margaret Luporelli stated she owns the Storage Box which is directly east of Hollinshead. I bought that property about 4 years ago, in hopes of spending more time with them. That being said, I take my kids to work with me and pick them up after school and bring them back there. This is where we sit and do homework. The lady I hired to work for me does the same with her kids. In the summer, neither of us requires help with child care because the children are there with us every day. John, the maintenance guy, who lives upstairs and does work for me, he has 2 grandchildren that come over and visit and play here. It is very important to me that all these children are not around liquor or any type of a tavern atmosphere.

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

Terry Lee Twigg was sworn.

Terry Twigg stated that his property is directly across Sangamon Ave. and is within 100' of his property. My wife and I have been in this neighborhood about 3-4 years. The proposed site for the tavern, not only faces our property, its front entrance will be a mere 75' from our yard, making it only 100' from our bedroom window. Because I have congestive heart failure, we have concerns of noise with the increase of cars, bikers and others coming and going from this establishment, in conjunction with the hours of operation, will not only disrupt the natural environment that is essential to my overall health and wellbeing. The noise a Harley makes at 1 in the morning is enough to disrupt our peace, as well as a negative impact to my health.

Chairman Chimento asked if there were any question.

County Board Member Linda Fulgenzi stated, in looking at the drawing that was submitted. As to the location, it shows a new entrance and a gaming room. Can you tell me where this new entrance is going to be.

Jacob Hollinshead stated it will be along Sangamon Ave.

County Board Member Linda Fulgenzi then asked where will the parking be located.

Jacob Hollinshead stated that they will have additional parking, pretty much in that same area where you come in now.

County Board Member Linda Fulgenzi stated, so it would be in that green space southwest corner of the building.

Jacob Hollinshead stated yes. Do you see where it shows the reception area...that grass area in front of that is where it will be. There are about 15 spaces already but we would be adding a few more.

Committee Member Spiro asked if it is a remodel to the building or is an addition being built.

Jacob Hollinshead stated that no, they would only be doing some remodeling. Putting up a wall to separate the reception area and the body shop area. Where the gaming parlor would go there is a wall that would be removed so that it is an open area.

Chairman Chimento asked if there wasn't some kind of food or something that has to be served in order to get that.

Staff, Dwayne Gabb stated no sir.

Staff, Molly Berns stated that regarding the parking issue, initial indications are that there would be enough space in the area for parking. Any occupancy permit, if in fact, this petition is approved, that the parking plan would have to be fully approved by the Zoning Administrator and found to be in compliance. There might also be some considerations, and the Zoning Administrator would have to check this out, to find out if Sangamon Avenue has any particular roadway requirements because, it is maintained by the City of Springfield.

Committee Member Wulf asked what he expects the hours of operation to be.

Jacob Hollinshead stated that these places vary. My father in law actually has a couple and people are there maybe 20 – 30 minutes when they come game. It's not really what you would call a tavern. People aren't coming in to sit and drink. They come in to game and leave. Operation hours, I would say you are going to be busy around lunch time I am sure and probably after hours around 5, 6, and 7.

Committee Member Wulf stated, you misunderstood my question. What are your hours of operation going to be.

Jacob Hollinshead stated from 8 am to 1 am for the gaming.

Anita Bodell was sworn.

Anita Bodell stated that there are currently 162 machines being operated in unincorporated Sangamon County within 36 establishments. Last month, residents lost half a million dollars in one month. Since video gambling started in the County, 9.2 million dollars has been lost here in Sangamon County. Springfield has the most machines of any place in the State. People are losing 2 million a month in Springfield. If you look up all the different communities within the County, there are 209 establishments that have video gambling and there are 888 machines. People have lost 50.5 million dollars in these machines in 2 years. Sangamon County does not need any more machines. If you grant a license for alcohol at this body shop, everyone and their brother is going to start asking for a license too.

County Board member Mendenhall asked professional staff, if this petition is granted, would that not be 2 principal uses on 1 parcel?

Staff, Molly Berns stated, Mr. Mendenhall, it would be 2 principal uses on the property. The petitioner has requested in this petition to allow those 2 principal uses on the one parcel. So, if the petition is granted, you would be granting the CPU for the tavern and would also grant a variance for 2 uses on 1 parcel, as well as, the tavern property line being within 20 feet of a residence.

County Board Member Mendenhall asked that according to our current ordinance, without the variance, it would be a violation, is that correct?

Staff, Molly Berns stated, yes it is. The current County Zoning Ordinance contemplates primary uses which are the exclusive uses of the property. As opposed to accessory uses which are incidental to the primary use of the property. So, the ordinance is written in such a way that when you are going to have 2 principal uses that are not accessory to each other, that a variance is required to allow 2 principal uses on 1 parcel.

County Board Member Mendenhall then stated that this would have the potential of setting a precedent.

Staff, Molly Berns stated, yes it does. When staff does a recommendation, we look at precedence, previously set by the County Board but also for trend of development. Not necessarily for just this property but for all future properties as well. I believe everybody is aware that there is a lot of business strip malls around town. Those are constructed to be multiple tenants type buildings. That is their purpose, when the building permit is issued, you know there are going to be multiple tenants. Those tenants, may not in fact, ultimately be accessory to one another. One of the reasons the variance is needed to have the 2 principal uses is, this is a building that is being changed. This building was originally constructed for just one use that is now being separated off. Yes, it does create a chance of setting a precedence rather it be for a tavern or some other use. To create a negative precedent for the future that buildings of this nature would be divided in order to have the 2nd principal use on the parcel.

Chairman Chimento gave Jacob Hollinshead opportunity for rebuttal.

Jacob Hollinshead stated that there is a tavern just 2 blocks from us and it's close to a residence and there are 4 lanes of traffic on Sangamon Ave. and a turning lane. Someone was talking about traffic and such so thought I would mention that.

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

Committee Member Herbert seconds the motion.

Motion carries 5/0/0

Chairman Chimento asked if there was anyone wishing to make public comment. Hearing none.

Meeting adjourned.

Respectfully submitted,

Recording Secretary

Chairman

Minutes of January 15, 2015

Full record of minutes available upon request in the Zoning Department