

**Sangamon County, Illinois**  
**ZONING BOARD OF APPEALS**

The Zoning Board of Appeals met on June 18, 2015, at 7:00 P.M. in the County Board Chamber in the County Complex.

**ATTENDANCE**      **(X) denotes present**

<b>( X) Chairman Chimento</b>	<b>(X) Committee Member Mares</b>
<b>( X) Committee Member Wulf</b>	<b>( ) Committee Member Herbert</b>
<b>( X) Committee Member Spiro</b>	<b>(X) Alt. Committee Member Lucchesi</b>
<b>( X) Alt. Committee Member Dobrinsky</b>	

**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

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Chairman Chimento called the meeting to order.

Approval of April and May minutes.

**Docket 2015-017 for property located at 740 W. Camp Sangamo Rd., Springfield, IL. 62707**

**PETITIONER(S):** Sean Bandy

**OBJECTOR(S):** None

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

**REQUESTING:** "B-3" General Business District, a variance to allow two (2) principal uses on one (1) parcel and a variance to allow the parking area to remain dirt and gravel instead of being paved

**STAFF RECOMMENDATION:** Recommend Denial of the B03 zoning. While the County Board granted a B-3 classification in 1975 adjacent to and south of the subject property, the B-3 zoning is seen as too intense for the site, given the residential character of the area. There is also a concern with the possible expansion of the garage. The petitioner asserts he intends to double the size of the current three (3) bay garage and add three (3) more bays. Per the petition, there is no public water available for fire suppression. However, there appear to be hydrants in the area. It seems to violate general planning principles to have a six (6) bay garage without a public water

connection for fire suppression in a building with flammable materials. Also, the six (6) bay garage would be very close to existing buildings on adjacent parcels. Therefore, a use variance is not appropriate.

Recommend denial of the variance for two (2) principal uses on the subject property. Given the recommended denial of rezoning, the two (2) principal uses request is ancillary.

Recommend denial of the requested variance from paved parking. The construction business at 719 Estill, i.e. the B-3 lot mentioned above, has paved its publicly accessible parking area, including the driveway apron. Also, the lack of pavement makes it difficult to determine how many parking spaces are provided, including handicap accessible spaces required under the law, i.e. the ADA.

Sean Bandy was sworn.

Sean Bandy stated he has been a resident there for 13 years and been employed at a local dealership, Crossroads Ford. I started my own business on February 1 of this year. I am requesting rezoning or a variance of B-3 so I can open up a small business, Bandy automotive. Possibility of an addition to the already 2400 square foot shop that is on the back of the property, which is some 350' from the road. It is a rear facing building. There are no cars or vehicles visible from the street. The reason for the possibility of the addition, I do some classic car restoration, those cars of higher value really need to be kept inside while I work on them. No auto body, no paint, anything like that. There are obviously some harmful chemicals inside the building. Just some cleaning solvents and things like that. There is running water in the building, run off of a well. There is water available to the property and a fire hydrant across the street; that the property is not hooked onto. I have talked to all my neighbors and none of them seem to object. I pretty much take care of some of their vehicles as well.

Chairman Chimento asked if it was going to be a full time job.

Sean Bandy stated yes, I have recently left the dealership after 17 years. It was bought out by another company, some things have changed and I am now a full time employee of my business.

Chairman Chimento asked if anyone had any questions.

Committee Member Wulf asked if the petitioner has read the recommendation from staff.

Sean Bandy stated that he has not.

County Board Member Linda Fulgenzi stated, you just said you would be using chemicals in this work, and you have a well.

Sean Bandy stated yes.

County Board Member Linda Fulgenzi asked how the chemicals be disposed of once they hit the floor, do you have drains in this garage.

Sean Bandy stated that he does have a flow drain in the garage that drains into a sealed underground tank that I have pumped out by septic service. I do not let any chemicals go into this drain other than rain water and water that drips off vehicles from rain or snow. Any chemicals such as oil, transmission fluid, and that comes out of the vehicle and goes into a sealed container, which is then pumped into another sealed container. Some friends of mine that heat their business with waste oil, pick it up and remove it from the site.

County Board Member Linda Fulgenzi stated, so chemicals and usual automotive fluids go separately.

Sean Bandy stated yes.

Chairman Chimento asked, there will be no painting, is that what I understood.

Sean Bandy stated no.

Committee Member Wulf stated, you say you will have 5 to 10, possibly 15 cars sitting around for a week at a time.

Sean Bandy stated, yes, we include 15 cars, some of those are mine. I have 4 currently that are outside.

Committee Member Wulf asked if he had plans to pave the parking area.

Sean Bandy stated, not at this time. I would like to do that eventually. Right now the parking area is gravel.

Committee Member Wulf stated that if you haven't had a chance to read the staff report then you haven't had a chance to talk to them about any way you could rectify some of the deficiencies that they mentioned.

Sean Bandy stated that he had not.

Chairman Chimento asked if this was his sole income.

Sean bandy stated that it will be, yes.

Chairman Chimento asked if County Board had any questions...hearing none...any objectors...hearing none.

Chairman Chimento read recommendation.

Committee Member Wulf stated he had another question, then asked petitioner, if he had said that there was a hydrant across the street.

Sean Bandy stated yes, there is water on the street.

Committee Member Wulf asked if he had water in the facility itself.

Sean Bandy stated yes, it is off my well.

Committee Member Wulf stated that staff mentions there is a hydrant in the area but there is no water available on site for fire suppression.

Staff, Molly Berns stated that there is a hydrant in the area but, his petition indicated that he has not hooked up to the City water that he is served by a well.

Chairman Chimento asked if there is a conflict of setbacks if he builds onto his building like he is planning.

Staff, Molly Berns stated that she believes that he is planning to add onto it to the north so, no, there would be no setback issues.

County Board Member Linda Fulgenzi asked staff, if this B-3 zoning is allowed, is there anything to stop this gentleman from expanding far beyond what he is purposing now on this property.

Staff, Molly Berns stated no there isn't. If B-3 zoning is granted he can expand so long as all other regulations were met. The B-3 zoning would remain with the property and any other use permitted under the B-3 zoning would be allowed on this property in the future should he decide to cease operation.

Committee Member Wulf asked if we deny this, which is the recommendation, and he came back to staff, is there any way he could work with them on another alternative so that he could petition to stay in business.

Staff, Molly Berns stated the process is, absent staff recommending a use variance at the current time, then you cannot recommend a use variance. It is up or down with the B-3. If he were denied the B-3 tonight, he would have the option of withdrawing his existing petition and filing specifically for a use variance. Because it would be a pending petition, I would be happy to talk with the gentleman but also would have to be more about process.

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

**Chairman Chimento seconds the motion.**

**Motion carries 5/0/0**

**Docket 2015-018 for property located at 10143 N. Pawnee Rd., Pawnee, IL. 62556**

PETITIONER(S): Jean Brickey, Christine Cary & Barbara Hart

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTING: "A" Agricultural District with for Proposed Parcel 1: a variance to allow one (1) parcel less than five (5) acres; and for Proposed Parcel 2: a variance to allow one (1) parcel less than forty (40) acres, a variance to allow the lot depth to be met a distance greater than sixty (60) feet from a public road, a variance to allow thirty (30) feet of road frontage instead of the required one hundred-fifty (150) feet and a variance to allow the lot depth to be greater than two and one-half (2.5) times the lot width.

STAFF RECOMMENDATION: Recommend approval. The owners are seeking to divide the cropland from the homestead in order to settle an estate. However, the existence of a right of way strip [ROW] owned by the City of Springfield limits the ways the subject property can be divided. The owners proposed to divide an approximately thirty (30) foot strip from Pawnee Road along with the tillable acreage from the existing residence. This strip will grant the owners a non-easement based access to the cropland from the County highway. The standards of variation are met.

Christine Cary 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 2015-019 for property located at 4816 Mechanicsburg Rd., Springfield, IL. 62712**

PETITIONER(S): Art Seppi & Jeffrey Duval

OBJECTOR(S): Yes

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTING: For Proposed Parcel 1: 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 (2.5) times the lot width; and for Proposed Parcel 2: “A” Agricultural District with a variance to allow the lot depth to be greater than two and one-half (2.5) times the lot width, and a variance to allow one (1) parcel less than forty (40) acres

STAFF RECOMMENDATION: Recommend approval. The LESA score of 132 indicates the property is suitable for non-agricultural development. Also, there appears to be a trend toward residences along Mechanicsburg Road, especially along the south side. Recommend approval of the variance requests. Granting the variances will allow the current property owner to sell a portion of the property and continue to demolish a dilapidated residence. The standards for variation are met.

Jeffrey Duval was sworn.

Jeffrey Duval stated that he bought a 20 acre parcel approximately 2 years ago. It has a very dilapidated house that has been vacant for a number of years. I wish to clean that up and tear that down. I would like to be able to...on that 20 acres, I had 5 acres surveyed off, very similar to the neighboring property. I would like to have that zoned residential in order to sell that. I do have a buyer, I am in real estate, it is what I do for a profession. I wish to sell off the 5 acres so that I can improve the 15 acres, which I would like to build on for myself and my family.

Chairman Chimento asked if any of the 20 acres is tillable.

Jeffrey Duval stated no.

Chairman Chimento asked if anyone had any questions...hearing none. He asked County Board.

Committee Member Mares asked if the variance would be for 1, 5 acre parcel and leave the other 15 intact.

Jeffrey Duval stated that is correct.

Chairman Chimento asked if there were any objectors.

John Adelman was sworn.

John Adelman stated that he is the east most neighbor. I own a strip of property that is 32 foot wide that runs the entire length from Mechanicsburg Rd to I-72. It is an unusual piece of property however, by virtue of recording errors in the past. That is why it is 2.2 acres that is a 32 foot strip. The property line doesn't go to the hedge row, it goes 32 foot west of the hedge row and I want that to be noted because that is my property line. I want some way that that is identified as the property line.

Chairman Chimento stated, so you are concerned with the property line.

John Adelman stated yes.

Committee Member Spiro stated, the property in question is that little strip that runs all the way to the interstate.

Staff, Molly Berns stated, Mr. Chairman, just for clarification, we do have a pulmonary survey and have also identified it. The Regional Planning Commission ultimately signs off on these pulmonary plans and so we would diligently be watching for this to make sure that does still occur and that the 32 foot strip is not included in his property.

Chairman Chimento asked if there was anyone else who had anything different.

Vera Russell was sworn.

Vera Russell stated that they are the former owners of the property that is before you now. My husband grew up on that farm. The gentleman that spoke earlier did not speak truth when he said it is not tillable. We farmed that, we planted either soybeans or corn up until the time that we fell on hard times. We were no longer able to take care of things in the manner that we should. Taxes became due; I tried to contact numerous times the gentleman who had purchased the tax bill. I pleaded with him and tried in every way possible to be able to pay him so that we could get our property back.

Chairman Chimento asked how this was going to affect our zoning.

Vera Russell stated what I am leading into is this...as the gentleman said earlier; there have been some problems with the accuracy of assessment of the property and the property lines. This week we were able to contact a relative who has the original deeds to the property which show the exact property lines as they were written back in 1960. It is tillable, what the gentleman would like to do is box us in so that we will not have access to our property, so that we would not be able to continue to farm the property. We would have no way to enter or get out of our property.

Chairman Chimento asked if they had property behind that.

Vera Russell stated, yes sir we do. We have 28 plus acres directly behind the property that he is speaking of. Since the one property was taken over, we have not had access to our property. If you rezone that, we are going to have property on both sides of us and he will be directly in front of us, with his new residence and the other new parcels that he plans to build. If there is a hazard, there is no way for the fire department to get in and out; there is no way for us to get back to our property to see whether or not there are squatters or whatever.

Jeffrey Duval stated, I just want to clarify that I was not the buyer of your delinquent taxes. That was a gentleman by the name of John Scott. I purchased the property from

this gentleman. I feel for your hard times and I understand that we all go through hard times. By no means am I trying to do anything to deliberately keep you from your ground but, this property hasn't been tilled in years.

Chairman Chimento stated that we are coming into legal questions.

Vera Russell stated that we are talking about 3 parcels of ground. We own 2 of them and he owns the 1 up front.

Albert Russell was sworn.

Vera Russell stated that the original deeds need to be reviewed. As the other gentleman said, there have been mistakes in the past. There are mistakes as to the actual dimensions of the property.

Staff, Dwayne Gab, stated that I don't think the zoning really affects the assessability issue. This is really a property dispute between 2 property owners that needs to be settled in a courtroom. I don't think the ZBA is really looking at these issues regarding what is a property line and what isn't. I don't think it is something within your purview and I really can't think of how the zoning really is affected by this property dispute.

Chairman Chimento stated that is what he thought.

Vera Russell stated that it isn't just a property line dispute, it's being able to get access to our property.

Albert Russell stated that now my property is locked in because of his buying the property up front. I have no access to the back which I do intend to farm.

Chairman Chimento stated that is not what we do here. You have to go to a court of law and get that settled. We are just working on the zoning. We have no effect on what you are wanting us to do, we can't do that.

Vera Russell stated, the thing I am asking you is to not rezone this. This is farm land, I am asking that it not be taken out of farm ground and put into residential ground. The zoning commission passed a law that says you have to have 40 acres or more to build residential.

Chairman Chimento stated that is why we are here. His petition is legal.

Vera Russell stated that she isn't say it isn't legal. What I am asking is that his petition not be approved.

Jeffrey Duval stated that on their 2 parcels that they do own, which is a 20 acre and an 8 acre, that adjoin each other and back up to the sugar creek to the north. The full 8 acres as well as probably a quarter of the 20 is all floodplain.

Chairman Chimento stated that is not our problem.

Albert Russell stated that he still has no way to get back to that back section.

Chairman Chimento stated that is a legal problem. By changing the zoning that is not going to change you being locked in.

Albert Russell stated that there was an access at one time along the west side.

Chairman Chimento stated that you need to get a lawyer. Were there any more objectors back there?

Marcus Espada was sworn.

Marcus Espada stated that he wants to know, before it is rezoned to residential...this area is a forested area with light top soil which is good for cattle, corn and soybeans. We have cattle on ours. I am unclear about your zoning laws on agricultural use adjoining to a personal residence property. I would like to know if a DNR impact study has been done. There is a dry creek bed that runs through this portion of the property. I am concerned about run off and what this would entail if turned into a residential property because, I don't want to be faced with incremental run off. My mother-in-law's home at one time was a historical landmark, we would like to retain its value in case that one day we would want to restore it to its former state and open it up to tourism.

Chairman Chimento asked if there were any other questions.

Jeffrey Duvall stated I am just trying to be in conjunction with my neighbor and have a single-family residence. Obviously with any building there is a liability of water run-off and disbursement. That is something that has to be maintained by the building or property owner. Last thing I want to do is harm a neighbor's property.

Staff, Cyndi Knowles requested to clarify something real quick. I believe a couple of the objector's may be under the assumption that the entire 20 acres is being rezoned. The only parcel that is being rezoning to R-1 is the 5 acre parcel, the other 15 will remain Agricultural but, will be allowed to have a residence on it. Also, I believe, in certain instances, when a building permit is applied for, that IDNR is checked with to make sure that they meet regulations.

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

**Committee Member Spiro seconds the motion.**

**Motion carries 5/0/0**

Meeting adjourned.

Respectfully submitted,

*Cyndi Knowles*  
Recording Secretary

Charles Chimento  
Chairman

Minutes of June 18, 2015

Full record of minutes available upon request in the Zoning Department