

Sangamon County, Illinois
ZONING BOARD OF APPEALS

The Zoning Board of Appeals met on March 19, 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.

Approval of January minutes.

Motion approved 5/0/0

Docket 2015-003 for property located at 1826 Adlai Stevenson Dr., Springfield, IL. 62703

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

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: "B-2" Retail Business District

REQUESTING: A Conditional Permitted use for a tavern and a variance to allow a tavern property line to be within five (5) feet of a residential structure.

STAFF RECOMMENDATION: Recommend approval of the CPU to allow a tavern provided the suggested conditions regarding the hours of operation from 8:00 AM to 1:00 AM on Sunday through Saturday; the floor space maximum of one thousand (1,000) square feet; the tavern operating only at 1826 Stevenson Drive; and, the tavern is confined to indoor spaces, are acceptable. The subject property is located along a commercial thoroughfare in a retail strip mall that has been in existence for many years. Recommend approval of the requested variance. The nature of the structure presumes

that, at maximum capacity, a variety of commercial uses will locate in the strip mall. The subject property has several residences located adjacent to the parcel that have been in existence since at least the 1960's. The public entrances to the strip mall face away from the residences. There is also a business, i.e. Top Cat's, which serves alcohol on the site presumably as a legal non-conforming use within a short distance of the adjacent residences.

Donnie Gorbett was sworn.

Donnie Gorbett stated they just want to have some video gaming with the sale of beer and wine.

Chairman Chimento asked what the hours of operation will be.

Donnie Gorbett stated the hours would be 8:00 Am to 1:00 AM.

Chairman Chimento asked if there were any other questions.

Committee member Spiro asked if they were going to sell any other alcohol.

Donnie Gorbett stated no.

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

Committee Member Mares seconds the motion.

Motion carries 5/0/0

Docket 2015-004 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 Parcel 1: a variance to reduce the required road frontage from one hundred fifty (150) feet to seventy (70) feet and a variance to allow one (1) parcel less than forty (40) acres; for Proposed Parcels 1 and 2: 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 rezoning from "A" Agricultural District to "R-1" Single-Family Residence District.

STAFF RECOMMENDATION: Recommend denial of the rezoning to R-1. The LESA score of 189 indicates the subject property is more suitable to agricultural purposes. The petition also states there is no public water supply available to serve the site. This factor, along with the productive soils, contributed most significantly to the higher LESA score. It should be noted that while the LESA score indicates the subject property is suitable for agricultural purposes, there might be some difficulty in putting it back into agriculturally productive use, given its small size and the presence of a single-family residence. Recommend denial of the variances. The petitioner did not indicate any unique circumstances to justify the request to create a new flag lot that requires an eighty (80) foot lot width variance, as well as other bulk variances.

Henson Robinson was sworn.

Henson Robinson stated he is here asking for a variance, he would like to build a home. Can we talk about the LESA report real quick. The lady I have been with, Julie Rechner, we were able to obtain 12 acres from a doctor across the street, along with the house. I am looking to downsize. So that is the whole idea, me to build a small home. In regards to the LESA report, I believe it did not report well. If you look at that picture, there are 12 acres but only 4 of it is tillable, the balance is all timber. It also states there is no public water supply, which there is water about 1 ¼ miles away. I believe that to put this back into agriculture, we would have to rip out all the trees, which I am not going to do. I know Pleasant Plains will soon be building a new firehouse out off 125, which will help reduce the points. I don't believe there will be an impact with additional traffic being that my next door neighbor has asked to purchase my home which is across the street.

Chairman Chimento asked if there was only 1 driveway.

Henson Robinson stated yes, at this time. When Julie purchased the property, there was no driveway there at all. I had a driveway put in that we will share.

Committee Member Spiro stated that when he was out there yesterday, it seemed like the driveway and the flagpole section of this property, seemed like there was a u shaped drive.

Henson Robinson stated that what it was, the main house, which is next door, this was a mother-in-law house that was in the back. So you drove past the main house and around back to the mother-in-law house. Now that there was an easement, we got past that because we put in our own driveway, straight back to Julie's home.

Chairman Chimento asked if Mr. Robinson has read the staff recommendation.

Henson Robinson stated that he has.

Chairman Chimento stated then you know that flag lots are a no-no.

Committee Member Spiro asked staff why flag lots are not permitted.

Staff, Molly Berns stated that it is a violation of the ordinance. In 2001 when the County Board amended the County Zoning Ordinance, prior to that, there was a lot of people that were taking 40 acres and dividing into 8-9 lots and all the driveways were lined up at the road, creating a lot of flag lots. The County Board decided at that point and time to change the ordinance because, they believed that it was, in a way, circumventing the subdivision process which would normally provide for internal road networking.

Committee Member Spiro asked if it would be possible for him to turn his driveway into Robinson Rd and subdivide that back half.

Staff, Molly Berns, stated that the County Zoning Ordinance requires that each parcel that is created have actual road frontage which runs adjacent to the public roadway.

Committee Member Spiro asked, if he was to take the 150 feet at the road, put a lane down there with a cul-de-sac at the end and have one house on one side and one on the other...

Staff, Molly Berns, stated he would have to go through the subdivision process which is probably a very expensive process. He would have to actually build a road, not just pavement, it would have to be a road, with sidewalks, with ditches. He would have to provide the necessary infrastructure. Go through the subdivision process, which Mr. Robinson and I have talked about, it would be a very expensive process just for 2 houses. The fact that he doesn't have public water available, normally when going through the subdivision process, the County Board looks at granting those when there is public water services available.

Chairman Chimento asked if there were any other questions.

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

Committee Member Herbert seconds the motion.

Motion carries 5/0/0

Meeting adjourned.

Respectfully submitted,

Recording Secretary

Chairman

Minutes of March 19, 2015

Full record of minutes available upon request in the Zoning Department