

Sangamon County, Illinois
ZONING BOARD OF APPEALS

The Zoning Board of Appeals met on October 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	() Committee Member Herbert
(X) Committee Member Spiro	(X) 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
Joel Benoit, Assistant States Attorney, States Attorneys Office
Cyndi Knowles, Zoning Administrator, Sangamon County Zoning

Chairman Chimento called the meeting to order.

Docket 2015-039 for property located at 4109, 4175 & In the 4100 Block of Camp Cilca Rd., Cantrall, IL. 62675

PETITIONER(S): Craig & Geraldine Schermerhorn

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: “A” Agricultural District

REQUESTING: 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 ½) times the lot width; for Proposed Parcel 2: 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 one (1) parcel less than forty (40) acres; 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 and a variance to allow one (1) parcel less than forty (40) acres; and for Proposed Parcel 4: a variance to allow one (1) parcel less than five (5) acres.

STAFF RECOMMENDATION: Recommend approval of the requested rezoning to R-1. The LESA score of 159 indicates the property is marginal for non-agricultural development, requiring mitigating factors. Staff believes the mitigating factors in this case are; the area has existing rural residential lots; R-1 is adjacent to the subject property; and the Petitioner indicates a design that appears to minimize the impact on the

timber while preserving as much cropland as possible. Recommend approval of the requested variances. Granting the variances will allow the thirty-five (35) acre parcel with an existing residence to have road frontage in the event the new building site is sold. The Standards for Variation are met.

Craig Schermerhorn was sworn.

Matthew Cate, attorney for petitioners.

No additional testimony was given.

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

Committee Member Mares seconds the motion.

Motion carries 5/0/0

Docket 2015-040 for property located at 1313 Adlai Stevenson Dr., Springfield, IL. 62703

PETITIONER(S): Kevin D. Guinan

OBJECTOR(S): Yes

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

REQUESTING: "B-3" General Business District with a Conditional Permitted Use to allow the sale & consumption of alcoholic beverages (tavern), a variance to allow a tavern property line to be within five (5) feet of a residential structure and a variance to allow three (3) principal uses (internet car sales, tattoo parlor and a tavern) limited to 5,850 square feet of the building on one (1) parcel.

STAFF RECOMMENDATION: Recommend denial of the requested conditional permitted use [CPU]. Staff has concerns because the new tavern could occupy approximately five thousand eight hundred fifty (5,850) square feet in the future. It is possible that a new tavern of this size could have a negative impact on the residential character of the area to the north. Also, staff believes it is questionable whether a new tavern at this location will have a positive benefit on the community. Recommend denial of the requested variances. As the CPU is recommended for denial, the variances are unnecessary.

Kevin Guinan was sworn.

Kevin Guinan stated what I am interested in doing is in the Southeast corner of my building partitioning off for a gaming room.

Chairman Chimento asked if there were any questions.

Committee Member Wulf asked if he was the owner of the tattoo parlor.

Kevin Guinan stated no I am not.

Committee Member Wulf asked if the tattoo parlor employees are going to run it.

Kevin Guinan stated that the more I thought about it, I am just going to hire someone to run it. When I talked to Trustin about it, he felt it would be better to separate it and have its own employees.

Chairman Chimento asked if the County Board had any questions...hearing none. Objectors?

Donna Hock was sworn.

Donna Hock stated I have owned my property for 54 years. I strongly oppose this liquor license at 1313 Adlai Stevenson Dr. My property is adjacent to the property and I am very concerned that by allowing this to go through, it will greatly depreciate the value of my property. I am also concerned about the amount of parking space and garbage collection. There is no restroom in the vicinity of the far west end in case he decided to put a tavern in. I highly request that no liquor license be granted. I thank you.

Chairman Chimento asked if there were any questions for this lady...hearing none, he called upon the next objector.

Davina Smith (Owner of Lake Springfield Tavern) was sworn.

Davina Smith stated I am the owner of Lake Springfield Tavern. I have a real issue with this because, as she had addressed, they have very limited parking there, what has happened in the past when the tattoo parlor has had parties, they have taken up my whole parking lot so therefore, it looks like we are busy and it affects my business. We have been an established business for 81 years.

Chairman Chimento asked if there were any questions for this lady...hearing none, he called upon the next objector.

Tracy Fricky (bar manager at Lake Springfield Tavern) was sworn.

Tracy Fricky stated one of our other concerns is that we are not permitted or allowed to take alcohol outside of the building so we are concerned that people will take it outside of the building and walk across the street and go back and forth from tavern to tavern. We want to oppose opening a tavern right across the street from us.

Chairman Chimento asked if there were any other questions...hearing none. Are there any other objectors...hearing none. Kevin, you have rebuttal.

Kevin Guinan stated my situation on this. I will make sure to do all the proper paperwork on this. The parlor is going to be in the Southeast corner, it is not going to be in the warehouse. I checked and I have plenty of parking. If you figure the parking for the gaming parlor, Styx and the internet car sales, I have plenty of parking.

Chairman Chimento asked how many he has.

Kevin Guinan stated I think about 28 (shuffling through papers).

Committee Member Wulf stated he thought he had 26.

Kevin Guinan stated 26, yes, you are right. I also spoke with Johnson and Johnson, Jay Johnson about it. He said the good part about it is that he has customers that sit there and wait for tires and stuff like that. They would probably come over there and play, have a drink and wait. It will not really be a bar. It will only have beer, water, wine and soda.

Committee Member Spiro asked if he had said in the Southeast or Southwest corner.

Kevin Guinan stated in the Southeast corner.

Committee Member Spiro stated so it is going to be in where Styx tattoo parlor is located.

Kevin Guinan stated yes but I am building a partition area. I talked to Trustin about it and he felt it would be better to separate it. That is why I decided I would have my own employees in there.

Committee Member Wulf stated he has a question for staff. My concern is that we are going to affect the entire property if we approve this. The potential is that he could turn the whole building into a tavern and gaming salon. He is looking at 200 and some square feet from what I have read but he has over 5000 square feet in that building. There is no way we can limit that 200 and whatever square feet he said it was.

Staff, Cyndi Knowles stated actually, yes it is. At this current way turn the entire building unless you choose to limit to, I believe the entire section is 315.21 square feet.

Committee Member Lucchesi stated aside from this zoning, he would still have to meet State and County liquor code approval, am I correct. Do they also determine the size facility they can have and do they regulate locations to residences, does anyone know?

Staff, Cyndi Knowles stated that the zoning ordinance does...

Committee Member Lucchesi stated that I know the zoning ordinance does, but does the liquor license?

Staff, Cyndi Knowles stated that I am not sure.

Committee Member Lucchesi asked if he understood that there would still be other approvals needed.

Kevin Guinan stated yes. I spoke with Trustin and he went over things with me and stated that I needed to get through this process first and then we would move on to the next step.

Committee Member Wulf stated that he has one other question. In reading your petition, you say that the hours of operation will be from 10 AM to 12 AM that is only 2 hours.

Kevin Guinan stated oh that should say 12:01 AM.

Committee Member Wulf stated ok, that makes more sense then.

Kevin Guinan stated yes.

Chairman Chimento asked if there were any other questions...hearing none.

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

Committee Member Mares seconds the motion.

Motion carries 5/0/0

Docket 2015-041 for property located at 3848 Dinius Rd., Williamsville, IL. 62693

PETITIONER(S): Mark & Stacie Henderson

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: "A" Agricultural District with a Use Variance for an excavating business.

REQUESTING: "A" Agricultural District with a Use Variance for an excavating business and a variance to allow two (2) principal uses on one (1) parcel.

STAFF RECOMMENDATION: Recommend approval. Granting the variances would allow the owner to construct a residence on the subject property. Based on a review of the information filed for Zoning Case #2005-090, it appears that it was the intent of the Petitioner to construct a residence in the future. However, the Use Variance that was granted was only for the excavating business. The Standards for Variation are met.

Stacie & Mark Henderson were sworn.

No additional testimony was given.

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

Committee Member Wulf seconds the motion.

Motion carries 5/0/0

Meeting adjourned.

Respectfully submitted,

Cyndi Knowles

Recording Secretary

Charles Chimento

Chairman

Minutes of October 15, 2015

Full record of minutes available upon request in the Zoning Department