

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

The Zoning Board of Appeals met on January 18, 2018, 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 Beaty</b>
<b>(X) Committee Member Spiro</b>	<b>(X) Committee Member Sudeth</b>
<b>(X) Committee Member Lathan</b>	

**STAFF PRESENT:**

Emily Prather, Associate Planner, Spfld-Sang County Regional Planning Commission  
Steve Keenan, Senior Planner, Spfld-Sang County Regional Planning Commission  
Dwayne Gabb, Assistant States Attorney, States Attorney's Office  
Trustin Harrison, Zoning Administrator, Sangamon County Zoning

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Chairman Chimento called the meeting to order.  
Approval of December 21, 2017 Minutes

**Committee Member Tony Mares made a motion to approve the December 21, 2017 minutes.**

**Committee Member Gina Lathan seconds the motion.**

5/0/0

**Docket 2018-001 Barbara Sloan for property located at 1593 E. Barber Road, Sherman, IL 62684 WITHDRAWN**

**Docket 2018-002 Simon Levin for property located at 10220 N. Pawnee Road, Pawnee, IL 62558**

PETITIONER(S): Simon Levin

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: A

REQUESTING: Petitioner requests a rezoning from "A" Agricultural District to "B-2" Retail Business District; a variance to allow two (2) principal uses on one (1) parcel: (a) single-family residence and (b) "B-2" business; a variance to allow a single-family

residence in the “B-2” Retail Business District; and, a variance to allow the parking to remain gravel instead of the required bituminous seal coat.

Simon Levin was sworn in.

Levin: I want to re-establish my pottery business here in Illinois. We have been in business for 18 years in Wisconsin. I would have a studio and kiln in a separate building. I would like to have permission to have a gallery room approx. 13’x18’ in house. I want to display pottery and guests would come by appointment only. We would like to have sales about twice a year on weekend and minimal traffic. A holiday sale in October and maybe a spring sale.

ZBA Wulf: What types of pottery?

Levin: Lately I have been making furniture size pottery but mostly its cups, bowls, plates, etc.

ZBA Chimento: Asked if any questions? Objectors? Hearing none read the staff recommendation.

STAFF RECOMMENDATION: Recommend denial of the requested B-2 zoning. The petitioner requests a rezoning to B-2 to operate a pottery business on the subject property. The list of uses permitted in the B-2 district is too intense and is inappropriate spot zoning. Although the LESA score of 182 indicates agricultural use only, it is highly unlikely the subject property could be economically converted to cropland. Therefore, staff recommends approval of a Use Variance in the A District to allow a pottery business provided that: (a) the business is limited to the existing footprints of the two (2) non-residences and one (1) approximately thirteen (13) by fifteen (15) foot room in the residence, as stated in the petition; and, (b) the hours of operation are limited from 10:00 AM to 4:00 PM on Saturdays or by appointments only on other days, as stated in the business plan submitted with the petition. Recommend approval of the requested variance to allow two (2) uses on one (1) parcel (single-family residence and pottery business). The variance is required due to the recommended approval of a Use Variance to allow a pottery business.

The variance requested to allow a single-family residence in the B-2 District is not necessary due to staff’s recommendation of denial for the B-2 zoning request.

Recommend approval of the requested variance to allow a portion of the parking to remain gravel instead of the required bituminous seal coat. The proposed pottery business is a small business that will have limited vehicular traffic to the site based on the submitted business plan. The Standards for Variation are met.

**Committee Member Don Wulf made a motion to recommend approval of staff recommendation.**

**Committee Member Andrew Spiro seconded the motion.**

**Motion carries 5/0/0**

**Docket 2018-003 Weldon Ladage for property located at 12000 Block of Alexander Road, Auburn, IL 62615**

PETITIONER(S): Weldon Ladage

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: A

REQUESTING: Petitioner requests for Proposed Parcel 1: a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District, a variance to allow an accessory structure to be greater than the maximum height allowed in the “R-1” Single-Family Residence District of eighteen (18) feet (approximately 24 feet), 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 the side yard setback to be approximately nine (9) feet instead of the required ten (10) feet, a variance to allow one (1) parcel less than forty (40) acres, and a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width.

Weldon Ladage was sworn in.

Jason Komnick was sworn in.

Ladage: We want to divide off part of this 9 acres to approximately 3 acres so that I can sell it to my son-in-law and daughter so they can build a single-family residence and to have their 4H projects and be closer to me.

ZBA Chimento: Asked if any questions? Objectors? Hearing none read the staff recommendation.

STAFF RECOMMENDATION: Recommend approval. While the LESA score of 231 indicates the subject property is suitable for agricultural use only, the bank is requiring the petitioner to split off approximately 3 acres from the 9 acre subject property to finance the construction of the proposed residence. For the height variance, allowing an accessory structure to be 24 feet instead of 18 feet in the R-1 would be consistent with the height of accessory structures located on properties in this area that are zoned Agricultural, which has no height restriction. The other variances to allow a reduced setback, a lot less than 40 acres, and the lot depth to exceed 2.5 times the lot width for two lots are necessary for the split and negative impacts are not anticipated. The Standards for Variation are met.

**Committee Member Andrew Spiro made a motion to recommend approval of staff recommendation.**

**Committee Member Don Wulf seconded the motion.**

**Motion carries 5/0/0**

**Docket 2018-004 Angela Muse for property located at 1729 W. State Route 29, Athens, IL 62613**

PETITIONER(S): Angela Muse

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: A

REQUESTING: Petitioner requests for Proposed Parcel 2: a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District; and, for Proposed Parcel 1: a variance to allow one (1) parcel less than forty (40) acres.

Pete Wagoner was sworn in.

Wagoner: I am here representing Angela Muse. She has 86 acres off of Route 29 by Athens and she would like to split 3 parcels. Parcel 2 would be A to R1. Parcel 1 has an existing house on it. And Parcel 3 has a pond.

ZBA Chimento: Asked if any questions? Objectors? Hearing none read the staff recommendation.

STAFF RECOMMENDATION: Recommend approval. The petitioner is proposing to split the subject property in order to sell the cropland and maintain the existing residence with the pond and create a new building site. The LESA score of 204 indicates the subject property is suitable for agricultural use only. In addition, the parcel to be created for the new building site is separated from the rest of the cropland by a drainage area that is not farmed. The petition is requesting R-1 for Proposed Parcel 2 for the purposes of constructing a new residence. Granting the requested variance will allow separation of the tillable cropland from the single-family residence and pond and the new lot so the cropland can continue to be used economically. The Standards for Variation are met.

**Committee Member Don Wulf made a motion to recommend approval of staff recommendation.**

**Committee Member Tony Mares seconded the motion.**

**Motion carries 5/0/0**

**Docket 2018-005 Steven R. Walker for property located at 3500 Block of Tuxhorn Road, Springfield, IL 62712**

PETITIONER(S): Steven R. Walker

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: A

REQUESTING: Petitioner requests for Proposed Parcels 1-5: 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.

Steve Walker was sworn in.

Walker: I am proposing to split just short of 15 acres of pasture just off of Tuxhorn Road into five (5) large residential lots.

ZBA Wulf: There was some concern with the width of the road...has the County or township had some kind of contact?

Harrison: This is also going through the land-subdivision process, so from a zoning stand point we look to see if suitable; the other part is adding additional requirements for this subdivision to be adequate in the area.

Walker: We have an agreement with the township and I do have to have to widen the road about a 1' in front of couple of the lots and provide a ditch as well.

ZBA Chimento: Asked if any questions? Objectors? Hearing none read the staff recommendation.

STAFF RECOMMENDATION: Recommend approval. The LESA score of 138 indicates the subject property is acceptable for non-agricultural development. The purpose of the requested variance is to allow the petitioner to split the subject property into five (5) residential parcels. The subject property is unique in that it is deep being bound on the north by an abandoned railroad right-of-way and contains varying topography. The subject property is also located in an area with public water and sewer where rural residential development is appropriate due to the trend of development in the area. The Standards for Variation are met.

**Committee Member Tony Mares made a motion to recommend approval of staff recommendation.**

**Committee Member Gina Lathan seconded the motion.**

**Motion carries 5/0/0**

**Docket 2018-006 ECL 2, LLC for property located at 6100 S. 2<sup>nd</sup> Street, Springfield, IL 62711**

PETITIONER(S): ECL 2, LLC

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: B-2

REQUESTING: Petitioner requests a variance to allow the side yard setback to be fourteen (14) feet instead of the required twenty-five (25) feet.

Attorney Brad Wilson representing.

Attorney Wilson: My client would like to build a building on the subject property that would mirror the existing building on the property. There is a pre-existing concrete slab that my client would be able to utilize on property. This would save cost and waste and for that reason we are requesting a variance to allow a 14' setback.

ZBA Chimento: Asked if any questions? Objectors? Hearing none read the staff recommendation.

STAFF RECOMMENDATION: Recommend approval. The character of the area will not be altered as the variance is needed on the north side of the property which is adjacent to a vacant parcel zoned B-2. Negative impacts are not anticipated in granting the requested variance. The Standards for Variation are met.

**Committee Member Don Wulf made a motion to recommend approval of staff recommendation.**

**Committee Member Tony Mares seconded the motion.**

**Motion carries 5/0/0**

**Docket 2018-007 Ann Kolaz for property located at 3364 Hazlett Road, Springfield, IL 62707**

PETITIONER(S): Ann Kolaz

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: RM-4

REQUESTING: Petitioner requests a rezoning from "RM-4" Manufactured Home District to "A" Agricultural District.

Ann Kolaz was sworn in.

Kolaz: I took a garage and make a dog kennel out of it for my dogs. I had two (2) parcels of land and I used the garage on the second parcel that I purchased. I didn't know the garage that was constructed was right next to the residence and property line went right through middle of the structure. Both parcels have different zonings, so I am requesting for the rezoning from RM-4 to A.

ZBA Chimento: Asked if any questions? Objectors? Hearing none read the staff recommendation.

STAFF RECOMMENDATION: Recommend approval. The RM-4 on the subject property is inappropriate since the mobile home is gone. Rezoning the subject property will allow the petitioner to combine parcels -001 and -002 so the property line will no longer split a structure.

**Committee Member Andrew Spiro made a motion to recommend approval of staff recommendation.**

**Committee Member Don Wulf seconded the motion.**

**Motion carries 5/0/0**

**Committee Member Tony Mares made a motion to adjourn.**

**Committee Member Don Wulf seconded the motion.**

Meeting adjourned.

Respectfully submitted,

  
Recording Secretary

  
Chairman

Minutes of January 18, 2018.

Full record of minutes available upon request in the Zoning Department