

Sangamon County, Illinois
ZONING BOARD OF APPEALS

The Zoning Board of Appeals met on October 18, 2018 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 Sudeth
(X) Committee Member Spiro	(X) Committee Member Beaty
() Committee Member Lathan	

STAFF PRESENT:

Molly Berns, Executive Director, Spfld-Sang County Regional Planning Commission
Steve Keenan, Senior Planner, Spfld-Sang County Regional Planning Commission
Dwayne Gab, Assistant States Attorney, States Attorney's Office
Trustin Harrison, Zoning Administrator, Sangamon County Zoning

Chairman Chimento called the meeting to order.
Approval of September 20, 2018 Minutes

Committee Member Tony Mares made a motion to approve the September 20, 2018 minutes.

Committee Member Don Wulf seconds the motion.

Motion carries 5/0/0

Docket 2018-045 Innovative Power Systems, Inc. for property located at 6300 Block of E. Walnut Road, Springfield, IL 62707

PETITIONER(S): Innovative Power Systems, Inc.

OBJECTOR(S): Yes

PRESENT ZONING CLASSIFICATION: A

REQUESTING: Petitioner requests a Conditional Permitted Use for a Solar Farm Energy System (SFES).

John Albers was sworn in.

Albers: The first project is a community solar garden proposed by Innovative Power Systems on ground owned by Riverground Inc. It is approximately 32 acres, total of 4 megawatt projects and that being 2 separate megawatt projects. By state law we have to submit them as two separate projects. It's possible that only 1 out of 2 will get done. Access will be through Walnut Road. (Explains map). If you have any questions I will answer for you.

Mares: Mr. Harrison, I think that some of the anxiety within the public is that we are getting numerous applications for solar farms and if you would explain...how you can apply however there are state laws...a lottery process. And I think 80 permits throughout the state?

Harrison: I don't think they actually released and John may not more specific. Yes, what they are doing is they are only going to submit some much in funds for these projects. The next day I believe at this point is going to be January 15. Basically they are going to pull from the hat and they haven't decided if they are going to use two of their credits on this project and use 4 megawatt or 2 megawatt. There are over 600 of these that are fighting for this and it's less than 10% that is going to be granted. So, at this point there are between 65-80 that will be selected. The odds of this getting selected is very slim.

Mares: If you have a situation and they apply and let's say it was approved and the permit was not allowed then it will just be turned to status qua correct?

Harrison: The way Sangamon County use works is once the conditional permitted use is granted they can potentially have a solar farm there in the future as long as it meets the guidelines in place. So when a petitioner request to have a conditional permitted use and staff puts together their recommendation...they recommend based on the fact that something is not requesting any variances and what is good for it now and will be good for it 10-15 years from now.

Mares: Once recommendations is made what is the long term effect? Or variance/s being requested?

Harrison: Its runs with the ground so it will be with that specific parcel.

Mares: Thank you.

Gab: Just for point of clarification it would be the same condition and there would have to be state approval and lottery based on the state guidelines. You still have the state approval lottery process.

Mares: Obviously we can't predict the future but should the original guidelines change what would happen...if setbacks change or whatever the circumstance would it be more or less?

Gab: Well it would depend on what guidelines you mean. If you're talking about permitting guidelines that's subject to change. If you're talking about zoning that was with the land however whether or not you vest in the zoning right is a complicated subject. I would say that if you grant the zoning it runs with the land and stays with the land. But that doesn't mean that conditions can't change because there is a permitting process that all of these projects will go through that might be subject to change.

Mares: If we have a situation where the setback is 100' and then let's just say that whatever circumstances are it wasn't one of the lottery winners and 10years down the road its already been permitted but circumstances change and the original setback is 100' and now setback could be 50' so if the zoning is granted so it 100' from 2018 or 2028 is it now 50'?

Gab: I think that if the zoning becomes less restrictive I think it would be difficult to become more restrictive.

Mares: Thank you.

Chimento: John?

Albers: One of the other hats I wear is as an attorney. I have represented landowners who have been approached by developers and them wanting to use their land for a solar farm project. So I have reviewed several leases from developers and every one of them has a development period where they would go through the permit process. And that development period for every one of them is no more than 2-4 years of the outside, so if the project is not permitted and authorized to be built by the state's lottery process then the lease expires. So there wouldn't be a situation where you have a lease still in effect 10 years from now and the project still be built. It would have to be a new lease presented to the landowner.

Wulf: The lease would enter into our zoning situation...but the ground would still have the conditional permitted use.

Albers: I agree but the developer would either enter a new lease or walk away.

Beaty: Is the front part of this going to stay in agricultural?

Albers: That would be up to Mr. Maddox.

Wulf: So you're just doing that back portion of the 30 acres?

Albers: Yes, originally when we filed it the project was 30 acres vertically but at last month's meeting I spoke with some of the neighbors and they expressed some concern about the proximities and so I went back to our engineers and asked them to move it create more space and be a good neighbor. So yes it's just limited to that southern portion of the property.

Wulf: So your lease just covers that back?

Albers: Correct.

Wulf: is that the only area the permitted use effects?

Harrison: The conditional permitted use runs with the entire parcel so if something needs to change they can but once again they would have to meet all of the setbacks in place and possibly additional variances being requested in the future.

Albers: We are limited by state law for the site of the project and that's the 4 megawatt right there and that won't get any bigger than that.

Beaty: How many acres will be taken out of production?

Albers: Approximately 32 acres. It just depends ultimately when they get the building permit level and submit formal plans.

Beaty: Question for staff...should you say the whole parcel would be granted a variance?

Harrison: That's correct.

Beaty: So is there a chance it could expand to 55 acres?

Harrison: Sure.

Chimento: Any other questions?

Mares: If it's a 4 megawatt...it can't get any bigger?

Albers: Like Trustin has said under the county laws yes but under the state laws no...because we are capped at 4 megawatt.

Mares: So for size 4 megawatt 32 acres...I mean it could affect 55 acres but to build it and produce it would be 32 acres approximately...is what you are saying?

Albers: Yes.

Chimento: County Board have any questions?

Mendenhall: Have you looked at other locations where it does effect agricultural farmland? I mean I have lived in Sangamon County all my life I would be happy to show you a couple hundred tomorrow...it bothers me a lot and I'm not against solar but we open our arms to entice new business to Sangamon County and to have disastrous effects on the business already here...we are taking the 32 acres of tillable ground from a farmer who needs the tillable income, as much as you do.

Albers: We aren't taking it away from him because he approached us about using the land for that purpose...we don't push this on landowners. We look at parcels that are available and have a willing landowner...we can't force on any particular landowner. In terms of where we site them. The primary factors we look at are: having an Ameren distribution line, three phase distribution line, a willing landowner, not in the floodplain and a few other considerations such as mineral rights.

Mendenhall: Is it taking agricultural farmland out of production?

Albers: Yes, for a period of up to 35 years.

Mendenhall: And if the state would change their laws it could affect the whole 55 acres...you could expand? So it has the potential to effect the whole 55 acres?

Albers: Yes, anything could happen. I can't predict the future.

Mendenhall: Your next case is the same way and the one after that. And the ones we have already approved and the ones that already coming. So within 2-4 years we would have potentially taken 600-800 acres of crop production, correct?

Albers: Correct.

Mendenhall: Thank you.

Chimento: Craig?

Hall: I agree that the landowner should approach you. As we are looking at land coming out of the CRP programs. We have land that is already scored as ground that is errosionalble. Could you build these on those areas? And if you could...wouldn't we be wise to wait and see what programs are going to be available? Because the 15 years CRP acreage is now going to be coming out and would that land not be a better suite?

Albers: If it's not Ameren territory and there's no three phase distribution line next to it...then it couldn't be used.

Hall: Ok, but here is my question...if you could hook into those programs...it may cost you more money. It may cost the solar company more money to run those lines. You can run wire...if you put these next to people's home...aren't you effecting their property values?

Albers: No there have been studies done and it shows where the property values have not declined with the presence of solar farms. In Minnesota where these are more predominant there have been studies done by counties and it shows where these properties have not been effected.

Mendenhall: Who did that research?

Albers: One of the counties...is Chisaga County.

Mendenhall: You need to get in your car and get out to Pennsylvania and Ohio and start talking to property owners out there and then come back and tell me if you have different information...it greatly impacts property values.

Albers: The problem I don't think a lot of people recognize here in Illinois...at least south of I-80 is covered by electric co-operative territory and I'm not trying to bad mouth the co-operative but legally they are not required to interconnect with these projects...only Ameren and Comed are. So if a territory even if it's an Ameren line passing through (Menard Electric Co-operative Territory) they don't have to interconnect with us. Because technically that land is served by Menard even if it's an Ameren line. So that's why one of the criteria have to be either Ameren or Comed, three phase distribution line, willing landowner and we don't force it on any landowner. I have had landowners who approach me because for example a lot of them they are getting close to retiring, kids don't want to farm anymore and they don't want to sell the land. This is a way to keep the land in the family and still makes money from it and they are happy with it. And it's not permanent and it gives the land a break from not being farmed and when it's all said and done we take the equipment out of there.

Spiro: In other words you are saying that the business deal benefits the owner of the land?

Albers: Yes, they get lease payments from this.

Spiro: Is any tax revenue generated from these?

Albers: Yes, absolutely.

Spiro: So the county could conceivably get tax revenue back from this?

Albers: Absolutely yes.

Spiro: Sangamon County is now in the position to be a net-exporter to take that electricity as an economic benefit for the county in terms of additional revenues could be critical. If these projects continue to move forward.

Albers: I ran the numbers for a project in Rochester further south and based on those taxing districts...in the first year there would be \$45,000 dollars generated from the varying taxing districts.

Spiro: It's like a win-win like with the natural gas plant...everybody is winning here. The property owner and your company are both making money. The county is going to make money. I don't see where there is going to be a problem.

Chimento: Ok, David?

Mendenhall: Innovative Power Systems aren't based in Sangamon County...are you an Illinois based cooperation?

Albers: Minnesota.

Mendenhall: Money staying around here that's good tax money, thank you.

Chimento: Any objectors?

Steve Jones was sworn in.

Jones: I am a resident of Westview Park and also the precinct committeemen. I have two concerns: one is the property values. We are middle class out there and many of the residents have been there maybe 30-40 years. And to be honest with you our property is our biggest part of our wealth. I agree that the solar farm can't do our property values any good. This project is maybe just a block away and borders Westview Park and there are 95 houses there. I'm not against solar power but surely if this is going to put in the area then perhaps it can be put out a little further in the area than in a residential area. The other is concern is that it's a bedroom community a lot of families and quite a few children and lots of people out walking at night when it's nice etc. And even in the daytime there is a lot of activity. I am concerned about the traffic with there be trucks in and out and I am concerned about the maintenance, so I am concerned about that also. When you take a vote...I wish that you would consider this being in your backyard and how would you deal?

Chimento: Any questions for this gentleman?

Mares: I have a question for the petitioner and just for clarification. I realize that if you're a property owner you do things with accordance to the law. My question would be...from Innovative Power Systems and my fellow board member I think asked the question. And I realize that maybe there's a reason why some of these locations are picked and maybe just explain why these locations are picked. Let's be honest it has to be close enough to get to the grid and that's the reality of it. I think Dave mentioned about can you do a little farming...and I think you could. But that would be expensive, right?

Albers: Yes.

Mares: So obviously we would not want to diminish a property owners rights? But there's a reason why all of these are targeted because for Innovative Power the reason is for what you are trying to do the most economic. I mean you could go a mile from the substation, but that would be an extra expense for you (Innovative Power).

Albers: True. And then the extent that you are crossing other people's land and then would have to negotiate easements with them to allow for the transmission of electrical.

Mares: So you could do 1-5 miles away but the expense would be larger for the investor? Correct?

Albers: Generally.

Mares: So going back on Mr. Mendenhall's premises...you could go on maybe a less prime land for farm ground but the expense would be to the company?

Albers: The question isn't so much what kind of ground it is but the location. Whether its prime farm ground or not isn't the issue it's with the three phase distribution line and if it's not Ameren territory...it won't matter.

Mares: But the expense if you were to do something the expense would be to the company, correct?

Albers: The developer.

Mares: My questions would be whether you're sitting right next to the power grid or 5 miles away but yet it's a good solar producing place...the expense would then going to power systems, correct? And you would still be able to generate the same energy.

Albers: Yes.

Mares: But the expense would be to Innovative Power Systems?

Albers: The expense would be the developer. The cooperative territories cover a vast majority of the down part of Illinois. I think a lot of people don't realize that if you get 1-4 miles outside of any particular town served by Ameren and you are into cooperative territory. There are places in Springfield that are served by Ameren, CWLP and then the coop that are hundreds of yards from each other. And I think part of the problem is that over the years it evolved that way. So you get a mile or two past a municipal area you are probably going to be in a coop area. And that ground at that point becomes useless for a solar project.

Mares: I appreciate that. I can understand where Dave and Craig and a lot of our members are coming from. And when you take land out of production and I don't know what the circumstances will be and obviously solar power is relatively new and I don't know what happens and I'm not an expert but I don't know what happens when you let ground sit for 35 years. I don't know what the circumstances are and I don't know that anybody knows because I don't think we have had a solar farm that has lasted 35 years at this particular point. And to know that 35 years from now once we decommission this we are going to go back to same best 4inches of tillable ground.

Albers: It's my understanding that letting the ground take a break for a while is actually good for the land and this ground the lease terms is about 25 years. So once the lease terms are up and the project is removed. You can put back into farming. I have had farmers approached me who wanted to give their land a break by doing a project.

Beaty: Does the person who owns the land now...is he a farmer now?

Albers: He's in the room.

Beaty: What kind of lease would he generate from that?

Albers: About \$1,200 dollars is the going rate here in Illinois.

Chimento: Y'know what I have 200 acres.

Spiro: So he's farming the land now...I don't know what the problem is. I understand how other farmers may be concerned but after 35 years it's going to be decommissioned. I think if you are going to be pro-business lets be pro-business and raise some revenue for the county and let people do their business and proceed forward.

Mendenhall: I agree with you about being pro-business but in the process of being pro-business should we hamper/destroy other business?

Spiro: I don't think that's the issue they aren't hampering or destroying anybody else's business?

Gab: Point of order gentleman...this meeting really is to get testimony. I understand philosophical discussion but I would rather get back to the business.

Chimento: Any other objectors?

Clifford Clement was sworn in.

Clement: I have been out there for 50 years. My property is probably my biggest asset that I have. I am 74 years old. If this destroys my property value and I can't see where this is going to enhance my property at all. I shouldn't have to suffer that and I have been paying taxes to Sangamon County the last 50 years. I moved out there to be near farm fields and that's where I will spend the rest of my life. I don't think it's fair to me as a property owner to have to be subjected to that. Do I have the right to tell someone how to deal with their property? Yes I do when it's effecting my property. I have that right. I would ask that when the variance is put in and property zoned for its purpose it will stay there. And when it's not being used for farm related purposes. I would ask myself and neighbors that we not be subjected to this. And if he's wanting to take farmland out of production may be he needs to look elsewhere. There are 150 residences in the area. I just ask that you guys take in consideration the individuals out there and not just seeing that someone is making a deal and others have to suffer.

Chimento: Any questions? Thank you. You have a rebuttal...

Albers: I respect his concerns about the use of the land. I would note that under the existing county ordinance there are a variety of other uses that Mr. Maddox could put the property to and that would be more burdensome to the neighborhood. So if you compare this to some of the other burdensome uses...I would submit this solar project would be more favorable.

Mares: If we were going to do something different than this....they would have to come back and request a variance.

Albers: I believe under the current ordinance there are a list of uses that are permitted.

Chimento: He could raise hogs there if it's ag.

Albers: I don't know about that particular one.

Chimento: I do.

Albers: Ok.

Chimento: Reads staff recommendation.

STAFF RECOMMENDATION: Recommend approval of the Conditional Permitted Use for the Solar Farm Energy System. The petitioner is proposing to comply with all the specific setback requirements and additional standards in the Solar Energy System Ordinance and maintain the site. The petitioner will also use the type of solar panel that is designed to limit the negative impact on adjacent property owners.

Committee Member Andrew Spiro made a motion to recommend approval of staff's recommendations.

Committee Member Charlie Chimento seconded the motion.

Motion carries 3/2/0

Docket 2018-046 Innovative Power Systems, Inc. for property located at 5800 Block of Old Rte. 54, New Berlin, IL 62670

PETITIONER(S): Innovative Power Systems, Inc.

OBJECTOR(S): No

PRESENT ZONING CLASSIFICATION: A

REQUESTING: Petitioner requests a Conditional Permitted Use for a Solar Farm Energy System (SFES) and a variance to allow principal structures on parcels without public road frontage.

John Albers was sworn in.

Albers: This project is similar to the last one in terms of size and the equipment and the technical aspects of it. It's located just east of Curran and I understand there is a need for a variance regarding access to it since there is no access near the project area. I am in the process of working with the two neighboring properties regarding easement access so we are able to access the project area. I have a signed easement from UCM for part of that access and I am in discussions with ADM for a second easement. ADM don't have any objections they just have to get the bureaucratic to have them look at it. It has to be approved by two vice-presidents before the president approval. If the board is comfortable moving forward with it, that's fine with me, or if you would prefer to wait till easements are in place and signed. I will respect that and defer your judgement. If you have any questions let me know.

Spiro: I have a question that maybe staff can help on this...isn't UCM and ADM aren't they industrial zoned facilities?

Harrison: Yes.

Spiro: Thank you. Are there any residential zoned lots near this project?

Albers: No sir, not to my knowledge.

Mares: I realize an easement issue. I know granting it and providing the easements are in place...I guess my thought would be that wouldn't it be easier if the easements were approved.

Harrison: Actually in this case by granting the zoning...it's no different than anything that we grant in the zoning world...doesn't necessarily mean it can happen. The next phase would be through the

building permit and those permits wouldn't be granted unless the easement was not in place. The zoning would really go hand-in-hand with additional requests and requirements down the road. So to answer your question...no there wouldn't be issue.

Chimento: Is there a problem about dust?

Albers: Our engineers aren't concerned by it...I mean I understand why you would ask but no.

Chimento: Fine, if you aren't...I'm not. County board...Craig?

Hall: Yes sir, I just want to say I am for this one. You either by accident or intentionally got one right. This is an industrial area...we have asphalt, we have concrete, we have mixers and we have no residents in the area. This is smart growth. I see why you picked this one...this is very logical. Our zoning that we do not so much Sangamon County but Springfield. As you drive around you see bad zoning and at what point are we turning our communities into "Pottersville". You can down Macarthur or Stevenson. And yes you can use zoning laws and say yes this is legal. We have Springfield Regional Planning and think about what we want to see our community as in 25 years...are we wanting to seeing growth and thriving? So if you can keep finding these I'll vote for you.

Chimento: Any other county board member? Objectors? Hearing none read the staff recommendation.

STAFF RECOMMENDATION: Recommend approval of the Conditional Permitted Use for the Solar Farm Energy System. The petitioner is proposing to comply with all the specific setback requirements and additional standards in the Solar Energy System Ordinance and maintain the site. The petitioner will also use the type of solar panel that is designed to limit the negative impact on adjacent property owners.

Recommend approval of the variance to allow principal structures on parcels without public road frontage. One of the factors that the Zoning Board of Appeals (ZBA) is required to take into consideration before granting a variance is if the decision will "create bad or good precedent for the future" (Section 17.66.050, D, 8). The site is served by an access easement designed to accommodate farm equipment. If the petitioner improves the easement with appropriate surface materials to be utilized by emergency vehicles, then the easement should be adequate enough to handle ingress/egress to the solar farm. However, staff is concerned that granting the variance would set negative precedent to allow the parcel to be utilized, with no road frontage, for other uses permitted in the Agricultural District. Therefore, staff is recommending that a restriction be placed on the property that the ingress/egress to the property is restricted to vehicles associated with the existing agricultural use and the solar farm use including any emergency vehicles that may be necessary.

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 2018-047 Innovative Power Systems, Inc. for property located at 700 Block of Main Street, Rochester, IL 62563

PETITIONER(S): Innovative Power Systems, Inc.

OBJECTOR(S): No

PRESENT ZONING CLASSIFICATION: A

REQUESTING: Petitioner requests a Conditional Permitted Use for a Solar Farm Energy System (SFES), and a variance to allow the west side yard setback to be zero (0) feet instead of the required fifty (50) feet side yard setback.

John Albers was sworn in.

Albers: This project I would actually request that the board hold till the November meeting. I understand the zoning department would like to get some further information from the Village of Rochester. And IPS is fine with that. This past Tuesday we had an open house and invited residents to inform them and answer questions.

Mares: Is this a continuance?

Harrison: It would be continued till next month, yes.

Committee Member Don Wulf made a motion to recommend a continuance till next month.

Committee Member Tony Mares seconded the motion.

Motion carries 4/1/0

Docket 2018-048 Bret Miller for property located at 6200 Farrier Place, Springfield, IL 62712

PETITIONER(S): Bret Miller

OBJECTOR(S): Yes

PRESENT ZONING CLASSIFICATION: R-1

REQUESTING: Petitioner requests a variance to allow an "A" Agricultural District Conditional Permitted Use (CPU) for a bed and breakfast in an "R-1" Single-Family Residence District.

Bret Miller was sworn in.

Miller: I came to Springfield in 1993 and in 1997 I bought the lot there and built a house. I have been a pharmacist since 1989...and last year I lost my job. And 4 years ago I married my wife, Lisa. And I suggested she move down and we did an addition. And it turned out very nice and after losing my job...we needed income and so I did research and decided to start an Air BnB. I'm currently employed with Illinois Department of Revenue but it's a lot less money. I got a letter from Trustin that states that I am not allowed to do that stated in the ordinance. I am still not clear but of course I want to be compliant. I think we want Agricultural with a conditional permitted use. We have been doing this for some time and have had no problems at all. After I got the recommendation I wrote an email to Trustin. It was in direct response to their reasons for granting the CPU. Miller reads email...I am very disappointed that Trustin is opposing us. I do not understand why. From my position, the variance is absolutely necessary to me maintaining the property as a principal residence. I guess my being a valued member of the community for all these years is not weighed very highly. Denying me the variance absolutely puts the use of the property for principal residence at risk.

No one even knew we were doing an airbnb around here, so how does it possibly negatively affect the character of the area? How is this different from any other business that happens all of the time? Avon and Tupperware parties have people coming to one's home, setting up a business out of one's home should be desirable for the community. Locksmith, piano tuner, or having a small online business will all cause more traffic to the home. That does not mean the township or the county should try to stifle business ventures. It can easily be seen as a win win.

As for the idea that our airbnb would essentially make our home a duplex for multiple families; I could not disagree more. There is no property being brought here and we only have guests eight or ten evenings per month on average. The couple parks in the driveway and brings in a couple bags for overnight. They then go out to our local restaurants or as tourists. These people are quiet and respectable, we have never had any trouble from anyone. This is not anything remotely resembling another family living here. We could have any friend or family move in if we want to. We only have Lisa and I, and part of the time my college daughter comes home, but often she lives with her boyfriend. The house and septic system is well equipped for five to seven people to live here.

I feel the community has no experience with airbnb so he has a total misunderstanding of what it is that makes people book. People want connection, they want to meet real people and spend time with them in their home. They do not want a sterile hotel room, they want to visit. We have met and hosted people from around the world and around the country. The website collects HOOT taxes for the state and we pay income tax. Homeowners have boarded people in their homes in this country for hundreds of years for supplemental income and airbnb is nothing new- just a new version in the age of internet companies. There are more than 80 airbnbs in the area and even beautiful mansions in the Washington Park are leased. The communities are enhanced, because people get to know Springfield better and consider moving here or setting up business here after they have a good experience in our homes.

I urge everyone to soften your resistance for the hearing and board meeting. I ask you to do more homework on the legal discussions in other communities. I ask you to consider each airbnb zoning request on the merits of the homeowners and the property. You are welcome to come get a tour of our home to see we are uniquely qualified to have a classy, low profile airbnb.

One thing I noticed is sometimes people perception is not so only because they look at how it may adverse effect. We have had delightful people and not a single bad thing has happened.

Chimento: County board have any questions? Objectors?

Attorney Bernard Scott representing the subdivision of Polo Estates. We have a petition here from 35 neighbors objecting to this use. We agree completely with the staff and this represents a horrible precedent. This is an area of approximately 53 single-family homes and his home is beautiful also but the neighbors don't want this type of commercial activity in their neighborhood and we don't need Air BnB popping up in single-family neighborhoods and there's a reason why people live in these type of neighborhoods because they want to raise their families and have a quiet environment. They don't want people coming in and paying for things in other neighbors' houses. They don't know who is staying there and could be problem people. They don't know and have no way to regulate that. When you're looking at the variance to zoning there are four standards of variations that have to be met. This project doesn't meet any of these four. The fact that Mr. Miller has lost income doesn't make this unique for zoning purposes. This is a single-family home...there's nothing unique about this house or any other house. The trend of development in the area...every home is a single-family home there is no trend of having a bed and breakfast or duplexes or multi-family residential. There's no benefit to the community...in fact the neighbors would say this is not a good thing and want it to remain a single-

family neighborhood. They don't want a bed and breakfast or commercial area in their neighborhood. There's a negative impact on these single-family homes...they have people coming in to this area they don't know and have any knowledge about. This turns this house into multi-uses and duplex type use...like staff said. There are good places to have bed and breakfast but a 53 single-family home area is not a good place. It sets a horrible precedent for this board to allow something like this because someone is looking for extra income. You would start having this any every neighborhood if you allow this.

Chimento: Any questions?

Spiro: If you have his uncle or mother in-law need a place to stay and pay \$200-\$300 per month...would that be a violation?

Scott: You have to ask your legal counsel on that...but that's not what he's asking to be done?

Harrison: Once money exchanges hands at that point it becomes a business. I am sure there is some type of latitude with family. But once it becomes a business it has to meet the guidelines of the ordinance.

Miller: There are several types of air bnb in other neighborhoods and those neighborhoods as far as I can tell have no problem. May be not even aware, so again I just think this perception is because it's something new and if people are doing it respectfully then there is no negative effect on a neighborhood. I think every neighborhood that has a case by case granted approval to do this and have professional people coming in and providing HOOT taxes and incomes. And it helps someone during a transition period. I have helped out my neighbors when they have had issues and I think it's just a perception and this is my home and we are always there and my wife works from home.

Chimento: David?

Mendenhall: I have a question for staff...the bed and breakfasts that are located in Sangamon County that we are aware of...are any that we are aware of in residential subdivision areas or rural areas?

Harrison: The bed and breakfast or air bnb that we have currently are all within ag zoned lots and the ones that I am aware have the appropriate zoning in place.

Mendenhall: Thank you.

Chimento: Any other objector?

Lisa Miller was sworn in.

Chimento: Your husband?

L. Miller: Yes.

Chimento: You objecting?

L. Miller: No, sir. Our air bnb has a beautiful aesthetically pleasing appeal.

Chimento: Anyone else? Hearing none read the staff recommendation.

STAFF RECOMMENDATION: Recommend denial. No particularly unique circumstances exist that would justify the requested variance, and the subject property can still be utilized as a single-family

residence. The requested variance to allow a bed and breakfast would in effect create a duplex or multiple family residential lot, which is not compatible with the single-family residential trend of development in the area. The Standards for Variation are not met.

Committee Member Larry Beaty made a motion to recommend approval of staff recommendation.

Committee Member Tony Mares seconded the motion.

Motion carries 5/0/0

Docket 2018-049 Huntco Partners, LP for property located at 5677 Hunter Road, Rochester, IL 62563

PETITIONER(S): Huntco Partners, LP

OBJECTOR(S): No

PRESENT ZONING CLASSIFICATION: A

REQUESTING: Petitioner requests for Proposed Parcel 1, Proposed Parcel 2, and Proposed Parcel 3: a variance to allow three (3) parcels less than forty (40) acres; and, for Proposed Parcel 2: a variance to allow the lot depth to be greater than two and one-half (2.5) times the lot width.

Attorney Gordon Gates: This is a large piece of property that has been used as three building lots for a long time. The ground is setup that the contours of the ground is making it about the only way this land can be divided up as a result it does create a couple of problems we are addressing today. Any questions?

Chimento: Any questions? Objectors? Hearing none read the staff recommendation.

STAFF RECOMMENDATION: Recommend approval. The petition states, "The property is, and has been for many years, improved with three separate dwellings. Dividing the parcel in a logical manner which accommodates the topography and the need for access to a public roadway, requires one of the lots to violate the width to depth ratio requirement." Staff agrees these unique circumstances exist and in order to separate the three residences the variances are necessary to bring the subject property into compliance with the code. The Standards for Variation are met.

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

Committee Member Tony Mares seconded the motion.

Motion carries 5/0/0

Docket 2018-050 Russell Schwartz for property located at 20 Pin Oak Lane, Springfield, IL 62711

PETITIONER(S): Russell Schwartz

OBJECTOR(S): No

PRESENT ZONING CLASSIFICATION: R-1

REQUESTING: Petitioner requests a variance to allow the side yard setback to be approximately three (3) feet instead of the required ten (10) feet.

Russell Schwartz was sworn in.

Schwartz: First of all I would like to apologize with not following through on building permit and I had intentions of doing so but our vacation came up quick and our carport showed up sooner than expected. And we dropped the ball. And next the reason we put the carport where we did is for a couple reasons: First, there is an existing shed that was already there that we tore down and we re-used that base. And we added on to that going into our yard and then further east into our timber, as far as we could. And even though it's technically the middle of our property...it's realistically our backyard. Because the rest of that is all timber and it slopes downhill to a creek. So the backyard setback is 3' which is where we're in compliance of. And also we can't put the carport any further east due to slope of the ground and the number of mature trees in that area...which we have photos. The reason we don't feel we can bring it any further north in to the yard is because our septic system and we don't want to be over the top of our existing laterals. And the back of the carport faces city easement and the neighbor's property stops before the carport begins. Therefore there will never be anything built where the back of the carport lies because that will always be city easement. We believe this carport was a nice improvement to our property and the old shed was dirty and rundown and also it places the view of the tree line from our house which is one of the many reasons we purchased that property...little bit of country living plus it was truly the only place we could place the carport without doing a lot of digging and building up. Also we have noticed other sheds that are in the middle of the property in surrounding area and not 10' off the side yard setback. Therefore, we are asking for a variance of 3' for our steel carport.

Chimento: You put this carport back where you had a shed, is that correct?

Schwartz: Yes, there was a 12' x 14' wooden shed and we tore that down and kept that base and expanded the based into our yard and farther east as far as we could till we ran into our tree line.

Wulf: How large is this carport?

Schwartz: 24' x 21'.

Wulf: So, the shed you tore down...what size was it?

Schwartz: It was 12' x 14' and that existing base that's still there we just added on to it north into our yard and as far east as we could.

Chimento: Any questions?

A. Fulgenzi: Mr. Schwartz did you consult with the county building and zoning office prior to building this?

Schwartz: Yes, we started the process of getting a permit and like I said we dropped the ball because we were going on vacation and like I said they said we could put carport up earlier than I had anticipated.

A. Fulgenzi: Did the county give you any feedback as to whether or not that you could build it where you wanted to? Did they tell you yes that where you have is at that time was ok?

Schwartz: They didn't say yes and they didn't say no...they just said we will have to go through the process that we are going through now.

A. Fulgenzi: Ok, so you couldn't do it without the variance...and they told you at that time?

Schwartz: They didn't say we had to have a variance but they didn't say we could.

A. Fulgenzi: Well, if you have to go through this process then you had to get a variance...is what they told you then?

Schwartz: Yes, they said we had to do this variance to get it 3' instead of 10'.

A. Fulgenzi: Ok.

Chimento: Abe?

Forsyth: Mr. Schwartz in back of that timber there what exists?

Schwartz: There is just a whole bunch of mature trees and it slopes downhill to a creek that runs from our property and to the property to the north of us and then another property north of us.

Forsyth: If you hadn't paid for the permit and asked for the permit...do you think you would have a chance to get that variance?

Schwartz: Yes, I do believe so.

Chimento: You familiar with that area...Abe?

Forsyth: Yes...it's right at the end of Salem Estates. It's the first house outside of the city. He didn't go through the procedure and he can't do that.

Chimento: Any objectors? Hearing none read the staff recommendation.

STAFF RECOMMENDATION: Recommend denial. The property can continue to be used economically without the requested variance. The petitioner placed the shed on the subject property without receiving a valid building permit. The subject property contains buildable area where the shed could be located in order to meet the ten foot side yard setback. The Standards for Variation are not met.

Mares: Question for staff...does he have any other remedies to cure?

Berns: I believe in a couple of other situations staff has recommended denial and this body has agreed with the staff recommendation to deny.

Mares: So in the process he needs to go before the county board?

Harrison: Correct.

A. Fulgenzi: I have another question from the pictures I am looking at it appears the structure is portable...can it be moved?

Schwartz: It's on a wooden base and it's secured down.

A. Fulgenzi: A portable building sold as a portable structure, correct?

Schwartz: Yes, but it is secured down to the ground.

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

Committee Member Charlie Chimento seconded the motion.

Motion carries 5/0/0

Docket 2018-051 TerraNavigator, LLC for property located at 19800 Borden Road, Illiopolis, IL 62539

PETITIONER(S): TerraNavigator, LLC

OBJECTOR(S): No

PRESENT ZONING CLASSIFICATION: I-2

REQUESTING: Petitioner requests a Conditional Permitted Use for a Solar Farm Energy System (SFES).

Christian Dick was sworn in.

Dick: I am here tonight behind a special use permit application for the adaptive re-use of a former industrial property for a ground mounted solar project. What is different about our proposed project is that we specialize in the adaptive re-use of brownfields, landfills and following industrial property. We have worked the economic development agency that works in partnership with the Village of Illiopolis that has been working with this site. To be able to find a compatible use for a 2-2megawatt solar projects similar to what you have heard tonight. Although the technology that we use is a fixed tilt design it will not move. It will also be participating in the same solicitation in January but we will be using what is called a ballasted solar project...ballasted means it will be installed entirely above grade. It makes it easier to install, quieter to install and quieter during operation as well as easier to remove after the usable life of 35 years.

Chimento: Is there concrete involved?

Dick: We use what's called pre-cast concrete blocks and it provides us the structural engineering for addressing wind and snow loading. They are relatively large concrete blocks that are set on the ground and the racking system is erected above.

Spiro: Was this the old chemical plant?

Dick: Yes, so our two sites that we are proposing to use...we refer to as Illiopolis north and this is Illiopolis south. In working with the economic development agency, they identify that really as a surplus property within the as well as allowing them to continue to pursue a larger industrial tenant to potentially come in for economic development reasons.

Spiro: So, the mayor and city council of Illiopolis is all aware of that?

Dick: Correct, so our lease is with the Village of Illiopolis. The large part of this project is driven by the economic development impacts in terms of lease revenues to the Village of Illiopolis and as well as full-time and part-time revenues from the construction and operations and as well as the real property tax revenues that you guys were speaking about earlier, related to solar energy projects in Illinois.

Wulf: Trustin, you show 4 separate parcels here...

Trustin: When you look at the site here it actually does cross over some of the property lines and that's why there are other parcels listed...it's just the way the site was developed and designed there.

Wulf: Is it the whole area that's outlined?

Trustin: The north one and here is where road is...it actually crosses property line and right through the center and it has to cover all of the parcels when we list it because it's actually touching other parcels.

Wulf: Ok, so the parcel in question here is not actually drawn into my map here...

Harrison: Correct. And for clarification the acreage is going to be very similar to the previous.

Dick: It will actually be smaller. It will be about 40% smaller because we are using what is called fixed tilt solar. The previous applicant was using single axes tracker which requires it to be more spaced out to accommodate the shading that happens with the moving parts. Our system uses between 11-12 acres per project.

Chimento: David?

Mendenhall: First of all I would like to thank you for selecting this site and it will have very little impact on the surrounding neighbors. I think the closes houses are over a ¼ mile away. You're surrounded by other businesses...a water plant, a sewer plant and 1-2 grain storage facilities, a fertilizer plant, a seed company. The other comment I would make is...I am not opposed to solar, I am opposed to locations and opposed to taking prime agricultural ground out of production. There is some agricultural property in your site and it's not prime agricultural farmland and it shouldn't be farmed and shouldn't of been farmed the last 10 years...it was only farmed because Ferosa and the Village of Illiopolis didn't want to mow and maintain it so they cash-rented it out. It's an excellent location.

Chimento: Any objectors? Hearing none read the staff recommendation.

STAFF RECOMMENDATION: Recommend approval of the Conditional Permitted Use for the Solar Farm Energy System. The petitioner is proposing to comply with all the specific setback requirements and additional standards in the Solar Energy System Ordinance and maintain the site. The petitioner will also use the type of solar panel that is designed to limit the negative impact on adjacent property owners. The subject property is also zoned I-2 which allows for more intense uses than a solar farm.

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

Motion to Adjourn:

Committee Member Tony Mares made a motion to adjourn.

Committee Member Charlie Chimento seconded the motion.

Motion Carries 5/0/0

Meeting adjourned.

Respectfully submitted,


Recording Secretary


Chairman

Minutes of October 18, 2018

Full record of minutes available upon request in the Zoning Department