

Sangamon County, Illinois
ZONING BOARD OF APPEALS

The Zoning Board of Appeals met on July 19, 2018 at 7:00 P.M. in the County Board Chamber in the County Complex.

ATTENDANCE (X) denotes present

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| (X) Chairman Chimento | (X) Committee Member Mares |
| (X) Committee Member Wulf | () Committee Member Sudeth |
| (X) Committee Member Spiro | () Committee Member Beaty |
| (X) Committee Member Lathan | |

STAFF PRESENT:

Emily Prather, Associate Planner, 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 June 21, 2018 Minutes

Committee Member Don Wulf made a motion to approve the June minutes.

Committee Member Tony Mares seconds the motion.
Motion carries 5/0/0

Docket 2018-017 J & L Strawn Properties, LLC for property located at 7836 Johnson Road, Rochester, IL 62563

PETITIONER(S): J & L Strawn Properties, LLC

OBJECTOR(S): No

PRESENT ZONING CLASSIFICATION: A

REQUESTING: Petitioners request for Proposed Parcel 1: a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District, 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 an accessory structure to be approximately twenty-four (24) feet instead of the maximum height of eighteen (18) feet allowed in the "R-1" Single-Family Residence District; 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 (approximately 6 acres); and, for Proposed Parcel 3: a variance to allow one (1) parcel less than forty (40) acres (approximately 25 acres).
PETITIONER AMENDED REQUEST AS STATED: Petitioner request a variance to allow one (1) parcel less than forty (40) acres (approximately 18 acres).

Pete Wagner was sworn in.

Wagner: We want to re-configure the lots and sell off the north 25 acres to the farmer to the north and then keep the south 18 acres for himself. We are going to need a variance for lot depth lot width.

Harrison: And also one less than forty acres.

Wagner: Yes, and also the one less than forty acres. Right now, it's all farm ground and he wants to maintain it as farm ground; he just wants to sell off the north part.

Harrison: So Pete...basically what Mr. Strawn is doing is withdrawing his original request and then the new request is going to a variance to allow one less than forty acres which will be approximately 18 acres and then a variance to allow the lot depth to be greater than 2.5 times the lot width.

ZBA Chimento: Staff is going to make a new recommendation?

Keenan: We are aware of the revised drawing and to clarify you are creating two pieces and one will be connected to the north.

Harrison: They aren't creating any additional parcels.

Keenan: There are no new additional lots, that's your testimony?

Wagner: Yes, that's correct no new lots being created.

Keenan: We are aware of a document that shows a 25 acres and 18 acres piece so, staff would like to amend the recommendation based on the amended petition. We would recommend approval of the variance to allow one less than forty acres which will be approximately 18 acres. The petitioner amended the petition in order to divide off and sell the northern 25 acres to the west, leaving 18 acres remaining. The petitioner withdraw the R-1 as such the LESA score is no longer applicable and the variance to allow the lot depth to be greater than 2.5 times the lot width and variance to allow accessory structure to be approximately twenty-four (24) feet instead of the maximum height of eighteen (18) feet allowed in the "R-1" Single-Family Residence District was also withdrawn. The owner submitted a new site plan and provided evidence that no change in land is contemplated on number of parcels of building residential structures will not increase. Standards variations are met. On page 5 for the Findings of Fact...Standard 1 is replaced to state as follows: The variance is requested in order to divide off and sell the northern 25 acres to the neighbor to the west, leaving an 18 acre remainder, which is less than the 40 acre minimum required in the Agricultural District. The property will remain in cropland...Standard 2 replaced to state as follows: No change in land use is contemplated and the number of parcels available to build a residential structure will not increase. Standard 3 replaced to state as follows: Negative impacts are not anticipated. And that Mr. Chairman is the end of the amended staff report.

ZBA Chimento: Ok. Anyone have any questions? Objectors? Hearing none read the amended staff recommendation.

STAFF RECOMMENDATION: Recommend denial. The LESA score of 204 indicates the subject property is suitable for agricultural use only. The character of the area is cropland and timber with very few single-family residences on large parcels. The petitioner's request to divide the subject property into 3 lots with variances is less than the previously requested 6 lots with variances; however, this does not negate the fact that the subject property has a LESA score of 204 and is under active cropland production. Additionally, no unique circumstances applicable to the subject property were presented to justify the requested variances. The Standards for Variation are not met.

AMENDED: Recommend approval of the variance to create one (1) parcel less than forty (40) acres (approximately 18 acres). The petitioner amended the petition in order to divide off and sell the northern 25 acres to the neighbor to the west, leaving an 18 acre remainder. The petitioner withdrew the request for R-1 and as such the LESA score was no longer applicable. The variances to allow the lot depth to be greater than two and one-half (2.5) times the lot width, and to allow an accessory structure to be approximately twenty-four (24) feet instead of the maximum height of eighteen (18) feet allowed in the R-1 Single-Family Residence District were also withdrawn. The owner submitted a new site plan and provided evidence that no change in land use is contemplated and the number of parcels available to build a residential structure will not increase. The Standards for Variation are met.

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

Committee Member Andrew Spiro seconded the motion.

Motion carries 5/0/0

Docket 2018-031 Timothy R. & Kristina L. Wilkerson for property located at 7516 Mechanicsburg Road, Springfield, IL 62712

PETITIONER(S): Timothy R. & Kristina L. Wilkerson

OBJECTOR(S): Yes

PRESENT ZONING CLASSIFICATION: A

REQUESTING: Petitioners request for Proposed Parcel 1 and Proposed Parcel 2: a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District, 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 an accessory structure to be approximately twenty-six (26) feet instead of the maximum height of eighteen (18) feet allowed in the "R-1" Single-Family Residence District.

Attorney Steve Bochenek was sworn in.

Bochenek: They have approximately 37 acres parcel that's zoned agricultural that they would like to have rezoned to residential. The two parcels which one is approximately 21 acres and the other approximately 14 acres would like to divide. There are two variances being requested...one variance to allow an accessory structure to be approximately twenty-six (26) feet instead of the maximum height of eighteen (18) feet allowed in the "R-1" Single-Family Residence District and the other variance the lot depth to be greater than

two and one-half (2.5) times the lot width...which I think we are in compliance with right now but wanted to leave in as a request should we need it later on with the reconfiguration of the parcels.

Harrison: Yes, that's correct should the front of the parcels change...they wouldn't have to come back in for zoning.

ZBA Chimento: Anyone have any questions?

ZBA Mares: The variance in regards to the building...it appears the building already exists, is that correct?

Bochenek: Yes, that's the correct on the one lot.

ZBA Chimento: County Board? Objectors?

Judith Goby was sworn in.

Goby: I live directly across the street from the runoff pond which is within the same area as this house. My first question is there being a second house being considered or is the one that's currently in place? So, there is a house and a very large building on that property...is that the only building we are talking about? Or is there another one going in on the other side of the pond. Because on the other side of the pond would be directly across from my home.

ZBA Chimento: Ok. Any other questions?

Goby: If it's on the other side of the pond and they are choosing to make a second home...I have concerns about the size of the additional building because of the purpose and the one that's currently there is huge and I understand that Mr. Wilkerson races and I am concerned about noise levels and race cars in the area and what kind of confusion and things that are going to happen in that area.

ZBA Chimento: You have an opportunity to rebuttal.

Attorney Bochenek: The thought is that on the second tract at some point there may be a second home constructed. Mr. Wilkerson's son may be interested in putting up a home out there. Mr. Wilkerson has his business operation here in the City on Stevenson Drive. The business is not intended on these lots at all. It is for residential only.

ZBA Chimento: I would assume he has a RV and needs a big garage to store it...

Attorney Bochenek: Yes, that's correct for storage because he travels.

ZBA Chimento: Any other questions?

CB Mendenhall: I spoke with Mr. Wilkerson because I had the same concerns that you did mam and he assured me that the race car shop will remain in Springfield. And the camper and tractor would be in that building.

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

STAFF RECOMMENDATION: Recommend approval. The purpose of the request is to allow the property owner to split the property into two pieces to facilitate future construction of a single-family residence on an R-1 lot. The LESA score of 142 indicates the property is acceptable for non-agricultural development. For the variances, the subject property is unique in that it is a larger tract and smaller single-family residential lots have built up around the property on three sides. Allowing an accessory structure to be 26 feet instead of 18 feet in the R-1 District 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 Standards for Variation are met.

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

Committee Member Gina Lathan seconded the motion.

Motion carries 5/0/0

Docket 2018-032 James J. Skeeters for property located at 1525 W. Jefferson Street, Springfield, IL 62702

PETITIONER(S): James J. Skeeters

OBJECTOR(S): No

PRESENT ZONING CLASSIFICATION: B-3

REQUESTING: Petitioner requests a Conditional Permitted Use for a tavern.

Jim Skeeters was sworn in.

Skeeters: I want to have a tavern to create a gaming parlor.

ZBA Chimento: Ok, do you own the property now?

Skeeters: Yes.

ZBA Chimento: What's in there currently?

Skeeters: There's a wedding shop...

ZBA Chimento: What would your hours of operation be?

Skeeters: The hours of operation would be whatever is in accordance with the law.

ZBA Chimento: Are you going to run it?

Skeeters: I will.

ZBA Chimento: Anyone have any questions? County Board? Objectors? Hearing none read the staff recommendation.

STAFF RECOMMENDATION: Recommend approval of the requested Conditional Permitted Use provided that the tavern is limited to no more than 750 square feet in the location shown on the site plan attached to the petition and the hours of operation are limited to the Sangamon County Liquor Ordinance. This use at this location will not have an adverse impact on the area.

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 2018-035 The Gym of Springfield, IL for property located at 1823 Camp Lincoln Road, Springfield, IL 62707

PETITIONER(S): The Gym of Springfield, IL

OBJECTOR(S): No

PRESENT ZONING CLASSIFICATION: A

REQUESTING: Petitioner requests a rezoning from “A” Agricultural District to “B-3” General Business District and a Conditional Permitted Use (CPU) for a private outdoor recreation center.

Steve Klunick was sworn in.

Klunick: The Sangamon County Water District came to us with a land swap so they can have access to their future project and we just wanted zoning consistent with what we have currently.

ZBA Chimento: So you are swapping land with the Park District?

Klunick: No, Sangamon County Water District.

ZBA Chimento: Oh, water district.

Harrison: Mr. Chairman for clarification it's the Water Reclamation District Sanitation.

ZBA Chimento: Ok.

Greg Humphrey (Executive Director) states to Chairman Chimento he is there for any questions or clarification needed on behalf of water district.

ZBA Chimento: No problems, right?

Humphrey: None it's to our benefit.

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

STAFF RECOMMENDATION: Recommend approval. The petitioner is proposing B-3 with a CPU for a private outdoor recreation center in order to combine the portions of the subject property with the parcel to the northeast that is currently zoned B-3. Staff believes the proposed B-3 is appropriate due to the predominantly commercial/industrial trend in the immediate area outside the floodplain, and because the LESA score of 94 indicates the subject property is acceptable for non-agricultural development. The effects on the character of the surrounding area will be limited because the property to the northeast was granted a private outdoor recreation center in 2005. It has operated without apparent negative effects since that time. The other area surrounding the portions of the subject property is heavily timbered.

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

Committee Member Don Wulf seconded the motion.

Motion carries 5/0/0

Docket 2018-036 John Smith for property located at 18000 Block of Reichert Road, Divernon, IL 62530

PETITIONER(S): John Smith

OBJECTOR(S): No

PRESENT ZONING CLASSIFICATION: A

REQUESTING: Petitioner requests for Proposed Parcel 1: a variance to allow one (1) parcel less than forty (40) acres (approximately 28 acres); for Proposed Parcel 2: a variance to allow one (1) parcel less than forty (40) acres (approximately 22 acres), 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 3: a variance to allow one (1) parcel less than forty (40) acres (approximately 22 acres), and a variance to allow the lot depth to be greater than two and one-half (2.5) times the lot width.

John Smith was sworn in.

ZBA Chimento: You are wanting to split this property up and settle an estate?

Smith: Yes.

ZBA Chimento: Anyone have any questions? Objectors? Hearing none read the staff recommendation.

STAFF RECOMMENDATION: Recommend approval. Granting the variances would facilitate a division of the subject property to help settle an estate. The property is and will remain in cropland. The Standards for Variation are met.

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

Committee Member Don Wulf seconded the motion.
Motion carries 5/0/0

Docket 2018-033 Text Amendment Chapter 17.04 Definitions to add a definition of cargo container

Harrison: The first text amendment is a change in zoning ordinance to add a definition of a cargo container.

ZBA Chimento: Anyone have any questions?

ZBA Mares: I read the depth is 40' long on container...are we talking about a box car?

Harrison: Pretty much. The shipping containers have become very popular.

ZBA Mares: On television it shows that you can even live in them.

Harrison: Yes, correct. At this point we looked at living in them as a potential but the board at this time not addressing using them as a living structure but more so as a storage unit.

ZBA Mares: The reason this is coming up now is why? Are these temporary or permanent?

Harrison: it could be both; with the ordinance it's enforcing some regulations where they will have to be solid color, signage removed and be anchored to the ground and be suitable to mobile homes anchoring. It's currently an allowable use but right now we are putting regulations and limits on them with this definition.

ZBA Mares: Have we had someone do something like this?

Harrison: We have several.

ZBA Wulf: On residential lots?

Harrison: Yes, its cheap storage.

ZBA Chimento: Greg?

CB Stumpf: Mr. Chairman I believe at this time if somebody wanted to propose even doing this as a home we don't have any regulations now. Correct?

Harrison: Yes, correct.

CB Stumpf: There are a lot of them "popping" up and we want to make sure they are safe and in the right place. And also in some places they have stacked them and it's getting to be a "thing" and why we have addressed it.

ZBA Mares: Question for staff...in doing this and once we require this in the ordinance is it something we can continue to add on...or how does that work? Or is it just saying we can allow it on property strapped down.

Harrison: This is more of an entry level and with the discussion we had and the lack of the definition allowed them to not have a lot of restrictions and having a definition in ordinance enforces restrictions. And in the future if we see that we need to amend to let it turn in to a residence or however we can then address that in the future.

ZBA Mares: It can only be put on existing property; it can't be in front of the property...so you couldn't just have a vacant lot and put this on as a storage unit?

Harrison: No, it will have to meet solid setbacks and as long as it meets the front yard setback, yes it's allowed. It can't be on small lots of record which are the 40' lots and the way our ordinance is written now a garage can be placed in a rear yard as close as 3'... this is saying that it can't it has to meet the full setback requirements.

ZBA Mares: 10' setback, correct?

Harrison: Yes. There's more restrictions with this definition.

ZBA Mares: Is the front yard allowed?

Harrison: It will not be allowed in a front yard.

ZBA Wulf: The existing units that are out there now are those just "grandfathered"?

Harrison: If they were permitted. A lot of these were brought in without permits so if anything is brought in compliance...

ZBA Wulf: So they would have to produce a permit to you?

Harrison: Correct.

ZBA Lathan: Are those permits temporary?

Harrison: No, they are no different than a building permit so it would be for a permanent structure.

ZBA Lathan: So the permanent permits...I am thinking of one that's a visual nuisance. If it doesn't meet the ordinance then what?

Harrison: If it had a permit granted it would then be "grandfathered" because we do have some that did get permits, so those would be "grandfathered" in. If it was placed there without getting a permit those would need to get permits and be brought in compliance. Because it would be considered a new structure.

ZBA Lathan: Ok, and as long as the previous ones have permits those are grandfathered" in?

Harrison: Yes, that's correct.

ZBA Chimento: Well, if they are permitted then they are meeting all the setbacks?

Harrison: Yes, at the time the previous structures were meeting the requirements of the permits but now since there's a change in that that allows them to then be "grandfathered" in.

ZBA Lathan: Ok.

ZBA Chimento: Makes a motion to approve text amendment.

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

STAFF RECOMMENDATION: Staff finds the attached ordinance meets the standards applicable to text amendments and recommends approval by the County Board after a public hearing and recommendation by the Zoning Board of Appeals.

Docket 2018-034 Text Amendment Chapter 17.42 Setback Lines To Add Exhibit A To The End of Chapter 17.42

Harrison: The second amendment is to add Plate 1 exhibit to the ordinance. It currently calls out Plate 1 but there is no diagram currently in ordinance so this is an amendment to get that Exhibit A added to Chapter 17.42.

ZBA Chimento: Makes a motion to approve text amendment.

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

Committee Member Gina Lathan seconded the motion.

Motion carries 5/0/0

STAFF RECOMMENDATION: Staff finds the attached ordinance with the proposed map addition meets the standards applicable to text amendments and recommends approval by the County Board after a public hearing and recommendation by the Zoning Board of Appeals.

Motion to Adjourn:

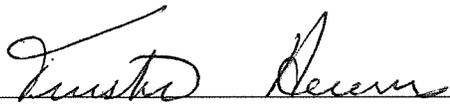
Committee Member Tony Mares made a motion to adjourn.

Committee Member Don Wulf seconded the motion.

Motion carries 5/0/0

Meeting adjourned.

Respectfully submitted,


Recording Secretary


Chairman

Minutes of July 19, 2018

Full record of minutes available upon request in the Zoning Department