Sangamon County, Illinois
ZONING BOARD OF APPEALS

The Zoning Board of Appeals met on September 20, 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 Wulf
() Committee Member Spiro
() Committee Member Lathan
(X) Committee Member Mares
(X) Committee Member Sudeth
(X) Committee Member Beaty

STAFF PRESENT:
Molly Berns, Executive Director, Spfld-Sang County Regional Planning Commission
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

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Chairman Chimento called the meeting to order.
Approval of August 16, 2018 Minutes

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

Committee Member Tony Mares 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

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

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

Trustin Harrison: Mr. Chairman the solar cases that were going to be tonight have been postponed till next month's meeting. Mr. John Albers is here tonight and can meet with residents in the hallway for any questions they may have.

There have been break-ins in the area and the neighbors like to see additional activity with the business being there.

ZBA Wulf: Are you going to be open to the public at all?

Godar: That was the part Trustin, I wasn't sure how it was worded with the greenhouse...if the greenhouse was added on and it would be by appointment only. We would only add the greenhouse so we would be taking care of everything at that time.

ZBA Wulf: Thank you.

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

STAFF RECOMMENDATION: Recommend approval of the requested Conditional Permitted Use to allow a landscaping company with a greenhouse limited to 400 square feet. Several other businesses are located in the immediate area and the trees located along the road, overpass, and existing structures on the subject property all minimize the effects the landscaping business will have on the surrounding area. Recommend approval of the requested variances to allow the parking to remain unpaved and the side yard setback to be zero feet. The weight of the tree removal equipment which could tear up a paved surface versus an unpaved surface provides a unique circumstance to allow the petitioner to have an unpaved access way and parking. The subject property is also unique in that the parcel to the east of the subject property of what one would assume to be a part of the subject property is located in the City of Springfield, and the existing shop/office building was built on this parcel line so granting the side yard setback variance would bring the existing building into compliance. The Standards for Variation are met.

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

Committee Member Don Wulf seconded the motion.

Motion carries 5/0/0

Docket 2018-040 Scott Franklin for property located at 6107 Franklin Street, Pleasant Plains, IL 62677

PETITIONER(S): Scott Franklin

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: A

REQUESTING: Petitioner requests for a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District.

Scott Franklin & Craig Franklin were sworn in.

can't place the garage there. He has paid his fines. It's a unique parcel. There is no frontage. It was built about 40 years ago before 1989.

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

STAFF RECOMMENDATION: Recommend approval. The garage on the subject property was constructed to replace the old deteriorating attached garage at this location and be able to accommodate the increased size of today's vehicles. The petition also states "The garage cannot be placed north of the residence as the septic system is located there." This makes the setback variance necessary in order for the subject property to have an attached garage and yield a reasonable return. The subject property was created in 1989, so granting the zero road frontage variance will bring the parcel into compliance. 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 2018-042 450 Partners INC. for property located at 450 North Street, Springfield, IL 62704

PETITIONER(S): 450 Partners INC.

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: I-1

REQUESTING: Petitioner requests a variance to allow multiple uses on one (1) parcel, and a variance to allow a "B-3" General Business District Conditional Permitted Use (CPU) for a tavern (limited to 540 square feet) in an "I-1" Restricted Industrial District.

Rex Bangert was sworn in.

Bangert: We need a variance to allow multiple use on one parcel and a variance to allow a B-3 Conditional Permitted Use for a tavern limited to 540 square feet in an I-1 Restricted Industrial District.

ZBA Chimento: So you will have a tavern, office space, locksmith and a plumbing contractor all in one building?

Bangert: Correct.

ZBA Chimento: Any questions? County Board?

ZBA Beaty: Is the office space for your business or do you rent it out as an office?

Bangert: It's a rental space. It's unoccupied space 15' x 36'

ZBA Beaty: Has it been occupied?

Bangert: It has been occupied; the office space and the Unit B was a dog groomer business, for about the past eight years.

ZBA Sudeth: What's your anticipated hours for the tavern?

Bangert: I believe the hours can be 7 am till 1 am…I would anticipate that.

ZBA Mares: We have had issues with outside noise and he owns the whole building so I doubt would be another outdoor venue. So with the liquor license does it conform to the 10 pm noise restriction?

Harrison: The CPU is not specific for outdoor music and on top of that the limitation for the bar area open to the public is 540 square feet. So that's how we regulate within our zoning ordinance. He can't turn this into a nightclub or a bar it is limited to the 540 square feet.

Bangert: The occupancy on this would be ten people at any one time.

ZBA Beaty: How do you control that?

Bangert: When you go through building/zoning and do your build out…one of the things is you have to state what the number will be and it then tells you how many bathrooms you have to have. And per the Illinois State Plumbing Code…ten is one bathroom per employee use and open to public, if necessary.

ZBA Beaty: My question is though what if you have twelve people…you going to kick two out?

Bangert: They will have to go, yes. Ten is the max and that's what it will have to be.

ZBA Mares: Do you have a liquor license currently?

Bangert: No.

ZBA Mares: And in Illinois right now the maximum gaming machines is five.

Bangert: There will be five machines, that's the max.

ZBA Mares: Currently…

Bangert: Yes, currently. And you have one on staff…so that brings that to six and then if someone comes in then there's the other four. I don't anticipate it to be overrun with people at any one time.

ZBA Chimento: Three, ok.

O'Dell: Two, two acres and five acres. And one acre would go to the county for right-of-way.

ZBA Sudeth: Is there anyone currently living in that house?

O'Dell: No, we would tear that down and build a new house.

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

STAFF RECOMMENDATION: Recommend approval. While the LESA score of 183 indicates the property is suitable for agricultural use, the subject property is approximately ten acres and is bordered on two sides by five acre tracts with residences. The proposed lots are consistent with the rural residential trend in the immediate area. In splitting the property, what apparently was a conforming setback when the barn was constructed will become a non-conforming front setback due to the definition of a front yard, i.e. the shortest frontage, in the code. Strict application of the code in this case would reduce the reasonable return on the subject property because it would require demolition of a barn that has not changed its location in over thirty years. 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 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 2018-044 Monica Lee for property located at 4927 Margaret Avenue, Springfield, IL 62711

PETITIONER(S): Monica Lee

OBJECTOR(S): Yes

PRESENT ZONING CLASSIFICATION: A

REQUESTING: Petitioner requests a rezoning from "A" Agricultural District to "B-2" Retail Business District; a variance to allow three (3) uses on one (1) parcel: (1) single-family residence, (2) sharpening business, and (3) small engine repair shop; a variance to allow a single-family residence in a "B-2" Retail Business District; and, a variance to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat.

Monica Lee was sworn in.

Refer to attached Exhibit Monica Lee read into the record.

ZBA Chimento: Counselor, we have a question?

ZBA Chimento: Can we only ask for a motion now since we read the recommendation?

Dwayne Gab: Have you heard from objectors?

ZBA Chimeto: No.

Dwayne Gab: No, we need to let the objectors have an opportunity to speak.

ZBA Chimento: County Board? Objectors?

William Smock was sworn in.

Smock: I am the owner of 4891 Margaret Avenue which will be most impacted by this zoning. We moved here due to the privacy and with no outlet access. We comprised on a house with no basement because we put a higher value on the privacy and quietness of our homes location. The following is a list of items we would like to address. The Frey Subdivision has a minimum 60% covenant restriction and we have at least 70% written opposition to the proposed changes; which most of the tenants are here tonight. Number two the majority of tenants desire the residential status…we are a small, quiet neighborhood with no outlet, as I mentioned earlier. Number three concerns with changes and privacy, two adjacent lots will be most affected. Lot 4891, which I own and I may be required to add a privacy fence which will add cost to me the owner. Excess traffic leads to concerns with safety and children playing and maintenance of the roads. Use and disposal of waste chemicals is a concern. Property of values declining if the zoning change is approved. Three properties are currently advertised for sale and owners are concerned if they can get an offer. Five taxes and concerns with the zoning change and owners' taxes in the future.

ZBA Chimento: Any questions for Mr. Smock? Any other objectors?

Dwayne Gab: Mr. Chairman point of order if someone else wants to testify. Since its testimony we do need you to come down and sign-in and give some information and your name. There is a convent this gentleman brought up. This isn't a forum for bringing the covenant up…that's something with your neighborhood and association and property owners in that subdivision. Those remedies are usually in circuit court.

CB Hall: Are you going to be advertising and having signs in the yard?

Lee: Our signage is going to fit within the zoning guidelines, so whatever those guidelines are that's what we are going to follow. Our business does not need a sign to survive. It comes by word of mouth is how we get our business. We aren't concerned about a sign.

CB Hall: Ok, are you advertising now?

Lee: yes, there is a sign but it's not lit up.

Koerner: I moved to Springfield 15 years ago and I continually do business there. I do a fair amount of wood working and I appreciate having someone local to sharpen my saw blades. I hate to have this business be put out and force our saw blades out of town or county and have to pay higher costs. I think this board needs to support local business or they will be driven out of the county.

ZBA Chimento: I agree.

Jack Phillips was sworn in.

Phillips: My wife has lived there since 1963. And there are no sewers are there for a business. How many septic tanks can you put on one lot? Will this business have to have its own septic? Margaret Avenue is a lane and when one passes…a car has to pull to the side. I am for business but it doesn't belong it our neighborhood. We have an ordinance, supposedly against businesses being in the neighborhood. A few years back we had a gentleman come in and wanted to put a truck farm in and raise domestic animals. We had to go to court and fight that. Now we have another business trying to come in. And if this lot gets rezoned then what other kind of business can come in?

ZBA Chimento: Anyone else?

Sharon Kaspar was sworn in.

Kaspar: I lived in that subdivision for 48 years and we have been residential. No businesses of anytime have been in there operating. It's a one lane road. It's a "T" road it is no place for a business. It has been a family neighborhood all those years. I don't appreciate people coming in and trying to change our quiet neighborhood, nice-peaceful neighborhood. We have a petition that people signed and don't want any part of this.

ZBA Chimento: Ok, you have a rebuttal.

Lee: Ok, thank you. In regards to disposal of hazardous materials…our materials are sealed in containers and taken to drop off facilities for recycling. We do not generate any coolant waste, we recycle all of our scraps. Also the city does provide us with hazardous waste recycling days for things we can't find to recycle. We use O'Reilly and AutoZone currently and for anything they don't take we do go to Sangamon County fairgrounds recycle event dates. In regards to signage we definitely would like a sign and it sounds like they are against that but would like a sign in the front yard. It's not a lit or overly big sign. We would do whatever the zoning guidelines are. In concerns to the lighting in the back we would only have lighting such as safety lighting. When it comes to the garage size its 32' x 48' those are our plans currently. In regards to septic and sewer system…we haven't even discussed that. We are only wanting our variances that we are requesting. When it comes to other business can come in…we are only wanting a variance, so only a sharpening business can come in. So if we ever close then the garage would only serve as any other garage and no other business could be there. When it comes to William Smock and him saying he needs to put up a fence…when we met with him on August 25 I even suggested out of our own money we would put up a fence out of our own money. In regards to the three homes on the market…one of the houses that are currently on market she is a strong support Ruth Kaspar is a strong supporter of us. She signed our petition. The Frey Subdivision only being residential

we are getting close to where we are having a yelling back and forth; I don't want to see it evolve into that.

ZBA Chimento: Abe?

Forsyth: It's all been said and everything has been covered. The one thing I want to understand is…if this thing passes…does the zoning stay on that property?

ZBA Chimento: Not with the variance.

Harrison: Mr. Chairman if this passes tonight the zoning is specific to this parcel and the requests would be for B2 zoning and there's no Use Variance up. The zoning would allow this lot with the B2 and variances for the business. Does that answer it?

Forsyth: You done it.

Berns: Trustin may I?

Harrison: Sure thing.

Berns: Ok, as required in the zoning ordinance to run these businesses at this location they are required to request B2 zoning and the extra variance to have multiple uses, but let's lay that to the side for a second. So the B2 zoning if you grant that tonight and make the recommendation and ultimately the county board grants it; not only would they be allowed to operate their small engine repair and sharpening business and single-family residence…staff will sometimes recommend denial of the zoning and in its place recommend a use variance be granted and in order to do that it has to meet certain findings. And in this particular case staff did not find that the requests for these businesses in this residential area met the conditions of a use variance. So the only thing you have before you tonight is whether or not B2 with the variances to allow multiple uses should be granted.

ZBA Chimento: Thanks.

ZBA Wulf: Mr. Chairman are you looking for a motion? Before I make my motion. I am very pro-business and impressed upon you and your husband's nature…I have to make a motion that we accept staff's recommendation.

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