

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

The Zoning Board of Appeals met on **March 21, 2019** 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 Sudeth</b>
<b>(X) Committee Member Spiro</b>	<b>(X) Committee Member Beaty</b>

**STAFF PRESENT:**

Molly Berns, Executive Director, Spfld-Sang County Regional Planning Commission  
Steve Keenan, Senior Planner, Spfld-Sang County Regional Planning Commission  
Emily Prather, Associate 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 February 21, 2019 Minutes

**Committee Member Don Wulf made a motion to approve the February 21, 2019 minutes.**

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

**Motion carries 5/0/0**

**Docket 2019-005 Zach McBride for property located at 144 Robb Street, PO Box 13, Glenarm, IL 62536**

**PETITIONER(S):** Zach McBride

**OBJECTOR(S):** Yes

**PRESENT ZONING CLASSIFICATION:** A/R-1

**REQUESTING:** Petitioner requests a rezoning from "A" Agricultural District and "R-1" Single-Family Residence District to "B-3" General Business District; a variance to allow two (2) uses on one (1) parcel: (1) single-family residence and (2) automotive repair shop; a variance to allow a single-family residence in a "B-3" General Business District; and, a variance to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat.

Zach McBride was sworn in.

ZBA Chimento: First on the agenda we are going to read the findings of the committee.

Emily Prather: The petitioner requested B-3 General Business District; a variance to allow two (2) uses on one (1) parcel: 1) single-family residence and 2) automotive repair shop; a variance to allow a single-family residence in a B-3 General Business District; and, a variance to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat.

Staff has recommended denial. The LESA score of 155 indicates the property is marginal requiring mitigating factors for non-agricultural development. In this case, the LESA score is not an appropriate tool because the subject property is located in an unincorporated village. While other B-3 zoning is north of the subject property, Robb Street is a dividing line with commercial uses to the north and residences to the south. The trend for the block bounded by Robb, Main, and Rhodes is residential, so allowing a commercial business would not be in harmony with the general purpose and intent of the Zoning Regulations. Staff has concerns that the end of Robb Street where the proposed automotive repair shop would be located is also in poor condition being gravel/dirt, and allowing a business to utilize this poor road could create a negative impact on the area. The subject property can continue to be used economically as a residential lot. As staff has recommended denial of the B-3 zoning request, the variance requests are unnecessary.

ZBA Chimento: Ok, you understand recommendation? Have a copy?

McBride: Yes.

ZBA Chimento: Ok, do you have anything you want to say about that?

McBride: Yes I was planning on taking the mud and make into gravel and would make it in good shape. And there is a township meet shed behind me to the south of the property that's commercial too. There is commercial behind and in front of the property.

ZBA Chimento: The township owns it?

McBride: Yes.

ZBA Chimento: For the road commissioner?

McBride: I think so.

Spiro: Is that township shed the farthest one?

McBride: It's the farthest one away.

Spiro: What is the zoning of that parcel, do we know?

Trustin Harrison: It appears that the current zoning of those parcels is R-1 and RM-4 and zoned residential and towards the end of the block is I-1.

Spiro: So that's an industrial zoning where the township shed is? What were your plans in regards to the road and parking?

McBride: For the road if it does get zoned...I am not putting money into till I get the ok on zoning but the plan is to get road all redone and graveled and then for the parking next to the barn have it graveled and have no more than 3-4 cars and no cars on the roadway or outside of the fence.

Spiro: Are you the only residence on that side of the lot?

McBride: Yes.

ZBA Chimento: Are you going to run this?

McBride: Yes.

ZBA Chimento: Is this your livelihood?

McBride: Yes.

ZBA Chimento: What are you doing now?

McBride: I am currently in the trucking business.

ZBA Chimento: So you are going to give up trucking and do this 100 % mechanic?

McBride: Yes, because I will be home more with the family and kids. Because trucking currently I am gone 2-3 weeks at a time.

ZBA Chimento: Anyone else have any questions?

ZBA Mares: I have a question for staff...when it comes to the I-1 zoning and different regulations in regards to ingress and egress and will probably have some sort of paved access to that?

Harrison: Are you referring to the property that we are talking about to the south?

ZBA Mares: The township building.

Harrison: As I am looking at this property and go to the zoning map...you see there are different zonings here and that's on one piece of property and some of these zonings have been in place for several years. And it appears currently the use isn't necessarily industrial in nature...and having said that a township garage is allowed in agriculture as well, because it's not normally considered a heavy industrial use.

ZBA Mares: Thank you.

ZBA Chimento: County board any questions? Objectors?

Dan Wallace was sworn in.

Wallace: I own the property directly across the street...the problem that we have now is the driveway that goes back to the shed and even if that was just graded and rocked the slope of the street comes back from Main street slopes all the way back and rock itself wouldn't do as far as the drainage. It would need to be asphalt or have some kind of engineer actually take a look for the proper drainage. That drainage comes all the back to the railroad tracks and then goes south from that point. Just changing it over from grass to rock I don't believe would do anything good. The second problem is the cars being parking on the street. I can't access my property at times because there are too many cars. I understand in the future they want to put a parking lot behind the garage but as it is currently it's not. My issue with the road there is more of a drainage issue. If they are going to look into it I recommend it be look at by an engineer before you go into it any further. It could cause a flood issue there.

ZBA Chimento: Any questions?

Spiro: If they were able to mitigate the drainage and parking situation, it wouldn't be a problem for you?

Wallace: The problem even after that even if you do get an engineer to take a look, is that from a real estate perspective I would be worried about the resale value if the property is rezoned and becomes a mechanic shop. Once it's rezoned you could have as many cars there as you want. There's nothing stopping a property that large from becoming dozens of trashed cars and effect the resale value of other properties in the area.

Spiro: What do you use your property for?

Wallace: I lease mine out to Envirofoam of America, which I also own. Right now we basically use it for storage and empty barrels which we sell off. We are going to be putting up shortly storage facility on those properties.

ZBA Chimento: Any other objections?

Raymond Reynolds was sworn in.

Reynolds: I own the countertop shop across the street. My biggest concern is that in the past we had a lot that I now own; that a guy did mechanical work on and he had 30 cars parked on two pieces of residential property and finally Village of Glenarm got together and stopped it. I think when they end up working on cars they don't really ever fix them and they end up collecting the cars more than anything. He was collecting them and parking them out and turned into a junkyard. And they didn't allow them to go commercial on those two lots. Later on I got the lots and had zoning and use for countertop shop. I just am afraid that eventually we will end up with more than just 3 cars and being parked all over the street. And be an "eyesore" for Glenarm.

ZBA Chimento: Any questions for this gentleman? Hearing none...entertains a motion.

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

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

**Motion carries 4/1/0**

**Docket 2019-006 Danny & Sherri Paul for property located at 12430 State Rt. 125, Pleasant Plains, IL 62677**

PETITIONER(S): Danny & Sherri Paul

OBJECTOR(S): No

PRESENT ZONING CLASSIFICATION: A

REQUESTING: Petitioners request for Proposed Parcel 1: a rezoning from “A” Agricultural District to “B-1” Neighborhood Business District; a variance to allow two (2) uses on one (1) parcel: (1) banquet hall and (2) tree farm storage; a variance to allow for an off-premise sign; a variance to allow the parking to be served off-site; a variance to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat; and, for Proposed Parcel 2: a Conditional Permitted Use (CPU) for a greenhouse.

Sherri Paul was sworn in.

Danny Paul was sworn in.

ZBA Chimento: Ok, we are going to read in staff recommendation.

Emily Prather: The petitioner has requested for Proposed Parcel 1: B-1 Neighborhood Business District; a variance to allow two (2) uses on one (1) parcel: 1) banquet ball and 2) tree farm storage; a variance to allow for an off-premise sign; a variance to allow the parking to be served off-site; and, a variance to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat.

Proposed Parcel 2: Conditional Permitted Use (CPU) for a greenhouse.

Staff has recommended denial of the requested B-1 zoning. The petitioners are proposing to divide five (5) acres from the subject property and utilize the structure on the property as a banquet hall. The structure will also be used to house equipment used on the tree farm already located on the subject property. B-1 zoning would be too intense for the area and some of the uses permitted in the B-1 district are inconsistent with the agricultural nature of the immediate area. After the zoning petition was filed, staff determined that in addition to being allowed in the B-1 zoning district, banquet halls are also allowed as Conditional Permitted Uses in the Agricultural zoning district (Resolution 9, Adopted February 13, 2007). As B-1 zoning would be considered spot zoning, staff recommends that the zoning for the proposed five (5) acre parcel remain as Agricultural and a Conditional Permitted Use be granted to allow a banquet hall. In addition, staff recommends approval of the variance to allow two uses on one parcel (banquet hall and tree farm storage). The structure is large enough to accommodate both uses. In addition, the use of the banquet hall is most likely to occur on weekends while the tree farm equipment will be used on a more regular basis in support of the tree farm agricultural business.

Related to the larger approximately 85 acre parcel, staff recommends approval of a Conditional Permitted Use to allow a greenhouse. The greenhouse has been there a number of years, is consistent with the agricultural use on the parcel, and has no negative impact on the area. Staff also recommends approval of the requested variances to allow for an off-premise sign and to allow the parking to be served off-site (from the adjacent, larger parcel). Signage related to the tree farm is located on the larger parcel. Having the banquet hall signage on the same parcel limits the visual clutter that would occur from having signs at multiple locations. Given the layout of the properties, it does not appear that there will be any negative impacts if parking is allowed to be located on what will legally become an adjacent parcel.

Recommend denial of the variance request to allow the parking to remain unpaved (rock). It appears that there is enough area proposed to be paved to meet the parking requirements for the banquet hall. As such, the variance is not needed. Parking related to non-banquet hall uses (tree farm equipment storage) are not required to be paved. If the area to be used for the banquet hall is expanded in the future, paving of additional parking areas will be required.

ZBA Chimento: Now you get to tell us what you want to do.

Danny Paul: We would like to open up maybe once a week for weddings. And different types of invitational parties.

ZBA Chimento: Is your building already equipped to do that?

D. Paul: We built it brand new for storing equipment and thought this would be a good idea to turn into a wedding event and compliment the tree farm. They cross market very well.

ZBA Chimento: I drove around. Does it have a concrete floor in it?

D. Paul: Yes.

ZBA Chimento: It's operated on well water and septic tank?

D. Paul: it's going to be operated on a well and septic tank.

ZBA Chimento: Any idea of how many a week or what's your goal?

D. Paul: Probably just once a week because usually its 1-2 days before the wedding for decorating and then have event and clean up on that Sunday, or something like that.

ZBA Chimento: On weekends mainly?

D. Paul: Mainly on those weekends or I guess whenever they want to rent it. We presume mainly weekends though, yes.

ZBA Chimento: Any other questions?

ZBA Wulf: Are you going to use outside caterers?

D. Paul: Yes.

ZBA Wulf: Do you understand what the recommendation says as far as the denials and staff's recommendations with the variances and future paving of the parking lot, if it's necessary?

D. Paul: Yes.

ZBA Wulf: Ok.

ZBA Mares: Question for staff with regards to the aerial of the property and show me where the adjacent parking lot is...

Trustin Harrison: Draws pic of layout on tax parcel viewer. That is approximately where the parking lot will be. The intent of this parcel per the proposal will be where the existing building is the banquet hall and pave this area here. The requested variance over here is for rock to remain on lot, for the equipment coming in and out. And staff didn't deem it necessary to have it paved.

ZBA Mares: Thank you.

ZBA Chimento: County board any questions? Objectors? Hearing none...entertains a motion.

**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:**

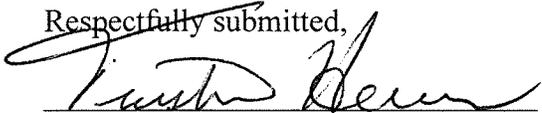
**Committee Member Don Wulf made a motion to adjourn.**

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

**Motion Carries 5/0/0**

Meeting adjourned.

Respectfully submitted,

  
Recording Secretary

  
Chairman