

Sangamon County, Illinois
ZONING BOARD OF APPEALS

The Zoning Board of Appeals met on **April 18, 2019** 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 | (X) Committee Member Sudeth |
| (X) Committee Member Spiro | (X) Committee Member Beaty |

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

Chairman Chimento called the meeting to order.
Approval of **March 21, 2019** Minutes

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

Committee Member Tony Mares seconds the motion.

Motion carries 5/0/0

Docket 2019-007 Taylor Collision Enterprises, LLC for property located at 1501 South Groth Street, Springfield, IL 62703

PETITIONER(S): Taylor Collision Enterprises, LLC

OBJECTOR(S): No

PRESENT ZONING CLASSIFICATION: I-2

REQUESTING: Petitioner requests a Conditional Permitted Use (CPU) for an automobile wrecking yard and junk yard; a variance to allow the off-street parking to not be located on the same zoning lot as the use served, and a variance to allow the existing fencing to remain six (6) feet tall instead of the required eight (8) feet tall fencing on rear and side yards; and, a variance to allow no fencing along the south property line.

ZBA Wulf: Mr. Chairman I am going to excuse myself from this case.

ZBA Chimento: Sure.

Guy Taylor was sworn in. Attorney Dan Hamilton.

Emily Prather: The petitioner has requested a Conditional Permitted Use (CPU) for an automobile wrecking yard and junk yard; a variance to allow the off-street parking to not be located on the same zoning lot as the use served; a variance to allow the existing fencing to remain six (6) feet tall instead of the required eight (8) feet tall fencing on rear and side yards; and, a variance to allow no fencing along the south property line.

Recommend approval. The proposed Conditional Permitted Use for the automobile wrecking yard and junk yard will be located in the middle of an area that contains industrial type uses including: a towing yard, warehouses, maintenance yards, and storage facilities. As there are no residences in the vicinity, staff believes the Conditional Permitted Uses will have a minimal impact on the area. For the parking variance, the petition indicates that by granting the variance customers will be directed to one place for parking and not be confused by multiple parking lots on different parcels that all serve the same business. For the fence variances, granting the requested variances will allow for uniformity of fences between the parcels in Sangamon County and the parcels in the City of Springfield, which have different rules regarding placement and height. The Standards for Variation are met.

ZBA Chimento: Ok.

Attorney Hamilton: We would ask that the board accept staff's recommendation. I will explain briefly why it has been requested. Number one we are asking for a CPU to run an automotive wrecking and auto storage yard, as part of an ongoing business. The variances are needed because half the petitioners parcel is located in city and other half in the county. The fence variances is requested so we can have the same fencing all around the property. We are also asking for the off-street parking variance to be on the city parcel where there is already a parking lot in place.

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

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 2019-008 Justin Dennis for property located at 6895 Mansion Road, Chatham, IL 62629

PETITIONER(S): Justin Dennis

OBJECTOR(S): Yes

PRESENT ZONING CLASSIFICATION: B-3

REQUESTING: Petitioner requests a Conditional Permitted Use (CPU) for a lawn care business and a variance to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat.

Justin Dennis was sworn in. Attorney Gordon Gates.

Emily Prather: A Conditional Permitted Use (CPU) for a lawn care business and a variance to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat.

Recommend approval of the requested Conditional Permitted Use to allow a lawn care business with the following conditions: 1) no outside storage of materials or equipment related to the proposed business, 2) the business will not have a retail operation or be open to the public, 3) the hours of operation are limited to 7 AM to 8 PM, and 4) a maximum of six (6) employee vehicles be parked outside on the subject property at any given time. The nature of the proposed lawn care business will have the employees driving to customers' houses instead of customers coming to the subject property. This creates a unique circumstance to grant the requested paving variance since the proposed business on the subject property will not be open to the public or have a retail operation. This is consistent with action taken on other recent cases. The Standards for Variation are met.

Attorney Gates: I have nothing to add other than what the staff has recommended. This is exactly where the business should be located. It's where the county has located these kind of businesses in the past. I believe just around the corner Cajun lawn care is located. This is where the county has always suggested we put these types of business. And the conditions they impose I think are fine too.

ZBA Chimento: Ok. Any questions? County board?

CB Hall: I believe this is more to staff...have there been any kinds of issues or concerns as far as burning? Is there anything that we have pending as far as history with this property?

Trustin Harrison: To my knowledge currently there has been a complaint with public health....those complaints have not been deemed inappropriate since you can burn in the county. As long as the material is from onsite. At this point no there hasn't been any action. No follow-up.

CB Mendenhall: Trustin for clarification....you can burn leaves and materials as long as generated on-site but you can't haul off-site?

Harrison: That's correct.

ZBA Chimento: Any objectors?

Attorney Nancy Martin: I am here and representing the residences in the surrounding area. My clients have found that this petitioner has a history of importing yard waste and burning it on the property, at all hours of the day, including at night. These fires are unattended and within 30'-40' to the residences west of this property. There have been engine repairs going on...again at all hours of the day. They have been loud and have woken up the adjacent neighbors. There have also been other sources of noise and fumes coming from these engines. There have been piles of construction debris that have sat for months out in the open making it an "eye-sore". These residents have chosen to have their homes out here in the

county where it's quiet and peaceful. And by allowing this business to go there you are essentially putting a commercial establishment in the middle of residential property. With what has already occurred it will open the door to create more land-waste space. The recommendations talk about such things as no outside storage of materials, but it would be nice to know how materials is defined. It talks about hours being between 7am and dusk but again what constitutes the business operations. Can they be working on these engines at all hours, like they have been doing. I don't think it's clearly defined and by permitted a business to go there it's only going to make matters worse and I am afraid it's going to impeded on my clients' peaceful enjoyment of their property. Thank you.

ZBA Chimento: Any questions? County board?

ZBA Fulgenzi: Are you going to be removing any materials from your truck, any landscape wastes from your truck?

J. Dennis: No.

Fulgenzi: Because if you do that...it's going to subjects you to citing. And that's a whole different ballgame and you can't remove things from your truck and can't have them sitting there for over 24hrs...because that's against environmental protection standards.

Attorney Gates: He has a contract with Evans and has a contract with them. My client doesn't own this property yet...he has a contract to buy it. Some of these complaints could be someone else...I don't know. My client doesn't own the property...he has a contract to buy it. We certainly deny the miss-use of the property. For the record...this gentleman and his wife have an 18 month old daughter and it's hard to believe they are going to be making noises late at night.

ZBA Wulf: Do you occupy the property now?

Dennis: I occupy the adjacent property.

Attorney Gates: He lives next door. And why such a good deal for him.

ZBA Wulf: Have you been using the facilities on this property?

Dennis: No, I sold the property a couple years ago and whatever the gentleman does with it currently.

ZBA Wulf: Who runs the operations there now?

Dennis/Attorney Gates: The current owner....Doug Hill.

Attorney Gates: We have a contract to purchase it contingent on the zoning.

ZBA Chimento: So you haven't been in the building?

Attorney Gates: He hasn't been in the building since 2016...he owned it for 2 years...

ZBA Chimento: I thought we were out there once before?

Attorney Gates: You were...but he sold it and didn't happen how it should of the first time so he sold it. And now the circumstances have changed and he moved in to the house next door, so a good opportunity and has a contract to buy it, again.

ZBA Chimento: Ok. It wasn't you working on mowers at 2am in the morning?

Attorney Gates: If there was, it wasn't him.

ZBA Chimento: Ok. Any objectors? Hearing none...entertains a motion.

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

Committee Member Andrew Spiro seconded the motion.

Motion carries 5/0/0

Docket 2019-009 Brian Reilly for property located at 8788 Mechanicsburg Road, Dawson, IL 62520

PETITIONER(S): Brian Reilly

OBJECTOR(S): No

PRESENT ZONING CLASSIFICATION: A

REQUESTING: Petitioner requests for Proposed Parcel 1: a rezoning from "A" Agricultural District to "B-3" General Business District; a variance to allow two (2) uses on one (1) parcel: (1) single-family residence and (2) catering establishment; a variance to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat; a variance to allow the front yard setback to be approximately two (2) feet instead of the required fifteen (15) feet; and, a variance to allow a single-family residence in the "B-3" General Business District. Petitioner further requests for Proposed Parcel 1 that if the rezoning to "B-3" General Business District is deemed inappropriate that a Use Variance be granted in accordance with Chapter 17.68; and, a variance to allow the side yard setback to be approximately seven (7) feet instead of the required ten (10) feet. For 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 the 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.

Brian Reilly was sworn in.

Emily Prather: The petitioner is requesting for Proposed Parcel 1: B-3 General Business District; a variance to allow two (2) uses on one (1) parcel: 1) single-family residence and 2) catering

establishment; a variance to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat; a variance to allow the front yard setback to be approximately two (2) feet instead of the required fifteen (15) feet; and, a variance to allow a single-family residence in the B-3 General Business District. Petitioner further requests for Proposed Parcel 1 that if the rezoning to B-3 General Business District is deemed inappropriate that a Use Variance be granted in accordance with Chapter 17.68; and, a variance to allow the side yard setback to be approximately seven (7) feet instead of the required ten (10) feet.

Proposed Parcel 2: 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 the 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.

Proposed Parcel 1: Recommend denial of the requested B-3 zoning but instead recommend approval of R-1 zoning. The LESA score of 164 indicates the property is marginal requiring mitigating factors for non-agricultural development. In this case, the subject property is only ten acres, is bordered on three sides by other residential parcels, and is in an area of established rural residences. These mitigating factors do support the requested R-1 zoning but do not support the requested B-3 zoning, as it is inappropriate spot zoning. Staff further recommends a Use Variance for a catering establishment on proposed parcel 1 provided the business is not open to the public and the business has no more than four employees. Recommend approval of the requested variance to allow two (2) uses on one (1) parcel: 1) single-family residence and 2) catering establishment. As staff recommended approval of a Use Variance to allow the catering establishment, the requested variance is necessary to bring the subject property into compliance with the code.

Recommend approval of the paving variance. The nature of the proposed catering business will have the employees driving to customers' events instead of customers coming to the subject property. This creates a unique circumstance to grant the requested paving variance since the proposed business on the subject property is not open to the public. Recommend approval of the setback variances. The residence and building for the proposed catering business have been in the same location since the adoption of the Zoning Ordinance and making the petitioner move/remove the structures would reduce the reasonable return on the subject property. Recommend approval of the accessory structure height variance. Allowing accessory structures to be 24 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.

The variance request to allow a single-family residence in the B-3 General Business District is not necessary due to staff's recommendation of denial for the B-3 zoning request.

Proposed Parcel 2: Recommend approval of the R-1 zoning. Recommend approval of the lot depth variance. Splitting the property into two single-family residential lots in an area that has an established trend of smaller single-family residential lots will allow an improved reasonable return on the property. Recommend approval of the accessory structure height variance. Allowing accessory structures to be 24 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.

Reilly: I am splitting the property 10 acres for my in-laws and a property for my family. And we would like to have our catering kitchen there using the current building.

ZBA Chimento: Are you using the building now, for catering?

Reilly: No, it needs a lot of work to get there.

ZBA Chimento: Is someone going to live in there, too?

Reilly: There's a home that we will live in that's back on the property; but the front building needs a lot of work and I already spoke with the building department and it needs a lot of work to get up to code. First thing though is zoning...before I do anything else.

ZBA Wulf: Do you currently run a catering business?

Reilly: I do. I share a catering kitchen with McCormick's on 1510 N. 15th Street.

ZBA Chimento: County board?

CB Mendenhall: It will be very nice to have something back in that building...it hasn't been utilized very well the last 30 years...before it was an automotive repair shop. I can't see any negative impact...in fact it will be a plus.

ZBA Chimento: Any objectors? Hearing none...entertains a motion.

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

Committee Member Andrew Spiro seconded the motion.

Motion carries 5/0/0

Docket 2019-010 William & Diana Meacham for property located at 1511 N. 30th Street, Springfield, IL 62702

PETITIONER(S): William & Diana Meacham

OBJECTOR(S): Yes

PRESENT ZONING CLASSIFICATION: B-3

REQUESTING: Petitioners request a Conditional Permitted Use (CPU) for an auto towing service with temporary storage limited to six (6) months.

William Meacham was sworn in.

Robert Meacham was sworn in.

Emily Prather: The petitioner has requested a Conditional Permitted Use (CPU) for an auto towing service with temporary storage limited to six (6) months.

Recommend denial of the requested Conditional Permitted Use. There is a concern for the residences to the north and west of the proposed towing service, because if a Conditional Permitted Use for an auto towing service is granted the business could operate 24 hours a day and the gate to the subject property is located right next to the residence to the north.

William Meacham: The business has set hours from 9am-3pm Monday thru Friday. And it's not a towing business...it's a repossession business. The cars are going to be there for a maximum of 30 days and then a transport company is going to come get them. We aren't towing, or getting junk cars or break down, or abandoned vehicles, we aren't buying. It's strictly repossessing them from banks or title companies...they are fairly nice vehicles. If the people don't redeem them within 21 days the bank or the finance company sends a company to come and get them and take to auction. The vehicles aren't sitting there no longer than 30 days. The fence that runs north and west will have a tarp on it to block out and won't be an "eye-sore". There will be cars parked there...not junk cars. Nice cars and they will be deemed by the owner or creditor or going to auction.

ZBA Chimento: Any questions?

ZBA Wulf: When I think of repossession I think of someone really being upset that you took their car...could there be a possibility?

W. Meacham: I have been in the repossession business 2 years and you get a lot of people saying stuff like that...but 90 % of the time people know it's coming and people will get their keys and their belongings from car...and 30% of the time you get people coming down to the office but it's not mad it's to get their stuff from the cars and release the key to you. In my time working there was only one encounter where someone was mad, but it was resolved within in minutes and they left happy.

ZBA Wulf: Are you the ones going out and picking up the cars?

W. Meacham: yes.

ZBA Wulf: So it's a towing operation?

Meacham: No, because you aren't calling me to come tow your car because it's broken down...

ZBA Wulf: You are repossessing the car for/from someone, correctly?

W. Meacham: Yes.

ZBA Wulf: If that's not towing then I don't know what is...maybe you define it differently than I do...what hours do you go out and do this?

W. Meacham: Between the hours of 9am-3pm during the day.

ZBA Wulf: You don't do this in the evening/night?

W. Meacham: If we have clients that need picked up at night...then yes but otherwise its daytime. The car would just be dropped off and leave it. When the shift comes in at 9am they would take inventory then.

ZBA Chimento: Are you doing that now, somewhere?

W. Meacham: I am in the middle of making my own...I was with Capitol City Towing and Recovery and was with them for two years.

ZBA Chimento: So you need this to start your business?

W. Meacham: Yes.

ZBA Chimento: Do you own it now?

W. Meacham: I have the business in my name Recovery Maters Inc. but I have a year lease on it.

ZBA Chimento: A year lease?

W. Meacham: Yes, if this gets zoned commercial we will have a year lease.

ZBA Chimento: No financial obligations now?

W. Meacham: No.

ZBA Chimento: The lease is pending zoning?

W. Meacham: Absolutely.

ZBA Spiro: Have you looked at other places?

W. Meacham: I have over off cook but the lot itself wasn't big enough and wouldn't work for my needs. The building that was on it I would have to put a lot of money into and wasn't worth it on my end.

ZBA Chimento: County board?

CB Stumpf: If you don't own the property...why isn't the owner here?

W. Meacham: She is. Sitting over there.

CB Stumpf: Ok, my other questions is...since there is a recommendation of denial and aren't sure of towing or how?

W. Meacham: Most of the time a truck with a lift.

CB Stumpf: I can't give you a recommendation tonight but I would reassess and look at things to get an approval ready for next meeting.

ZBA Chimento: Objectors?

Stacey Pryer was sworn in.

Pryer: I own the property to the north. My main concern is it's a repo lot and you are still pulling cars in the middle of the night and you have to put them on the lot in the middle night. You come off 30th Street you are going to be shining the lights right in the residence's windows. The gate is right at driveway. These cars even if junk cars are going to be in there. I don't want junk cars or any cars sitting in the lot next to my property. There are going to be varmints too.

ZBA Chimento: Any questions?

W. Meacham: if we come in late at night we can come in the other side and there is going to be a tarp on fence line and lights will not shine. As far as varmints he speaks of...we talked to owner when we lease...and every morning when our crew comes in...they would pick-up trash and clean up and right now just a pile of rock in the middle. And just inside the fence we were going to have rock brought in and make nice and neat and outside of the fence we would mow and keep trimmed. As far as bothering the residents...my truck is not noisy and we would enter from opposite side late at night. The cars would be there maximum of 30 days.

ZBA Chimento: Any other questions? Objectors? Entertains a motion.

ZBA Wulf: If the visibility factor was corrected with the fencing...would that make any real changes in recommendations.

Prather: I believe the petitioner currently states that the fence is going to be a tarp and staff still had the same concerns with vehicles being pulled in off 30th Street and lights glaring.

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 2019-011 Robert Freitag for property located at 52 E. Camp Sangamo Road, Springfield, IL 62707

PETITIONER(S): Robert Freitag

OBJECTOR(S): No

PRESENT ZONING CLASSIFICATION: A w/CPU for a lawn care business

REQUESTING: Petitioner requests a variance to allow the side yard setback to be approximately four (4) feet instead of the required ten (10) feet.

Gina Freitag was sworn in.
Robert Freitag was sworn in.

Emily Prather: The petitioner has requested a variance to allow the side yard setback to be approximately four (4) feet instead of the required ten (10) feet.

Recommend approval. The purpose of the request is to allow the petitioner to construct an addition on the residence in the required side yard. The subject property is unique in that the residence was built prior to 1969 and was not constructed square on the subject property. The property immediately to the west is owned by the Springfield Airport Authority which makes it unlikely that the parcel will be improved with a residence in the future. The Standards for Variation are met.

ZBA Chimento: You are doing an addition to the house?

R. Freitag: Yes.

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

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

Committee Member Andrew Spiro seconded the motion.

Motion carries 5/0/0

Docket 2019-012 Jeff Mizeur for property located at 2317 N. 5th Street, Springfield, IL 62702

PETITIONER(S): Jeff Mizeur

OBJECTOR(S): No

PRESENT ZONING CLASSIFICATION: R-2/ B-3

REQUESTING: Petitioner requests for Proposed Parcel 1: a rezoning from "R-2" Single-Family and Two-Family Residence District to "B-3" General Business District; a Conditional Permitted Use (CPU) for a tavern; and, a variance to allow the tavern property line to be less than one hundred (100) feet from a single-family residence (approximately seven and one-half (7.5) feet to the South).

Matt Mizeur was sworn in.
Jeff Mizeur was sworn in.
Attorney Gordon Gates

Emily Prather: The petitioner has requested for Proposed Parcel 1: B-3 General Business District; a Conditional Permitted Use (CPU) for a tavern; and, a variance to allow the tavern property line to be less than one hundred (100) feet from a single-family residence (approximately seven and one-half (7.5) feet to the South).

Recommend denial. The area from Sangamon Avenue to Browning Road has been converting from residential to commercial uses on the west side of the street. Given this trend, it would be acceptable to consider expanding B-3 zoning to encompass additional properties. However, staff has significant concerns that the properties lack all essential services to accommodate business/commercial uses. The property containing the structure to be converted into a tavern is already zoned B-3, but the petitioner proposes to utilize a cistern to supply the water to the proposed tavern. While this may be acceptable from a regulatory standpoint for the proposed use, staff finds that using a cistern to supply water to business/commercial uses is contrary to effective planning principles. In addition, the Standards for Variation are not met regarding allowing a tavern within 7.5 feet of a residence.

Attorney Gates: Some of the problems I think staff is having is some missing details to the petition. First of all the little building and the house belong to these people. The plan was that the person who is going to manage the tavern is also going to live in the house. So the variance of the setback is weird because we are talking about a setback between two pieces of property that we own. So the owner of this residence is not going to have an objection to a 7' setback because it's his property. The other point is to recognize that in the absence of the same person owning both of the properties the tavern building is essentially landlocked and is useless and no value because this is a significant hill/ditch and the only way to access the property is thru the curb cut that is currently there because there's a guardrail all the way down to Browning Road. And during the fair this road is a state highway and the state takes over this road during the fair, it's regulated by the state. They have been difficult about giving additional cuts on this road. So while it does seem odd that we have these two properties so close together they have to go together, it's why we need a variance because it's very unique. We can't place a cut thru here because of the guardrail, ditch/hill, so the only way we have access to this is thru this lot with the house. So the only way it works is the way we proposed it. I think you will see with all these attachments this gentleman has been working on this the last 18 months almost two years on what and how he can utilize this property. He has finally gotten permission from the state and also going to let him put a second entrance that's specific to the house. It's a residence that's going to be occupied by the guy who owns/runs the tavern. The other thing is the details regarding water. I know that's a significant problem for staff but not a zoning issue. It's a public health concern, however, we have a bizarre problem and the problem is this the property is in the county and the city refuses to allow access/hook-up to water without them annexing to the city. It didn't used to be that way. The biggest reason he doesn't want to annex is because the city has now changed how it operates gaming parlors and taverns. And this particular building wouldn't be useable in the city because now in the city you have to have 60 income of sale of liquor and food and can't have stand along parlors anymore. So if he annexed in all of a sudden his plans are gone. He can't get city water...but the house does have city water and the suggestion was made that we connect on to that city water and CWLP said no we won't do that. The other suggestions was just demolish the house and use the hookups and run to tavern. CWLP said no to that. The water that is servicing the house now was placed in the 50's-60's and is no longer allowed to do that, so its "grandfathered" in. so as you know if you fundamentally change the use with it being "grandfathered" you lose that "grandfather" in. We can't annex without destroying the use and want to stay in the county. My client spent the last 12 months trying to figure out the solution...and was then

told it would be permissible to install an FDA cistern. Cisterns have a bad reputation because you usually think of them as not clean potable water but it's not. A cistern can be a FDA approved potable water source. We have a letter from Steve Hall (Assistant Director of Environmental Health) at Public Health. He states we can have a cistern on this property. We aren't doing the cistern thing to be cute but because it's the only way to solve the water problem and it's a perfectly legitimate way. The other thing I want to point out is my client met with the county board member for this and this property is utterly useless for just about anything else other than what we are talking about. It's been an empty lot for quite a few years. All these lots here to Browning Road is just vacant ground. Nothing you can do with it. I asked my client about the road behind the property because it looked like a perfect road to access property...but was advised by the county highway that it's county highway and can't use it to access. So this property if this petition is denied is just going to revert back to a useless vacant property. No one is going to buy it. No one who owns the house to the south is going to buy it because it's landlocked. I know the code of the 100' is measured lot line to lot line but it has mattered what the actual physical walking distance is...and we walked it off and is 104'. So while it's not 100' from tavern line to residence lot line it is 104' from the front door to the front door of the house, so that I think is relevant. And there's no other residence that is even close approx. 600'. The property directly to the south is empty/abandoned and the residence behind that is also abandoned. This neighborhood has the potential and this proposal these people have can be the first step to turning this area around or could be the first step to going down. If my guy can't use this property then this house and the others will now be three total abandoned houses in the area. We hope to get a different position from staff on this area. And the closest residence within 600' is in favor of it and looking forward to having something in the area. One last thing I will point out while I was driving around the area...is two blocks to the west is Delaney's and has never caused any issues with residents around. I also point out a unique characteristic that the parking lot is concrete so we won't be in here asking for a variance to have the lots be unpaved and dusty. It has a nice concrete parking lot. It's already zoned B-3 so the only request making is to have one lot be included to have a boundary. I think given those facts we have satisfied the standards of variations. One more thing I want to point out...is this gentleman has spent \$3,500 to have debris removed, paid \$5,000 for engineering. \$25,000 sewer, bid for \$25,000 wider driveway and \$14,000 bids for windows/doors, \$4,000 HVAC, \$4,000 build out...total \$100,000 on these lots. That's money that's well spent in this community and make something that's worth having... gaming parlors are in demand.

Molly Berns: Thank you. Staff would like to amend its analysis at this time. Recommend approval of the B-3 District. There is water service running to the residence on parcel -036. However, testimony was provided that CWLP has indicated that the water service would be discontinued if the house were to be demolished eliminating an ability for the business to obtain public water without annexing into the city. Annexing would render the proposed business moot. This will require the petitioner to utilize a cistern for water service which is a particularly unique circumstance. The area from Sangamon Avenue to Browning Road has been converting from residential to commercial uses on the west side of the street. Given this trend, it would be acceptable to consider expanding B-3 zoning to encompass additional properties. Recommend approval of a Conditional Permitted Use (CPU) for a tavern with the following conditions: 1) the tavern is limited to the existing building footprint of approximately 818 square feet as per the floor plan submitted with the petition and 2) the hours of operation are limited to the Sangamon County Liquor Ordinance. Recommend approval of the variance to allow a tavern property line to be less than 100 feet from a single-family residence. The Standards for Variation are met. The standards for variations on page 4-6 will be amended accordingly. I would like to read into record in regards to the distance between the tavern and the residence...

#1 That the property in question cannot be economically used or yield a reasonable return, if permitted to be used only for the conditions allowed by the regulations.

AMENDED: The structure has been vacant for an extended period and is yielding no return. Allowing the variance will result in a reasonable yield.

#2 That the plight of the owner is due to circumstances unique to the property and not generally applicable to other property in the area.

AMENDED: An acceptable alternative would be to demolish the house thus removing the need for a variance. However, doing so results in other issues making it difficult to use the property.

#3 It's anticipated to be no negative impact is anticipated.

ZBA Chimento: I have a question on the cistern and how is that serviced?

Attorney Gates: The water will be trucked in by a licensed water hauler and they draw the water out of their municipal water supply.

ZBA Spiro: Is there any chance they can merge those two properties into one?

J. Mizeur: There are nine parcels and then the house sits on three lots...I own all of them.

Berns: Mr. Chairman at this time if he combines parcels then he would need a variance to allow a residence in a B-3 zoning. This way you're better off to keep them separated and won't need additional zoning relief.

M. Mizeur: Lot 41 all the way to Browning Road and keeping the house separate.

ZBA Beaty: Your sanitary service, is that going to be hooked into city?

J. Mizeur: Yes.

ZBA Beaty: They are going to let you hook to sanitary.

ZBA Chimento: The sanitary isn't city that's county...sanitary district.

ZBA Beaty: Oh, yeah ok. I have a question what if the house is going to be sold at some point?

Harrison: With the proposed separation and new entrances at that point it could stand along and be sold and at that point you would have a residence next to a B-3 with a CPU for a tavern with limitations.

ZBA Beaty: and the 7.5' away, that would be ok?

Harrison: I believe the petitioner is going to have fencing.

J. Mizeur: Yes.

Harrison: I believe based on what molly came up three with the fencing is taken into effect.

CB Stumpf: I checked into all of this and with several plumbers and plumbing inspectors and the letter they have and many plumbers, like myself disagree with this concept but they do haul in chlorinated water from municipalities and it is legal and legal with the IDPH. With that being said and all of the other indications of what Attorney Gates said...I do think this might be one of the only things that can go here.

CB Fulgenzi: This is my county board district and I met with the Mizeurs and have been in contacted about this parcel on other occasions and each time the purchase didn't go through because no interest in the ingress and not allowed to enter off of Browning Road. These people have a unique situation because they purchased the residence next door to fix that permanently for that parcel and put back into productive use. I think the good outweighs the water usage. And re-assigning that drive to the property really improves that property and put back into use.

ZBA Beaty: They will let you buy city water and haul it in?

J. Mizeur: Yes.

Berns: To Mr. Stumpf's point having a commercial property being served by a cistern is contrary to be an effective planning principle and economic development issue, quite frankly that could ever come up but in this particular case the regulatory ability for the petitioner to do it and really the other attribute's to allow this to occur and recommended approval far outweigh, so my point is I don't believe in mind we are setting any kind of precedence for the future.

CB Mendenhall: The tank will be elevated, it won't be buried?

J. Mizeur: No, it will be buried. There are two access "man-holes".

CB Mendenhall: No one can come by and contaminate the water that's inside?

J. Mizeur: No, it will be fenced around the top of it where the access is and locks on top of the tank, itself.

CB Mendenhall: Will the tank be heated?

J. Mizeur: No.

CB Mendenhall: So what keeps the water from freezing January thru April?

CB Stumpf: It will be buried 4' below...

CB Mendenhall: It will be buried 4' below?

J. Mizeur: Yes.

ZBA Chimento: Any objectors? Hearing none...entertains a motion.

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

Committee Member Larry Beaty seconded the motion.

Motion carries 5/0/0

Docket 2019-013 Farmingdale Presbyterian Church for property located at 7919 & 7971 Farmington Cemetery Road, Pleasant Plains, IL 62677

PETITIONER(S): Farmingdale Presbyterian Church

OBJECTOR(S): No

PRESENT ZONING CLASSIFICATION: A

REQUESTING: Petitioner requests for a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District; for Proposed Parcel 1: a variance to allow the side yard setback to be approximately one (1) foot instead of the required twenty (20) feet; and, for Proposed Parcel 2: a variance to allow the front yard setback to be approximately fifteen (15) feet instead of the required thirty (30) feet, and a variance to allow the lot depth to be greater than two and one-half (2.5) times the lot width.

Bill Kinner was sworn in.

Emily Prather: The petitioner has requested R-1 Single-Family Residence District. For Proposed Parcel 1: A variance to allow the side yard setback to be approximately one (1) foot instead of the required twenty (20) feet. For Proposed Parcel 2: A variance to allow the front yard setback to be approximately fifteen (15) feet instead of the required thirty (30) feet, and a variance to allow the lot depth to be greater than two and one-half (2.5) times the lot width.

Recommend approval. The purpose of the request is to allow the petitioner to divide off the former parsonage as the church is no longer utilizing the house. The LESA score of 172 indicates the property is marginal requiring mitigating factors for non-agricultural development. In this case, a church use and a residence have been located on the subject property for approximately 100 years, and the subject property is in an area of established rural residences. Strict application of the regulations in this case would reduce the reasonable return on the subject property, because it would require moving or demolishing a church that has been at its current location for over 30 years and a residence that has been at its current location for over 80 years. The requested variances are necessary to bring the parcels into compliance and yield a reasonable return after the division. The Standards for Variation are met.

Kinner: The property has been a church property for 160 years. The residence has been used for a parsonage for the past 50 years. The congregation is getting older and we aren't able to be good landlords, so we decided to sell the property and in preparation of that we discovered all of those years

that we were paying taxes the legal description for that acre is on the opposite side of the property and that's why we are going through this process and spend about \$6,000 to do so.

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

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

Committee Member Andrew Spiro seconded the motion.

Motion carries 5/0/0

Motion to Adjourn:

Committee Member Andrew Spiro made a motion to adjourn.

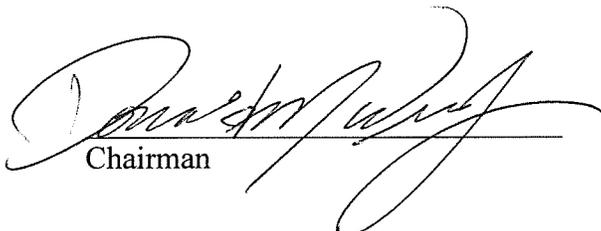
Committee Member Tony Mares seconded the motion.

Motion Carries 5/0/0

Meeting adjourned.

Respectfully submitted,


Recording Secretary


Chairman

Minutes of April 18, 2019
Full record of minutes available upon request in the Zoning Department