

Sangamon County, Illinois
ZONING BOARD OF APPEALS

The Zoning Board of Appeals met on May 18, 2017, 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	() Committee Member Beaty

STAFF PRESENT:

Molly Berns, Assistant 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 Gabb, Assistant States Attorney, States Attorney's Office
Trustin Harrison, Zoning Administrator, Sangamon County Zoning

Chairman Chimento called the meeting to order.
Approval of April 20, 2017 Minutes

Committee Member Andrew Spiro made a motion to approve the April Minutes.

Committee Member Don Wulf seconds the motion.

5/0/0

Docket 2017-020 Robert Brackebusch for property located at 18000 Block of Kennedy Road, Virden, IL 62690

PETITIONER(S): Robert Brackebusch

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: A Agricultural District

REQUESTING: Petitioner requests for Proposed Parcel 1: a variance to allow one (1) parcel less than forty (40) acres (approximately 20 acres); and, for Proposed Parcel 2: a variance to allow one (1) parcel less than forty (40) acres (approximately 20 acres).

Attorney Matthew Cate: We are doing a breakup in to two parcels for safe planning purposes and this would allow us to be able to transfer in to a trust. All of the ground will stay farm ground in the future.

Chairman Chimento asked if any questions? County Board? Objectors? Hearing none read the staff recommendation.

STAFF RECOMMENDATION: Recommend approval. Granting the requested variance will help facilitate a division consistent with the petitioner's estate planning to allow the southern 20 acres to be transferred to a family farm corporation and the northern 20 acres would still be owned by the petitioner. The Standards for Variation are met.

Committee Member Tony Mares made a motion accept staff's recommendation.

Committee Member Don Wulf seconded the motion.

Motion carries 5/0/0

Docket 2017-021 Kevin M. Korte for property located at 2826 S. 16th Street, Springfield, IL 62703

PETITIONER(S): Kevin M. Korte

OBJECTOR(S): Robert Ushman

PRESENT ZONING CLASSIFICATION: R-2 Single-Family and Two-Family Residence District

REQUESTING: Petitioner requests a variance to allow two (2) residences on one (1) parcel (a) single-family residence, (b) garage with a dwelling unit on second floor; a variance to allow the side yard setback to be less than one (1) foot instead of the required five (5) feet; and, a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width.

Kevin M. Korte was sworn in.

Korte: My intentions were not to have two properties but to have in-law quarters in addition to residence. I have spent thousands of dollars to have a use of the property of the structure that is there and spent investments and time. The second thing I was going to address was describing the area and how it's a multi-use area...business, homes, mobile homes. There are also dilapidated properties as well in the area and my home is not one of them. The property has been built since 1998 and has had no negative impact up to this point...I don't see it being any further complications.

Chimento: What are you going to do with the property?

Korte: My intentions is to rent out the front piece of property to a family that has in-laws or someone that needs that little extra space or use for a workshop.

Chimento: So you're fixing up the front parcel?

Korte: Yes. I have four other properties, this is my fifth property and I take care of my properties and just trying to get to point where if it needs to be rented out or has in-law mother in-law or kids in teens and stay in apartments in back. It's a nice place. CWLP, Ameren they were all there to inspect and was done properly.

Spiro: So, your intent is to not rent out as two separate units, but to rent out the whole thing?

Korte: Right.

Spiro: Front and back together?

Korte: Exactly.

Spiro: So, you could rent the front part and the garage could be like a workshop area?

Korte: Right, I should of done more research before I got this far along.

Spiro: I have a question for staff...once petition goes through would he have to tear anything down?

Harrison: One of the residences would have to have a non-functioning kitchen in it, but can still be utilized it just cannot have a full functioning kitchen in it.

Sudeth: Did the prior owner rent both of those out?

Korte: I don't know, it was for sale by owner, I don't know the guy I bought it from.

Chimento: So, if the kitchen is removed, he would be legal, right?

Harrison: He would be legal, as it would be one residence at that point.

Spiro: So, if he takes the range out and leaves the refrigerator? It has to be a fully functioning kitchen.

Harrison: The building department or I would have to go in and deem that it's not a fully functioning kitchen. In a lot of cases they ask that you don't have a double sink, a wet bar is different than a fully functioning kitchen.

Spiro: What about parking?

Korte: There's rock parking in front of house and single car driveway with single car garage...the back unit has a two car garage which technically could be a four car garage.

Spiro: What if they have a fire?

Korte: If they have a fire they wouldn't be able to get back there. The single car garage I have considered taking that out just to allow access. I take care of my properties...some of the neighbors don't like it because it increases value of taxes and right now I am paying Woodside Township \$2,000 in property taxes.

Chimento: Any questions? County Board?

Robert Ushman was sworn in.

Ushman: I am totally against it...the zoning is setup for a single family for a reason. This property could be turned in to four units. At some point you have to stand up and say no, my property could be affected just because of property taxes and lack of leadership.

Chimento: Any questions?

Ushman: If you guys give him the variance, what's to keep him from doing other things? There's no parking. Have you guys even been out there and looked at the property?

Chimento: Yes.

Ushman: Tell me something makes me feel better...if you're going to grant that.

Gab: Point of order...

Chimento: Do you have any more testimony?

Chairman Chimento read staff recommendation.

STAFF RECOMMENDATION: Recommend denial of the requested variance to allow two (2) residences on one (1) parcel. Allowing two single-family residences on one parcel is not compatible with the trend of development in the area, and is not in harmony with the general purpose and intent of the Zoning Regulations. The Standards for Variation are not met for this variance.

Recommend approval of the requested variances to allow the side yard setback to be less than 1 foot and to allow the lot depth to exceed 2.5 times the lot width. The subject property is a narrow lot and contains an older single-family residence, which predates the adoption of the Zoning Regulations. Requiring the petitioner to comply with current Zoning Regulations would result in an economic hardship, because the current residence is wide enough that it would not be able to comply with the side yard setback regulations. The Standards for Variation are met for these variances.

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

Committee Member Don Wulf seconded the motion.

Committee Member Andrew Spiro abstain the motion.

Motion carries 4/0/1

Docket 2017-022 Willis Payton for property located at 1411 N. 29th Street, Springfield, IL 62702

PETITIONER(S): Willis Payton

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: B-3 General Business District

REQUESTING: Petitioner requests a Conditional Permitted Use for a tavern; a variance to allow for three (3) uses on one (1) parcel: (a) apartment building with three (3) dwelling units, (b) tavern limited to four hundred twenty (420) square feet for video gaming, and (c) watchman's quarters for tavern and video gaming; a variance to allow the tavern property line to be located less than one hundred (100) feet from a residence (approximately 50 feet); and, a variance to allow an apartment building with three (3) units on same parcel as tavern.

Willis Payton was sworn in.

Payton: I am asking for a variance for a gaming room and tavern. Right across the street from my property is a gaming room and tavern...so I can't see mine getting denied, but it would be within 50' of a residence and property; it has had several different businesses on it over the years.

Chimento: Any questions? County Board? Objectors?

Chairmen Chimento read the staff recommendation.

STAFF RECOMMENDATION: Recommend denial of the CPU to allow a tavern in the B-3 district. The residential character of the area to the north could be changed with the addition of a tavern to the area. In addition, to the extent that the property is zoned to allow a tavern, there may be injury to property values in the area.

Recommend approval of the variance request to allow three (3) uses on one (1) parcel. Since staff has recommended denial of the CPU for the tavern, the uses on the subject property would include: a business permitted in the B-3 district, a three-unit apartment building, and a watchman's quarters for the business. The subject property has a history of multiple uses; some of the uses have been approved, while others have not been approved. The approval of the variance to allow three (3) uses would bring the property into compliance with the Zoning Regulations.

As staff has recommended denial of the CPU for a tavern, the variance requests to allow a tavern property line to be within fifty (50) feet of a residence and to allow an apartment building with three units on the same parcel as the tavern are unnecessary.

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

Committee Member Tony Mares seconded the motion.

Motion carries 5/0/0

Docket 2017-023 Half of Whats Left, LLC for property located at West Camp Butler Road, Springfield, IL 62707

PETITIONER(S): Half of Whats Left, LLC

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: A Agricultural District

REQUESTING: Petitioner requests a rezoning from "A" Agricultural District to "B-3" General Business District

Kevin McDermott: We are requesting a rezoning from A to B3...the client would like to construct a warehouse on this property...that warehouse would be used for Serve Pro of Springfield. It would be a simple warehouse....ServePro of Springfield is located about a ½ mile North of this location and the plan for the hours of operation would be 8:00am - 4:30 pm or 5:00 pm, 5 days a week.

Chimento: Any questions? County Board? Objectors?

Chairman Chimento hearing none read the staff recommendation.

STAFF RECOMMENDATION: Recommend approval. The LESA score of 178 indicates the property is suitable for agricultural uses only. However, the subject property is surrounded by two heavily traveled roads and a railroad, and there is water and sewer available within approximately 300 feet thus reducing the LESA score to 148 making it suitable for non-agricultural development.

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

Committee Member Andrew Spiro seconded the motion.

Motion carries 5/0/0

Docket 2017-024 Duffy & Associates, Inc. d/b/a Discount Tobacco for property located at 1313 Adlai Stevenson Drive, Springfield, IL 62703

PETITIONER(S): Duffy & Associates, Inc. d/b/a Discount Tobacco

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: B-3 General Business District

REQUESTING: Petitioner requests a Conditional Permitted Use for a tavern, and a variance to allow the tavern to be located less than one hundred (100) feet from a residence (approximately 40 feet).

Steve Kerber was sworn in.

Kerber: I am here petitioning for a Conditional Permitted Use and a variance for the property at 1313 Stevenson Drive, which we would be leasing from Kevin Guinan. The property which we are proposing for a retail tobacco store... and the Conditional Permitted Use is for the liquor license to allow us to have video gaming as well. We currently have 20 various tobacco stores in central Illinois we have video gaming in 3 of them, so we believe we can have value and service for the neighbor.

Chimento: What are the hours of operation?

Kerber: The hours of operation would be 7:00 am -8:00 pm.

Chimento: So gaming room would only be open till 8:00 pm?

Kerber: Yes, currently what we have in the other stores as well.

Chimento: Any questions?

Spiro: When I was there I noticed there was glass panels in between the wall and the door...do you intend to have an observer in the tobacco store, or are you going to have an outside attendee?

Kerber: Both actually...we would leave glass open. We typically run two people to be watching video gaming and monitoring it.

Spiro: There's a video gaming store next door... what happens having another one?

Kerber: For us and just our business model...it's just adding an extra thousand dollars and helping us sustain our business. We have quite a bit of foot traffic in our stores already...Clinton, Lincoln and Chatham currently.

Chimento: County Board any questions?

CB Member Joel Tjelmeland: Is smoking allowed in a smoke shop?

Kerber: Yes and no, it would not be allowed here, however, the minute you get your alcohol liquor license you are no longer exempt.

Chairman Chimento asked if any objectors, hearing none read the staff recommendation.

STAFF RECOMMENDATION: Recommend approval of the requested Conditional Permitted Use (CPU) with the following conditions: (1) the tavern is limited to no more than 300 square feet in the location shown on the site plan attached to the petition; (2) the hours of operation are limited to the Sangamon County liquor ordinance; (3) no live entertainment or outdoor seating are allowed; and, (4) the proposed tavern shall not be combined with the adjacent tavern located in the same building with the common street address of 1309 Stevenson Drive and must maintain a fully enclosed wall between the two businesses. Recommend approval of the requested variance to allow a tavern to be within forty (40) feet of a residence. The subject property is located on a commercial corridor and has residences adjacent to the north property line. Such placement is consistent with developments on other commercial corridors. The entrance to the proposed tavern will face away from the residences. In addition, there is another tavern located on the subject property that was previously granted the same variance in Zoning Case 2015-040. The Standards for Variation are met.

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

Committee Member Tony Mares seconded the motion.

Motion carries 5/0/0

Committee Member Andrew Spiro made a motion to adjourn.

Committee Member Tony Mares seconded the motion.

Meeting adjourned.

Respectfully submitted,


Recording Secretary


Chairman

Minutes of May 18, 2017

Full record of minutes available upon request in the Zoning Department