

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

The Zoning Board of Appeals met on **May 16, 2019** at 7:00 P.M. in the County Board Chamber in the County Complex.

**ATTENDANCE**      **(X) denotes present**

<b>() Chairman Chimento</b>	<b>(X) Committee Member Mares</b>
<b>(X) Committee Member Wulf</b>	<b>(X) Committee Member Sudeth</b>
<b>(X) Committee Member Spiro</b>	<b>() 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  
Joel Benoit, Assistant States Attorney, States Attorney's Office  
Trustin Harrison, Zoning Administrator, Sangamon County Zoning

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Chairman Wulf called the meeting to order.  
Approval of **April 18, 2019** Minutes

**Committee Member Anthony Mares made a motion to approve the April 18, 2019 minutes.**

**Committee Member JD Sudeth seconds the motion.**

**Motion carries 4/0/0**

**Docket 2019-014 William E. Trader for property located at 3851 Richland Elevator Road, Pleasant Plains IL, 62677**

**PETITIONER(S):** William E. Trader

**OBJECTOR(S):** No

**PRESENT ZONING CLASSIFICATION:** A

**REQUESTING:** Petitioner requests a rezoning from "A" Agricultural District to "I-1" Restricted Industrial District; a variance to allow two (2) principal uses on one (1) parcel: (1) single-family residence and (2) concrete contractor; a variance to allow a single-family residence in an "I-1" Restricted Industrial District; and, a variance to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat.

William Trader sworn in.

Emily Prather: The Planning Commission has recommend denial of the requested I-1 zoning and accompanying variance to allow a single-family residence in an I-1 District. The LESA score of 214 indicates the property is suitable for agricultural use only, but it is highly unlikely the subject property could be economically converted to cropland due to the residence and storage shed on the subject property. However, I-1 is considered to be inappropriate spot zoning and the list of uses is deemed too intense. Staff recommends approval of a Use Variance to allow a concrete contractor provided the business is not open to the public and a six foot solid fence on the north side of the subject property be maintained/constructed in compliance with the Zoning Ordinance. Recommend approval of the requested variance to allow two (2) uses on one (1) parcel: 1) single-family residence and 2) concrete contractor. As staff recommends approval of a Use Variance to allow the concrete contractor on the subject property, the Standards for Variation are met. Recommend approval of the paving variance. The proposed concrete contractor will have heavy concrete trucks and equipment that would cause significant damage to a paved surface. Also, the proposed business will not be open to the public. The Standards for Variation are met.

ZBA Wulf: Do you want to tell us what you want to do?

Trader: I do concrete foundations, and I need a place to store my equipment when it's not on the job site. As far as having people come to my house, they never come to my house. I always meet them on the job site. Other than my employees, 2-3 cars parked there and we leave when works over.

ZBA Wulf: Board members have any questions? Are you aware of the recommendations of the board?

Trader: Yes

ZBA Wulf: Do you have any problems with them?

Trader: No, I do not.

ZBA Wulf: County Board, any questions? Any Objectors?

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

**Committee Member JD Sudeth seconded the motion.**

**Motion carries 4/0/0**

**Docket 2019-015 Mei-Hsueh Pan for property located at 2840 S. 11<sup>th</sup> Street, Springfield IL, 62703**

PETITIONER(S): Mei-Hsueh Pan

OBJECTOR(S): Yes

PRESENT ZONING CLASSIFICATION: R-2

REQUESTING: Petitioner requests a rezoning from “R-2” Single-Family and Two-Family Residence District to “B-3” General Business District; a variance to allow the over flow parking to the east to remain unpaved (rock) instead of the required bituminous seal coat; and, a variance to allow no transitional buffer yard on the north, south, and east property lines.

Mei-Hsueh Pan sworn in.

Emily Prather: The Planning Commission has recommend denial of the requested B-3 zoning. The petitioner is proposing to demolish the existing residence on the subject property and construct a restaurant with a drive-thru. Although the property is unincorporated, the Springfield Comprehensive Plan calls this part of the east side of 11th Street an Opportunity Area where a mix of uses (residential, office-service, commercial) are appropriate and that when redeveloped would complement and support the surrounding area. A restaurant provides an uncommon service along this segment of 11th Street that would complement and support the surrounding area, but allowing a drive-thru could negatively affect the residences in the area. Therefore, staff recommends approval of B-1 zoning for a restaurant with no drive-thru.

Recommend denial of the requested variance to allow the overflow parking to remain unpaved (rock). A commercial business, especially located adjacent to an incorporated city, should pave all the required parking spaces and any additional spaces the business may want to provide. Paving and striping the parking lot will help with internal vehicular circulation. Recommend denial of the requested transitional buffer yard (TBY) variance. No particularly unique circumstances were mentioned in the petition. The Standards for Variation are not met.

ZBA Wulf: Please tell us what you would like to do.

Pan: I was originally thinking of having a real small diner with 2 tables, like if you want to come in with 2 or 3 people and sit down for a while that's fine. I own KIKU Japanese steak/seafood house that's a big dining place, not like that, like if you don't have a half an hour but you want to sit down and get your food done and get out. Kind of like a small restaurant/to-go place. I do not necessarily want a drive through, whatever can be approved, that's fine, because I'm thinking about 1800 square foot restaurant, that's all I'm asking. Because there is development in the area, lots of offices and I can see the potential and I can hire at least 5 people to work there.

ZBA Wulf: Board members have any questions? County Board? Are there any objectors?

Elizabeth Cadwell sworn in.

ZBA Wulf: State your objections.

Cadwell: I'm at the house to the north of this property. Drive through or not that is my bedroom is right there, my living room is right there, my bathroom is right there and just the noise and the idea of the dumpsters and grease pits, we already have raccoons there and I don't want to have any other rodents. I have a dog that lives there who is not going to like a car going down the side of the yard every day. The idea of not have a buffer and not using a hard surface means cutting corners and that scares me. We are working on fixing up our house, and the idea of the restaurant being next door is not a real fond idea. I

get up at 4:30 in the morning, so again having that outside my bedroom window is not great. The traffic there, there is already accidents at the corner quite often and I assume it's going to get even uglier with that right next door. Between the people talking and their radios blaring and the cars parking and pulling in and out I just find it wouldn't be a very nice place to live if this happens.

ZBA Wulf: Board member have any Questions?

ZBA Spiro: You said that you get up at 4:30 in the morning and that would present a problem?

Cadwell: That means I go to bed early. And I'm right next to the

ZBA Spiro: Oh you go to bed early.

Cadwell: Right, that's I guess what I should have said.

ZBA Spiro: Cause I didn't know what the problem would be with getting up early.

ZBA Wulf: Board members have any questions?

Pan: If we have to put a fence up, I will put a fence up. On their side, and I believe the plan was required by the city to be a few feet away.

Trustin: Some of your current concerns were addressed in the staff recommendations.

Emily Prather: We recommended denial of both the paving variance and the transitional buffer yard variance, so the petitioner would have to comply with those standards and have no drive through as well.

Pan: I don't mind doing all of that.

ZBA Wulf: You are perfectly all right with that.

Pan: Yes, I was telling him I was going to do the paving but maybe I can plant some flowers in the back. That's why I want to keep the back in rock in case I want to do a garden. Because I'm not going to have a big restaurant that's why we would pave all the way through, but whatever I have to do, I can do it. Originally when I talked to Trustin I was going to do the paving all over.

Cadwell: I have some pictures if you're interested.

ZBA Wulf: You can certainly bring them up.

Cadwell: What it looks like and how close it is.

ZBA Sudeth: Is there any reason why we're not recommending some type of buffer?

Trustin: Actually they have to meet the transitional buffer yard, that's one of the variances.

ZBA Sudeth: Explain what that is.

Trustin: In the B-1 district there is setbacks for building, what the transitional buffer yard does is increase that, so there is a space that is not utilized for the commercial use, typically a green space. That way it gives them a space between the residences.

ZBA Sudeth: I'm just curious what's her setback off her line? It appears to be pretty close.

Trustin: Based off the site plan that she provided, and she did provide 2 site plans, one shows with the drive through and the second site plan is to move it more to accommodate the buffer yard, cause that was one of the denial variances.

Pan: I sent both explaining.

Trustin: Yes.

ZBA Sudeth: Nothing against this lady but how far off from her line, it appears from the drawings that I'm seeing that her house is real close to the line.

Pan: We were required as to so many feet that I could draw.

ZBA Sudeth: I assume the house has been there awhile.

Trustin: She's probably 3 feet off the property line, maybe 4.

ZBA Sudeth: Yea, it just looks like she was awful close. Is that existing house abandoned?

Pan: No, we own the house there we were remodeling the inside but I called off the inside until we know if we are approved. If we are approved we will tear down and build a new building.

ZBA Wulf: Thank you, is there anyone else that would like to speak?

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

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

**Motion carries 4/0/0**

**Docket 2019-016 Barbara Frey for property located at the 5400 Block of State Rt. 97, Pleasant Plains IL, 62677**

PETITIONER(S): Barbara Frey

OBJECTOR(S): No

PRESENT ZONING CLASSIFICATION: A

REQUESTING: Petitioner requests for Proposed Parcel 1: a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District, and a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width; and, for Proposed Parcel 2: a variance to allow one (1) parcel less than forty (40) acres (approximately 14 acres).

Callie Cimarosa sworn in.

Emily Prather: The Planning Commission has recommend approval. The purpose of the request is to allow the petitioner to divide off 7.5 acres in order to construct a single-family residence. The LESA score of 130 indicates the property is acceptable for non-agricultural development. There is a trend toward rural residences in the area. Granting the requested variances will allow the petitioner to economically use the subject property by splitting the property into one lot for a residence and one lot to remain agricultural. The Standards for Variation are met.

ZBA Wulf: Tell us what you want to do.

Cimarosa: Build a home.

ZBA Wulf: County board? Any objectors?

ZBA Sudeth: Callie, where would the 7.5 acres be? I don't see where that parcel is drawn on. The very north?

Trustin: It the PP1.

ZBA Sudeth: Does the entrance there go into that property or will there have to be a new entrance made?

Cimarosa: We are going to move the entrance to the north so it's safer, and we already have the approval from DOT to do so.

ZBA Sudeth: I didn't think we'd have a problem there.

**Committee Member JD Sudeth made a motion to recommend approval of staff recommendation.**

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

**Motion carries 4/0/0**

**Docket 2019-017 James Rooney for property located at the 8800 Block of Revere Road, Pawnee IL, 62558**

PETITIONER(S): James Rooney

OBJECTOR(S): No

PRESENT ZONING CLASSIFICATION: A

REQUESTING: Petitioner requests for Proposed Parcel 1 and Proposed Parcel 2: 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 two (2) parcels to be less than forty (40) acres (approximately 10 acres each).

James Rooney sworn in.

Emily Prather: The Planning Commission has recommend approval. The petitioner is requesting the variances to divide the subject property to help settle an estate. No change in land use is contemplated. The Standards for Variation are met.

ZBA Wulf: Do you want to tell us what you're wanting to do?

Rooney: We just want to divide it. There are two families that own it and it's written in my grandmothers will that one family gets the north side and the other family gets the south side. We want to keep it agriculture and probably in the future sell our 10 acres.

ZBA Wulf: Any questions from the board? Any Objectors?

**Committee Member JD Sudeth made a motion to recommend approval of staff recommendation.**

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

**Motion carries 4/0/0**

**Docket 2019-018 Nino & Jennifer Gasparini for property located at 12275 State Rt. 125, Pleasant Plains IL, 62677**

PETITIONER(S): Nino & Jennifer Gasparini

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, and a variance to allow the lot depth to be greater than two and

one-half (2 ½) times the lot width; and, for Proposed Parcel 2: a variance to allow one (1) parcel less than forty (40) acres (approximately 16 acres).

Nino Gasparini sworn in.

Emily Prather: The Planning Commission has recommend approval. The petitioner is proposing to reconfigure the two parcels so parcel -007 will no longer be landlocked. While the LESA score of 197 indicates the property is suitable for agricultural use only, the subject property is not currently being used for cropland and it is highly unlikely the subject property could be economically converted to cropland due to the residence, varying topography, and timber on the subject property. Currently parcel -007 is landlocked and by allowing the variances the parcels could be reconfigured to provide road frontage for both parcels to yield a more reasonable return. The Standards for Variation are met.

ZBA Wulf: Do you want to tell us what you want to do?

Gasparini: It just makes better use of the property with it being landlocked. As you can see there is a flood zone through that area but on the west side of the property there will be a new entrance by IDOT there is enough room up on the hillside to build a house in the future. I'm not for sure how long in the future that will be, maybe 2 years.

ZBA Wulf: Any questions from the board? Any objectors?

Gasparini: Quick question, because I was told I need to have it surveyed, again, because of the change in orientation, does that need to be done prior to the 11<sup>th</sup>?

Trustin Harrison: No, hold off.

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

**Committee Member Andrew Spiro seconded the motion.**

**Motion carries 4/0/0**

**Docket 2019-019 Mark Boggs for property located at 6030 State Rt. 97, Pleasant Plains IL, 62677**

PETITIONER(S): Mark Boggs

OBJECTOR(S): No

PRESENT ZONING CLASSIFICATION: R-1

REQUESTING: Petitioner requests a rezoning from "R-1" Single-Family Residence District to "B-1" Neighborhood Business District; a variance to allow two (2) uses on one (1) parcel: a single-family residence, and a dog obedience school; a variance to allow a single-family residence in the "B-1" Neighborhood Business 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 parking to remain unpaved (rock) instead of the required bituminous seal coat.

Mark Boggs sworn in.

Emily Prather: The Planning Commission has recommend denial of the requested B-1 zoning and accompanying variance to allow a single-family residence in the B-1 district. B-1 would be considered spot zoning and there is a residential trend in the area. However, a business has been located immediately west of the subject property prior to 1969 which staff believes justifies granting a Use Variance for a business on the west side of the subject property with certain restrictions. Therefore, staff recommends approval of a Use Variance for a dog obedience school with the following restrictions: 1) the dog obedience school is limited to the area as written and shown on the site plan included with the petition, 2) no overnight boarding of dogs, 3) a limit of no more than 15 dogs per day, 4) the hours of operation are limited to 9 AM to 5 PM, 5) no retail sales, and 6) no events/dog trials/shows are allowed. Recommend approval of the requested variance to allow two (2) uses on one (1) parcel: 1) single-family residence and 2) dog obedience school. As staff recommends approval of a Use Variance to allow a dog obedience school on the subject property, the Standards for Variation are met. Recommend approval of the requested variance to allow the lot depth to exceed 2.5 times the lot width. The subject property is unique in that the parcel was created prior to 2001 when the lot depth regulation was added to the Zoning Ordinance, so the variance will bring the subject property into compliance. The Standards for Variation are met for this request.

Recommend denial of the requested paving variance. Paving and striping the parking lot will help with internal vehicular circulation, especially since the petitioner's driveway to the residence cuts through the parking lot. No particularly unique circumstances were mentioned in the petition. The Standards for Variation are not met for this request.

ZBA Wulf: Do you want to tell us what you want to do?

Boggs: I currently travel about 2 weeks out of the month, I just want to come home and open a dog training school and train dogs. It's been a passion/hobby of mine for about 20 years and I think I could make a good living at it and get off the road. I bought the property next door, so it's really about 10 acres that we own. I just put a pond in, gutted the house that was there and just improved it. I requested this back in 06 when I first bought the property, and I learned a lot the first time. But since then I've gotten to know everybody and I've got a petition with about 50 names on it from all the neighbors around there that don't have a problem with it. That's really just what I want to do, I want to work from home.

ZBA Wulf: Are you aware of the recommendations and the changes and do you have any problems with them?

Boggs: I am, the paving thing. Is there a way to allow a certain amount of time? Money is an issue there.

Trustin Harrison: Typically I'll work with you. We are going into summer months, we do understand that as you make a transition. This is not something you have years to do but as you get through this year, maybe.

Boggs: Budget it in for sure, I would love to.

Trustin Harrison: Yes.

Boggs: For water purposes, I have no problem with that.

ZBA Wulf: Any questions?

JD Sudeth: You bought the house just south of your property?

Boggs: I did.

JD Sudeth: Ok so that will be an improvement.

Boggs: Yes, I don't know if you have been by it or not but it's been completely gutted. I'm still not done with it, still have some landscaping to do.

JD Sudeth: Been by there quite often.

ZBA Wulf: County Board and questions? Any objectors?

**Committee Member JD Sudeth made a motion to recommend approval of staff recommendation.**

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

**Motion carries 4/0/0**

**Motion to Adjourn:**

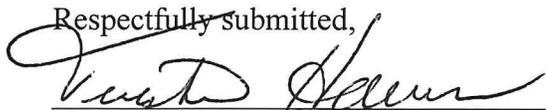
**Committee Member Anthony Mares made a motion to adjourn.**

**Committee Member JD Sudeth seconded the motion.**

**Motion Carries 4/0/0**

Meeting adjourned.

Respectfully submitted,



Recording Secretary

Minutes of May 16, 2019

Full record of minutes available upon request in the Zoning Department



Chairman