

Sangamon County, Illinois
ZONING BOARD OF APPEALS

The Zoning Board of Appeals met on **June 20, 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
Joel Benoit, Assistant States Attorney, States Attorney's Office
Trustin Harrison, Zoning Administrator, Sangamon County Zoning

Chairman Chimento called the meeting to order.
Approval of **May 16, 2019** Minutes

Committee Member Anthony Mares made a motion to approve the May 16, 2019 minutes.

Committee Member Don Wulf seconds the motion.

Motion carries 5/0/0

Docket 2019-020 Christina Yoc for property located at 5363 Mansion Road, Chatham, IL 62629

PETITIONER(S): Christina Yoc

OBJECTOR(S): No

PRESENT ZONING CLASSIFICATION: A with CPU for a dog kennel and a variance to allow three uses on one parcel

REQUESTING: Petitioner requests for Proposed Parcel 1: 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 one (1) parcel less than forty (40) acres (approximately 9 acres); and, for Proposed Parcel 2: amend the variance granted under zoning case #2016-037 to allow three (3) uses on one (1) parcel to eliminate the use of the parcel for a single-family residence, a variance to allow one (1) parcel less than forty (40) acres (approximately 1 acre), a variance to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat, and

a variance to allow the front yard setback to be approximately twenty (20) feet instead of the required thirty (30) feet for the existing accessory structure.

Christina Yoc sworn in.

Emily Prather: The petitioner has requested for Proposed Parcel 1: 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 one (1) parcel less than forty (40) acres (approximately 9 acres); and, for Proposed Parcel 2: amend the variance granted under zoning case #2016-037 to allow three (3) uses on one (1) parcel to eliminate the use of the parcel for a single-family residence, a variance to allow one (1) parcel less than forty (40) acres (approximately 1 acre), a variance to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat, and a variance to allow the front yard setback to be approximately twenty (20) feet instead of the required thirty (30) feet for the existing accessory structure.

The Planning Commission recommended approval of the variances for Proposed Parcel 1 to allow the lot depth to exceed two and one-half (2.5) times the lot width, and to allow one (1) parcel less than forty (40) acres (approximately 9 acres); and, for Proposed Parcel 2 to amend the variance granted under Zoning Case #2016-037 to allow three (3) uses on one (1) parcel to eliminate the use of the parcel for a single-family residence, to allow one (1) parcel less than forty (40) acres (approximately 1 acre), and to allow the front yard setback to be approximately twenty (20) feet instead of the required thirty (30) feet for the existing accessory structure. The petitioner previously was granted a variance to allow three uses on the subject property (single-family residence, horse boarding, and dog/pet kennel) in Zoning Case #2016-037; however, the bank will not finance the business unless it is on a separate parcel from the single-family residence. The Standards for Variation are met for these requests.

Recommend denial of the variance to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat. Paving and striping the parking lot will help with internal vehicular circulation on the subject property. The Standards for Variation are not met for this request.

ZBA Chimento: Do you understand the recommendation?

Christina Yoc: Yes, and I'm in agreeance with it.

ZBA Chimento: Any Questions?

ZBA Mares: Do you have all three of these going currently?

Christina Yoc: Yes, we have the residence right now and just need the financing.

ZBA Mares: So are you currently boarding in the kennel yet?

Christina Yoc: Not yet.

ZBA Mares: Ok.

Christina Yoc: Thank you.

ZBA Chimento: County Board? Any objectors?

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

Committee Member Anthony Mares seconded the motion.

Motion carries 5/0/0

Docket 2019-021 Joshua Badman for property located at 1 Timberline Drive, Springfield, IL 62707

PETITIONER(S): Joshua Badman

OBJECTOR(S): No

PRESENT ZONING CLASSIFICATION: R-1

REQUESTING: Petitioner requests a variance to allow the front yard setback to be approximately ten (10) feet instead of the required thirty (30) feet for the purposes of constructing an accessory structure and a variance to allow an accessory structure to be approximately twenty-one (21) feet instead of the maximum height of eighteen (18) feet allowed in the “R-1” Single-Family Residence District.

Joshua Badman sworn in.

Emily Prather: The petitioner is requesting a variance to allow the front yard setback to be approximately ten (10) feet instead of the required thirty (30) feet for the purposes of constructing an accessory structure and a variance to allow an accessory structure to be approximately twenty-one (21) feet instead of the maximum height of eighteen (18) feet allowed in the “R-1” Single-Family Residence District.

The Planning Commission recommended denial of the requested front yard setback variance. The subject property is 11.14 acres and an accessory structure could be placed in a number of locations in order to comply with the setback regulations and not be so close to the adjacent lot. The Standards for Variation are not met for this request.

Recommend approval of the requested accessory structure height variance. Allowing an accessory structure to be 21 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 for this request.

ZBA Chimento: Do you understand what’s going on? Any questions?

ZBA Mares: Question for staff, let’s just say he found another location for the accessory building, would he have to come back, or would he be in compliance?

Trustin Harrison: There is another location on the property that he could meet. The height variance would still be required, because it’s greater than 18 feet. But as far as the setback lines, that’s the one

that he really is after here because the staff agreed with the height variation. So if he was able to meet the setbacks, no he would not. If he's unable to meet those setback lines then yes he would have to come back.

ZBA Mares: Thank you.

ZBA Chimento: Do you have anything you want to say?

Joshua Badman: Yes, I would like to address the concerns from the staff on the setback variance. I think our property is unique in that our front yard isn't bordering a street. My understanding is that a 30 feet setback is usually for streets, for utilities and what not. Our front yard is butted up to someone's rear property. Our address is actually is Timberline, but because how the wording is on the setbacks were going off of north lake road. What I would like to do is consider that front line, since it's not on a street, ask for the variance, if I were to amend it to 15 feet, I think I could make it work. Basically I was wanting to build a detached garage, a little bit bigger than normal, it's a pole barn that going to be more residential with cedar posts and stone wrapped columns, landscaping. Its purpose will be to park my vehicles in, hang out area, patio, storage for my tools. What we are going to be doing is continue to work on this house to update it, so it's also serving as a workshop area. If I were to put it on the north lake property line, which would be that handle there on the property map, so I parked my truck there and I walked it off and from our circle drive down the row of pine trees all the up to the building would be 175 yards. So almost 2 football fields worth of walking just to park your car in the garage. Kind of defeats the purpose of the building I would like to build. Also, we talked about selling that lot. So I don't want to build a building on something that I'm trying to sell. As far as the 11 acres that the commission mentions, roughly 9 acres of that is pond, dense timber and everything around the house slopes off. I would like to have other places as well, but besides the house, everything else is a pretty steep incline. This piece that I'm looking at putting it next to the driveway, next to the neighbors shed, that's a shed there, so it wouldn't be really close to a house. The other things that were mentioned was it was too close to an adjacent lot or structure. I could build it within the county rules on that lot and still be within the same distance that they are denying or concerned about, and I wouldn't have to ask for a variance. I also have numerous examples throughout the neighborhood, our neighbor just to the south there is 2 sheds that are 10 feet apart, not 10 feet from the line, that's 10 feet between structures. Over on Desoto there is several residences where the buildings are 10 feet between each other. There is even some houses that are 12 feet, not sure if there is difference on setbacks between houses verses accessory structures. There are other structures that are 3 feet from the property line on Krell, those are accessory structures. So there is numerous examples where we would be following in line where we build it. Setting a precedent, I don't believe we would be because I think that this situation is unique in that our front yard isn't bordering a street, so I don't think we would be having neighbors seeing what I did and saying "well I want to put something in my front yard" closer to the street. You know what I mean? So I don't think that setting a precedence there. As far as the character of the property, there is a row of 40 feet pine trees already there, and this building will only be 21 feet at the peak. So as far as the sunlight, if anything I think it's improving the value of the property. I guess that's all I have. Any questions?

ZBA Spiro: Your lot is the orange area, right?

Joshua Badman: Yes, actually both lots.

ZBA Spiro: And there is a driveway to the house? Can you blow that up so I can see it? So is that a pool?

Joshua Badman: When you come up the driveway you would come straight up to the shed. And that structure there right on the property line that is also a shed/art.

ZBA Spiro: That's your neighbor?

Joshua Badman: Yes, so there house is still 180-185 feet from that line. So we won't be on top of their house. And that's a shed. And on the corner of the screen, that's also a shed.

ZBA Spiro: So your front yard isn't even on Timberline?

Joshua Badman: No, I have a Timberline address but my front yard is considered to be on North Lake. So that's kind of why I don't disagree with the approval.

ZBA Spiro: You own the adjacent lot too?

Joshua Badman: On North Lake?

ZBA Spiro: No, on Timberline.

Joshua Badman: Yes, and that has also been discussed selling, and it's also a pretty good incline towards the east. I had it drained into the pond, there's a drainage ditch there that goes into the pond.

ZBA Spiro: Well if you own both lots, can you combine them into 1 lot?

Trustin Harrison: The proposal is to combine them, all 3 lots.

Joshua Badman: When we bought it we applied to combine the properties into 1 parcel.

ZBA Spiro: Well if he combined those lots would that bring him into compliance?

Trustin Harrison: Currently no. One of the statements he brought up is his address is Timberline. The address is done by 911, so they base it where the driveway is coming in at. Not necessarily the shape of the lot. Under the zoning ordinance the front yard is from not Timberline itself, but from North Lake Road. That's why it's determined that this is an extension of his front yard. So adding these lots is not going to change the severity of the variance request.

ZBA Spiro: Ok, so they are going to still have that.

Trustin Harrison: Yes, the map I put up here is a topography map. He was talking about how it may drop off. So, from this area right here which is 580 feet, up to right there which is 592 feet. So across this area, it's roughly a 10 foot drop. I think that's where staff was saying they could still put something by moving it back a bit with some backfill.

Joshua Badman: There is a huge culvert that runs there, all drainage from the east. That's why the topography is that way.

ZBA Spiro: Did you say you were going to move it 15 feet?

Joshua Badman: Yea, if you guys would agree to that. Instead of 10, to 15 feet. If that helps.

ZBA Chimento: Questions for staff?

Molly Berns: Is he amending his petition to do that?

Trustin Harrison: You need to say that you want to amend your petition.

Joshua Badman: Yes, I would like to amend my petition to 15 feet for the front setback variance instead of 10 feet.

ZBA Chimento: From your drawing here your neighbors art studio is only 3 feet from the property line?

Joshua Badman: Yea.

ZBA Chimento: How long has it been there?

Joshua Badman: A long time from my understanding, it's also off square a bit. I think its 5 feet from the north corner, and 3 feet on the other. But that's allowed for a rear line right?

Trustin Harrison: 3 feet is allowed as a rear yard for an accessory structure.

Joshua Badman: Those 2 neighbors are fine, we have discussed it with them. They are ok with the building.

ZBA Spiro: On that driveway, where you were thinking?

Joshua Badman: About even, where the house is. It's about 30 feet wide. And then 80 feet long.

*Trustin Harrison draws rough location of where pole barn will be.

ZBA Spiro: Something like that?

Joshua Badman: Yes, so you would come off the driveway and pull right in. And that left side of screen on the building would be like a porch with cedar and stone wrapped posts, more of a residential look. The color scheme of the building will match the house.

ZBA Mares: So what's it butting up against? Is that a shed also?

Joshua Badman: Yes, shed and she has an art studio in there.

ZBA Mares: From the house to the lot line, how far is that?

Trustin Harrison: About 130 feet approximately.

ZBA Mares: So are you going to take down those trees?

Joshua Badman: Yea, about 3 or 4 of the pine trees.

ZBA Spiro: Could you possibly reconfigure your driveway to move the shed a little bit closer to your house?

Joshua Badman: That's a permanent asphalt driveway, and the ground around the circle drive starts to drop off pretty bad towards the pond. The whole 5 acres is pretty steep incline, and we might have put it there if that's all it takes to fix. But it's a strong hill down to the pond.

ZBA Spiro: Oh have you tiled that?

Joshua Badman: Concrete foundation it's for the concrete pad.

ZBA Mares: Trustin, you said it's about 130 feet?

Trustin Harrison: Approximately 130 feet from the front of the house to the front of the property line.

ZBA Mares: And how wide is the building?

Trustin Harrison: 30 feet.

ZBA Spiro: Setback is 30 feet.

Trustin Harrison: The west portion is 45 feet off the property line.

ZBA Mares: How far is the tree line from the lot line?

Joshua Badman: When I measured, the building will fall right where the trees stumps would be, so 45 feet.

Trustin Harrison: Approximately, it looks like it's off set to the west side of the building.

ZBA Mares: So you can't move it any further west? It would give you 30 feet.

Joshua Badman: You could but then you're just dropping it right in the middle of our front yard. If I were to move it to the north, it starts to drop down. So then you're dealing with significant back fill. That's why I tried to scoot it as far south as I could. It's flattened out right there.

ZBA Mares: With the driveway you have currently, are you going to be able to pull right in?

Joshua Badman: If I have it where I drew it, where it's even with the south side shed I would put some rock or eventually some asphalt, but yea pull straight up drive right into it or to the left of the circle.

ZBA Spiro: It just seem to me that you could move it a little bit to the left and north you would be a lot closer.

Joshua Badman: That's where it starts to drop off towards the pond and where the drainage comes into the pond.

ZBA Spiro: I'm not saying a lot, just maybe 10, maybe 15 feet? To be almost in compliance.

Trustin Harrison: The more the better.

Joshua Badman: Well shifting it that way north to south isn't adjusting the setback or anything, it's got to go west.

ZBA Spiro: Yes that's what I said, west.

Joshua Badman: But if you shift it west it's landing it right in the current driveway.

ZBA Spiro: Well then you go a little bit just about 10 foot more to the left.

Trustin Harrison: So you're saying get it around the circle drive a little bit?

ZBA Spiro: Yes, kind of take the same shape of the green area and just jog it a little.

Joshua Badman: That's what I'm saying I would much rather get around the right of way, then you start this left end of the building should be back a little to the north it starts to drop off pretty significantly towards the pond drainage.

ZBA Mares: How wide is that building?

Joshua Badman: 80 feet long.

ZBA Mares: How wide?

Joshua Badman: 30 feet.

ZBA Chimento: You don't want to shorten that?

Trustin Harrison: That's not 30 with the little bump out.

Joshua Badman: Oh, the little bump out is 8 feet. So 38 feet right where you pull in and that only goes about half of the distance of the building. It will be an 8 by 40 porch.

ZBA Mares: And the bump out is on the west side of the building, right?

Joshua Badman: Yeah. Is that ok I'm facing the house and the driveway? You figure that little porch area, that corner post is going to be right on the driveway if you accept that 15 ft. variance.

ZBA Chimento: Molly do you have an opinion on that?

Molly Berns: Sure, are there any opponents Mr. Chairman?

ZBA Chimento: Is there any opponents of this?

*No opponents come forward

ZBA Wulf: Have you talked to your neighbors?

Joshua Badman: Yes.

ZBA Wulf: And they don't have any problems with this at all?

Joshua Badman: No.

Molly Berns: Just to clarify Mr. Chairman, has the petitioner amended his petition to request a variance to allow the front yard setback to be approximately 15 feet? Is that correct?

Joshua Badman: Yes.

Molly Berns: Ok, I just wanted to clarify that. Based on that amendment as well as the other variance for the height. Staff would like to amend the staff recommendation. Page 4 of the analysis of the recommended standards for variation, related to the setback variance for item. #1, the petitioner amended the petition to allow a 15 foot setback instead of the required 30 feet. The additional 5 feet in this particular case will in fact have a positive effect on the property as well as the petitioner did provide us with some evidence that placing the building in an alternative matter would require some significant backfill which may cause an economic yield issue. #2, the setback variance related to the plight of the owner the petitioner tonight provided additional evidence that was not evident in the petition regarding the topography at the specific area of where the building options to move it would be and staff finds that that actually does create some plight in this case. #3, the fact that he has lessened the request by 5 feet in fact will further ensure that there will be no negative impact on the immediate area. So those are the new standards for variation related to the setback variance. The accessory structure height variance standards stay the same. With that in mind, on page 1, we recommend approval of the requested front setback variance to allow the front yard to be approximately 15 feet instead of the required 30 feet the standards of variation based on the amended petition have been met. And the rest of that recommendation for recommending approval of the height variance remains the same. End of amended report.

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

Committee Member Don Wulf seconded the motion.

Motion carries 5/0/0

Docket 2019-022 John & Doris Powell for property located at 5545 Stagecoach Road, Pleasant Plains, IL 62677

PETITIONER(S): John & Doris Powell

OBJECTOR(S): Yes

PRESENT ZONING CLASSIFICATION: A

REQUESTING: Petitioners requests a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District; for Proposed Parcel 1: a variance to allow the lot depth to be greater than two and one-half (2.5) times the lot width; and, for Proposed Parcel 2: a variance to allow the side yard setback to be approximately seven (7) feet instead of the required ten (10) feet for the existing residence.

David Powell son of John and Doris sworn in.

Emily Prather: The petitioners have requested R-1 Single-Family Residence District.

Proposed Parcel 1: A variance to allow the lot depth to exceed two and one-half (2.5) times the lot width.

Proposed Parcel 2: A variance to allow the side yard setback to be approximately seven (7) feet instead of the required ten (10) feet for the existing residence.

The Planning Commission has recommend denial of the requested R-1 District. The LESA score of 199 indicates the property is suitable for agricultural use only. The land for Proposed Parcel 1 will remain in CRP for eight more years, so keeping the subject property zoned Agricultural is more appropriate than rezoning to R-1. In the alternative, staff recommends approval of a variance to allow Proposed Parcel 1 to be less than forty (40) acres (approximately 8 acres) and a variance to allow Proposed Parcel 2 to be less than forty (40) acres (approximately 1 acre). Staff also recommends approval of the other requested variances. The subject property’s residence has been located seven feet from the south property line and the lot depth exceeded 2.5 times the lot width prior to the adoption of the zoning regulations. The requested variances are necessary to bring the subject property into compliance when the farmland is separated from the single-family residence. The Standards for Variation are met.

ZBA Chimento: Do you have anything to say?

David Powell: The only reason were doing this is because they went to senior living and they want to keep the ground agriculture so they can keep income from the CRP. But they don’t need the house anymore, obviously. They need the money to help pay for senior living. Basically everything is the same, except they are not there anymore. The land will stay agriculture.

ZBA Chimento: Any questions? County Board? Any objectors?

*Objector comes forward.

Donald Davis sworn in.

Donald Davis: The location of these parcels is extremely dangerous it's on a blind hill. My wife and I have lived further north on Stagecoach for almost 25 years now. There has been numerous times there have been close calls from traffic coming from opposite of which ever direction you drive. Looking at the parcel, if you have more ingress and egress just below the top of the hill it's extremely dangerous. And I know some people that have drove a slow moving agricultural equipment over that hill and had some close calls. It's just the wrong place to add more residential ingress and egress off that road. Especially below the top of the hill. John and Doris's existing house driveway is right at the top of the hill, right at the apex, so they can see both directions. That's the only place you can see both directions. If you're travelling and coming from the south or the north, you can't see over the top of that hill. There are no warnings, we have all trained ourselves to stay as far to right as you can, and slow down. We have people that are not familiar with the road and this is a road that is listed on the bicycle scenic route from the Boy Scout Indian Trail, it's a scenic highway in the county. There are people that have never driven it before and they have close calls. For that reason, I don't see the point in adding more residential at that location. Especially with the wanute egress never got up to the road right below the hill to the north.

ZBA Mares: I don't think there is any more egress. There is only going to be 1 residence there.

Donald Davis: Well, you don't know how many people live there. Do you have a big family?

David Powell: Were not going to lay anymore driveways.

Donald Davis: Did you guys make some changes? We didn't know about that. Are you staying with the same driveway to the existing house?

David Powell: Yea. There is no more driveways added.

ZBA Mares: So you're saying that they shouldn't sell it? Right?

David Powell: Exactly.

Donald Davis: The overall idea here is conducive to be more residential.

ZBA Chimento: You can't keep somebody from selling their house.

Donald Davis: I know that, but any more property that could possibly be subdivided further.

ZBA Chimento: It's still agriculture.

David Powell: It's staying agriculture.

Donald Davis: oh it is?

ZBA Chimento: 8 acres are and 1 acre is residence.

Donald Davis: Well then I haven't seen amendment, the new proposal. Never saw it.

ZBA Chimento: Well who's ever property touched it got the information.

Donald Davis: Well I see the two parcels wrapped around one and wrapped around the other one, right up on the board. At any rate, well if you fixed it, fine.

Molly Berns: Mr. Chairman, if I might, Mr. Davis to your point the original petition requested R-1, staff is recommending denial of R-1. If in fact this board and ultimately the county board agrees with this staff analysis, then in fact it will not be R-1.

David Powell: And can I just say something? I really never wanted it R-1 to begin with, I was all new to this. I wanted it to stay agriculture, and that's our intention. I don't want homes there. We just want to be able to sell the house, and have income from the land, period. That's why I agreed to keep it agriculture. There will be no more homes there. For that to happen we would have to go through a whole other process.

Molly Berns: Correct.

David Powell: And I don't want to do that.

ZBA Wulf: And you're in agreement with the variance?

David Powell: Yes, exactly. That's the way I wanted it to begin with.

ZBA Chimento: Any more objectors?

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 2019-023 Tony L. Grissom for property located at 1157 Geary Road, Cantrall, IL 62625

PETITIONER(S): Tony L. Grissom

OBJECTOR(S): No

PRESENT ZONING CLASSIFICATION: A

REQUESTING: Petitioner requests a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District and a variance to allow the front yard setback to be approximately seven (7) feet instead of the required thirty (30) feet for the purposes of constructing an accessory structure.

Tony Grissom sworn in.

Emily Prather: The petitioner has requested R-1 Single-Family Residence District and a variance to allow the front yard setback to be approximately seven (7) feet instead of the required thirty (30) feet for the purposes of constructing an accessory structure.

The Planning Commission has recommended approval of the requested R-1 zoning. The LESA score of 180 indicates the property is suitable for agricultural use only. However, the area has a rural residential trend and the subject property contains a residence and is only one acre, which makes it highly unlikely the subject property could be economically converted to cropland.

Recommend denial of the requested front yard setback variance. Floodplain being located on the subject property is not a unique circumstance for the area since approximately seven other parcels in the area contain large amounts of floodplain covering the parcels. Further, most of the residence and part of the proposed accessory structure are in the mapped floodplain according to the site plan submitted with the petition. No other unique circumstances to the subject property were mentioned in the petition. The Standards for Variation are not met.

ZBA Chimento: Tell us what you're going to do.

Tony Grissom: Basically what I'm trying to do is put up a garage at this house. We just bought this house in October of last year. It is our retirement home. I've got a lot of money already invested. If I put it like that basically, right there. If I can keep it out of the floodplain, it keeps my insurance lower cause I'm already paying insurance on the whole house cause it's in the floodplain. And I do agree, there is other parcels out there that their property is in a floodplain. The unique part about my property is where I am trying to build in the only part that is not in the floodplain on my property. My whole house is floodplain from there back. When you look at the front of my house from the very front it starts rolling downhill towards the creek, towards a well that goes to Cantrall Creek very quickly. And just the width of the house is about a 4ft drop, from front to back. What I'm trying to do is keep the garage up to the front to keep it out of the floodplain, so I'm not putting a \$30,000 garage right in the floodplain zone.

ZBA Spiro: Have you had any flooding problems?

Tony Grissom: Well we just moved in in October. From what all the neighbors and what they have said, in 20 years the water did come up all the way to where the back of walkout basement they said it didn't get in, but it's never made it that far. I got neighbors across the way that had a lot more water than I did.

ZBA Spiro: So your back yard was under water for a little bit?

Tony Grissom: Yea, it ran up from probably our back property line to about 40-50 feet. It was all under water this spring, for about a week. If I had anywhere else to build on that property, I would. I just don't feel I can spend a lot of money and put something right in the floodplain. And I see the regulations, and if you go after the floodplain certificate and you'll talk with Trustin, and basically your elevation has to be 1 foot above of the floodplain. If you're going to build in the floodplain. My house isn't even a foot above it. So if I can't build there and have to move it to the side of my house, my garage is going to be up a foot higher than my house. It's just not going to look right at all. And I have to have the storage. We moved from the south of Chatham and I had 3 outbuildings out there. I have trailers, motorcycles, mowers, and whatnot. What I don't want to do is store all of this stuff outside and clutter up the

neighborhood. It's a nice neighborhood out there and we've already put \$20,000 into the house since we moved in in October. We are trying to make this our retirement home.

ZBA Spiro: So you're just trying to stay out of the floodplain? Is that for insurance purposes?

Tony Grissom: Insurance, yes. If I have to put it to the side, and I have to carry the 30ft on the setback that puts me flush with the house.

ZBA Spiro: I have a Question for staff. Are the FEMA floodplain regulations, is that a federal department for flood insurance?

Steve Keenan: Yes there is various different state and federal laws that would have to be brought into compliance. The local ordinance does require 1 foot above the base flood elevation (BFE) 100 year flood, 1 percent at any given year. There is an alternate process which can be followed. There are some engineering costs to the petitioner but it's called the letter of map amendment. As the petitioner had suggested, that is probably the highest area on the property. So, it would have probably the best chance at getting the letter of map amendment if the variance were not recommended for approval.

ZBA Spiro: It seems to me that he is trying to comply with the flood regulations.

Steve Keenan: If there is any portion of the building, even 2 inches of a wall that's in a floodplain, it still has to be treated as if the whole building is in the floodplain.

ZBA Spiro: I know, that's why he's asking for the setback.

ZBA Mares: Question for staff, where is the variance for the 7 feet?

Tony Grissom: It's from the center of the road to where the building would start, you have your 40 feet right of way, with a 30 foot setback. That's 70 feet and my house is 71 feet from the center of the road.

SBA Spiro: So the setback starts from the center of the road or the edge of the property?

Trustin Harrison: This road is considered an 80 foot road, as far as the right of way. So you start from the center line in the road and that's 40 foot to the north. So that is where the proposed right of way is, and that's where the proposed property line is. So the setbacks would be measured off of there. And as he stated this house is 70 feet, so he meets the setback requirement which makes his house in compliance with the setbacks. So that's why he's looking for a 7 foot front yard because he's coming off that 47 feet. One of the documents that he did provide, this one here, that's why you're seeing that 47 feet here. Because from the center line of the road 40 feet back would be your property line and the additional 7 feet is what the setback request is.

ZBA Spiro: So if he went the 30 feet, that would be flush with the house but he would be in the floodplain?

Tony Grissom: That's correct. I'm trying to make the property worth more, but I'm afraid if I put this garage in the floodplain, it had a problem selling to begin with because nobody wanted to buy the house

because it was in a floodplain. We decided we could deal with it. I didn't know the setback was that far up, I thought it was a little closer. I probably should have done some research first.

Tony Grissom: If what you're saying is right, even if you have 2 inches of garage in the floodplain, and you have a problem with it. If I had to make an amendment, what would I put in? Instead of 7 feet we could go 3 feet and we wouldn't even be near a floodplain.

Trustin Harrison: Then you would be increasing the request, instead of a 7 foot variance you would be requesting a 3 foot variance.

Trustin Harrison: I do want to ask a question, as a point of clarity, from Steve, if the 7 foot is granted, and it's proposed as that, what requirement would you from the floodplain coordinator require to verify that it is in fact out of the floodplain?

Steve Keenan: We would need some kind of survey/drawing and signed off on by a licensed design professional.

Tony Grissom: Cause I'm building on the very top of the property, which is clear out of the floodplain.

Steve Keenan: Correct, what the easiest way to do it, if you have a surveyor come out and do it, you might find out that the house is out of the floodplain too. There is two ways you can do the letter of map amendment you can do one for a structure or for construction you can have a surveyor draw a piece on the property that removes the whole portion out of the floodplain. Once that is removed from the floodplain, it is just treated as any other building. But you have to have engineering work done.

ZBA Spiro: Does it make more sense to just build the building first, then do a letter of map amendment?

ZBA Larry: Yea.

ZBA Spiro: Maybe you're not in the floodplain?

Tony Grissom: If I can't get any type of variance on that 30 feet then I'll probably put it in the floodplain regardless. That's the only place that's not in the floodplain.

ZBA Beaty: You know that for sure?

Tony Grissom: Oh yes. They might be able to move that line back 5 or 6 feet, and that will help some, but it's not.

ZBA Spiro: So, Molly, regarding paragraph 2, I would say that the standards for variation are met and it's unique to that property that he's trying to keep it out of the floodplain. He has to keep it out of the floodplain.

Molly Berns: I think really what you're asking me is whether or not staff will be prepared to amend its recommendation on this particular case, and the answer to that is unfortunately no. And here's the reason, the variance request is not an amendment of floodplain regulations it is in fact whether or not the structure should be that close to the road. In this particular case it does front on the street versus the

previous case where it was buried kind of in the middle of the lot. So I think that's exactly what we need to deal with and the standards for variation are not and continually not to be met on that particular issue. The floodplain issue is separate and can be dealt with under a separate process under the floodplain ordinance for Sangamon County and we will be happy to work with him and find a better spot for it or help him through the letter of map amendment process. But in this particular case the staff analysis is going to stand recommending denial.

ZBA Mares: And not only that, but because of the 40 feet from the center of the road right of way. It's the right of way issue plus the 30.

Molly Berns: Correct.

ZBA Mares: So it's the 40 plus the 30.

Molly Berns: Essentially yes.

ZBA Chimento: Is there any objectors? Any questions?

*No objectors come forward.

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

Committee Member Don Wulf seconded the motion.

Motion carries 4/1/0

Docket 2019-024 Dave Telger & Laura McCune for property located at 1405 & 1409 Adlai Stevenson Drive, Springfield, IL 62703

PETITIONER(S): Dave Telger & Laura McCune

OBJECTOR(S): No

PRESENT ZONING CLASSIFICATION: B-3

REQUESTING: Petitioners requests a Conditional Permitted Use for a tavern, a variance to allow a tavern property line to be approximately six (6) feet from a residence instead of the required one hundred (100) feet, and a variance to allow fifty two (52) parking spaces instead of the required sixty two (62) parking spaces.

Dave Telger sworn in.

Laura McCune sworn in.

Raymond Talkington sworn in.

Kevin Talkington speaking for Raymond Talkington sworn in.

Emily Prather: The Petitioner has requested Conditional Permitted Use (CPU) for a tavern, a variance to allow a tavern property line to be approximately six (6) feet from a residence instead of the required one hundred (100) feet, and a variance to allow fifty-two (52) parking spaces instead of the required sixty-two (62) parking spaces.

The Planning Commission has recommended denial of the Conditional Permitted Use for a tavern and a variance to allow a tavern property line to be approximately six (6) feet from a residence. It is questionable whether it is appropriate to allow a tavern at the proposed location, especially with a residence within 6 feet of the proposed tavern property line and approximately 50 feet from the proposed tavern entrance. No particularly unique circumstances were mentioned in the petition to justify granting the variance. The Standards for Variation are not met for this request.

Recommend approval of a variance to allow fifty-two (52) parking spaces instead of the required sixty-two (62) parking spaces. The subject property contains a business strip mall that has been operating for over 30 years with varying uses and there have been no known parking problems in that time, so requiring additional parking spaces could reduce the yield of reasonable return expected for the subject property. The Standards for Variation are met for this request.

ZBA Chimento: Do you want to say what you want to say?

Laura McCune: The property, the residence that is next door is actually zoned commercial and he is the owner of the property and it is not going to be rented out as a residential property its going to be rented out as a business.

Kevin Talkington: If I can elaborate on that. My father's voice is a little rough. There is tenants in the 1415 property next door, and it is currently being used as residential. But when we purchased the property a couple years ago they said it was carrying the B zoning on it. We ultimately wanted it to be commercial, and these tenants are moving out, not by him requesting they leave, but they are moving on to another location. At that point he doesn't want it to be residential, he's wanting it to only be an insurance office, a law firm, an accounting firm, something like that, just like the rest of his shopping center has been, it's multi-use. It's been barber shops, hair salons to engineers to sales offices, sewing place, insurance companies. And that's what he's wanting to continue now. The property next to that house is also a commercial property, Innovative Staff Solutions. So, it's going along with what the rest of this block has been. Across the street from it is Bunn-O-Matic, and that is completely all commercial. Most of the workers utilize our parking lot for their breaks. They don't allow them to smoke over there, so they come to our private parking lot to do it. We would like them to have somewhere to go to have breaks instead of just meddling around outside. If we have a facility that has got snacks and stuff, they have somewhere to go. For us it's a win-win and if we can get the zoning changed for them to put the gaming parlor in there and have a license. I think the shopping center has not been a nuisance to the neighborhood, it's been kind of a blessing in the neighborhood. We have a few vacancies in there and the owner would like to get it rented and some of these vacancies have been there a few years. That's kind of where we're at, at this point.

ZBA Chimento: Do you have anything else to say?

Kevin Talkington: No.

ZBA Chimento: Any questions?

ZBA Spiro: So you said the existing zoning for the property in question is B-3?

Kevin Talkington: I just said B.

ZBA Spiro: B-3 or B-1?

Kevin Talkington: I really don't know. It's either B-1 or B-3 I don't remember.

ZBA Spiro: On the findings of recommendation it says the existing zoning is B-3, on the map its indicating B-1.

Kevin Talkington: I think that's where my confusion came in as we purchased it. He wanted it just because it butted up to his commercial shopping center. It's one of the B's I just didn't know which one.

ZBA Spiro: And that's an auto repair shop and next door to the west?

Kevin Talkington: Is another auto repair shop.

ZBA Spiro: Is the auto repair shop.

Kevin Talkington: There is another one, then there is a printing shop behind that.

ZBA Spiro: Ok, then it looks like there is already a tavern/tobacco store on the other side of that.

Kevin Talkington: That is correct.

ZBA Spiro: We approved something in there a long time ago, didn't we?

Steve Keenan: It was about 4 years ago.

Trustin Harrison: That is correct.

ZBA Spiro: The surrounding property is zoned B-3? According to the map. All the adjacent property along Stevenson Drive. Is that the correct zoning for that?

Trustin Harrison: The property in question is B-3, I believe the adjacent properties are B-1 to the west.

ZBA Spiro: Is across 14th Street B-1?

Emily Prather: Yes.

ZBA Spiro: And everything else is B-3. They own it, so what do you want to do with that?

Kevin Talkington: Well we would like it to stay commercial. It is my idea that he would like it to be an insurance office, a law office, an accounting office, engineer's office, something like that. It's a very stately looking brick building. I think it could complement with what their wanting to do. I hear the word tavern and I don't picture this being a tavern, this I look at it as being a little video gaming place that the people going there don't really want to buy liquor. They just want to go play their game and be left alone and not be bothered by drunks, that's what I picture.

Dave Telger: We have to have a liquor license by rule. Wine and beer.

Kevin Talkington: Yes, by rule. But I think the nature of people going there are the kind of people that are on their break, not just them but I think that there is an advantage for him to have people within the shopping center go over and visit on their breaks.

Dave Telger: The average people that go into a gaming parlor don't want music, they like to just have quiet and play.

ZBA Spiro: I have a question for staff. Given the fact that if this was indeed a residential area I would agree 100 percent, but given that it's a B-3 zoning and Adlai Stevenson is a busy commercial corridor that changes my thought. Given the proximity of the B-3 zoning and since that's not going to stay a residence that kind of mitigates the whole problem of being a residence within 6 feet of a proposed property. Cause it's not going to be a residence. Actually the residence is not conforming with the current zoning.

ZBA Spiro: My recommendation on that is I would change the plight, somewhere on here. Again, its #2 that the circumstance is unique to the property and not generally applicable to the other property in the area. The fact is that there is a house next door. So it's non-conforming to the general business in the area. And it will be converted back to commercial use. Soon, I presume.

Kevin Talkington: Yes.

ZBA Mares: Is the property to the north of 1405, is that.....

Kevin Talkington: That's Bun-O-Matic.

ZBA Mares: To the north?

Kevin Talkington: Oh no, not to the north. I was picturing the south. That is not. I was picturing the wrong direction.

Trustin Harrison: This whole block is zoned business.

ZBA Mares: The questionable residence is in the B-3?

Trustin Harrison: B-3 zoning, yes.

ZBA Mares: Does B-3 allow residential?

Trustin Harrison: They do not. And I would have to do some research to see if it was existing when zoning came in place and they presumed it was going to become business. We do have some of that in Springfield, where you have residence in a B-1, B-2 or B-3. Whether that was a decision that was made in 1968, as the growth of proposal and they allowed it, so it's basically a non-conforming use.

ZBA Mares: So I guess my question is, his adjacent property, was it originally a multi-family rental unit?

Trustin Harrison: That I am not for sure.

ZBA Mares: Was it supposed to be an apartment building? Or was it a duplex or a triplex? Because obviously if you have that, then it would be a commercial situation.

Trustin Harrison: It would most likely be R-3.

ZBA Spiro: Do you know how long the house has been there?

Kevin Talkington: To the best of my knowledge, it would have been built in the late 50's early 60's.

ZBA Spiro: Well that was before Stevenson Drive was even Stevenson Drive.

Kevin Talkington: You're right. They referred to it as the cabbage patch.

ZBA Spiro: It was grandfathered in, but you own it anyway and you're going to convert it back to conforming with the zoning. There is residential to the north but that's kind of standard on these busy streets.

Kevin Talkington: But even that back road is appearing the B zoned, also, they are presuming it's all going in that direction.

ZBA Spiro: The whole thing is on rural streets like Dirksen parkway, Stevenson, you got to have the commercial area about half the street then a block or two on either side is the residence. And it serves the residences too. I think we've really gotten things backwards here. It is a unique circumstance in that he just happened to be next a house that's been there forever. It's all zoned B-3 and the house is actually non-conforming. It will not alter the essential character of the locality, it will actually be more in tuned with the essential character of the locality. And as a matter of fact, the use out of the other side of the building is exactly what they were talking about here. I would request that the staff reconsider or perhaps amend their recommendation.

ZBA Chimento: Are there any objectors?

*No objectors come forward.

ZBA Mares: Question for staff. You own both parcels, correct.

Kevin Talkington: Right, a couple of them.

ZBA Mares: At some point, if you decided to sell it and somebody wanted to move in and use it as a home.

ZBA Chimento: It would have to be rezoned.

ZBA Mares: It's a rental unit, and it's being used as a residence now, correct?

Trustin Harrison: Correct.

ZBA Mares: Since he owns both, it's not a unique circumstance. It is a unique situation, but somewhere down the line that they decide to sell it, and so whoever wants to buy it makes it a residence. Correct?

Trustin Harrison: Since it's a residence now, it could continue to be used as a residence.

ZBA Mares: But it has the B-3 zoning.

Trustin Harrison: Correct. However they change it to an insurance agent, at that point the non-conformity use goes away and it should not be used as a residence. However, sometimes those are hard for me to catch. That's the way it should carry through.

ZBA Chimento: Any other questions?

ZBA Chimento: So do you want to amend this petition?

ZBA Spiro: I want to amend this petition to accept the conditional permitted use for a tavern and variances.

Trustin Harrison: So for the variance, what you would need to do is fill out the standards. And probably need to do the conditional permitted use for the 100 feet as well.

ZBA Spiro: That the plight of the owner is due to circumstances unique to the property and not generally applicable to other property in the area. I say that the fact that the nearby residence is a non-conforming use.

ZBA Beaty: Was that house there before the business? Wasn't it non-conforming? It was there first.

ZBA Spiro: Well it was grandfathered in, but the zoning is still B-3.

ZBA Mares: B-3 zoning is non-conforming.

ZBA Spiro: And it's the owner that states he will convert it to a business.

Trustin Harrison: The CPU also. Because under the CPU it states that that's where the setback is. You have to do them both.

ZBA Spiro: We have to do that right now?

Trustin Harrison: Yes, it has to go on the record.

ZBA Spiro: So, addressing the findings of fact. County Board unless the conditional permitted use is so proposed that the proposed location, design and method of operation of such use will minimize the adjacent effects on the character of the surrounding area. I'm finding that there won't be effects to the surrounding area. I would say that there are, given that the surrounding area is zoned B-3 the effects would be minimal to the adjacent property for item #1. Is so proposed to be operated, designed and located so that the public health, safety, and welfare will be protected. Given that it's in a B-3 zoning and the surrounding area the proposed operation will not be detrimental to the public health, safety, and welfare of the adjacents. # 3 findings of fact, it will not cause substantial injury to the value of other properties in the vicinity, given the current zoning along Stevenson Drive. #4 not applicable. And as for item D, the residence will be converted to businesses, as far as being 6 feet from the residence, the findings of fact. As far as standards of variation, #1 that the property in question cannot be economically used or yield a reasonable return, that may be true given that it's a strip mall, but it is the requested use that would create the economic yield, as the business being requested. As for #2, the plight of the owner is due to circumstances unique to the property and not generally applicable to other property in the area. The plight of the owner is due to circumstances in that the house next door is owned by one of the petitioners, and that the house next door is actually the non-conforming use for the B-3 zoning and that property will be converted back to a business. Within?

Kevin Talkington: Yes, in less than 6 months.

ZBA Spiro: Less than 6 months. So, it's just a residence because it's been grandfathered in. #3 the variation, if granted, will not alter the essential character of the locality, I find that the locality of Stevenson Drive is a commercial strip, it's a busy street like Dirksen Parkway, North Grand and that it's a common place to have business along such streets and would not alter the essential character of the surrounding area. I implore the staff to reconsider their recommendation in this subject case.

Molly Berns: Mr. Chairman, just to clarify. It wouldn't be in fact requesting that the staff changes the recommendation. Basically what you would be doing, if this in fact a motion, you would say that you are recommending to deny the staff recommendation and you offer the findings of fact and standards for variation that you just read into the record as an alternative. And recommend approval of the petition.

Trustin Harrison: Not to confuse this, there was a statement that the residence would be removed in 6 months, is that correct?

Kevin Talkington: I think it would be sooner than that, but yea.

Trustin Harrison: I think that's important to include that on the record.

ZBA Spiro: I would like to make a motion that we deny staff's recommendation and accept the standards for variation and the findings of fact that was just read on record.

ZBA Chimento: Entertain a motion?

CB Stumph: From the county board perspective, I've heard non-conforming tonight many many times, at the county board level, we are going to need to know whether its legal or illegal non-conforming and it is very important if the residence is going to go away, Trustin made the comment that it could be sold as a residence again, there will be some issues that will come into play after its come to be.

Trustin Harrison: And I'll have to do some research to see what the history was on that property.

CB Stumph: Is there any way to ensure that it won't be sold as a residence the second time around?

Trustin Harrison: Other than me driving by every day, no. That is a hard thing when it's a residence to know how something is zoned versus what the use is.

CB Stumph: Right, I just want to know for the next meeting because I do agree that along Stevenson Drive is a perfect place for something like this, but in the same instance we just denied the same application because there was a church there with 5 people in it. When you have a house that is 6 feet away, I'm just trying to say that you might want to have everything in order by the next meeting. Everything you're trying to do tonight will be a moot point if you can't convince 29 board members legal or non-legal conforming at 6 feet from a residence.

Joel Benoit: Trustin, I have a question. Should they formally amend this now to say we are not going to have this house as a residence by a specific point in time? A condition of that?

Trustin Harrison: I would say no, but I'm going to put that back on you, because that particular parcel is not a part of this case. So I think that it would probably be what they said is the best that we have. Since that particular parcel is not on record.

Joel Benoit: So I think I understand that this part is non-binding, right?

Molly Berns: Well its non-binding except to the extent that Andrew put it on the record in his recommendation and that is in fact the recommendation and standards that would go forward to the county board. So, in fact that they adopt that they are adopting said recommendation made here. So to the extent the legislative intent was established in a quasi-judicial process that we do have a little bit to hold our hand here. I agree with Trustin it's not from the subject property so I don't think that we can add it to the petition.

Trustin Harrison: This is more of a follow up with one of the things we do have, the next step in this process is a liquor license. This standard in this conditional permitted use also is mimicked in the liquor ordinance for Sangamon County. So, if a variance isn't granted and it goes in front of the committee to petition for a liquor license they could potentially deny the liquor license.

Trustin Harrison: That shouldn't make any difference at this point, your testimony is the same thing. I'm sorry, what the gentleman said is that he would be willing to sign a document to state that. But I think what Mr. Stumph has stated in front of the county board to make sure if anything was brought up or any questions you have things all laid out with the intent, with a timeline that way you have things in place. Is that correct Greg?

CB Stumph: Yes.

Trustin Harrison: So that would be more important than a signed document.

ZBA Chimento: I think we are waiting on a second.

Committee Member Andrew Spiro made a motion to recommend the standards for variation.

Committee Member Charlie Chimento seconded the motion.

Motion fails 2/3/0

Trustin Harrison: Mr. Chairman, since that one failed we have to have something pass. So we then would go with the original staff recommendation.

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

Committee Member Anthony Mares seconded the motion.

Motion carries 4/1/0

Docket 2019-025 United Regional Water Coop for property located at 20180 Dale Davis Drive, Illiopolis, IL 62539

PETITIONER(S): United Regional Water Coop

OBJECTOR(S): Yes

PRESENT ZONING CLASSIFICATION: A

REQUESTING: Petitioner requests for Proposed Parcel 1: 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 one (1) parcel less than forty (40) acres (approximately 11 acres); and, for Proposed Parcel 2: a variance to allow the front yard setback to be approximately five (5) feet instead of the required thirty (30) feet for the existing accessory structure, and a variance to allow one (1) parcel less than forty (40) acres (approximately 5 acres).

Nick Burrus sworn in.

Solange Davis sworn in.

Emily Prather: The petitioners have requested for Proposed Parcel 1: A variance to allow the lot depth to exceed two and one-half (2.5) times the lot width, and a variance to allow one (1) parcel less than forty (40) acres (approximately 11 acres).

Proposed Parcel 2: A variance to allow the front yard setback to be approximately five (5) feet instead of the required thirty (30) feet for the existing accessory structure, and a variance to allow one (1) parcel less than forty (40) acres (approximately 5 acres).

The Planning Commission has recommend approval. The current parcel is under the 40 acre minimum requirement (approximately 18 acres), and granting the requested variances will allow the subject property to be used economically by splitting the property into two lots: one lot for the existing residence and one lot for a proposed water treatment plant. In splitting the subject property, the existing shed will be located in the required front yard due to a re-orientation of the lot where the front yard is the north property line for Proposed Parcel 2. Requiring the existing shed to be moved/demolished after it has been in the same location for over 30 years would reduce the reasonable return on the subject property. The Standards for Variation are met.

After reconsideration, it has been determined that the requested variance to allow the lot depth to exceed 2.5 times the lot width is unnecessary.

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

Nick Burrus: EJ Water is a water co-op from a city in Illinois that is serving a number of communities and rural residences throughout the state. Numerous communities come to them and say hey we need help with water. Our water treatment plants are in need of repair, is there anything you can do or work together? For the last 2 years or so, these communities and EJ Water have come together to form a cooperative providing water to these residences, individuals, and communities. The communities involved in this are Illiopolis, Beardstown, Latham, Niantic. There have been a couple of communities that have express interest in it. At this time we are waiting to see how everything moves forward. Basically what this would be is a water treatment facility that will serve the surrounding community. We're selecting this parcel 1, for the location within the communities it would be serving in addition to serving the future located area. They will be working with the Village of Illiopolis to utilize the river bottom itself the existing well water main that feeds Illiopolis's plant is just west of this property and it is to connect the well water main and bring it over to our treatment facility and run it back to the water main and then pump it to the individual communities. The other item with the property, is the terrain. The intent is to use the gravity system. What will happen is the water come from the well and the water will be pumped to the top of the hill, out to the plant and as the water gets treated it will then cascade down into a ground well. Treatment process will involve no pumps at all. Cuts down on the cost to the consumers as well as the client.

ZBA Chimento: Any Questions? County Board? Objectors?

*Objectors come forward.

Eric Smith Jr. sworn in.

ZBA Chimento: What is your concern?

Eric Smith Jr.: I own the property to the west of this property. Down in the bottoms starting with what I call the second oil well. We own the farm ground around the second one and we own the farm ground around the third one. I am the third generation on that farm and I don't know all of their claims but when I bought the house and all the property it was all farm. I've brought in a considerable amount of livestock but there has always been livestock on that farm for as long as I can remember. So as the houses bought around us, or around that farm, they knew it was a farm. When I bought that property I bought it as a farm. I picture what they are moving in as a factory, maybe I'm wording it wrong, that's just my opinion. I also understand that they have to put this somewhere and it's for the good when it's

said and done. I took it in my mind that they would go back down around the wells. They've already got room made for that they have traffic, if there is traffic, they've already got that made. My hopes are that if they go on further with this, that at a minimum that they would bring their traffic in off of Water Well road. I am against that building site. I don't know how many acres that is, but it appears to be a pretty good size complex. I just feel that down where the water wells are, away from everybody's home would be more suitable. I'm sure my lifestyle has brought an inconvenience to people, but I do try to keep my traffic at a minimum away from everybody. I use Water Well Road as much as I can. I just pictured that they would find something down in the bottoms away from everyone's house. When I bought that property, there was not a factory at the end of that driveway. It was a pasture, it was zoned agriculture. When I moved in I did no changes. I did what the existing property owned, bought through the family. That's my concerns.

ZBA Chimento: What is your concern?

Eric Smith Jr.: I don't feel that that's the right property for this.

ZBA Chimento: Why?

Eric Smith Jr.: To me it's going to be more of a factory environment versus agricultural. To me, it's going to be industrial, whereas when I purchased the property it was all zoned agricultural. If they are going to use the property, to me, they would want to keep the building complex as far away from the driveway for the houses as much as possible. There are 4-5 families that live up there. That is my concern. I don't feel that that is the right property. Surely they could come in off of Water Well Road. They have the abilities to make access off of Water Well Road, up to the building complex and keep the traffic off of the residential road. That is my concern.

ZBA Chimento: Any Questions?

CB Mendenhall: You referred to it as a driveway, is it a driveway or a country road?

Eric Smith Jr.: I believe it's a township road.

CB Mendnehall: Thank you.

ZBA Mares: Question for staff, we are basically looking to subdivide the parcel correct?

Trustin Harrison: Yes.

ZBA Mares: Were not looking to change the zoning at all?

Trustin Harrison: No. This type of facility is allowed in the Agricultural District. So it will remain Ag.

ZBA Mares: Thank you.

ZBA Chimento: I see another objector. Does anyone else want to talk?

Nick Burrus: I would like to note on that. Regarding the traffic, we looked at that when we first started the project and the intent was to try and eliminate exposure and traffic to that stretch of road due to the fact that it is residential. Access to this parcel will be off of the county road that is there now. So any traffic that come in there now will come in off that road. Service is on the side so there won't be any truck traffic to that entrance. In regards to utilizing the grounds for water the issue that arises with that is all in the Sangamon river floodplain, so any construction there, we can't do. That's why we tried to utilize the side table water storage pit. Everyone know that's the last thing we want to do is build a water treatment plant that could be flooded. So all these items were taken into account. We understand his concerns. EJ Water is head of this project and they have spent many evenings and days at Mrs. Davis's house discussing this project, and the intent is to make this esthetically pleasing.

Linda Smith sworn in:

Linda Smith: He just said that they were not going to building in the river bottoms, and he just got done saying that they were going to put a storage tank down there and it's going to hold water when it goes back down. So he just contradicted himself.

Nick Burrus: No, the storage tank is going to be built towards the bottom of the hill. I apologize if I was unclear.

Eric Smith Jr: So technically the water storage will not be in the floodplain?

Nick Burrus: Correct.

Eric Smith Jr: I see.

Linda Smith: And why are you building out there anyway when it has nothing to do with us. The towns you are servicing are going east from Illiopolis.

Nick Burrus: EJ Water currently has a water main south of this project and also to the west. They are also looking into possible expansions in the future. There have been a couple other communities to the west that have requested us in the future.

Eric Smith Jr.: Do I understand you saying that once you get the facility put up that the majority of the traffic will be coming off of Mt. Auburn Blacktop?

Nick Burrus: Yes that's correct.

Eric Smith Jr.: All the traffic?

Nick Burrus: If you can see on the exhibit over here on the wall, that part right there is where all the traffic will be coming in and out of the facility.

Eric Smith Jr: So there will not be any traffic on Dale David Drive at all?

Nick Burrus: Correct.

Solange Davis: When EJ Water first approached me about the property, I had concerns about my neighbors and what it was going to look like. I have to live next to it also. I would not even discuss selling the property to them until they assured me, promised me that it would be a very esthetically pleasing facility. There will also be trees planted around it to hide the facility. So my neighbors will not see it, I will not be able to see it. So I have taken steps to make sure that it is esthetically pleasing. Certain colors they can't use, it will be a nice looking building they have assured me that.

ZBA Chimento: Any other questions?

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

Committee Member Anthony Mares seconded the motion.

Motion carries 5/0/0

Motion to Adjourn:

Committee Member Don Wulf made a motion to adjourn.

**Committee Member Anthony Mares seconded the motion.
Motion Carries 5/0/0**

Meeting adjourned.

Respectfully submitted,


Recording Secretary


Chairman

Minutes of June 20, 2019

Full record of minutes available upon request in the Zoning Department