

Sangamon County, Illinois
ZONING BOARD OF APPEALS

The Zoning Board of Appeals met on July 20, 2017, at 7:00 P.M. in the County Board Chamber in the County Complex.

ATTENDANCE (X) denotes present

(X) Chairman Chimento	() Committee Member Mares
(X) Committee Member Wulf	(X) Committee Member Sudeth
(X) Committee Member Spiro	(X) 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 June 15, 2017 Minutes

Committee Member Don Wulf made a motion to approve the June 15, 2017 minutes.

Committee Member Larry Beaty seconds the motion.

5/0/0

Docket 2017-029 Dietrich S. Ostermeier for property located at 10659 Warrington Road, Pawnee, IL 62558

PETITIONER(S): Dietrich S. Ostermeier

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: A Agricultural District

REQUESTING: Petitioner requests a Conditional Permitted Use for a veterinary hospital/clinic, and a variance to allow two (2) principal uses on one (1) parcel: (a) single-family residence and (b) veterinary hospital/clinic in the "A" Agricultural District.

Jessica Ostermeier was sworn in.

Ostermeier: I applying for a conditional permitted use to allow for a vet clinic which is next to our residence.

ZBA Chimento: How long have you be in operation?

Ostermeier: I've been working on my trust since January 2015.

ZBA Chimento: And you just got the building built?

Ostermeier: Yes.

ZBA Chimento: Any questions? County Board? Objectors?

Carolyn Neitzke was sworn in.

Carolyn Neitzke: Is this primarily a small animal clinic, or a wide variety of animals?

Ostermeier: I mainly take care of dogs/cats, but on occasion larger animals.

Neitzke: There would potentially be large animals being treated?

Ostermeier: Yes.

Neitzke: You're requesting to build a residence there?

Ostermeier: It's already there.

Chairman Chimento read staff recommendation.

STAFF RECOMMENDATION: Recommend approval. The effects on the character of the surrounding area will be limited as a business of this nature serving the rural community would be expected to be located within the Agricultural district, and the proposed veterinary hospital/clinic is located 0.8 miles away from the nearest residence. Allowing the single-family residence to be co-located on the same parcel as the veterinary hospital/clinic would be expected to allow the veterinarian to be on-site with immediate access to livestock or small animals in an emergency situation.

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

Committee Member Don Wulf seconded the motion.

Motion carries 5/0/0

Docket 2017-030 Matthew Cloyd for property located at 900 Watret Road, Loami, IL 62661

PETITIONER(S): Matthew Cloyd

OBJECTOR(S): Yes

PRESENT ZONING CLASSIFICATION: A Agricultural District

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 an accessory structure to be approximately twenty-four (24) feet instead of the maximum height of eighteen (18) feet allowed in the “R-1” Single-Family Residence District.

Matthew Cloyd was sworn in.

Cloyd: I bought 10 acres from my cousin and want to zone agricultural and has been in our family since 1940 and I would like to build a house on it.

ZBA Spiro: What is the 24’ structure you want to build?

Cloyd: 21’ ...just a shed.

ZBA Chimento: County Board? Objectors?

Gary Lane was sworn in.

Lane: I live adjacent to the property in question just directly across the street...in the past there have been motorcycles, ATVs being ridden around. It’s created a lot of noise and I’m sure if they move in its going to increase. A lot of people in the area have had same concerns and typically with wooden areas the County generally accepts the change in zoning, but getting to be a lot less timber areas around. They need to look at that. The trees really filter out the farm chemicals from getting into the creeks/drainage and property near a floodplain and that should be taken in consideration.

ZBA Chimento: Any questions?

ZBA Beaty: Do you have a farm?

Lane: Yes, there’s 30 acres.

ZBA Sudeth: Is your residence on that piece of property?

Lane: Yes.

ZBA Chimento: Matthew do you have anything to say?

Cloyd: No.

ZBA Chimento: You aren't tearing all the timber out?

Cloyd: No, the only area would be the 4 acres buildable lot that we are building on and the remaining, he is right it's in the floodplain and won't be built on....and it's probably 150-200 yards away from his driveway. As far as ATVs that's not going to stop we own the remaining 127 acres....we ride 1-2 times a month.

Lane: I feel the riding will increase because they will be living there and that's my big concern and surrounding neighbors.

Cloyd: I've talked to others around and there doesn't seem to be a problem and I feel like I'm being singled out because there's been problems with him and my father in past and my dad owns the property directly behind him. There have been a lot of disputes there on property lines, etc.

Chairman Chimento read staff recommendation.

STAFF RECOMMENDATION: Recommend approval. The LESA score of 202 indicates the subject property is suitable for agricultural use only. However, the area for Proposed Parcel 1 requesting the rezoning to R-1 is covered in timber and a portion is located within the floodplain which makes it unlikely to be economically converted to cropland. The R-1 zoning is requested to accommodate a future residence. Allowing an accessory structure to be 24 feet instead of 18 feet in the R-1 would be consistent with the height of accessory structures located on properties in this area that are zoned Agricultural.

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

Committee Member Larry Beaty seconded the motion.

Motion carries 5/0/0

Docket 2017-031 Colleen DiGirolamo for property located at 4819 Mechanicsburg Road, Springfield, IL 62712

PETITIONER(S): Colleen DiGirolamo

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: R-1 Single-Family Residence District

REQUESTING: Petitioner requests a rezoning from “R-1” Single-Family Residence District to “A” Agricultural District and a Conditional Permitted Use to allow for a bed and breakfast (Air B & B) limited to one (1) client at a time.

Colleen DiGirolamo was sworn in.

DiGirolamo: I am requesting to be rezoned from a single-family residence to agricultural district with a conditional bed and breakfast (Air B & B) limited to 1 client at a time...this came about because I have a 5 acre parcel of land that I'm being a single family home on. I wanted option to do Air B&B. The only way to legally do this would be to do zoning changes with conditions. It would literally just be 1 person not multiple people.

ZBA Chimento: So, just 1 person at a time? Not a couple?

DiGirolamo: It could be a couple, but not 4 couples.

ZBA Chimento: What would be hours of operation?

DiGirolamo: Normal hours. I would say nothing crazy like people out till like 2 or 3am, just someone coming to spend the night in your home.

ZBA Chimento: Any questions? County Board? Objectors?

Chairman Chimento read staff recommendation.

STAFF RECOMMENDATION: Recommend approval. The area surrounding the subject property is agricultural with rural residences located throughout the area. Recommend approval of the Conditional Permitted Use (CPU) for the bed and breakfast with the following condition: the bed and breakfast will be limited to one (1) sleeping room for one (1) client at a time for a continuous period of no more than thirty (30) days.

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

Committee Member JD Sudeth seconded the motion.

Motion carries 5/0/0

Molly Berns: I want to clarify that in this particular case the definition of a “client” is the one sleeping room; she’s not going to turn this into a hotel but it’s also not limited to just 1 person in that room it can be “a couple”.

Docket 2017-032 Covenant Management, LLC for property located at 4200 Block of Bissell Road, Springfield, IL 62707

PETITIONER(S): Covenant Management, LLC

OBJECTOR(S): Yes

PRESENT ZONING CLASSIFICATION: A Agricultural District

REQUESTING: Petitioner requests for Proposed Parcel 1 (Parcel A) and Proposed Parcel 2 (Parcel B): a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District; and, for Proposed Parcel 3 (Parcel C): a variance to allow a parcel to be less than forty (40) acres (approximately 31.381 acres), and a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width.

Lyman Hubbard Jr. was sworn in.

Attorney James Lestikow: The Hubbard family has been on this land since 1853. The recommendations are clear...there are 2 lots that would be single family residences purchasers and need variances for the remaining agricultural land because it won't meet the length to width requirements anymore and also have a less than forty acres variance too.

ZBA Wulf: That will remain agricultural?

Attorney Lestikow: Yes.

ZBA Chimento: County Board? Objectors?

Jason Halsberg was sworn in.

Halsberg: Just for clarification...these variances are these reducing the acreage of Lot C?

Hubbard: I own A, B and C. And just get a rezoning for A & B and C needs a variance.

Gary Davis was sworn in.

Davis: My concern is about maintaining the drainage...there's a natural drainage swell near my property across the street; when there are heavy rains my backyard fills with water and across street thru a culvert. I want to be assured that drainage will be taken care of.

Hubbard: Yes.

Davis: How many residences will there be per parcel?

Hubbard: Zoning 2 parcels: A & B...1 residence per parcel.

Chairman Chimento read staff recommendation.

STAFF RECOMMENDATION: Recommend approval. The LESA score of 137 indicates the property is suitable for non-agricultural development. The property is proposed to be divided with two parcels being rezoned to R-1 and the third parcel remaining agricultural farmland. This area along Bissell Road has a rural residential trend. Granting the variances would allow the petitioner to divide the subject property and keep the approximately 31.381 acres zoned Agricultural and in cropland.

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 2017-033 Edward & Suellyn Williams for property located at 1998 N. Walnut Road, Rochester, IL 62563

PETITIONER(S): Edward & Suellyn Williams

OBJECTOR(S): Yes

PRESENT ZONING CLASSIFICATION: A Agricultural District

REQUESTING: Petitioner requests for Proposed Parcels 1-5: 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 1, a variance to allow an accessory structure to be 1.24 feet from the rear property line instead of the required three (3) feet.

Edward & Suellyn Williams were sworn in.

Attorney Pat Joyce: They are seeking a rezoning to R-1. They want to subdivide into 5 lots...1 lot would be their homestead which would be approx. 7 acres and then four (4) 1 acre lots to the north entrance of their property; in order to do this they need to be reclassified from A to R-1 and variances of lot depth lot width and variance on lot 1 for the accessory structure of the shed. Rochester zoning would not apply because not in jurisdiction so County zoning applies. The four lots that they would like to develop would be along North Walnut Road.

ZBA Chimento: Are you doing this to be mainly a family compound?

Williams: My daughter would like to live closer to and she has a 4yr old that of course is our grandson. We like the idea of her and her husband and grandson being close by. The alfalfa is currently there and we get nothing for that so I figure the idea of our daughter and her family living there is a good idea to us and figure may as well do 3 more lots.

Attorney Joyce: They approached John Reynolds asking him to do a draw up of the property and he drew up the 4 proposed lots. He knew they would need the variances, etc. These are not little lots, these are acre lots and the topography indicates this subdivision makes sense. Staff indicates won't be any negative impacts on the surrounding neighbors.

ZBA Chimento: Any questions? County Board? Objectors?

John Groves was sworn in.

Groves: I live right across the road from these lots. They are very narrow lots 113' and you put a 75' structure wide on these lots, you don't have much side yard. The sketch indicates they have Ameren gas....which is not true...we have propane out there. Those side yards are going to have to be big enough and sturdy enough to hold those propane trucks to fill those propane tanks and going to create congestion out there that many lots in that little of an area. There's a 7 acre lot in back they could have gone back there and stretched it out. The other issue is drainage...every time they build a house out there they build it higher; there are no ditches on that side of the road. There's about a 20-30' side ditch and that's it, so drainage is going to be an issue.

Tim Kluge was sworn in.

Kluge: I sent in a letter to Mr. Harrison this week outlining my concerns. I refer to p.4 of staff recommendation... I don't see any economic information in the petition and doesn't seem to be addressed in the recommendation. I don't see any evidence that the property couldn't be economically used if it was divided in to 2 or 3 lots rather than 5 and that could be done without the variance. I don't see anything in petition or recommendation that there are circumstances unique to the property. The character is residential with some small lots as small as 1 acre lots and result is there are separations either by distance, topography or vegetation. There are no situations where there are 4 houses on narrow lots right by each other. I am concerned there is going to be a view of unbroken wall of homes. These 4 lots would be located between two blind curves and people tend to accelerate in those curves and having these lots will increase the hazard to traffic and congestion both to the residences and people driving thru it. I know that these will impair my enjoyment of my property and having so many houses on such narrow lots. I strongly do disagree with the staff recommendations especially the negative impacts not being present. I would ask that the board deny the depth/width variance request.

ZBA Chimento: Any questions?

Attorney Joyce: We would still need to go thru the subdivision process and comply with those standards. We respect the objectors input, but the Williams would not do this if it

would harm any of the surrounding neighbors. Mr. Kluge is right that the staff does have experience with reviewing a property and making recommendations.

Chairman Chimento read staff recommendation.

STAFF RECOMMENDATION: Recommend approval. The LESA score of 145 indicates the property is suitable for non-agricultural development. The subject property is situated in an area with several established rural residences, owing to a thirty plus year trend toward residences in this area. The proposed sizes are consistent with five (5) other one (1) acre lots in the immediate area; therefore, a variance is requested which continues the rural residential trend. The shed is located in the rear yard of the property approximately 1,000 feet from the roadway and has a dense tree line to the east screening it from other parcels. The Standards for Variation are met.

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

Committee Member Andrew Spiro seconded the motion.

Motion carries 5/0/0

Committee Member Don Wulf made a motion to adjourn.

Committee Member JD Sudeth seconded the motion.

Meeting adjourned.

Respectfully submitted,


Recording Secretary


Chairman

Minutes of July 20, 2017

Full record of minutes available upon request in the Zoning Department