Sangamon County, Illinois
ZONING BOARD OF APPEALS

The Zoning Board of Appeals met on September 21, 2017, at 7:00 P.M. in the County Board Chamber in the County Complex.

ATTENDANCE **(X) denotes present**

(X) Chairman Chimento
() Committee Member Wulf
(X) Committee Member Spiro
(X) Committee Member Mares
(X) Committee Member Sudeth
(X) Committee Member Beaty

STAFF PRESENT:
Molly Berns, Assistant Director, 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

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Chairman Chimento called the meeting to order.
Approval of August 17, 2017 Minutes

Committee Member Tony Mares made a motion to approve the August 17, 2017 minutes.

Committee Member JD Sudeth seconds the motion.

5/0/0

Docket 2017-039 Donald & Joette Curtis for property located at 123 & 119 N. Colby Avenue, Springfield, IL 62702

PETITIONER(S): Donald & Joette Curtis

OBJECTOR(S): Danna Haynes, Gary Budd, Phil Dorr

PRESENT ZONING CLASSIFICATION: R-2

REQUESTING: Petitioners request a rezoning from "R-2" Single-Family and Two-Family Residence District to "B-2" Retail Business District.

Attorney Brad Wilson sworn in.

Wilson: My clients are requesting a rezone from R2 to B2; the intended use would be for a detail shop which would be utilized by D's Auto World. We believe the proposed use would have a low impact on the surrounding area. The detail shop would only be used for

washing, waxing and detailing vehicles thus getting them ready for sale. The property would not be used for storage or the sale of the vehicles to the public. The property would not be used for major mechanical work. The property would only operate during regular business hours. Attached to the petition is a draft sight plan, the plan shows the changes that my client is willing to make if granted and feel the changes would enhance the visual appeal of the property and the neighborhood as a whole. My client is willing to accept any suggestions by the neighbors. I sent a letter to all the neighbors letting them know they are free to suggest any changes they would like to have done to the property. We were told by a surrounding resident that a 6' privacy fence would be nice; we agree and are willing to provide a 6' privacy fence. I understand there is opposition and that a primary concern is parking along Colby and that the owner of D's Auto World took steps to address these issues. The reason my clients are filing this petition is to help D's Auto World and help the minority operated business.

ZBA Spiro: Do the petitioners own the properties to the north of D's Auto World which appear to be vacant or what's their status of those properties? Are they zoned B-1? What's their zoning?

Wilson: The vacant lot current status is D's is using them for inventory parked on that lot in an effort to reduce congestion along Colby Avenue.

ZBA Spiro: Do your clients own that?

Wilson: Yes.

ZBA Spiro: What's the zoning of that, which faces Dirksen, right?

Wilson: Yes, faces Dirksen and its B-2.

ZBA Chimento: On exhibit A the drawing shows you are putting a new entrance in?

Wilson: Yes.

ZBA Chimento: The proposed parking lot, is that the grass area?

Wilson: The proposed parking lot would be paved and have a setback with visual screening.

ZBA Chimento: So, that lot is gravel and grass, both?

Wilson: The southern half is grass and the northern half is gravel.

ZBA Chimento: Ok.

Chairman Chimento asked if County Board had any questions? Objectors?

Danna Haynes was sworn in.

Haynes: The property at 117 Colby Avenue I now reside at and own that property. I got a letter on June 22 from Mr. Wilson and I was little concerned because I also represented my neighborhood back in 2008 because at that time he was going to try and zone and annex in to the City of Springfield. There were people running through the lots and breaking into cars. Gary Budd and my father back then walked the surrounding residences and got petitions signed.

ZBA Chimento: You are south of the lot?

Haynes: Yes, I am south of the lot.

ZBA Chimento: Ok.

Haynes: I am the one that directly buts up to that lot. There is a lot of concerns over the time and I have notes from 2008 compared to what is going on today and I also have a copy of the publication from SJR. Yes it will have revenue from the county but that won't be for very long because he will try to annex into the City. It has been nothing but a nuisance in the neighborhood. A lot of the complaint has been the bird noise that is perched in the parking lot and goes on all hours of the night. This noise went on for months till it was brought to DNR's attention. The complaint on Magnolia is the loud speaker that can be heard all day long. They are speeding up and down Magnolia Avenue and park cars there all of fall and last winter. I can't get out of my driveway because there is a car hauler there and they load/unload there. If you're going to be a 6' privacy fence around this property…you are segregating me from the rest of the neighborhood. It separates the whole neighborhood; our neighborhood looks out for each other. The neighbors on Magnolia do not want this. The notes in 2008 according to Mr. Gates states, "this is not a residential neighborhood and that the area will be commercial." The only things that have changed are the intersection is larger and sign shop at Pleasant Hill elementary school, but that's an existing structure and doesn't involve construction.
[Haynes discusses further about 2008 and surrounding area concerns…]
We have petitions signed and don't want this and this is a set neighborhood and don't want to be segregated and don't appreciate it. I call it "commercial bullying".

ZBA Chimento: Anyone have any questions?

Gary Budd was sworn in.

Budd: I was contacted by the residences that live in that area. I am not objecting to any business in Springfield Township because that brings in revenue. I am object to this property and the fact that it has been a nuisance since D's Auto World opened. I have talked to Attorney Wilson back in February or March that we talked on phone about the cars being parked over there in that lot. He informed me that they aren't supposed to park there. The pictures that you are seeing were taken back in the winter months. They park these cars periodically. [**Budd discusses the packet given to ZBA members**] I don't

object to them building a detail shop which buts up to Dirksen Parkway or the cars in the lot Colby and Clearlake Avenue. The cars are parked in the right-of-way and west side of building on township property. It has been a problem.

CB Ruzic: The cars were parked on the lot, today.

Budd: They unload the cars on Colby Avenue and park cars there and stick out on the road. The highway commissioner has to go over and ask them to move the cars or they will get oil on them. It's the west side of Colby Avenue that is residential, it's not commercial. That bird can be heard a block away.

ZBA Chimento: Anyone else?

Phil Dorr was sworn in.

Dorr: I live two houses north of the property. The lot if it gets paved is going to cause water runoff, there will be a traffic increase and property values will drop. As far as a good neighbor the bird noise is very loud and I contacted the sheriff and the sheriff informed me it was below the decibel level to be a nuisance. It's my belief that had someone not reached out to DNR the bird would still be there. If it's zoned business now what's to stop the rest of the block to be zoned business, later.

ZBA Chimento: Anyone have any questions?

Wilson: The proposed use back in 2008 is different then what it is now. The lot would have been used for sale of vehicles back in 2008 and the neighbors back then objected to it then and due to pedestrian and vehicular traffic. The proposed use now is less intense and is intended to be used for a detail shop. Cars will be brought over only as they are needed to be, so they can be cleaned and ready for the lot at D's Auto World. A lot of the issues that Ms. Haynes raised don't address the subject property whatsoever and discusses D's which is on the east side and the bird which has been so much of discussion that the automated bird is located on D's Auto World lot not the subject property. **[Attorney Wilson recaps evidence/testimony]** My client does not intend to have the subject property annexed in to the City. There's no intent if the re-classification is granted.

CB Fraase: I really don't think the car lot has been a good neighborhood and don't think it's fair to the neighbors, no one going to police the detail shop and I think once it's there they are going to do whatever.

Chairman Chimento read staff recommendation.

<u>STAFF RECOMMENDATION:</u> Recommend denial. The petitioner requests a rezoning to B-2 to construct and operate a small detail shop in conjunction with the auto sales business to the east. Areas fronting Dirksen Parkway and Clear Lake have trended toward commercial uses with areas behind maintaining the residential uses. The B-2

zoning is seen as too intense for this area with Colby serving as a dividing line for the single-family residences located to the west and commercial to the east.

Committee Member Andrew Spiro made a motion to recommend accepting staff recommendation and deny the petition.

Committee Member JD Sudeth seconded the motion.

Motion carries 5/0/0

Docket 2017-041 Jeff Lochbaum & Kyle Killebrew for property located at 1154 N. Bradfordton Road, Springfield, IL 62711

PETITIONER(S): Jeff Lochbaum & Kyle Killebrew

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: O

REQUESTING: Petitioners request a rezoning from "O" Office and College District to "B-1" Neighborhood Business District, and a variance to allow two (2) uses on one (1) parcel (offices in building & garage for storage).

Jeff Lochbaum was sworn in.

Lochbaum: I am part owner in a property that is at 1154 N. Bradfordton Road and the recommendation from regional planning commission is to approve a variance for the property that Kyle Killebrew and I own together.

Chimento: You're alright with that?

Lochbaum: That's correct. The proposal is for the beauty shop and we want to make sure the beauty shop can operate with the variance to allow for that.

Chairman Chimento asked if any questions? Objectors?

Chairman Chimento read staff recommendation.

STAFF RECOMMENDATION: Recommend denial of the requested B-1 zoning. The petitioner requests a rezoning to B-1 to operate a hair salon in one of the three units within the building on the subject property. The proposed B-1 zoning represents spot zoning and some B-1 uses are seen as too intense for the area. In the alternative, staff recommends a Use Variance in the O District to allow one (1) hair salon. The purpose of the O District is "to provide areas that permit a mixture of residential uses and compatible service uses" and a hair salon is viewed as a compatible service use that makes sense to be located near residences and offices.

Recommend approval of the requested variance to allow two (2) uses on one (1) parcel (offices in a building and a garage for storage). The office and the garage are pre-existing. Given the nature of office uses, significant storage is not necessary, which would make the 6-bay garage underutilized and sitting vacant if the petitioner is not allowed to rent it out for storage purposes. The Standards for Variation are met.

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

Docket 2017-042 Curran-Gardner Township PWD for property located at 3382 & 3384 Hazlett Road, Springfield, IL 62707

PETITIONER(S): Curran-Gardner Township PWD

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: A

REQUESTING: Petitioner requests a variance to allow the required front yard setback for the treatment plant to be zero (0) feet instead of the required thirty (30) feet and a variance to allow the required front yard setback for the office building/shop to be approximately ten (10) feet instead of the required thirty (30) feet.

Max Middendorf was sworn in.

Middendorf: We are here to petition for the granting of a variance for the addition to a water plant expansion for Curran-Gardner as well as their existing office building and the existing water treatment plant that is now in the setback.

ZBA Sudeth: Which way are you expanding?

Middendorf: The expansion will be towards office building, so to the West.

ZBA Sudeth: What about the office building?

Middendorf: The office isn't expanding but now falls in the setback, so requires a variance now.

Chairman Chimento asked if any questions? Objectors?

Chairman Chimento read staff recommendation.

STAFF RECOMMENDATION: Recommend approval. Without the requested variances, the water treatment plant will not be able to expand their facility to meet the growing demand from customers served by the Curran-Gardner Water District. Also, the only available location for the water treatment plant expansion is to the south in the required front yard setback since the lagoons and clearwells are located north of the plant. The Standards for Variation are met.

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

Committee Member Larry Beaty seconded the motion.

Motion carries 5/0/0

Docket 2017-043 Dennis & Theresa Ryan for property located at 4151 W. Jefferson Street, Springfield, IL 62707

PETITIONER(S): Dennis & Theresa Ryan

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: I-2

REQUESTING: Petitioners request a variance to allow three (3) uses on one (1) parcel (electrical contractor and 2 additional spaces for rental), and a variance to allow two (2) signs with zero (0) feet front yard setback instead of the required ten (10) feet.

Tim Ryan was sworn in.

Ryan: I am here representing Dennis & Theresa Ryan. They are relocating their business, Ryan Electrical Solutions. They are going to be occupying 7,500 square feet and they are requesting a variance for the remaining 5,500 square feet to 1 or 2 businesses and improve on necessary signage as needed.

Chairman Chimento asked if there were any questions?

ZBA Mares: Do you know how many businesses there are going to be?

Ryan: There are going to be similar businesses with same business hours.

Chairman Chimento asked if any objectors?

Chairman Chimento read staff recommendation.

STAFF RECOMMENDATION: Recommend approval. The previous owner added onto the building several times making it 13,000 square feet, which creates a challenge for future owners to utilize the entire building unless they are allowed to divide the building for multiple uses. The building is configured so that three uses within the building could appear like a strip development with natural divides between the proposed area for the electrical contractor, the show room, and the office space. The previous owner placed the signs at the current location and the new owner proposes to use the existing sign structure. Requiring the signs to be relocated may pose a financial hardship. The property directly to the east was granted sign variances in 2014 to allow signs to be placed 0 feet from the state right-of-way. As such, granting variances would be consistent with conditions on nearby properties. The Standards for Variation are met.

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

Committee Member Larry Beaty seconded the motion.

Motion carries 5/0/0

Committee Member Charles Chimento made a motion to adjourn.

Committee Member Tony Mares seconded the motion.

Meeting adjourned.

Respectfully submitted,

Recording Secretary

Chairman

Minutes of September 21, 2017
Full record of minutes available upon request in the Zoning Department