

Sangamon County, Illinois
ZONING BOARD OF APPEALS

The Zoning Board of Appeals met on September 19, 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
() 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 August 15, 2019 Minutes

Committee Member Larry Beaty made a motion to approve the August 15, 2019 minutes.

Committee Member Anthony Mares seconds the motion.

Motion carries 5/0/0

Docket 2019-030 Duffy & Associates, Inc. dba Discount Tobacco, Steve Kerber for property located at 3596 E. State Rt. 29, Springfield, IL 62712

PETITIONER(S): Duffy & Associates, Inc. dba Discount Tobacco, Steve Kerber

OBJECTOR(S): Daniel Beard, Amanda Beard

PRESENT ZONING CLASSIFICATION: "A" with a Use Variance for production of furniture and antiques.

REQUESTING: B-1 Neighborhood Business District; a Conditional Permitted Use of Section 17.26.020 for a tavern (approximately 500 square feet); a variance of Chapter 17.04 (Lot) to allow two (2) principal uses on one (1) parcel: 1) retail sales of tobacco and 2) tavern (approximately 500 square feet); a variance of Section 17.58.080 to allow a tavern property line to be approximately ten (10) feet from a residence instead of the required one hundred (100) feet; and, a variance of Section 17.50.060(B) to allow vehicles to back into a street or alley rather than accessing it in a forward manner.

STAFF RECOMMENDATION: Recommend approval of the requested B-1 District. The LESA score of 160 indicates the property is marginal requiring mitigating factors for non-agricultural development. In this case, the subject property has adjoining B-3 zoning, is only one acre that could not be economically converted to cropland, and has had a retail establishment operating on the subject property for approximately 30 years are mitigating factors in support of B-1 zoning. Recommend approval of the requested Conditional Permitted Use with the following conditions: 1) the tavern is limited to approximately 500 square feet as shown on the site plan in the petition, and 2) the hours of operation are limited to the Sangamon County Liquor Ordinance. Recommend approval of the requested variances. In 2005, the County Board granted a Use Variance for two uses on the subject property for furniture sales and storage for a construction business. The proposed uses are not seen to be more intense than the previous Use Variance granted on the subject property. There are unique circumstances in that the customer entrance to the proposed tavern will be over 100 feet away from the residence to the west, and the subject property sits on a low traffic, dead end road. The Standards for Variation are met.

Steve Kerber sworn in.

Emily Prather reads petitioners request and staff recommendation.

ZBA Chimento: Do you want to tell us why you want to do this? Are you going to run it?

Steve Kerber: A store manager will. I will be there in an office. We currently have a corporate office in Chatham, IL that we have out grown. There is currently 3 of us in a small room. Our intention is to move the corporate office into that building and use it for warehouse and storage, with a small tobacco store with video gaming. The tavern portion albeit is for the license for the video gaming. It will just be limited to the required liquor for the gaming. There won't be a full staffed tavern per say.

ZBA Chimento: Any Questions? County Board? Any Objectors?

Daniel Beard Sworn in.

Daniel Beard: I am speaking on behalf of my father who is the resident that lives next door to this lot at 3548 E. State Rt. 29. My dad is currently in the hospital and wishes he could have attended. The current proposed idea for the lot is to convert a rarely used furniture store into a convenience store/tobacco shop or packaged liquor and gambling. The argument is that they want to pull away the 100ft required distance from a residential lot to 10ft. 10ft is between you and I right now. To have gambling and a tavern location 10 feet away like that, that's a 90% difference than what was originally proposed. This is a 700ft long single lane dead end route. It's a small rarely maintained road. On this road you have a 41 unit storage facility that contractors use to pull materials out and store materials, usually a trailer. Next to it is an oversized RV lot to house large RV's and campers. This is all located on this 1 lane 700ft dead end road. If they are proposing the idea of putting in this location for a tavern/gambling that's going to be a drastic increase of activity that this road will have to cater to. This road isn't currently being maintained as is. There is also an entrance to the Lost Bridge Trail right at the corner of Rt. 29 and Hilltop. There is no parking for people who are accessing the trails. So they have to park on that single one lane dead end road. And because this is going to become a tavern/gambling location, they are going to need vendors, Pepsi, Coke a Cola, Anheuser-Bush. All of these companies have to bring in deliveries. And at one time I was one of these vendors. So they will have to bring in semis and large delivery trucks, and they will have to back in, pull in, and move all of this stuff back and forth on this single lane dead end road. On top of that,

this location has a septic tank and it's not a very big one. The septic tank is right up the hill from the Lost Bridge Trail. When it was a furniture store, it wasn't being used often, but if you're going to turn it into a tavern/gambling parlor and you're going to cater to that larger flow of business, it's not outside the realm of possibility that the septic tank is going to have issues. And downhill is the Lost Bridge Trail where you're going to have environmental hazards with hikers and people bike riding and I doubt that they want to deal with that aftermath. I come here speaking on behalf of the entire neighborhood asking that this be denied. I hope that you can consider our concerns and that this doesn't get rezoned.

ZBA Chimento: Any questions? Ok, thank you. You have to rebuttal if you have anything to say.

Steve Kerber: Yes there will be some trucks there and deliveries, but we're not a high volume convenience store. We currently operate 23 tobacco stores and this won't be any different than what we're currently doing. We operate about 6 of them, tobacco stores with video gaming and liquor and we don't have any issues with neighbors.

ZBA Chimento: What do you anticipate patrons per day?

Steve Kerber: Less than 100.

ZBA Wulf: You currently get deliveries to the furniture store, don't you?

Steve Kerber: I don't run the furniture store. I believe it's closed.

ZBA Wulf: I didn't know that.

Steve Kerber: It's been sitting vacant.

ZBA Chimento: In the testimony it says it's going to be 100 feet from the residence to the west.

Trustin Harrison: The way that's measured is from the property line of the tavern location to the residence. It can be a little misconceiving. It's from the property line to the residence, not from the actual location of the tavern.

Emily Prather: We found a unique circumstance since this property is so wide. The actual entrance to the proposed tavern is over 100 feet to the residence that is next door. There is actually another accessory building in between the tavern location and the residence as well on the property.

ZBA Chimento: Any Questions?

ZBA Mares: Question for staff regarding parking. Do they have a parking lot, or paved parking?

Trustin Harrison: Yes the lot is currently paved and they are going to utilize the original lot. Based on the previous meeting I've had with Mr. Kerber, with the proposal that he has given me, this is his best case that he has at this point. There is also a green space there in the middle, kind of a circle drive, he even proposed that he may need to remove that, of course he doesn't want to because it does make it look nice, but he is aware that he has to meet those parking requirements.

Objector: Can I speak?

ZBA Chimento: Yes you can speak, come up here.

Amanda Beard sworn in.

Amanda Beard: As to parking, there is currently about 5 parking spots out in front of Solid Oak Production. When Solid Oak Production was in business, they didn't do a large mass of business. They maybe had 1 semi-truck a month that would come in. And when that semi-truck would come in, it would block the road to the houses at the end of that lane so they could not come and go.

ZBA Chimento: Ok, any questions?

Steve Kerber: Again on the parking, we have laid out the plan and there is plenty of parking. We have 17 spots including handicap, and we have an additional 6 spots inside garages. Although I said approximately 100 for our customer count, our customers are in and out within minutes. They come in and get a pack of Marlboros and they are on their way. It's not like you have 50 people in there at once, they're just in and out.

ZBA Chimento: Ok. County Board?

Amanda Beard: How many of these other locations that he has are located at the end of a dead end short road with other residential homes?

ZBA Chimento: That's not the way we run this meeting you don't ask questions. He can respond, but he doesn't have to.

Steve Kerber: And to respond, we do have a business in Lincoln, Illinois that has video gaming and liquor. It's right amongst residential area and we had a neighbor that was complaining that a car was driving through the corner of her yard. We volunteered to put up a commercial guard rail to stop that. We want to be good neighbors and take care of any problems or complaints that may occur. As far as drunks, we don't have a bar that's staffed. You can't come in and get whatever you want. It's just beer and maybe a bottle of wine, just the little single serve. We don't have that type of crowd. There is no late night bands, it's just not a bar type of atmosphere.

ZBA Chimento: What are your hours of operation?

Steve Kerber: We currently operate them 7am to 10pm.

ZBA Chimento: 7 days a week?

Steve Kerber: Sundays are reduced hours.

ZBA Chimento: Ok.

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

Committee Member Don Wulf seconded the motion.

Motion carries 5/0/0

Docket 2019-031 Mary Caroline Hemberger Trust for property located at 2181 McQueen Road, Pleasant Plains, IL 62677

PETITIONER(S): Mary Elizabeth Fuhrmann

OBJECTOR(S): No

PRESENT ZONING CLASSIFICATION: A

REQUESTING: Proposed Parcel 1: Variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 7 acres).

STAFF RECOMMENDATION: Recommend approval. Granting the variance would facilitate a division of the subject property to split the single-family residence from the cropland for estate planning purposes. The Standards for Variation are met.

Mary Fuhrmann sworn in.

Emily Prather reads petitioners request and staff recommendation.

ZBA Chimento: What to tell us why you want to do this?

Mary Fuhrmann: We are wanting to sell the house for estate planning purposes. And keep the cropland for income. We want to split off about 6-7 acres that includes the house and a barn, and keep the crops separate.

ZBA Chimento: Any questions? County Board?

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

Committee Member Anthony Mares seconded the motion.

Motion carries 5/0/0

Docket 2019-032 API Solar for property located at 4364 E. State Rt. 54, Springfield, IL 62707

PETITIONER(S): Jason Polsgrove, API Solar

OBJECTOR(S): No

PRESENT ZONING CLASSIFICATION: A

REQUESTING: Conditional Permitted Use of Section 17.37.030(B) for a Solar Farm Energy System (SFES).

STAFF RECOMMENDATION: Recommend approval. The petitioner is proposing to comply with all the specific setback requirements of the Solar Energy System Ordinance and the solar panels will face south to reduce potential for glare risk for drivers on State Route 54. The SFES will also provide the required landscape screening for the dwelling unit to the west to minimize the effects on the surrounding area.

Jason Polsgrove sworn in.

Emily Prather reads petitioners request and staff recommendation.

ZBA Chimento: Are you putting that up in conjunction with the horse barn?

Jason Polsgrove: No, that's the property that is adjacent to that lot.

ZBA Chimento: Are you tying it in with Ameren?

Jason Polsgrove: Yes, we are looking to sell the energy to Ameren.

ZBA Chimento: Ok, any questions?

ZBA Beaty: How many acres of farm land does this involve?

Jason Polsgrove: I think its 7.5 acres.

ZBA Chimento: County board? Objectors?

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

Committee Member Don Wulf seconded the motion.

Motion carries 4/1/0

Motion to Adjourn:

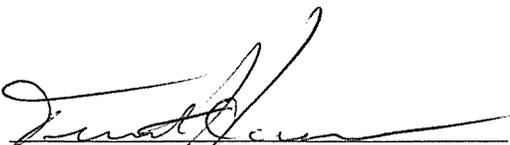
Committee Member Charlie Chimento made a motion to adjourn.

Committee Member Anthony Mares seconded the motion.

Motion Carries 5/0/0

Meeting adjourned.

Respectfully submitted,


Recording Secretary


Chairman

Minutes of September 19, 2019

Full record of minutes available upon request in the Zoning Department