

Sangamon County, Illinois
ZONING BOARD OF APPEALS

The Zoning Board of Appeals met on December 15, 2016, 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	() Committee Member Herbert
(X) Committee Member Spiro	(X) Alt. Committee Member Lucchesi
() Alt. Committee Member Dobrinsky	

STAFF PRESENT:

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 November Minutes

Committee Member Wulf made a motion to accept the November meeting minutes.

Committee Member Mares seconds the motion.

5/0/0

Docket 2016-047 William Hagerman for property located at 9190 Oak Crest Road, Dawson, IL 62520

PETITIONER(S): William Hagerman

OBJECTOR(S): Yes

PRESENT ZONING CLASSIFICATION: A- Agricultural District

REQUESTING: Petitioner requests for Proposed Parcel 1: a variance to allow one (1) parcel less than forty (40) acres (approximately 4.5 acres); and, for Proposed Parcel 2: a variance to allow one (1) parcel less than forty (40) acres (approximately 20.5 acres).

Hagerman was sworn in.

Chimento: What would you like to do?

Hagerman: Split off the portion of my property and sell it to a family that was trying to buy it.

Chimento: So you're selling off the 4.5 acres and keeping the pasture?

Hagerman: Yes, sir.

Chimento: Anybody have any questions?

Mendenhall: After you split the property you're going to sell that piece, the house right?

Hagerman: The 4.5 acres is getting sold and I'm keeping the 20.5.

Mendenhall: Do you plan on building on the remaining property?

Hagerman: I plan on growing alfalfa.

Chimento: Any objectors?

Chanle was sworn in as an objector.

Chanle: My concern is I went on Mr. Hagerman's Facebook page and he already has said that he sold the house and that he has put the property up for sale. So, him saying that he is leaving it all in alfalfa to me is not a correct statement because to me I don't believe it is all in alfalfa right now. There are a lot of litter papers.

Chimento: Ok, what's your objection?

Chanle: I bought my house next door on 6.85 acres I bought it so that I would not have neighbors right on top of me. And I knew the property of the houses and distances apart, not like living in Springfield where houses are an acre and then an acre. And I read Chapter 17.66 of the conditions for granting a variance, I think the property can yield a reasonable return and kept whole because the lady before had horses. The person that wanted to buy the little piece of property couldn't afford any more than that because she had tried to sell it. The previous owner didn't want to split it and she has lived there for years and fed her horses off of it. She sold hay to local farmers off of that piece of property, so I know it's productive. There's no uniqueness to the property other than a nice piece of farmland and if someone wants to raise horses and basically what has been done in past. To me it's going to alter the character of my locality, it will increase traffic. With him selling it I don't know what's going to happen with the land and my property value could be affected and I don't see any hardships or special concerns to allow this to be done. To me it's not compatible with the trend of development in the area I know there have been houses built down the road and they are having well problems because they were built on top of each other but they knew they were buying that. We have never had any well problems. So I am worried that if more houses go up, more well issues could happen. So in my opinion it creates a negative impact in the area because it won't be my

country home anymore I'm going to have a close neighbor which is going to mean more traffic and could change my property value, will alter the central character for those wanting a quiet country home, as myself and my husband. I think its setting a bad precedence because people want to live in the country for a quiet atmosphere and not have a house right next door, those are for the subdivisions, and so for me it will majorly impact the character of my property which is adjacent, or which standards meet. Relative gain to property to the public and surrounding neighbor I don't see a big gain for that. I think it's less likely to be a justified hardship or practical difficult, I don't see any difficult; I think this as a profit, knowing that he could sell it and make a profit off of the land. Because the lady couldn't sell the land as a whole asking too much money and he got it for a much better price at auction. And the property was used successfully in the past for years. And I think living in the country and you hate to see the land keep getting split up because basically going to become one big subdivision, the previous precedence of splitting the land are getting out of hand for lending out a farmland atmosphere. And I am asking that you not to make this a precedence for my neighborhood and my county that I live in. And my biggest concern is that I called zoning office and spoke with a Mr. Tillman? And I think he is falsifying his information.

Chimento: Do you have a rebuttal?

Hagerman: Ok, so yes I posted the remaining 20.5 acres for sell on Facebook to see if I could get any interest? There's not. After talking to my family about that, they are in need of hay they have horses on both sides of family, so that's why I am going to leave the pasture side in alfalfa. I am not going to knock down timber, the timber will stay. I don't see a difference between me selling the 4.5 acres for a family to move in to when there's family that lived previous. There's no new buildings being built on the 20.5 acres and the part that I would be selling off is furthest away from their property and there are multiple tree lines between my property and the neighbors. You can't see the current home from their property. For me the hardship is they wanted this land and place to keep their horses.

Mares: Question for the petitioner, is property currently rented?

Hagerman: It's vacant. When I bought the property I bought it at auction. And she was moving out and had built a home previously.

Mares: How long have you owned the property?

Hagerman: I purchased this year, October.

Mares: Of this year?

Hagerman: Yes. I bought the property with the intention of the home to sell and keep the remaining part for myself, not to build, but to be able to split that has part of home for these people that needed it.

Chimento: Do the people that are buying the house have horses?

Hagerman: Yes, 1-2 I think.

Chanle: They just couldn't afford all of the property.

Chimento: I can't understand why you would object to him selling the house? The people needed it.

Hagerman: Because from the time I bought that property to now we have rode ATV's on it. I think the noise has been an issue and we kind of wanted to do that and I didn't know if I wanted to leave all alfalfa or not. Next spring we aren't doing any recreational activities.

Mares: Question for staff if this property is subdivided, will it meet 911 compliance?

Harrison: Yes.

Mares: Thank you.

Chanle: Is it on record that he's planning on keeping it all alfalfa? On the November 23 Facebook post he mentioned that he sold the property. To sell the property a month later to me is an investment purpose.

Chimento: That's not our problem, we are just zoning problems. We can't tell people what to do with their property after they buy it.

Chanle: I understand that. So there's a possibility he can split it again?

Chimento: Well I don't know about splitting it again, but he can sell it.

Chanle: That's fine.

Mendenhall: If he would choose to split that later would he have to go thru minor subdivision?

Harrison: No, he would not. By right it would be a 1 buildable acre per 1 additional house, if he chose to.

Mendenhall: But if he wanted to split off in 3-5 acre tracts then he would have to go into minor sub?

Harrison: I believe that is correct, I would have to double check.

Mendenhall: Ok, so that would address your problems, with sewer, water, road, traffic?

Chanle: Yes. I would prefer if there's a chance that he split along with the house and that the field stay more close to me.

Harrison: It would really depend if he chooses to split, how would he choose to split and of course he would have to go back through this committee and would not have to go thru minor subdivision and there would be additional variances required, so this board would have another opportunity to review it; if he chose to split and it became buildable acreage, but either way it may trigger a minor subdivision process.

Chanle: And what would be the chances of there being a split?

Harrison: That's something I really can't answer...there's lot variables involved.

Chanle: Ok.

Hagerman: No matter how long I've had 20.5 acres or pass down I don't ever plan on splitting the 20.5 acres. And if I were to sell it, it would be to a buyer using for crop production. If they were to build on it, building right next to their house is an unideal location.

Chimento: You mean because of topography?

Hagerman: Yes. If someone were ever to build, personally I would build across the creek all the way in back and build away from current house on the property and them.

Chimento: We aren't dealing with that tonight?

Spiro: That's all what ifs.

Chimento: Any other questions?

Chairman Chimento asked if there were any objectors...hearing none. Chairman read the staff recommendation.

STAFF RECOMMENDATION: Recommend approval of the requested variances. The property contains 25 acres with a house and agricultural land that is not in crop production. The petitioner is seeking to sell the house (with approximately 4.5 acres) and retain the pasture portion of the property. The topography of the parcel, which contains a small drainage tributary, makes the parcel difficult to farm. Dividing the house from the pasture appears to be the most reasonable use for the property.

Committee Member Spiro made a motion to accept the staff recommendations as amended.

Committee Member Mares seconded the motion.

Motion carries 5/0/0

Docket 2016-048 Judith Coady for property located at 340 E. Banister Road, Springfield, IL 62707

PETITIONER(S): Judith Coady

OBJECTOR(S): None

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 (approximately 5 acres) and a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width; and, for Proposed Parcel 2: a variance to allow one (1) parcel less than forty (40) acres (approximately 15.75 acres) and a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width.

Chimento: Will all of you be testifying at one point, or another? Ok, we will swear you all in.

Judith Coady was sworn in. Robert Coady was sworn in. Mike Curtis was sworn in.

Chimento: Tell us what you want to do.

J Coady: I would like to sell my son 5 acres of the property that I own now, it has been in my family for over 100 years and I would like to keep it that way.

Chimento: So, you're selling him the 5 acres for what?

J Coady: He would like to build a house.

Chimento: Build a house?

R Coady: Potentially

J Coady: Not right away, the rest will stay agricultural.

R Coady: My plan is to put it in alfalfa, for my cousins they have a goat farm. They want to bail it and keep in that till I decide to build a home.

Lucchesi: The good portion 5 acres will remain in agricultural just small piece will be set aside until you build a home. We accept your request and will reconsider decision tonight.

Wulf: What I get out of this drawing is that you want to put the house further back?

R Coady: Yes.

Wulf: That makes a flag lot, am I correct?

Curtis: That's correct still meet zoning requirements.

Chimento: It's not a flag lot with frontage like that.

Harrison: It may look like a flag lot from drawing but it meets the minimum buildable acreage in the front so by definition it's not a flag lot.

Lucchesi: Does the petitioner understand that any action may be denied but other considerations can be made.

Chimento: Any other questions? County Board?

Lucchesi: Have you seen staff recommendations?

J Coady: Yes.

Lucchesi: Would you like to address those?

J Coady: Well I would have to look at those again.

J Coady: I don't understand why it says... it is suitable for agricultural use only?

Chimento: Well, the LESA score is 134 and the County several years ago put that in. What does LESA stand for?

Keenan: Land Evaluation and Site Assessment

Chimento: Trying to protect the agricultural ground.

J Coady: Well, like I mentioned before this has been in my family for over 100 years and I would like to keep it that way. Nothing else will go in there... I just would like for my son to be able to build a house there where he can afford it.

Chimento: Who farms your land?

J Coady: My family. We Co-op.

Chimento: Ok.

J Coady: Like I said I won't be farming any other land to anyone else... just to him.

Wulf: Prior to now did you try and contact zoning staff and discuss with them the recommendation?

J Coady: No.

Wulf: I have no reason why recommendation made, is there any way that if they came to you and work things out is there a methodology they may be able to work around this?

Harrison: As for the staff recommendation I would have to defer to Steve...the current property as it stands right now it is buildable, although I realize that is more than he would want to purchase, but currently they could build a home on it without splitting the land. By splitting this off...it's what is creating this review now. If there is anything they want to change I would have to defer that to Steve.

Wulf: Yes, I guess that's why I am asking because I know if they wanted to build on that right now they could do that and that's why my questions is, is there something they can work out with you or legally?

Chimento: Well we recommend that it be approved.

Harrison: Chairman, do you want to look at the appropriate questions and see if there's a means for you to justify?

Chimento: Yes.

Gab: You need to do findings of fact and standards of variations.

Lucchesi: Both?

Gab: Both, yes. Findings of fact are for the rezoning and standards of variations are for the variance.

Lucchesi: One of the things we have to consider for what you want to do is whether or not the existing uses of general area from question...would you agree that the general uses of the property in the general area are both agricultural and residential?

J Coady: Yes.

Lucchesi: Ok and the zoning classification of the property within the general area of the property in question...would you not consider that to be mix use residential and agricultural?

J Coady: Yes.

Lucchesi: The suitability of the property in question to the uses permitted under the existing zoning classification, I think you just told us here that you can have one structure for each parcel, whether its 20 acres, if it's already existing. You could have that.

J Coady: Yes.

Lucchesi: So if you did not divide this off you could build one house there on your 20 acres, I am not saying your son would own 20 acres. I am just suggesting that you could put a structure there without dividing off the 5 acres, something for consideration. And the trend of development with in a general area since this property originally classified 100 years ago... I bet there weren't many residential structures then, correct?

J Coady: That is correct.

Lucchesi: I find those findings of fact satisfied. So now you want standards of variations?

Lucchesi: Does petitioner have copy of standards of variation?

J Coady: Yes.

Lucchesi: If you want to take a moment and try to address and it can be helpful.

Lucchesi: I think number for #1 whether or not the property in question cannot be economically used or yield a reasonable return, if permitted to be used only for the conditions allowed by the regulations...in a perfect world where we had 70 degrees year around and sunshine, we could be guaranteed without question a reasonable return on the property, but we don't always have that, so I would say that circumstances are not always economically return with at least residential is stable and steady. Would you agree?

J Coady: Yes.

Lucchesi: And with the plight of the owner is due to circumstances unique to the property and not generally applicable to other property in the area...I think uniqueness you fall under is this is your son and this is your family and this is something you want to maintain in your family and further describe other relatives in areas around you and a heritage which you want to preserve. Is this correct?

J Coady: This is correct.

Lucchesi: That the variation, if granted, will not alter the essential character of the locality, impair an adequate supply of light and air to adjacent property, increase the congestion of traffic, or diminish or impair property values in the locality. I don't think a house is going to bother beans or alfalfa.

J Coady: No, there's nothing but fields all around it.

Lucchesi: And I don't think there will be an increase in traffic? You aren't doing a subdivision or multi-family unit, correct?

J Coady: Yes.

Lucchesi: You're not planning any type of manufactured home?

J Coady: No.

Lucchesi: You're going to be doing single family stick build?

J Coady: Yes.

Lucchesi: Ok, thank you.

Chairman Chimento asked if there were any objectors...hearing none. Chairman read the staff recommendation.

STAFF RECOMMENDATION: Recommend denial of the requested rezoning and variances. The purpose of the request is to split off a five (5) acre piece of land to construct a single-family residence. The LESA score of 234 indicates the subject property is suitable for agricultural use only. The subject property can continue to be used economically as cropland. The petition did not mention any circumstances unique to the property to justify the variance request. The Standards for Variation are not met.

Committee Member Lucchesi made a motion to accept the staff recommendations as amended.

Committee Member Wulf seconded the motion

Motion carries 0/0/5

Docket 2016-049 Jeff & Mei Franz for property located at 2801 S. Woodward Ave., Springfield, IL 62703

PETITIONER(S): Jeff & Mei Franz

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: R-2 Single-Family and Two-Family Residence District.

REQUESTING: Petitioners request a rezoning from "R-2" Single-Family and Two-Family Residence District to "RM-4" Manufactured Home District.

Jeff Franz was sworn in.

Franz: We just purchased the lot that escrowed today; one lot is -427001 and -427009. I've requested a zoning change on 009 so that we can put a manufactured home on it. And then in future build a stick home on 001, we want to move on property this spring and financially for us would be to be able to put a manufactured home on that back lot and plan from there and then build a stick home on the 001.

Spiro: How are you going to get in there?

Franz: There's a 40' driveway its 40' wide...it comes from Woodward.

Spiro: Ok.

Wulf: The lot I looked at has a 90 degree hair-pin turn and guardrails.

Franz: There's a driveway I drove in and out of it tonight, you can get a firetruck in there

Wulf: Is there an easement?

Franz: There wasn't an easement given but the water reclamation was requesting an easement that ran along the edge of that driveway and all the way across the property which is 10'. And I spoke with water reclamation and I told them that wouldn't be problem because I didn't plan on the footprint of the house touching that area.

Wulf: Now when you build your house on the other lot will you be going in and out on 16th street?

Franz: Yes, sir. And that gives us a much larger space there.

Wulf: Ok. And what will you do with manufactured home then?

Franz: That's a bit down the road, I haven't decided. I don't plan on selling the property... I would keep it and may be take the manufactured home off of it and extend my yard. Right now it's a little too far ahead for me to see. For me to be able to move on with the lot the manufactured home is best for us to utilize the property as our primary residence.

Mares: Question for staff... if they were going to build another piece of property they would have to go for zoning again, correct?

Harrison: For a single family residence on either property by right would be allowed for a stick built home, so no.

Mares: Not, two on same parcel correct?

Chimento: Two different parcels.

Mares: Thank you.

Franz: Our intention is not to build more than one home on the parcel.

Chimento: Ok.

Chairman Chimento asked if there were any objectors...hearing none. Chairman read the staff recommendation.

STAFF RECOMMENDATION: Recommend approval of the requested RM-4 zoning. There are a number of mobile homes and parcels that have been zoned RM-4 along South Woodward and scattered within an approximately two (2) block area.

Committee Member Wulf made a motion to accept the staff recommendations as amended.

Committee Member Mares seconded the motion

Motion carries 5/0/0

Meeting adjourned.

Respectfully submitted,



Recording Secretary



Chairman

Minutes of December 15, 2016

Full record of minutes available upon request in the Zoning Department