

Sangamon County, Illinois
ZONING BOARD OF APPEALS

The Zoning Board of Appeals met on January 19, 2017, 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 Herbert
(X) Committee Member Spiro	(X) Alt. Committee Member Dobrinsky

0

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 Attorneys Office
Trustin Harrison, Zoning Administrator, Sangamon County Zoning

Chairman Chimento called the meeting to order.
Approval of December Minutes

Committee Member Wulf made a motion to approve the December minutes.

Committee Member Mares seconds the motion.

5/0/0

Docket 2017-001 for property located at 409 & 413 N. Wesley Street, Springfield, IL 62702

PETITIONER(S): Jeffrey & Pamela Leka

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: R2

REQUESTING: Petitioners request a Use Variance to allow a tree service business; a variance to allow the parking lot to remain unpaved (rock) instead of the required minimum bituminous seal coat limited to one (1) year; and, a variance to allow for outside storage limited to one (1) year until construction of a building.

Jeffrey Leka was sworn in.

Chimento: What would you like to do?

Leka: I was here two months ago to rezone a property located on Wesley St. I would like to construct a building to store my trucks. It was suggested that I come back to request a Use Variance.

Chimento: Did you see the recommendations?

Leka: No I did not.

Chimento: Did you get a copy?

Leka: Yes, I did look at it.

Wulf: What size will your building be?

Leka: 40x40 or 40x50.

Wulf: How tall will the building be?

Leka: The door would need to be 13' for a truck to go through.

Wulf: Is a 28' limit set for the building.

Harrison: Since this is a principal structure the height should not be an issue.

Spiro: Have you considered a place on Dirksen or Stevenson?

Leka: I did, it was too expensive. It would cost about \$2000 a month.

Wulf: Within one year everything will be within the building and nothing will be outside?

Leka: Yes.

Chimento: This will still be the incorrect zoning, R2?

Harrison: He is requesting a Use Variance; his original petition was withdrawn after it was voted down at his last meeting.

Rose Ruzic: This is located within my area and I am in support of the request.

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

STAFF RECOMMENDATION: Recommend denial. The petitioner is requesting a Use Variance to allow a business for tree service and truck parking within the R-2 zoning district along with variances for outside storage and unpaved parking for one year. A

business for tree service and truck parking in a residential area is not in harmony with the general purpose and intent of the Zoning Regulations. The subject property can be used economically as a residential lot. Outside storage and unpaved parking for a business use could alter the essential residential character of the area. As staff has recommended denial of the Use Variance, the variance requests to allow the parking lot to remain unpaved limited to one (1) year and to allow outside storage limited to one (1) year are unnecessary.

Committee Member Spiro made a motion to accept staff's recommendation.

Committee Member Mares seconded the motion.

Motion carries 3/2/0. Members Wulf & Chimento voted no.

Docket 2017-002 for property located at 10499 Old Rt. 54, New Berlin, IL 62670

PETITIONER(S): Peter & Terri Barnosky

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: B3

REQUESTING: Petitioners request a rezoning from "B-3" General Business District to "R-1" Single-Family Residence District.

Peter Barnosky was sworn in.

Chimento asked what he would like to do.

Barnosky: I would like to change the zoning from B3 to R1.

Spiro: Is this property the old Bates Motel.

Barnosky: Yes: Next to it.

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

STAFF RECOMMENDATION: Recommend approval. The purpose of the request is to rezone the subject property to R-1, which will bring the current residence into compliance. A residence is not an allowable use in the B-3 district.

Committee Member Herbet made a motion to accept staff's recommendations.

Committee Member Mares seconded the motion.

Motion carries 5/0/0

Docket 2017-003 for property located at 5000 Block of Williamsville Rd., Sherman, IL 62684

PETITIONER(S): John Wilson

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: A

REQUESTING: Petitioner requests for Proposed Parcel 1: a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District (approximately 10.4 acres).

John Wilson was sworn in.

Chimento asked what he would like to do.

Wilson: I would like to split off 10.4 acres from the current 50 acres to build a residence.

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

STAFF RECOMMENDATION: Recommend approval of the requested rezoning to R-1. The purpose of the requested zoning relief is to allow the petitioner to split off approximately 10.4 acres to obtain financing to construct a residence. The LESA score of 154 indicates the subject property is marginal requiring mitigating factors for non-agricultural development. In this case, Proposed Parcel 1 is splitting off approximately 10.4 acres of pond and timber, which is unlikely to be economically converted to cropland. Of the remaining 40.25 acres, Proposed Parcel 2 contains approximately 11.5 acres of cropland to remain in production with the remainder being timber and floodplain.

Committee Member Wulf made a motion to accept staff’s recommendation.

Committee Member Mares seconded the motion.

Motion carries 5/0/0

Docket 2017-004 for property located at 2936 S. MacArthur Boulevard, Springfield, IL 62704

PETITIONER(S): Chun D. Hu & Yi Lu

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: B3

REQUESTING: Petitioners request a Conditional Permitted Use to allow the sale of packaged liquor; a variance to allow a liquor store property line to be within seventy-one (71) feet of a residential structure; and, a variance to allow a portion of the required parking to be located on the adjacent property, five (5) spaces.

Li Hu was sworn in.

Chimento asked what she would like to do.

Hu: The parking plan submitted is different then what is currently there.

Harrison: My department had received an updated site plan of how the lot is currently.

Hu: We can change the plan to meet the 14 parking spaces.

Spiro: Do you own the lot to the South?

Hu: Yes. One lot is in the city.

Spiro: Are you going to move into that building.

Hu: Yes, we will move later this year.

Spiro: What will you use the current building for?

Hu: Another business, maybe to sell alcohol.

Lisa Hills: Your previous testimony from a previous petition you stated that you only planned to sell Chinese beer and wine. Is that correct?

Hu: Yes.

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

STAFF RECOMMENDATION: Recommend denial of the requested Conditional Permitted Use (CPU) and variances due to concerns about safety of vehicular circulation on the subject property. The purpose of the case is to allow the petitioners to add package liquor sales to the existing grocery store, which would increase the intensity of use on the property. The subject property requires 14 parking spaces for the current use and the petitioners have striped and paved a portion of the subject property and some of the adjoining lot to the south, which the petitioners also own, for a total of 21 parking

spaces. Staff has concerns that 11 of the spaces provided have half of the parking space area on the adjacent property to the south, which is located in the City of Springfield. There could be a negative impact to the area if the property immediately to the south is sold and patrons can only get to the rear parking via the narrow driveway on the north side of the existing building since no alley access exists.

Committee Member Wulf made a motion to accept staff's recommendation.

Committee Member Chimento seconded the motion.

Motion carries 5/0/0

Docket 2017-005 for property located at 14670 Nave Road, Mechanicsburg, IL 62545

PETITIONER(S): William & Christina Rincker

OBJECTOR(S): Yes

PRESENT ZONING CLASSIFICATION: A with a Use Variance

REQUESTING: Petitioners request to replace the existing Use Variance (petition 2015-047) which grants the following uses: a single-family residence, a dog kennel limited to no more than twenty (20) dogs boarded/kenneled at any time with proof of adequate waste disposal, and a horse boarding/breeding business; with the following: (1) a single-family residence, (2) dog agility training (classes), (3) dog herding training (classes), and (4) dog agility trials.

Attorney John Meyers was present for the Rinkers

Christina Rinker was sworn in.

William Rinker was sworn in.

Chimento asked what she would like to do.

Meyers: The staff has recommended disapproval. This is an amendment to their existing Use Variance granted last year which allowed a dog kennel and horse boarding and breeding, to allow dog agility & dog herding classes along with dog agility trials.

I would like to present some definitions.

Dog agility trials: A sport where handlers direct dogs through a course with awards of time and accuracy.

Dog agility classes: Classes and handlers are trained to navigate the obstacle courses.

Dog Herding classes: Training dogs to herd sheep or cattle which by nature should be held outside.

We have put some limits on the petition. We have provided a site plan of the location of the activities to take place onsite. We feel that this proposal is a less intense use of the current zoning. They are currently allowed up to 20 dogs in the kennel at a time which may allow 40 ins and outs per day. This does not include the horse boarding and breeding.

There are several groups that handle the dog agility events. We have all heard of the AKC. The Rinckers are involved in the North American Dog Agility Council (NADAC). NADAC is a small organization which put on small events. The trials would include a total of 20 exhibitors which would be 1 judge with a maximum of 15 vehicles per trial 7 weekends max per year. No overnight stay. The dog agility classes would be limited to one class 10 a.m. to 1 p.m. and two classes between 4 p.m. and 8 p.m. John continued with limitation mentioned in the petition.

Meyers passed out materials related to the petition.

Agility trial premium list was handed out and was submitted as part of the record. The suggestion was made that parking would be limited to 15 vehicles per trial.

Staff had mention concerns of the number of spectators that may be present. The answer is that no spectators would be present. It is not a spectator sport. Emergency vehicle was also a concern. We feel that with just 15 vehicles entering the property or leaving within one hour does not seem to present a greater impact than is currently present. The road narrows past the Rinckers house.

Meyers presented pictures of vehicles on the road.

We feel that herding is an agriculture use. The trials have been held at the fairgrounds in the past but they were limited and were not a practical location to have the trials locally.

Wulf: The petition states that this is amending the UV but the recommendations state that it is replacing it. Which is correct?

Berns: They are sonominus. The granting of the request the old UV would go away.

Wulf: So the Horse breeding and dog kennel would go away?

Berns: Yes, per the petitioners' request.

Spiro: Do you think this will reduce the overall traffic?

Berns: The analysis was based on that evidence.

Meyers: Since the UV was already present and it made sense to amend the UV. This decision was made after Trustin had spoken with Dwayne Gabb.

Chimento: How much of this contributes to your income?

Christie: None.

Chimento: So you don't need this?

Christie: I would like for it to contribute to my income. If we can't do this then I may be required to get a full time job or move due to the living expenses. It would contribute to my income if allowed to do it.

Herbert: you stated that you may have makeup classes on Saturday?

Christie: Correct.

Herbert: You also stated that you may have trials on the weekend, would they happen on the same day.

Christie: No, never. I would be in charge with the training and the trials.

Spiro: So at no time you would not have more than 15 cars?

Christie: Correct.

Spiro: My only problem is the road. While performing my site visit I met a UPS truck and pulled over to let him pass. That is the issue to me.

Meyers present Proponents for the Rinckers.

Linda Vohsen and Meryl Stewart were sworn in.

Stewart: I am a member of the capital K9 club located in Chatham. We do various training but lack in herding. We have no place to provide herding. We would need to go to Chicago or St. Louis for training. Our agility training room is very small and does not allow us to provide the appropriate training. I handle to AKC trials at the fairgrounds. I had to wait for a horse show to pull. The fairground does not provide many dates. Plus the cost to have an event at the Fairgrounds is too expensive.

Vohsen: There is no place within 150 miles to have small events or provide training.

Objectors were presented.

Dan Hamilton with Brown Hay & Stephens represents Cooper Township and presented a letter from the Road Commissioner.

Hamilton: Cooper Township request that this petition be denied for that same reasons of the previous petition. We agree with staff's recommendation that the impact on the road and lack of monitoring. The method of enforcement does not appear to work. If this was to pass and is successful we will be back to request additional space or uses. The picture that was passed out by Mr. Meyers appears to be closer to the T road and not the Rinckers house. The road becomes narrower and the ditches become deeper as you get closer. The road is approx. 11' wide and may be difficult to meet traffic. The road cannot support the additional use. My understanding is that farmers and full size school buses do not use this road due to the lack of a safe turn around. The township roads also have difficulty getting in and out of this road. The primary concern is the safety and potential cost for upgrades on this road.

Mike Benz was sworn in.

Benz: I am the neighbor to the east. I would like to provide some handouts. Since April 5th 2016 we feel we have been the target of harassment from the Rinckers. Such things as bogus Public Health complaints, different colored fence stakes along my property and horse manure being dump along my property. Several dog agility trials continued after they were denied their zoning request. Events were posted on Christie Rinckers sisters Facebook.

Larry Osteig was sworn in.

My wife and I are neighbors to the west of the Rinckers. We have been residents since 1999. We feel that the additional traffic will decrease our property values and not have the privacy we once had.

Meyers wanted his clients to provide a rebuttal.

William: We use the manure as fertilizer, we have tractors cut and bail hay which enters through Nave Rd. which means agriculture equipment will travel on Nave Rd. Our dogs are bread to bark to scare predators away.

Christie: The dog trials that took place after we had been denied was with friends and family. I would accept a donation but no charge was applied. I do not advertise. These are the same people who have been coming out for the last 6 years. It was not a problem prior to last year when we decided to construct the building. The reason the horse boarding and breeding is because the building is not finished.

Meyers: If we agree to the zoning restrictions as for number of times and participants I am sure I will hear from Mr. Gabb. We have no intentions to violate these restrictions.

Gabb: I agree with staff as for the enforcement issues. I am sure if I was to contact Mr. Meyers I would have trouble with evidential portion of the complaint. Staff has mention concerns with enforcement and I have my concerns as well. I have the burden of proof to

enforce any noncompliance and I have some concerns on proving these things if there was any violations.

Opponent Debra Wiseman was sworn in.

Wiseman: This has been taking place for several years with no concerns but fear that this will grow. I support their dreams but what about our dreams. Christie has made it clear that this could be very large. She continues to state that she wanted her privacy.

Meyers: We are here for a zoning case and not here for some of the complaints these people have raised.

Christie: I do a lot of fostering for rescuing organization. I am not using the kennel which may lead to barking 24/7. Rescue dogs don't tend to bark as much.

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

STAFF RECOMMENDATION: Recommend denial of the requested amendment to the Use Variance. The previous Zoning Case #2015-047 granted a Use Variance to allow three (3) uses (a single-family residence, a dog kennel limited to no more than twenty (20) dogs boarded/kenned at a given time with proof of adequate waste disposal, and a horse boarding/breeding business). The petitioner is requesting to replace the current Use Variance with the proposed uses of (1) a single-family residence, (2) dog agility and dog herding training (classes), and (3) dog agility trials. While the petitioner self-imposes limitations on the number of cars (exhibitors/judges) who will be in attendance at the dog agility trials, these estimates do not consider additional traffic counts related to any spectators who may attend the event. Such additional traffic would further increase the intensity of the uses. The petitioner did not provide evidence related to how the limitations on the number of cars would be monitored by the owners and the mechanism by which the petitioners would ensure that the self-imposed traffic limitations were not exceeded for both the dog agility trials and the training classes. Nave Road is narrow with steep shoulders making it difficult for cars to meet safely. Staff has concerns that additional traffic generated on the subject property could impair access of emergency vehicles to properties to the east.

Committee Member Herbert made a motion to accept staff's recommendation.

Committee Member Mares seconded the motion.

Motion carries 5/0/0

No public comment was presented.

Committee Member Herbert made a motion to adjourn.

Committee Member Mares seconded the motion.

Motion carries 5/0/0

Meeting adjourned.

Respectfully submitted,


Recording Secretary


Chairman

Minutes of January 19, 2017

Full record of minutes available upon request in the Zoning Department