

Sangamon County, Illinois
ZONING BOARD OF APPEALS

The Zoning Board of Appeals met on July 21, 2016, 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 Herbert
(X) Committee Member Spiro	(X) Alt. Committee Member Lucchesi
() Alt. Committee Member Dobrinsky	

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

Chairman Chimento called the meeting to order.

Approval of June Minutes

Committee Member Wulf made a motion to approve the June Minutes.

Committee Member Mares seconds the motion.

5/0/0

Docket 2016-014 Paul K. & Libby J. Miller for property located at 3977 Dinius Road, Williamsville, IL 62693

PETITIONER(S): Paul K. & Libby J. Miller

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: A – Agricultural District.

REQUESTING: Petitioners request a variance to allow the side yard setback to be three (3) feet instead of the required ten (10) feet.

Paul and Libby Miller were sworn in.

Libby Miller: I would like to presented testimony that changing the location of the garage would cause an economic hardship. The additional cost to move the structure would make it difficult to construct. We could reduce the size of the garage to be 6' off of the side yard.

Wulf: Do you have a drawing?

Libby: No.

Wulf: The reason I ask, if you go 6' you will almost be in the driveway?

Libby: Closer that we want to be. We will have 31', this will allow us to build a 22' shed instead of a 24' shed.

Spiro: By shaving 2' off of the building you will be ok? So 6' will be ok?

Libby: Yes.

Spiro: I would like to note that the alternate plan would place a hardship that is unique to the property itself. It will not set a negative precedence to be less than the required 10'. I feel the intent of the requirement is when you may have adjacent property owners to have ample light and air between the structures. They also have permission from the neighbor to construct the shed.

Dwayne: Point of order, we need clarity. Are you asking to amend your petition from 3' to 6'?

Libby: Yes. I am asking to amend the request.

Lucchesi: Do we have an option to grant the original request or are we now limited?

Dwayne: You have the ability to accept the motion to amend. We just need to be clear on what the petitioner is asking.

Lucchesi: I have always looked for a garage to have a minimum distance of 18' to back out safely. You do have an oak tree located here correct?

Libby: Correct.

Lucchesi: Does this present a problem. The reason I ask is that I don't see a problem with the original request.

Chimento: What will the garage be used for?

Libby: To help clean out our existing garage and to park our truck in the winter.

Chimento: Does County Board have any questions?

Linda Fulgenzi: What is staff's opinion?

Molly: The side yard setback is 10', of course the closer you can get to that the better it is. I believe some additional evidence has been present that may have findings to support the approval of the requested variance.

Dwayne: Since this is a variance. The county board will have a limited ability to amend the petition. To approve a variance that has not been approved it would require $\frac{3}{4}$ majority by the county board.

Annette Fulgenzi: Would the economic hardship they stated meet your standards?

Molly: Meeting the standards, staff does not look at economic hardship in this manner. The building is not constructed yet. They could choose to build a smaller building.

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

STAFF RECOMMENDATION: Recommend denial. The purpose of a variance is to grant relief in cases where a true hardship exists rather than a mere inconvenience to the owner. The property can continue to be used economically without the requested variance. There are plenty of locations behind the residence where the property owner can place the garage which meet the required ten (10) feet side setback. The hardship in this case is created by the owner. There is also concern that granting the requested variance could set a negative precedent for future requests of this nature for which there are no circumstances unique to the property. The Standards for Variation are not met.

Committee Member Spiro made a motion to accept the petitioner's amended request of 6'. The findings of fact are that the additional excavation is not necessary for the requested site and no public health and safety issues will be present. The adjacent property does not have any structure and the property owner has granted permission.

Committee Member Chimento seconded the motion.

Motion carries 5/0/0

Docket 2016-020 for property located at 14751 Bullard Road, Buffalo, IL 62515

PETITIONER(S): Rolla J. Womack

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: A – Agricultural District.

REQUESTING: Petitioner requests a variance to allow one (1) parcel less than forty (40) acres (approximately 1.1 acres).

Shawna Cane and Rolla Womack were sworn in.

Shawna: We would like to cut approx. 1.1 acres to separate the existing homestead.

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

STAFF RECOMMENDATION: : Recommend approval. The owner wishes to separate the house from the farm buildings and the cropland in order to give the homestead to a family member and retain the cropland. The Standards for Variation are met.

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

Committee Member Herbert seconded the motion.

Motion carries 5/0/0

Docket 2016-021 for property located at 17020 Old Route 54, New Berlin, IL 62670

PETITIONER(S): Tommy Sheppard

OBJECTOR(S): Henry Hermes, Matt Fromme

PRESENT ZONING CLASSIFICATION:

REQUESTING: Petitioner requests to replace the existing Conditional Permitted Use and variances (petitions 2013-020 & 2015-024) which limit the hours of operation for the outdoor recreation to Sundays from 11:00 AM to 6:00 PM with the following: a Conditional Permitted Use for a tavern with a beer garden and live entertainment allowed outside, limited by the Sangamon County Liquor Ordinance; a Conditional Permitted Use for a private outdoor recreation center; a variance to allow two (2) uses on one parcel (tavern and private outdoor recreation center); a variance to allow the paving to remain rock; and a variance to allow non-standard fencing materials, subject to approval by the Zoning Administrator, to be used on the East, South, and West sides of the recreation area.

Thomas Sheppard was sworn in.

Thomas: I would like to change the existing conditions to operate under the restriction of the Sangamon County Liquor Ordinance. We would like the outside beer garden and to have the outside recreation for go cart, volleyball and tractor pulls.

Spiro: How much was not to be paved?

Craig Hall: How much was asphalt?

Thomas: The front is asphalt to just west of the existing building.

Chimento asked if there were any objectors.

Henry Hermes was sworn in.

Henry: I have concerns of the noise and the parking for the trucks and trailers. I am concerned that the pond may be filled in.

Matt Fromme was sworn in as an objector.

Matt: I am concerned with the tractor pulls. I own the field to the west and did not want any tractors that may run long to drive into his field.

Thomas: The pond is not to be filled in but the banks have been raised since the pond is so low. I have built up the bank about a foot. As for the concern of Matt, the lane will run from west to east. A 300' pulling lane with a 60' safety sand pit. I intend to have antique tractors and garden tractors at this time. The lane will be built to ITPA standards. The lanes will be 35' wide.

Henry: Will any time limits would be in place?

Steve: All recreation activities to cease at 10 p.m. which is part of the recommendations.

Chimento: Do you run this late?

Thomas: No, we run in the afternoon but on some occasions weather has postponed the races and we run long.

Lucchesi: What is the total length of the area not to be paved?

Thomas: I would guess 200'.

Lucchesi: Would you consider paving within a year?

Thomas: The estimated cost to pave would be \$40,000. I don't feel that I could have it completed within a year due to the current amount of business.

Lucchesi: Would roto-mill or asphalt grindings be allowed?

Thomas: I have not checked.

Molly: Asphalt grindings are not currently an option in the ordinance.

Lucchesi: Is this a possibility to be completed in a year?

Thomas: I will be able to start on the paving and hope to have it completed.

Linda: Is the time limited to just Sundays at 10 or all days of the week?

Steve: The staff recommendation is for any day of the week.

Herbert: How many days a week will activities take place?

Thomas: The tractor pulls will be one day, the go cart races will be one day and the volleyball would be based on a league schedule, probably two nights a week.

Herbert: So four days out of a week you will have outdoor activities?

Thomas: Yes.

Hall: A question for staff. Should we make additional limits since they are currently limited to one day a week until 6 p.m.. Should the horsepower be limited?

Steve: It is possible for the board to increase the conditions if they would choose. They will need provide additional findings.

Annette: Will the tractor pulls be in the evening?

Thomas: No, the plan is for the pulls to start around 11 and go into the afternoon. This would be a 5 hour event.

Annette: Would it be better to limit the hours of the tractor pulls instead of the horsepower? This may help staff.

Thomas: As of now we do not have lights.

Chairman Chimento read the staff recommendation.

STAFF RECOMMENDATION: Recommend approval of a Conditional Permitted Use for a tavern with live entertainment and dancing with the condition that the hours of operation of the tavern, and all live entertainment including but not limited to any dancing, band, DJ music, or any other noise generating music of any kind, is governed by the Sangamon County Liquor Ordinance.

Recommend approval of a Conditional Permitted Use for a private outdoor recreation center with the following conditions: (1) activities in the private outdoor recreation center shall be limited to the following: tractor pulls, go-kart racing and practicing, and one outdoor volleyball court; (2) outdoor activities associated with go-karts, tractor pulls, and volleyball shall cease no later than 10:00 PM; (3) a solid fence, eight (8) feet in height, shall be constructed and maintained around the perimeter of the private outdoor recreation center with standard fencing materials required along the north side of the subject property and non-standard fencing materials, subject to approval of the Zoning Administrator, allowed along the south, west, and east sides of the private outdoor recreation center.

Recommend approval of a variance to allow two (2) principal uses on one (1) parcel (a tavern [with live entertainment and dancing] and a private outdoor recreation center). Given the recommended approval of the conditional permitted uses for the two individual uses, the requested variance is necessary to bring the property into compliance with the Zoning Ordinance.

Recommend approval of the requested variance to allow non-standard fencing materials, subject to approval by the Zoning Administrator, to be used on the east, south, and west sides of the recreation area. As non-standard fencing materials are a recommended condition for the private outdoor recreation center, to the extent the requested condition is adopted, the requested variance is necessary to bring the property into compliance with the Zoning Ordinance.

Recommend denial of the requested variance to allow the parking area to remain rock. While there appears to be enough space to adequately park on the site, the nature of the uses increases the need to pave the parking area. Paving will help with internal vehicular circulation and could decrease the risk for accidents, which could have the benefit of increasing the economic yield on the property. The Standards for Variation are not met for the paving request.

Herbert made a motion to amend the request to limit the hours of operation to end at 8 p.m.

Molly: What operations will be limited?

Herbert: Tractor pulls, go-carts & volleyball.

Lucchesi made a motion to amend the request for the parking lot variance to allow one year to pave the remaining lot with asphalt millings. The finding would be

fiscally impractical to pave the remainder of the lot (approx.. 200') along with the heavy traffic of trucks and tractors this type of paving would be more acceptable.

Dwayne: Requested a point of order. Since there will be multiple amendments to the petition. We must deal with the amendments for approval then a motion approval of the petition.

Molly: Questioned member Lucchesi on his findings. The statement made for the west 200', this would not need to be paved?

Lucchesi: Yes.

Committee Member Wulf made a motion to recommend approval of the amendment to allow a variance to allow the remaining west parking (approx. 200') to be paved within one year with asphalt millings.

Committee Member Herbert seconded the motion.

Motion carries 5/0/0

Committee Member Herbert made a motion to recommend approval of the amendment to limit the hours of operation for the outdoor recreation activities to end at 8:00 p.m. based on the findings that the earlier hours would seem to be more appropriate for children. The beer garden will still be allowed to operate after 8:00 p.m.

Committee Member Spiro seconded the motion.

Motion carries 5/0/0

Committee Member Spiro made a motion to recommend approval of the amended staff recommendations.

Committee Member Wulf seconded the motion.

Motion carries 5/0/0

Docket 2016-022 for property located at 931 Lawndale Ave, Springfield, IL 62711

PETITIONER(S): US Truss Company

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: A – Agricultural District.

REQUESTING: Rezoning for “A” Agricultural District to “I-2” General Industrial District to allow a manufactured building truss plant.

John Reese was sworn in.

John: We are requesting the rezoning for A to I-2 for the remaining parcels. The property to the north is currently zoned I-2 and hope for the expansion of the business.

Chimento: You own the surrounding property or the north side?

John: We own the north and east side which we recently purchased and rezoned. This property had a house and had recently caught on fire. She has decided to sell now.

Spiro: It burned down?

John: Yes.

Spiro: What is the purpose of the property? Will you combine with the other property?

John: This is for future expansion. We are not sure currently but we hope to in the future based on business activity.

Chimento: How many employees?

John: The truss plant is 10 or so.

Spiro: Will the truss plant just serve locally?

John: We have shipped as far south as Edwardsville and north to Bloomington.

Spiro: Will the expansion bring in more jobs?

John: If the plant does better then yes.

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

STAFF RECOMMENDATION: Recommend approval. The LESA score of 173 indicates the subject property is marginal for non-agricultural usage, but it is located in the middle of an industrially zoned area. The zoning would be in accord with the City Plan and is located across the street from the City of Springfield. There is further a trend of rezoning properties to industrial classifications in the area, as noted in Zoning Case # 2016-02.

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

Committee Member Wulf seconded the motion.

Motion carries 5/0/0

Docket 2016-023 for property located at 2532 Ridge Ave, Springfield, IL 62702

PETITIONER(S): Mid-Town Auto Mart, Inc.

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: A – Agricultural District.

REQUESTING: A variance to allow two (2) uses on one parcel (convenience store with a drive through window and auto service.

Ab Hussein was sworn in.

Ab: I would like a variance for the dual use and a drive thru. This property has been in its current use for the last 15 years. It used to be the location of Wonder bread. We currently service vehicles with a convenience store. I had applied for a liquor license in the past and had pulled the petition. At the time I did not realize I needed the zoning for multiple uses. This was brought to my attention when I applied for a permit for the drive thru.

Chimento: Do you operate any of the businesses?

Ab: I operate the garage. I used to have a car lot there but moved it in January to Clearlake. I had received a letter from the city's traffic engineer. I would like to address her concerns as well. The concerns were the parking and traffic flow onto Milton.

Jason Ratts: When the cars are exiting how will cars exit to go north? Especially at 4 in the afternoon, the cars may be backed up.

Ab: They will have the option to exit onto Ridge and then North Grand.

Ratts: I feel you are increasing the traffic by operating a drive thru.

Lucchesi: Have you had experience in traffic design?

Ab: I have several years of traffic design with IDOT.

Lucchesi: What did you do?

Ab: At first I started in design and last 20 years I was in the field.

Lucchesi: So you have 29 years in traffic design?

Ab: Yes, bridges, roads etc.

Chimento: How is important is the drive up.

Ab: Very important, we are wanting to add food service.

Lucchesi: I feel that the drive thru may seem to be safer by keeping people in there cars instead of going in and out.

Harrison: You did mention you had requested the sale of alcohol in the past, is this still your intent?

Ab: No.

Molly: You mentioned to do food service.

Ab: Yes

Molly: Are people going to be able to order a sandwich and pick it up?

Ab: The food will be already prepared. It will not be fast food.

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

STAFF RECOMMENDATION: Recommend approval of the requested variance to allow two (2) principal uses (convenience store and auto service) providing there is no drive up window. The subject property is not a good location for a drive up given its location on a corner lot. A new drive-up window could also cause a loss of parking and could result in negative traffic impacts on the area. Staff also has questions regarding the parking plan as submitted as to whether the proposed parking is entirely contained on the subject property. The Standards for Variation are met for the two (2) uses. The Standards for Variation are not met for the drive up window.

Committee Member Herbert made a motion to recommend approval of staff recommendations.

Committee Member Spiro seconded the motion.

Motion carries 5/0/0

Docket 2016-024 for property located at 3598 & 3626 Stagecoach Road, Springfield, IL 62707

PETITIONER(S): John Benanti & Carolyn Benanti

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: B-1 Neighborhood Business District.

REQUESTING: Proposed Parcel 1: a rezoning from "A" Agricultural District to "R-2" Single-Family and Two-Family Residence District; and, for Proposed Parcel 2: a variance to allow one (1) parcel less than forty (40) acres (approximately 9.3 acres), a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width, and a variance of the front yard setback to be less than the required thirty (30) feet (approximately 14 feet).

Matt Benanti and John Benanti were sworn in.

Chimento: What would you like to do?

Matt: We have 2 residences on one lot and would like to separate the lots to bring the property into zoning compliance.

Chimento: You want R2 zoning?

Matt: Yes, that building has been like that for 26 years. The house was moved from a different location.

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

STAFF RECOMMENDATION: Recommend denial of the requested R-2 zoning. The owners wish to divide the subject property, which currently contains two (2) residential structures into two (2) parcels with one (1) residential structure on each parcel, one of which would be a duplex. The LESA score of 149 indicates the subject property is suitable for non-agricultural use. R-2 zoning is seen as too intense for the area and inconsistent with the trend of development.

In September 1995, a Certificate of Compliance was granted by the Sangamon County Zoning Office to construct a single family residence. There are no other records to indicate when the structure was converted into a duplex or when the violation initially occurred. However, the current owners indicate that it has been operated as a duplex for at least 15 years.

While R-2 zoning is inappropriate for the area, staff does recommend a use variance to allow the continued use as a duplex in the Agricultural District. However, staff advises

that allowing two residential units to share a septic system on less than two (2) acres sets a precedent contrary to the zoning ordinance and is poor planning principles. Staff further believes that allowing a duplex on a parcel that is less than two (2) acres in size should be only allowed to occur in rare situations.

Recommend approval of the requested variances. The owners want to divide the subject property into two parcels via tract survey as the parcel currently contains two residential structures. It is considered a good planning practice to have one residential structure on each parcel. The Standards for Variation are met.

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

Committee Member Chimento seconded the motion.

Motion carries 5/0/0

Docket 2016-025 for property located at 3609 S. Douglas, Springfield, IL 62704

PETITIONER(S): John Ridings Plumbing

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION:

REQUESTING: A rezoning from "B-3" General Business District to "I-1" Restricted Industrial District and a variance to allow two (2) uses on one (1) parcel (plumbing contractor and lawn care business).

John Ridings was sworn in.

Chimento: What would you like to do?

John: I would like to build a garage and bring my property into compliance.

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

STAFF RECOMMENDATION: Recommend denial of the requested I-1 zoning. The petitioner requests I-1 zoning to allow outside storage of trailers in conjunction with the landscape business on the subject property. However, I-1 is seen as too intense for the area. In the alternative, staff recommends a use variance in the B-3 district to allow outside storage with the following conditions: (1) no more than four (4) trailers shall be allowed to be contained in an area in the rear (west) end of the subject property limited to

eight hundred (800) square feet; and, (2) no outside storage of landscape waste, mulch, or other organic materials is allowed.

Recommend approval of a variance to allow two (2) principal uses (plumbing contractor and lawn care business) on the subject property. The requested variance is necessary to bring the subject property into compliance with the Zoning Ordinance. Given the mixed uses in the area that are a result of a history of granting use variances, including another landscape business, the request will not likely alter the essential character of the area. The Standards for Variation are met.

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

Committee Member Lucchesi seconded the motion.

Motion carries 5/0/0

Meeting adjourned.

Respectfully submitted,


Recording Secretary


Chairman

Minutes of July 21, 2016

Full record of minutes available upon request in the Zoning Department