

Sangamon County, Illinois
ZONING BOARD OF APPEALS

The Zoning Board of Appeals met on June 16, 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	(X) Committee Member Herbert
(X) Committee Member Spiro	(X) Alt. Committee Member Lucchesi
(X) Alt. Committee Member Dobrinsky	

STAFF PRESENT:

Molly Berns, Assistant Director, 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 May Minutes

Committee Member Wulf makes a motion to approve the May Minutes.

Committee Member Mares seconds the motion.

5/0/0

Docket 2016-015 for property located at 2708 North Peoria Road, Springfield

PETITIONER(S): Jay A. Timm

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: B-3 General Business District with a use variance to allow a five (5) barrel microbrewery with conditions and associated variances.

REQUESTING: Conditional Permitted Use [CPU] for a tavern with live entertainment and dancing; a variance to allow an I-1 Restricted Industrial District use of a microbrewery limited to a ten (10) barrel system in a B-3 General Business District; a variance to allow an R-2 Single-Family and Two-Family Residence District use of a duplex in the B-3 General Business District; a variance to allow three (3) uses on one

parcel (tavern with live entertainment and dancing, microbrewery, and duplex); and, a variance to allow a tavern to be located less than one hundred (100) feet from a residence.

Jay Timm was sworn in.

Jay: We currently have a micro-brewery on site and would like to have a tasting room which requires a liquor license. We will only serve the product we produce and would help market our product.

Chimento: Do you want live entertainment?

Jay: Yes with a small beer garden between the two buildings.

Chairman: That's in the future?

Jay: Yes.

Don Wulf: Will you be selling just your product?

Jay: Yes.

Anthony Mares: Would like to ask a question for staff? A current variance in the past is for the duplex on the current property or for all sides of the property.

Molly Berns: The past request was restated in this petition to make it clear of all variances currently on the property. Along Peoria road is zoned B3 and I1 and it is a mixed use development.

Mares: Will the current request meet AMA and parking regulations?

Harrison: The parking is met currently but they will have future restriction of the restrooms. Currently they can only have a total of 8 people onsite at a time, 5 customers plus 3 employees. They are aware to expand they will have to expand their infrastructure.

Mares: Staff is ok with this.

Harrison: Yes.

Chimento: The tasting will be in the west building.

Jay: Yes.

Chimento: County Board?

Greg Stumpf: My colleague is not present; Annette Fulgenzi is in full support.

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

STAFF RECOMMENDATION: Recommend approval of a CPU to allow a tavern with live entertainment and dancing. The petitioner desires to begin beer tastings on the site. The best mechanism available to handle such a request is with a CPU for a tavern. Staff recommends the following conditions to minimize potential impacts on the surrounding area: (1) the hours of operation of the tavern including the live entertainment and dancing shall be restricted to the hours on the Sangamon County Liquor license; and, (2) the CPU shall be limited to service of microbrewery products produced on-site.

Recommend approval of a use variance to allow an I-1 use of a microbrewery limited to a ten (10) barrel system in a B-3 General Business District; to allow a R-2 Single-Family and Two-Family Residence use of a duplex in a B-3 General Business District; and, to allow three (3) uses on one (1) parcel (a tavern with live entertainment and dancing, a microbrewery, and a duplex). The County Board set a precedent to allow the microbrewery in Zoning Case # 2014-008. This segment of Peoria Road has a mixed character including both residential and commercial uses. Increased traffic congestion in the area should not be an issue as the location is on a major thoroughfare. Potential negative impacts pertaining to the other factors, i.e. an adequate supply of light and air and property values should not be greater than currently exist. Given the recommended approvals of the CPU and the use variance for the tavern, the two (2) other requested variances are necessary to bring the existing duplex into compliance with the zoning ordinance. The Standards for Variation are met.

Recommend approval of the requested variance to allow a tavern within one hundred (100) feet of a residence. The public entrance to the tavern will be located in excess of one hundred (100) feet from the residence. The Standards for Variation are met.

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

Committee Member Spiro seconded the motion.

Motion carries 5/0/0

Docket 2016-016 for property located at 3602 N. Lincoln Trail, Pleasant Plains

PETITIONER(S): Douglas & Chassidy Houser

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: A – Agricultural District.

REQUESTING: R-1 – Single-Family Residence District for Proposed Parcel 2. A variance to allow one (1) parcel less than forty (40) acres for Proposed Parcel 1.

Lawrence Houser was sworn in as representative for Douglas.

Lawrence: They would like to build a new house on the current 30 acres parcel and would like to split the existing residence to build the new residence.

Chimento: Is the machine shed located with the new house?

Lawrence: Yes.

Spiro: Will the new residence front Lincoln Trail or Stone Rd?

Lawrence: Lincoln Trail.

Mares: Will the pole barn be a part of the property?

Lawrence: 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 174 indicates the property is considered marginal for agricultural usage. There is a trend toward residences in the area especially to the south and west due to water service through Curran-Gardner. Also, the presence of a wooded ravine on the western approximately one-third of the subject property makes it unlikely this portion could be economically converted to cropland. The requested variance is necessary to separate the existing house from the larger acreage where a new residence will eventually be constructed. The Standards for Variation are met.

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

Committee Member Mares seconded the motion.

Motion carries 5/0/0

Docket 2016-017 for property located at 9200 E. Loami Road, Loami

PETITIONER(S): Amy & Jacob Featherston

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: A – Agricultural District.

REQUESTING: R-1 Single-Family Residence District; and, a variance to allow the lot depth to exceed two-and-a-half (2.5) times the lot width for one lot (Proposed Parcel 2).

Jacob and Amy Featherston were sworn in.

Jacob: We would like to build a house further back on the property.

Mares: Will there be two residences on the property?

Jacob: The front house will be on one property and the new home will be on the rear property.

Chimento: Are you living in the home now?

Amy: We are currently living in the home until the home in the back can be completed. After it is completed we plan for our daughter to move into the house in the front.

Wulf: How will the lots be reconfigured to allow road access for the back lot?

Amy: We will have road frontage on the east side of the current home.

Wulf: Will that be a flag lot?

Amy: I'm not sure it would be a flag lot.

Mares: Question for staff, will this be 911 compliant?

Harrison: When a building permit is issued, they will then establish a 911 address with access to the rear property.

Mares: Since a structure will be located behind another will this be two separate properties?

Harrison: They currently have two properties now. The rear property is landlocked. This petition will bring both properties into compliance with both properties having road frontage.

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

STAFF RECOMMENDATION: Recommend approval. The LESA score of 156 indicates the property is marginal for agricultural usage and there appears to be a trend toward residences in the area. Pertaining to the variance request, there is somewhat of a hardship for the owner in that the south parcel ending in -009 is currently landlocked. Granting the

requested variance would allow a reconfiguration by tract survey to give the landlocked parcel road frontage and allow the construction of a house on the new parcel. The Standards for Variation are met.

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

Committee Member Spiro seconded the motion.

Motion carries 5/0/0

Docket 2016-018 for property located at 300 Block of Andrew Road, Sherman

PETITIONER(S): Estate of Joseph J. Myerscough

OBJECTOR(S): Tim Krell, Nancy Martin & Mr. McNally

PRESENT ZONING CLASSIFICATION: A – Agricultural District.

REQUESTING: R-1 Single-Family Residence District; and, a variance to allow the lot depth to exceed two-and-a-half times the lot width for one (1) parcel that will be approximately thirteen (13) acres (Proposed Parcel 1).

Jerry Hicks was sworn in as a representative for Myerscough Trust.

Jerry: The property is currently for sale and has approx. 12 acres of pasture that borders Andrew Rd. and the remainder of the property borders Springfield St. He has received inquiries to separate the property to make a home site. The way the property is located on Andrew Rd. which is located across from Raymond Poe's property. A creek is on the front which would make the properties access on the east side which would require a lot of dirt work to raise the elevation for the driveway. In addition they were concerned on having a bus stop in that area being a busy road. They requested an access to Springfield St.

Chimento: How many acres are on the farm property?

Jerry: Remaining will be approx. 65.

Chimento: The front will be 12. Is their currently a house now?

Jerry: No

Chimento: Are there any objectors?

Tim Krell was sworn in.

Krell: Worried about the egress on Springfield St. and the traffic. How many homes will be built in the future & if a subdivision would be built in the future?

Nancy Martin of Graham & Graham was sworn in as representative of John & Janice Hemalsbock and parents.

Martin: McNally's family are 3rd generation people who have lived on the east side of the property. The current configuration of the property has Springfield St. located on their property. The Township has been maintaining the road since the 1960's with no formal dedication or right-of-way. They have concerns that this will turn into another Tipton Place located in Sherman. Andrew is known for its problems with its wells and short septic laterals. Andrew used to be the home of the Corral Mine company. The current LESA Score suggests that the property is strong agriculture. Several cattle located in the area. Janice and John have 43 signatures objecting to the petition.

Jerry: The 65 acres will remain farm ground, just a change to the front acreage for a single family residence.

Chimento: Are the people interested in the property currently living in the city?

Jerry: I don't believe so.

Chimento: The acreage in question, are they prime acreage for building a home?

Jerry: Yes.

Chimento: Is the comment about a subdivision speculation?

Jerry: Yes.

Nancy: The people driving in the area have been known to be Sherman builders.

Chimento: Are one of the two parties interested Sherman builders?

Jerry: No.

Mares: For staff, this is a 75 acre tract?

Molly: The current time it is approx. 75 acres with approx. 13 acres to be carved off. The remainder is to be left in crop land under the current testimony of the petitioner.

Mares: It is still 911 compliant?

Molly: Yes, to our knowledge.

Mares: If we had a situation to carve off the 13 acres. Is this for one or for multiple?

Molly: The R1 district only allows one residence without additional relief.

Spiro: Is there currently a residence west of Springfield St.?

Jerry: Yes.

Nancy: Springfield St. is on public property but since the Township has maintained it has not been dedicated on the plat. It appears to be a hybrid. Originally the Corral Coal Co. designated as a road but several years later it was vacated. At some time in the 60's the road commissioner had started to maintain the road and has been ever since.

Spiro: For all practical purposes it is a public road and cannot be fenced off?

Nancy: Correct, they cannot block the road.

Spiro: Final question for staff. Are they taking the portion of the south tillable is to be carved off for the road access?

Molly: Portion of the 13 acres contains a 150' wide strip to Springfield St. to have access that is not off of Andrew Rd.

Spiro: Will it be west of the house?

Molly: The building site will be west of the existing house on Andrew Rd.

Nancy: The house on Andrew was the original house for the Myerscough home place. It had been previously carved off.

Chimento: Jerry, is there a reason they do not farm the 12 acres, is it not tillable?

Jerry: Yes, it is not tillable.

Chimento: It would not score a 192 LESA score.

Jerry: A creek runs along Andrew Rd. almost $\frac{3}{4}$ of the frontage.

David Mendenhall: I have a question for staff. In reference to the LESA score of 192 what is the LESA score for the area to be carved off?

Molly: LESA scores are based on the entire subject property to be consistent. In this case the score is based on the entire property. In this case the score appeared to be really high. I did some additional research and separated off the two proposed properties and ran an additional LESA score which was 177. The soil names consisted of 10% Rosetta, 22% Fayette, 32% Hickory & 36% Radford. Those are not considered high level for farm land.

The reason for the high score for the entire property is that the middle of the property has Keomah, Sable & Clarksdale which scores high on the table for good production. The area left for cropland would be considered to be unsuitable for septic systems. Will the 13 acres would better suitable for septic? 177 for the 13 acres.

Fulgenzi: A question for staff. What is the condition of the land? Is it flat?

Molly: No it is not. In addition to the site visit we use the topography and from the center of the property to the front north to Andrew Rd. the property starts to drop approx. 15'-20' drop.

Fulgenzi: Is there a creek running through that area?

Molly: I would consider it a large drainage ditch. It is not in the flood plain so it would not be considered a creek.

Greg Stumpf: For staff, if this was to come to the County Board to be approved as recommended would they be allowed to put one residence on parcel one and one residence on parcel two?

Molly: If the current owners retain the balance of the property less the 13 acres, there will still be a one-time exemption according to the Illinois Plat Act to allow them to carve off a parcel of 5 acres as long as it is retained by the current owners. Once the property is sold the exemption is not transferred to the new owners. At that time they could put a residence on the remaining property.

Stumpf: The most that can be put on this property is a total of one additional residence?

Molly: There could be a possibility of two if the current owners retain the property. If it is sold then the new property owner would have to go through the Land Subdivision Committee to have additional lots which have addition public hearings.

Stumpf: No possibility to build addition homes unless it comes back through this committee?

Molly: Yes, Multiple times, it would need to go through Land Sub and all adjacent property owners would be notified. This step requires multiple hearings, soils analysis and infrastructure improvements. I believe the number one requirement would be to have public water.

Krell: Can you tell me again why there is no access off of Andrew Rd. or can they have access off of Andrew Rd?

Molly: The question would be will IDOT give them access off of Andrew Rd.

Jerry: The property from the west to the east is the waterway and then the slop on the east side and the pond dam is located on the west corner. A lot of dirt would need to be moved to provide any access. The drop is a good 6'-8' drop.

Chimento: Would it be a safety issue then?

Jerry: The concern was the line of site and a possible school bus stop.

Chairman Chimento read the staff recommendation.

STAFF RECOMMENDATION: Recommend approval. The LESA score of 192 indicates the property is suitable for agricultural usage. However, the unimproved subject property sits along the western edge of a long-established residential area. Further, the proposed Parcel 1 is splitting approximately thirteen (13) acres of pasture and a pond from the cropland so it can remain in production. The purpose of the variance is to allow a split with a new driveway off Springfield Street where it is flat. The topography on the subject property slopes down and then rises rapidly which could make safely siting a driveway off Andrew Road difficult. The Standards for Variation are met.

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

Committee Member Chimento seconded the motion.

Motion carries 5/0/0

Docket 2016-019 for property located at 2900 S. 11th Street, Springfield

PETITIONER(S): Randy Pickett

OBJECTOR(S):

PRESENT ZONING CLASSIFICATION: B-1 Neighborhood Business District.

REQUESTING: B-2 Retail Business District; a variance to allow two (2) [principal] uses on one (1) parcel (transportation company and sales of vehicles previously used by the transportation company); and, a variance to allow one (1) year to pave the required parking area.

Shalyn Fields was sworn in. Contract purchaser.

Chimento: What would you like to do?

Fields: We currently operate a transportation company with one in Peoria and one in Springfield. We currently have a contract with the State of Illinois Medicaid to provide transportation for doctors' appointments. Hours of operation are 6 a.m. to 5 p.m. We also

have a contract with American Airlines out of Capital Airport. We transport pilots to and from the airport to their hotel. We have just moved from a previous location. We would like to keep our dealer's license to purchase wholesale vehicles. We have had a dealer's license for a number of years. The state has discontinued a wholesaler's license and requires a dealer's license. We do not intend to sell cars. The only cars we would like to sell are our current cars after they have more than 200,000 miles that have been driven for business purposes. We do not want a car lot. We have no intention to operate a used car lot. We would like to maintain our dealer's license so we can purchase affordable vehicle for our business.

Chimento: How many employees do you have?

Fields: We have 5 including myself.

Chimento: There are more than 5 vehicles on the lot.

Fields: We have 8 vehicles total and 2 vehicles in Bloomington.

Mares: How long have you been in this business?

Fields: 3 years in the transportation and 6 as a dealer.

Wulf: When did you move?

Fields: To Springfield?

Wulf: Current location.

Fields: 3 months.

Mares: You have been in this business for 3 years? If you do not have the variance how will you dispose of the vehicle?

Fields: I would like to sell them on Craig's list. If I can maintain my license I would like to take them to an auction.

Mares: In the last 3 years how have you sold the vehicles?

Fields: I would sell them on Craig's list or at an auction.

Chimento: Do you own this property?

Fields: I do not. We are in the process to purchase the property and had discovered that the property is not zoned appropriately for our business.

Chimento: Is the purchase dependent on the zoning change?

Fields: Yes. I am hoping for the change so we do not need to change locations.

Wulf: Have you read the recommendations?

Fields: Yes, this is why I am trying to clarify.

Wulf: I do not have a problem with the rezoning but I do with the 2 uses. I'm not sure why you need to have the 2nd use to sell the vehicles at an auction.

Fields: I do not want to sell the vehicles on the lot but my understanding is that I need to have the appropriate zoning to keep the license.

Harrison: Secretary of State requires that the zoning office to sign off that the appropriate zoning is present before they will issue a dealer's license.

Wulf: So she needs the B2 zoning on the whole property even if she does not intend to sell off of the property.

Harrison: From the zoning perspective this would need the variance for 2 uses to have the dealer's license.

Mares: If we allow a variance of such to sell just these vehicles it may open up to sell more vehicles. This would open up the possibility for a retail wholesale operation.

Molly: We understand what the petitioner's intent is but granting the 2 uses and her business expands and moves off of the parcel the variance will remain with the property.

Mares: Is the variance just for the sale of these vehicles? What if this grows into a more intense sale of vehicles?

Fulgenzi: The business plans discuss the Midwest Auto Sales on this address.

Mares: We can go from liquidating commercial enterprise to a car lot?

Fields: When asked to give a business plan we submitted our old business plan. We have not sold any vehicles on that property. The business plan for Midwest Auto World should be removed.

Spiro: I thought this would be a used car lot based on the business plan. You just want to be able to sell the retired vehicles?

Fields: We have been EZ Go Transportation and have not been running a car lot.

Spiro: You want to keep your wholesale licenses for sales and purchasing so you can buy the vehicles used for the EZ Go Transportation. You really don't need 2 uses?

Fields: That is correct, I just want a wholesaler's license but the state no longer allows a wholesaler's license. You must have a dealer's license. We no longer want to operate a dealership.

Spiro: Why can't you just have the one use and when you need to sell a vehicle just put an ad in the paper?

Mares: Or continue to use Craig's List.

Fields: I would like the license for the purchase of the vehicles.

Fulgenzi: Why is the old business plan in the petition?

Chimento: She has struck it out.

Fields: I used the business plan for Midwest Auto World but I should have used a plan for EZ Go Transportation. I misunderstood the direction.

Spiro: This seems to be legality with the SOS for the license.

Harrison: Zoning looks at this as 2 separate uses. In the B2 zoning they can by right do one or the other. For them to be able to obtain their dealer's license they must be considered a dealer. If the zoning department signs off on the SOS requirements then they have the ability to operate two businesses at one time.

Chimento: Are there any restrictions that we may put that will not go with the land?

Molly: Yes we have placed restrictions via a Use Variance and staff had considered that but the concern was that this is 2 parcels with a total area of .288 acres. We understand what they are trying to do but zoning is forever. Even if 2 uses are granted with restrictions how many cars sold on this lot becomes too many? To monitor this from a compliance standpoint may become very difficult. Staff was concerned with placing restrictions that may work on this property.

Chairman Chimento asked if there were any objectors.

Mike Curtis: Vice President and Co-owner of Furman Engineering which is located across the street. We are concerned that it may be turned into an eyesore. Part of the petition states that the property must be paved. The bulk of the land is grass with a big tree on the property. We have done work to help the appearance of our property. There are some car lots south. We do not want an eyesore in the area.

Mares: Question for staff. Is the variance due to the requirements from SOS to have the 2 uses or is this a county issue?

Harrison: This is a county issue. Regardless if SOS would require us to sign off or not this would be considered 2 uses, sales & a transportation company.

Mares: Is the property large enough to accommodate both businesses if the lots would be separated?

Molly: It was staff's recommendations not to allow the 2 uses due to the size of the lot which is a total of .288 acres.

Fields: If I don't sell a car on the land why do I need the zoning?

Molly: If you are not to sell cars on the land then what are you going to do on the land?

Fields: It is my Transportation Company and I just want to be able to keep my dealer's license. I did not know this was an issue until I found out that the state no longer allows wholesale license.

Molly: You will have the transportation company and want to sell cars.

Fields: I don't want to sell cars on the lot. I can sell them on the internet or at an auction.

Spiro: So this will only be EZ Transportation?

Fields: If this is an issue to wanting a car lot then that is ok. I don't have to put a car on the lot for sale. I can drive them to an auction.

Herbert: You need the license to get the cars associated with the business?

Mares: If the variance is granted then it continues with the land, correct?

Molly: Yes.

Herbert: If we allow the two use and they move then the new owners could sell cars on that land? Is there a restriction we can apply?

Mares: It doesn't appear that way.

Mares: If we recommend approving, this will need to go to county board. It will still be zoned to sell vehicles?

Molly: Yes, The transportation company and car sales.

Chimento: Will they be required to pave the lot?

Harrison: They request a variance to have one year to pave the lot.

Molly: Staff recommended denial of that request.

Chimento: Why are they required to pave? Is it because they are in business there?

Joel Tjelmeland: That is a requirement by SOS.

Spiro: I am for paving.

Mares: Is there any way we can make the two uses work on the property? Would there be a way to subdivide to accommodate both uses, or is it too small?

Chimento: Yes.

Herbert: The car lot that is a block away, what is that zoned?

Chimento: B2.

Fields: Is there a difference between having a variance there? Is it the same situation?

Harrison: No, that is one use. It is just a car lot.

Chairman Chimento read the staff recommendation.

STAFF RECOMMENDATION: Recommend approval of the requested B-2 zoning. The block in which the subject property is located is mixed zoning and uses. The subject property is zoned B-1. To the south and on the corner to 11th Street and Bruce, the County Board granted B-2 zoning (Zoning Case 1999-18) with a reduction of the required transitional yard requirements. Granting the more intense business zoning has resulted in creating a trend toward more intense business zoning and uses in this block face.

Recommend denial of the two principal uses (a transportation company and the sales of vehicles previously used by the transportation company) on the subject property. While the B-2 zoning is consistent with the trend of development in that block face, the intensity of the two (2) proposed uses is likely to have a negative impact on the residences to the east and south. The Springfield Comprehensive Plan calls for the area to be a redevelopment area that includes: "mixed uses (residential, office/service, commercial) meeting stringent design guidelines to replace blighted or obsolete uses along major arterials." One of the issues to consider related to "design guidelines" would be the intensity of the use and the impact on the surrounding area. Staff finds that the two (2) proposed uses would be too intense for the immediate area given the small size of the subject property. The Standards for Variation are not met.

Recommend denial of the requested variance to not meet the paving requirements of Chapter 17.50.060(A) for a period of one (1) year. No particular hardship or

circumstances unique to the property were presented in the petition to warrant granting the requested variance. The Standards for Variation are not met.

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

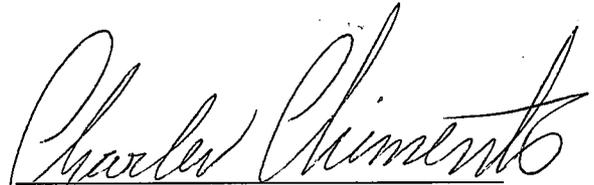
Committee Member Wulf seconded the motion.

Motion carries 5/0/0

Meeting adjourned.

Respectfully submitted,


Recording Secretary


Chairman

Minutes of June 16, 2016

Full record of minutes available upon request in the Zoning Department