

**Sangamon County, Illinois**  
**ZONING BOARD OF APPEALS**

The Zoning Board of Appeals met on March 17, 2016, at 7:00 P.M. in the County Board Chamber in the County Complex.

**ATTENDANCE**      **(X) denotes present**

<b>(x) Chairman Chimento</b>	<b>(x) Committee Member Mares</b>
<b>(x) Committee Member Wulf</b>	<b>(x) Committee Member Herbert</b>
<b>(x) Committee Member Spiro</b>	<b>(x) Alt. Committee Member Lucchesi</b>
<b>(x) Alt. Committee Member Dobrinsky</b>	

**STAFF PRESENT:**

Molly Berns, Senior Planner, Spfld-Sang County Regional Planning Commission  
Steve Keenan, Associate Planner, Spfld-Sang County Regional Planning Commission  
Dan Mosher, Assistant States Attorney, States Attorneys Office  
Trustin Harrison, Zoning Administrator, Sangamon County Zoning

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Chairman Chimento called the meeting to order.

Chairman Chimento states first on the agenda is to approve the minutes of the February meeting.

**Committee Member Wulf made a motion to approve the minutes for the February meeting.**

**Committee Member Mares seconded the motion.**

**Motion carries 5/0/0**

**Chairman Chimento stated that the meeting will begin out of order and start with Kevin Miller.**

**Docket 2016-009 for property located at 2814 S 11<sup>th</sup> St., Springfield, IL 62703**

**PETITIONER(S):** Kevin Miller

**OBJECTOR(S):** Daniel Hamilton of H.D. Smith

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

REQUESTING: A rezoning from “R-2” Single-Family and Two-Family Residence District to “RM-4” Manufactured Home District.

Kevin Miller was sworn in.

Kevin Miller stated he would like to put a mobile home on the current lot for his daughter.

Chairman Chimento asked if there were any objectors. Chairman

Daniel Hamilton is representing H.D. Smith who currently owns the lot across from Mr. Miller. They are opposed because it does not comply with the City of Springfield’s 2020 comprehensive plan. The commercial park is currently growing. The residential area needs to be uniform. They do not feel that a M.H. in the middle of the block would be uniform zoning.

Kevin Miller stated that the block does have M.H. located on it and near it.

Chimento read the staff recommendation.

STAFF RECOMMENDATION:

Recommend denial. Parts of the east side of 11th Street were rezoned to RM-4, B-1, and B-3 in the 1970s. This leads to a mix of zoning in the general vicinity of the subject property, with the business classifications clustered near the intersections of Culver and Knox Avenues with 11th Street. However, most of 11th and 12th Streets between Culver and Knox are single-family residences. The Springfield 2020 Comprehensive Plan calls for this segment of 11th Street to be a redevelopment area which is defined as “mixed uses (residential, office/service, commercial) meeting stringent design guidelines to replace blighted or obsolete uses along major arterials.” The plan further cautions against new piecemeal development. Zoning the parcel RM-4 for the purposes of a mobile home is considered to be piecemeal development which would restrict possible planned development along the 11th Street corridor and is contrary to good planning principles.

**Committee Member Mares made a motion to accept staff recommendations.**

**Committee Member Wulf seconded the motion.**

**Motion carries 5/0/0**

**Docket 2016-010 for property located in 1000 & 1100 Blocks of Farley Rd. and in the 8600 Block of old Jacksonville Rd., Pleasant Plains, IL 62677**

PETITIONER(S): Janice D. Park

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTING: For Proposed Parcels 1, 2 & 3: a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District; for Proposed Parcel 3: 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 4: a variance to allow one (1) parcel less than forty (40) acres

Janice Park was sworn in.

Bob Riser Coldwell Banker, he is the broker/realtor for Ms. Park. This is an addition to the previous petition 2015-048. Would like to add to the original petition.

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

STAFF RECOMMENDATION:

Recommend approval. This case is an expansion of Zoning Case # 2015-048. In December 2015, staff recommended denial of the petition in Zoning Case # 2015-048. On December 17, 2015, the Zoning Board of Appeals [ZBA] voted not to concur with staff and to recommend approval of the requested R-1 zoning and variance, finding that the hilly nature of the ground rendered it unlikely to be economically converted to farmland. On January 12, 2016, the County Board voted to approve the requested R-1 zoning and variance in Zoning Case # 2015-048. Subsequent to the County Board action, the petition for Zoning Case # 2015-048 was found to contain a defective legal notice because it did not include a new approximately seventeen point four (17.4)

**Committee Member Spiro made a motion to accept staff recommendations.**

**Committee Member Mares seconded the motion.**

**Motion carries 5/0/0**

**Docket 2015-047 for property located at 14670 Nave Rd., Mechanicsburg, IL 62545**

PETITIONER(S): William & Christie Rinker

OBJECTOR(S): Daniel Hamilton (Cooper Township), Clint Gabriel (Road Commissioner), Mike Benz

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTING: A rezoning from "A" Agricultural District to "B-1" Neighborhood Business District; a variance to allow four (4) principal uses on one (1) parcel (Single-Family Residence, dog obedience training/kennel, horse boarding/breeding, and a camping & tent park); a variance to allow a single-family residence in the B-1 District; a variance to allow agricultural uses in the B-1 District; a variance to allow the parking area to remain grass rather than being paved; and, a Conditional Permitted Use to allow a camper and tent park

Auggie Appleton is present counsel for the William and Christie Rinker

Chairman swore in William and Christie Rinker

Dan Mosher, Assistant States Attorney, States Attorneys Office request point of order. The petition was remanded back from the County Board to the ZBA. All testimony from the previous hearing is on record and does not need to be stated again. The petition was remanded due to a letter received by the County Board prior to the County Board meeting. This letter may be entered in as part of the petition. Dan also stated that an email was sent from the Rinkers directly to the ZBA committee. This type of communication is not appropriate. This is a quasi judicial body and may be considered ex parte communication. He asked that the email information not be consider as testimony but may be entered into the record since he is discussing the matter now. Petitioner is free to testify of the information in email but the public has the right to the information in the email.

Auggie Appleton stated that his client was unaware of any ex parte communications but the subject of the email has some important information.

Ag use for horse boarding and up to (4) uses and dog kennel of up to (10) dogs. A variance for the dog training and agility. The proposed use is Ag uses. Requesting (8) dog agility trials per year. Limitation of the size is based on a judge that is over the events. 350 runs per day, approx. 35 dogs per day, 35 people on the property at a time and 25 cars. 3-4 classes per week 10 people and 10 dogs per night. Proposed parking is primary grass with a proposed 480 sq. ft of gravel. Remove RV and Camping. Road usage, they have a letter from an engineer that the road could handle a load up to 80,000 lbs. The impact of the neighbors, they have a buffer of trees on both sides of the property. In the past years they have had events with the number of up to (14) w/ (21) dogs.

Member Mares asked if 911 compliance has to have access 24/7 for emergency response. Does the current conditions meet the 911 compliance requirements.

Molly Berns stated that staff is concerned with road width.

Member Mares asked if the additional information has changed staffs opinion.

Molly stated that the staff recommendations are the same as presented at the January 2016 County Board meeting.

Chairman Chimento asked if there were any objectors.

Dan Hamilton is representing Cooper Township, he requests to reincorporate the previous testimony. They are concerned with the size of the road and the makeup of the road. The size limits one car at a time. Oncoming traffic may present a safety hazard. The road is not used by semis since it is a dead end road. Other concerns of Public Health for sanitation and public load on the electrical infrastructure.

Mike Benz was sworn in as an opponent.

Mike Benz is representing other neighbors as well. Mike read from the staff recommendation and concurred.

Catherine Gasser was sworn in as proponent.

Catherine Gasser participates in the activities that take place on the property. No noise during the agility trials. She stated that the neighbor disturbs others at night with a chain saw and 4-wheeler. The average age of people who attend the dog agility is 60.

Dan Hamilton feels that the safety of the road has been over stated and that this is agriculture land and supports access for the cropland.

William Rinker stated he had made a mistake by putting dog training in his letter. He feels that they should have use obedience instead. Herding needs to be located in the Ag zoning. Additional dog obedience such as police dogs etc. may be trained within a city but dog herding requires additional farm animals.

County Board member Linda Fulgenzi asked what was the number of dogs for herding during the event that was presented to the zoning staff.

Christie Rinker stated that some of the events were cancelled due to muddy conditions.

William stated that 3-4 sheep up to 18 along with 5 cows and 3 bulls.

Linda asked how many dogs and how long.

William, one at a time, can only work a dog for a minute of its age. Usually 2-3 minutes at a time.

Linda asked, if the condition would have been ok, how many animals would have been involved in the last event.

William 2 dogs from one person.

Linda, how many were present for the dog agility? And where did they park.

Christie, 6 people with 2-3 dogs per person, about 10 dogs for the day. The events ended by about 3pm. And most people were gone by 4pm. The parking took place next to the agility park. This keeps the dog crates which are located in the contestant's vehicles close to the events.

Linda, are the type of vehicle SUV or vans?

Christie, Yes

County Board member David Mendenhall stated that he wanted all of the testimony to be fair and accurate, he stated that no farmers or semis use this road due to the fact it is 11' wide. They would not be able to turn around.

Mares questioned the statement that the impact would not be anymore that a Sunday morning worship. He feels that this would be more intense and the traffic would be greater.

Appleton's rebuttal was to make an analogy that the number of cars and traffic at a church service would be similar to an event.

Clint Gabriel was sworn in as an opponent.

Clint Gabriel, Cooper Township Commissioner. The maintenance of this road would increase if this is approved. The avg. number of cars per day would be approx. 16 cars per day. This is a dead end road approx. 11' wide with a 6' deep drainage ditch off the side. Semis and implements do not travel this road.

Mares asked staffs opinion has changed?

Molly stated that no new testimony has influenced a change in their recommendations.

Chimento stated that the January recommendation will not change.

#### STAFF RECOMMENDATION:

Recommend denial of the requested B-1 zoning classification. The LESA score of 196 indicates the property is suitable for agricultural use only. The property is developed with a single-family residence, several barns, and other improvements of an agricultural

nature. Most of the B-1 uses would be considered to be too intense and inappropriate for the area.

Following the initial staff opinion on the first petition for this case, the petitioner submitted a revised proposal dated December 14, 2015. This second proposal indicated a substantive increase in the number of agility events and the types of dog operations on the subject property, suggesting a much larger impact than initially proposed. Staff has significant concerns pertaining to the requested increase to the number of dog agility events and dog operations on the subject property.

The revised proposal is silent as to how many people might be on the subject property from all activities at capacity. Both the petitioner's attorney's letter (Page 1 of 2) and Attachment 1 (Page 2 of 3) indicate twelve (12) dog agility trials per year, however, neither references the combined number of people and animals that might be on the subject property from one dog agility event plus if all the various dog training courses were to occur simultaneously on the subject property. Because of this staff is unable to make infrastructure determinations, (e.g. septic field sizing and sizing of paved parking areas) related to scale of operations and likely impact on the character of the surrounding area to adequately determine if the proposal would be detrimental. As the subject property sits on a rough, narrow road, and is on well and septic rather than public sewer and water, until further information is provided to adequately gauge possible intensity of use, staff believes it is premature to recommend approval of a use variance to allow more dog agility events than was initially proposed. Therefore, staff recommends denial of the Use Variance request pertaining to dog agility events on the subject property.

In the alternative to the requested B-1 zoning, staff recommends approval of a Use Variance to grant 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). Staff notes the following special circumstances related to the subject property: (1) the subject property is currently zoned Agricultural, which allows horse breeding and boarding and single-family residences as of right; and, (2) a dog kennel business is a Conditional Permitted Use [CPU] in the Agricultural District, indicating the County Board thought it an appropriate use with conditions.

Recommend denial of the requested CPU to allow a camper and tent park. As noted, the sole access to the subject property is a narrow, somewhat substandard road. Staff has concerns for public safety access to a potential camper and tent park if events bring a large number of vehicles to the area. Staff also has concerns regarding whether an RV park is compatible with the subject property, given that RVs have definite water and sewage impacts and that vehicular access will be on a narrow and sub-standard road.

Recommend denial of the requested variance to not pave the parking area. The revised information dated December 14, 2015, increased the scope of the petitioner's request in terms of the number of people and vehicles that could be visiting the property through the petitioner's multiple businesses. Based on inadequate information, it would be impossible

to verify the number of parking spaces actually needed at this time. Due to the narrow width of Nave Road, on-street parking is not a viable option.

AMENDED: Staff amends the recommendation to delete the last paragraph above and replace it with the following: After a review of the ordinance, staff finds that the variance is not needed. While the ordinance does not apply, staff finds that the lack of an adequate parking plan to adequately provide on-site parking for the multiple uses proposed, that there would be a negative impact on the neighboring properties and the roadway.

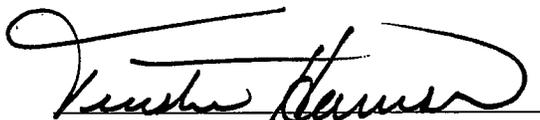
**Committee Member Mares made a motion to accept staff recommendations.**

**Committee Member Wulf seconded the motion.**

**Motion carries 5/0/0**

Meeting adjourned.

Respectfully submitted,

  
Recording Secretary

  
Chairman

Minutes of March 17, 2016

Full record of minutes available upon request in the Zoning Department