

Sangamon County, Illinois
ZONING BOARD OF APPEALS

The Zoning Board of Appeals met on October 20, 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	() Alt. Committee Member Lucchesi
(X) 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
Emily Prather, Associate 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 August Minutes

Committee Member Wulf made a motion to accept the August meeting Minutes.

Committee Member Mares seconds the motion.

5/0/0

Docket 2016-027 for property located at 441 N. Dirksen Parkway, Springfield, IL 62702

PETITIONER(S): Jerry Stasukinas

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: B-3 General Business District with a CPU for package liquor.

REQUESTING: Petitioner requests a Conditional Permitted Use for a tavern and, a variance to allow the tavern property line to be less than one hundred (100) feet from a residence (approximately 4 feet).

Sherry Smith & Matt Gietl was sworn in.

Chimento: What would you like to do?

Smith: We would like to request a change in zoning to allow a tavern.

Gietl: We need a liquor pour license to open up a gaming establishment, we currently have three other locations located in Springfield also known as Miss Kimmies. We would also like to remove the package liquor CPU that is currently with the property.

Andrew Spiro: Is this associated with the Parkway Pub?

Gietl: No. We are approx.. a block to the north.

Spiro: It's not in the same strip mall?

Gietl: No.

Tony Mares: You currently have a Package liquor CPU?

Smith: Yes

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

STAFF RECOMMENDATION: Recommend approval of the requested Conditional Permitted Use with the following conditions: (1) the tavern is limited to no more than 700 square feet, as per the site plan page A1 dated July 19, 2016 attached to the petition; (2) the hours of operation are limited to the Sangamon County liquor license; and, (3) no live entertainment or outdoor seating are allowed. The structure is commercial in nature and is located along a busy commercial arterial roadway. The size restriction, as well as prohibitions on live entertainment/outdoor seating and limitations on the hours of operation, could help mitigate potential negative effects from the proposed tavern. A CPU for package liquor (including a drive-up window) on the subject property (Zoning Case # 1999-28) and a CPU to allow a tavern across Dirksen from the subject property (Zoning Case # 1994-10) have been granted by the County Board at this intersection.

Recommend approval of the requested variance. Conditions are suggested for the CPU for the tavern regarding hours of operation, size, live entertainment, and outdoor seating to help minimize potential negative effects on the character of the area. It is unlikely the proposed use will impair an adequate supply of light in the area. The limited size of the tavern could help minimize potential traffic congestion and property value concerns. The Standards for Variation are met.

Molly Berns: Question for the petitioner. Is it your testimony tonight that you want to remove the current CPU for package liquor.

Gietl: Yes, we would like to remove the package liquor and have just a pour license.

Molly: For that action to occur you will need to verbally amend your petition to remove the cpu for package liquor.

Smith: I would like to request to remove the package liquor cpu.

Dwayne Gabb: As a point of order a vote for the amendment would need to occur first and then a vote of the amended petition.

Committee Member Wulf made a motion to accept the amended petition.

Committee Member Mares seconded the motion.

Motion carries 5/0/0

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

Committee Member Chimento seconded the motion.

Motion carries 5/0/0

Docket 2016-030 for property located at 2532 Ridge Ave., Springfield, IL 62702

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

OBJECTOR(S): Nicholas Jannazzo

PRESENT ZONING CLASSIFICATION: B-3 General Business District.

REQUESTING: Petitioner requests a variance to allow two (2) uses on one (1) parcel (convenience store with a drive up window and auto service).

Abdallah Hussein was sworn in.

Chimento: What would you like to do?

Ab: I am asking for a variance for two uses.

Chairman Chimento asked if there were any objectors.

Nick Jannazzo was sworn in.

Nick: My understanding is they would like to install a drive up.

Jason Ratts: Mr Jannazzo is not aware of the new information of the new plan.

Nick: Ridge Rd. is rock and oil with no curving. When vehicles are being dropped off they have blocked off the traffic. The entrance is where the bus stop is located. Today kids were walking along Milton. Milton only has one lane of traffic for each direction.

Chimento: On Ridge?

Nick: Where the garages are located is Ridge. The road is not as wide as a two lane road.

Spiro: The new plan corrects the initial concerns of traffic and parking. Now the flow in will come from Milton and exit on Ridge.

Nick: Correct.

Ab: The west half of our property is paved and has curving. We proposed to close the north entrance of Milton. Many people currently cross our property from Ridge to Milton to avoid North Grand. This plan will stop that activity.

Mares: Question for staff. Closing Milton entrance, does that include county approval or 911.

Steve: I can only speak for staff recommendations. I believe Milton is a township road and the recommendations are made based on the closing of that entrance. And can not speak of any 911 issues.

Spiro: Who will take care of closing the entrance? Will you do it or the township?

Ab: We will put in permanent parking curve on our driveway.

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) including the drive up window. The subject property had a previous case (Zoning Case # 2016-023) heard at the July Zoning Board of Appeals meeting. Staff had concerns with the parking plan regarding traffic flow, negative traffic impacts (loss of parking), and stacking distance. The petitioner withdrew the request for Zoning Case # 2016-023 after the July meeting. The petitioner then filed a new case (Zoning Case # 2016-030) with a revised parking plan that indicates approximately 26 parking spaces (23 are required), a 95-foot stacking distance, and a partial one-way traffic flow from Milton through the drive up window with egress to Ridge Avenue. The northern access point onto Milton is now proposed for closure. The revised parking plan appears to address previous concerns with negative traffic impacts (loss of parking spaces) and stacking distance. Staff does continue to have

some concerns regarding traffic flow on the site and potential vehicular conflicts; however, the revised parking plan appears to have less impacts than the previous plan. Therefore, staff recommends the following conditions: (1) the eastern three (3) parking spaces located closest to the drive up window shown on the site plan submitted with the petition are striped and signed for parallel parking and restricted to employees only; (2) the northern entrance onto Milton is closed with a permanent barrier as shown on the parking plan submitted with the petition prior to opening the drive up window; and, (3) the parking space nearest the northwest corner of the convenience store as shown on the parking plan submitted with the petition is removed to decrease the likelihood of vehicular conflicts with egress from the drive up window. The Standards for Variation are met.

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

Committee Member Mares seconded the motion.

Motion carries 5/0/0

Docket 2016-031 for property located at 3300 J David Jones Parkway, Springfield, IL 62707

PETITIONER(S): Illico Inc.

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: B-3 General Business District with a CPU for package liquor.

REQUESTING: Petitioner requests a Conditional Permitted Use for a tavern.

George Mullin was sworn in.

Chimento: What would you like to do?

George: We would like a CPU for a tavern.

Chimento: What do you want to do with it?

George: We want the old A&W to be a restaurant and tavern.

Chimento: What are the hours of operation?

George: We will operate within the hours of the license.

Mares: This is the gas station across from the airport correct?

George: Yes.

Mares: It's a small building, how many gallons of diesel do you sell?

George: We do not have any diesel pumps.

Mares: Are you looking for a gaming license.

George: No.

Mares: I pass by quite a bit and noticed it is pretty busy the way it is. Do you own the home next to it?

George: Yes. Nothing is within the structure.

Mares: The 700 square feet is just for the restaurant. Where is it going to be?

George: About three years ago we remodeled the property and at that time we built a wall separating the restaurant from the convenience store. With shared access to the restrooms. We have tried to lease out the space with no luck. We decided to do this ourselves.

Mares: The entrances will be what you currently have?

George: Yes, they both have their own entrance and will have separate hours of operation. We treat that as a little strip center. We will have plenty of parking.

Linda Fulgenzi: The restaurant will serve liquor and the convenience will serve package liquor?

George: Yes.

Linda: Have you applied for any additional license before? For a tavern?

George: No.

Mares: So you have no interest for video gaming?

George: Not at this time. Currently we are barely profitable so this is an effort to increase the profitability. I am not saying that will not look at that in the future. It will depend on how this effort works. That is not our primary goal.

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

STAFF RECOMMENDATION: Recommend approval of the requested Conditional Permitted Use with the following conditions: (1) the tavern is limited to no more than 700 square feet, as per the Building Existing Floor Plan submitted with the petition; (2) the hours of operation are limited to the Sangamon County liquor license; and, (3) no live entertainment or outdoor seating are allowed. The petitioner is requesting the Conditional Permitted Use for a tavern to be located in the restaurant area of the existing building.

Committee Member Herbert made a motion to accept the staff recommendations.

Committee Member Spiro seconded the motion.

Motion carries 5/0/0

Docket 2016-032 for property located at 321 N. Dirksen Parkway, Springfield, IL 62702

PETITIONER(S): Discount Smoke Shop

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION:

REQUESTING: Petitioner requests a Conditional Permitted Use for the sale of packaged liquor in a tavern, a Conditional Permitted Use for the sale of packaged liquor in a smoke shop, a variance to allow a package liquor store property line within one hundred (100) feet of a residence.

Christopher Rand was sworn in.

Chimento: What would you like to do?

Rand: I would like to have a CPU for package liquor and a variance to be within 100' of a residence.

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

STAFF RECOMMENDATION: Recommend approval of the Conditional Permitted Use (CPU) for Lots 66, 67, 68, and 69 to allow package liquor sales in a tavern, and Lots 70, 71, and 72 to allow package liquor sales within a retail tobacco store providing that the hours of operation for the package liquor sales are governed by the Sangamon County liquor license. The existing tavern (Parkway Pub) was granted a liquor license to allow package liquor sales within a tavern a number of years ago. Granting the requested CPU will bring the property into compliance with the zoning ordinance. Allowing package liquor sales within a retail tobacco store should not create an additional adverse impact on

the area as the entrances to the uses on the subject properties front on Dirksen Parkway, a commercial arterial roadway where more intense commercial uses are to be expected and for which the existing zoning classifications are consistent with allowing such uses. In addition, a street (Colby) separates the residences to the west from the businesses located on the subject property. A CPU was granted for a package liquor sales with a drive-up window in Zoning Case # 1999-28 for property located at 441 N. Dirksen Parkway which is located approximately two (2) blocks to the north. As such, this action set a trend in the area to allow the use. Zoning Case # 2014-22 denied package liquor sales at 501 Dirksen Parkway.

Recommend approval of the requested variance to allow package liquor sales within 100 feet of a residence. The street (Colby) acts as a buffer between the residential area to the west and the proposed package liquor establishments. In addition, Zoning Case # 1995-2 which granted the Conditional Permitted Use for a tavern required that a privacy fence with no opening be constructed to the rear of the building. The fence remains in place. The Standards for Variation are met.

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

Committee Member Herbert seconded the motion.

Motion carries 5/0/0

Docket 2016-033 for property located at 636 N. Wesley, Springfield, IL 62702

PETITIONER(S): Steven & Diana Griffitts

OBJECTOR(S): None

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

REQUESTING: Petitioners request a rezoning from “R-2” Single Family and Two Family Residence District to “B-3” General Business District.

Tom Sonneborn and Steve Griffitts was sworn in.

Sonneborn: The Griffitts had purchased this property in 1990 and the office has been operating since then. He had been notified by the zoning office that the property was not in compliance and would need a zoning change. We have received the staff recommendation and concur except for one thing. The last condition states that only one customer may be able to meet at this location at one time. We feel that this language could cause possible concerns in the future. I understand the concerns for parking and not the number of people located at a time. This is not a retail store.

Mares: Question for staff. Have there been any concerns from neighbors.

Harrison: No complaints at this time.

Wulf: How often would someone show up to pay a bill?

Steve: Maybe once a month.

Linda: would a customer be considered a husband and wife and not two customers?

Harrison: The zoning office would look at what Linda had stated we would look at this as one vehicle as one customer.

Wulf: How many cars would be parked there with employees and staff?

Steve: 2 or 3.

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

STAFF RECOMMENDATION: Recommend denial of the requested B-3 zoning. The petitioner wants to use the subject property as an administrative office for a contractor's business, which has operated at this location since 1990 according to the petition. The list of uses permitted in the B-3 district is too intense for this residential area. However, the subject property is a long-standing neighborhood office in the R-2 district, which seems to be a mitigating factor that could warrant a Use Variance. Therefore, staff recommends approval of a Use Variance to allow a contractor's office in the R-2 district with the following conditions: (1) no outside equipment or material storage of any kind is allowed; (2) no retail store or showroom that is accessible to the public is allowed; and, (3) no more than one (1) customer is allowed to meet or park on the premises at any given time. The rationale for the last recommended condition is to mitigate the limited off-street parking available on the subject property.

Molly: Per the petitioners request staff will amend the recommendations of the next to last line that refers to no more than one (1) customer is allowed to meet or park. We will remove "meet or" to meet this request.

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

Committee Member Mares seconded the motion.

Motion carries 5/0/0

Docket 2016-034 for property located at 386 S. Koke Mill Road, Springfield, IL 62711

PETITIONER(S): Koke Mill Properties, LLC

OBJECTOR(S): None

PRESENT ZONING CLASSIFICATION: A Agricultural District with a Use Variance for a real estate and rental business, storage related to the business, and a second story apartment; and, a Use Variance for construction and business offices, a job print shop, and indoor storage of construction equipment.

REQUESTING: Petitioner requests a rezoning from "A" Agricultural District to "O" Office and College District, a variance to allow two (2) uses on one (1) parcel (offices and an apartment on second floor), a variance to allow a portion of the parking to remain unpaved (rock) approximately eight thousand five hundred (8,500) square feet, and a variance to allow twenty seven (27) parking spaces instead of the required thirty seven (37) parking spaces.

Alex Rabin & Rob Cameron was sworn in.

Alex: Mr. Cameron is the sole owner of the subject property. He would like to have an office building that has on residential apartment. And a variance for the parking to remain unpaved. We have read and accept the recommendation with the exception that he have plenty of time to meet the paving requirement.

Chimento: How many people do you have employed?

Rob: My office has 6 and we lease space up to 7 additional individuals. A total of 13 may be present one time.

Wulf: Asking for plenty of time doesn't mean anything. How much time would you like to have.

Rob: Ideally, I would like to have 5 years, if you would grant me that much.

Mares: Upon inspection the property is currently rock, correct? And close to the building is concrete?

Rob: Correct.

Mare: You will finish the rock area and pave?

Rob: Correct, the rock area if for employees and the concrete is for customers.

Mares: Staff, what is the usual recommendations as far as meeting with ADA recommendations?

Steve: Generally they will need to pave.

Mares: I know we have made exceptions in the past, what would the time limit be?

Steve: It tends to vary by the use.

Mares: In this case what would you allow?

Steve: Staff is not prepared to allow a longer term to pave.

Mares: 5 years sounds a little generous.

Molly: If I could add a little just for the historical perspective. In the past the county board and this body has allowed sometimes a year and sometimes 2. However the finding of fact determines the need. This is Koke Mill road and is highly traveled and is not a wide road. We generally look at rock coming out onto the road. Some of the previous variance the location has been in a more rural location. As Steve has stated that staff is not prepared to amend the recommendations. Of course this doesn't take into effect weather conditions. This is October and we understand that it may be next spring.

Rob: We have two sections that need to be paved. One section is between the current paving and the road and the other is in the rear. Your concern is for the front area. What if I took care of that portion first and finished the remaining within 2 years.

Steve: How large are these section?

Rob: Adjacent to the road is 34' by 40' and the remainder could be paved later.

Alex: I understand that staff cannot make that recommendation. We are asking that the Zoning Board allow us a reasonable time to pave.

Rob: The cost to pave is more that the bank is willing to allow. The overall cost is why I am asking for the variance. I will be able to get the area next to the road immediately and finish the remainder within two years.

Mares: Question for staff, based on the testimony you have heard what would your preference be.

Steve: Staff prefers that he pave at the present time. We would not like to change our recommendation at this time.

Spiro: Are we talking about the front area that is 52' x 69'?

Rob: No, the area is at the top. It's about 34' wide by 40'.

Harrison: Just for clarification, under the zoning ordinance. Oil and chip is not allowed.

Mares: is everything currently rented?

Rob: All but one space.

Herbert: how large is the costumer parking?

Rob: 10 spaces that will be used by customers. It is very rare to have more than 3 customers at a time.

Alex: Most of the spaces are rented by part-time people who work from home.

Spiro: Can we amend the recommendations?

Molly: If you can provide an alternative. If you choose to accept part of the recommendations and amend the portion related to the parking you will need to provide your own standards of variation to allow them a period of time to comply. That will need to be read into the record.

Mares: Question for staff regarding the testimony to this point. Other than financial reasons do you have any recommendations for the petitioner.

Steve: No.

Spiro: You stated that the bank would not loan the amount to finish the paving.

Alex: That is correct, he has several investments at this time.

Rob: The current remodeling has had over runs on the project and I currently have almost \$500,000 invested, which \$125,000 is mine and the remainder is from the bank.

Spiro: I would like to provide findings to allow a parking variance to pave the entrance which is approx.. 40' x 35' immediately with weather permitted and allow 18 months to pave the remaining area with weather permitted.

- (i) that 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.

Carrying out the strict letter of the law in paving the lot is limited by the owner's financing.

- (ii) that the plight of the owner is due to circumstances unique to the property and not generally applicable to other property in the area.

The property was purchased with a rock parking area and the attempted to pave it and will pave it.

- (iii) 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.

The requested variance will eventually reduce the amount of rock tracked onto Koke Mill, enhancing the character of the area.

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

STAFF RECOMMENDATION: Recommend denial of the requested O zoning. The petitioner requests a rezoning to the O Office and College District to bring the existing office space and apartment unit into compliance. The LESA score of 107 indicates the property is acceptable for non-agricultural development. Staff believes the list of permitted uses in the O District is too intense for this area. Although the property is unincorporated, the Springfield Comprehensive Plan indicates the area should remain mixed density residential. In the alternative, staff recommends a Use Variance in the A district to allow offices and one apartment unit on the second floor. This would bring the property into compliance while also remaining consistent with an over twenty year trend of granting Use Variances for office uses on the subject property.

Recommend approval of the requested variance to allow two (2) uses on one (1) parcel (offices and an apartment on the second floor). Given the mixed character of the area and the history of Use Variances on the subject property, no negative impacts are anticipated. The request will not likely alter the essential character of the area.

Recommend approval of the requested variance to allow twenty-seven (27) parking spaces instead of the required thirty-seven (37) parking spaces. The subject property's topography slopes down toward the residences to the east. This topography provides a natural buffer between these residences and the subject property. Requiring more spaces, especially as the lot appears to be underutilized, could have the effect of reducing this buffer, thereby creating more headlight glare for the residences to the east.

Recommend denial of the requested variance to allow a portion of the parking area to remain unpaved (rock) approximately eight thousand five hundred (8,500) square feet. Paving will help the internal vehicular circulation and could decrease the risk for accidents on the subject property. The Standards for Variation are not met.

The ZBA amends the staff recommendation for the last paragraph and recommends approval for a parking variance to allow the front entrance to be paved immediately with the weather permitted (approx. 40'x35') and 18 months to pave the remainder parking with weather permitted.

Committee Member Spiro made a motion to accept the staff recommendations with exception to pave the 35 x 40 entrance immediately subject to weather and allow an additional 18 months to pave the remaining parking subject to weather.

Committee Member Chimento seconded the motion.

Motion carries 5/0/0

Committee Member Herbert made a motion to adjourn.

Committee Member Chimento seconded the motion.

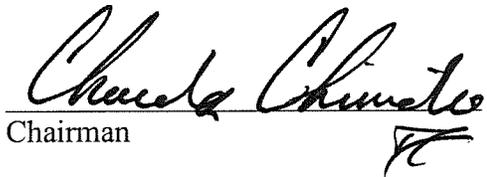
Motion carries 5/0/0

Meeting adjourned.

Respectfully submitted,



Recording Secretary



Chairman

Minutes of October 20, 2016

Full record of minutes available upon request in the Zoning Department