

CASE # 2005-12
RESOLUTION NUMBER 4-1

GRANTING A CONDITIONAL PERMITTED AND VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
3001 CLEAR LAKE AVENUE
SANGAMON COUNTY, ILLINOIS

WHEREAS, the Zoning Board of Appeals has presented to the Sangamon County Board, Sangamon County, Illinois, its Findings of Fact and Recommendation that the Sangamon County Board **grant a conditional permitted use and variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

Lots 119, 120 and 121 except the East 100' and except the South 7' of Lot 121 of Wanless Capital Heights Addition.

WHEREAS, the Petitioner, **Harper Oil Co.**, has petitioned the Sangamon County Board for a **conditional permitted use to allow sale of package liquor and a variance to allow the property line to be within 100' of a residential structure;** and

WHEREAS, a public hearing was held at the Sangamon County Building on **March 17, 2005**, after proper notice was posted on said property and given by news publication, as is required by said Ordinance, and all procedural and jurisdictional requirements of the Sangamon County Zoning Ordinance have been met; and

WHEREAS, the Sangamon County Zoning Board of Appeals has presented to the Sangamon County Board of Sangamon County its Findings of Fact and Recommendation that the Sangamon County Board **grant the conditional permitted use and variance;** and

WHEREAS, the Sangamon County Board does hereby adopt the recommendation of the Sangamon County Zoning Board of Appeals.

FILED

APR 01 2005

Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 11th day of April, 2005 that the request for a conditional permitted use to allow sale of package liquor on the above described property and a variance to allow the property line to be within 100' of a residential structure is hereby approved.

Signed and passed by the Sangamon County Board in session on this 11th day of April, 2005.

Respectfully submitted,

PUBLIC HEALTH, SAFETY & ZONING
COMMITTEE OF THE SANGAMON COUNTY BOARD



DAN VAUGHN, CHAIRMAN

ABE FORSYTH

BILL MOSS

TYRONE PACE

TIM MOORE

DON STEPHENS

ATTEST:



SANGAMON COUNTY CLERK



COUNTY BOARD CHAIRMAN

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 9 NAME: Sarah Musgrave

DOCKET NUMBER: 2005-12

ADDRESS: 3001 Clear Lake Avenue, Springfield, IL. 62702

PETITIONER: Harper Oil Co.

PRESENT ZONING CLASSIFICATION: "B-3" General Business District

REQUESTED ZONING CLASSIFICATION: "B-3" General Business District with a conditional permitted use to allow sale of package liquor and a variance to allow the property line to be within 100' of a residential structure.

AREA: .81 acre

COMMENTS: None

OBJECTORS: Yes

PLANNING COMMISSION RECOMMENDATION: Recommend approval

SANGAMON COUNTY BOARD OF APPEALS RECOMMENDATION: Approval



RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: **2005-12**
 Harper Oil Co.)
)
) PROPERTY LOCATED AT:
) **3001 Clear Lake Avenue**
) **Springfield, IL. 62702**
)

RECOMMENDATION OF THE BOARD OF APPEALS

THIS MATTER, Coming on for a hearing before the Sangamon County Zoning Board of Appeals of Sangamon County, Illinois, and it appearing to said Board that a petition for a **conditional permitted use and variance** of the Zoning Regulations of said County has been filed herein by the above captioned petitioner (s); that legal publication has been made pursuant to law; and that a public hearing was held on **March 17, 2005** pursuant to law; and that said Board took testimony of witnesses, examined the evidence, and otherwise being fully advised in the premises, therefore finds as follows:

1. That said Board has jurisdiction to consider the petition filed herein.
2. That the above-captioned petitioner(s) is the owner(s) and/or has a beneficial interest in or contract to purchase the property commonly known as **3001 Clear Lake Avenue, Springfield, IL.62702** and more particularly described as:

Lots 119, 120 and 121 except the East 100' and except the South 7' of Lot 121 of Wanless Capital Heights Addition

3. That the present zoning of said property is **"B-3" General Business District.**
4. That the present land use of said property is **Gas Station/Convenience Store with sale of packaged liquor.**
5. That the proposed land use of said property is **Gas Station/Convenience Store with sale of packaged liquor.**
6. That the requested **conditional permitted use** is: **to allow sale of package liquor with a variance to allow the property line to be within 100' of a residential structure.**
7. That required findings and standards of the Sangamon County Board of Appeals are accurately stated on the attached exhibit (s).
8. The evidence adduced at the hearing **does** support the proposition that the adoption of the proposed **conditional permitted use and variance** are in the public interest and is not solely in the interest of the petitioner (s).

IT IS, THEREFORE, the recommendation of the Sangamon County Zoning Board of Appeals to the County Board of Sangamon County that the requested **conditional permitted use and variance** be **approved.**

Charles Chimento
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **John Goleman** to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **approved**, which was duly seconded by **Patrick Somers.**

The vote of the Board was as follows:

YES: Charles Chimento, Donn Malwick, John Goleman, Patrick Somers, Marvin Traylor

NO:

ABSENT:

B. Amos
RECORDING SECRETARY

4-6



CASE #: 2005-12
 INDEX #: 14-25-379-012, 013, 014
 DATE: 3-7-05
 INSPECTED BY: DK LW

ZONING AMENDMENT CHECK LIST

PETITIONER: Harper Oil Co.
 ADDRESS: 3001 Clear Lake Avenue TWP. 16N RANGE 5 W SEC. 25 ¼ SEC. SW
 (OR NEAREST IDENTIFIABLE ROAD) TWP. _____ RANGE _____ W SEC. _____ ¼ SEC. _____
 CITY OR VILLAGE OR NEAREST ONE: Springfield

EXISTING ZONING: B-3 PROPOSED ZONING: B-3 with CPU & Variance*

LAND AREA: .81 acre ROAD FRONTAGE: 161 Lineal Ft. ROAD COND: Good
Milton - 219

EXISTING LAND USE: Gas Station/Convenience Store with sale of packaged liquor
 PROPOSED LAND USE: Gas Station/Convenience Store with sale of packaged liquor

TYPE OF STRUCTURE: Commercial CONDITION OF STRUCTURE: Good

EXISTING YARDS: Front 150 ft. 5/40 ft. Rear 15 ft.

SPOT ZONING: NA
 Yes No

- NEARBY LAND USE:
- a. To North Single Family Residence
 - b. To South City Park/Golf Course
 - c. To East Restaurant
 - d. To West Vacant

OTHER COMMENTS: * A Conditional Permitted Use is requested to allow the sale of packaged liquor and a variance is requested to allow the liquor store property line to be within 100' of a residential structure.

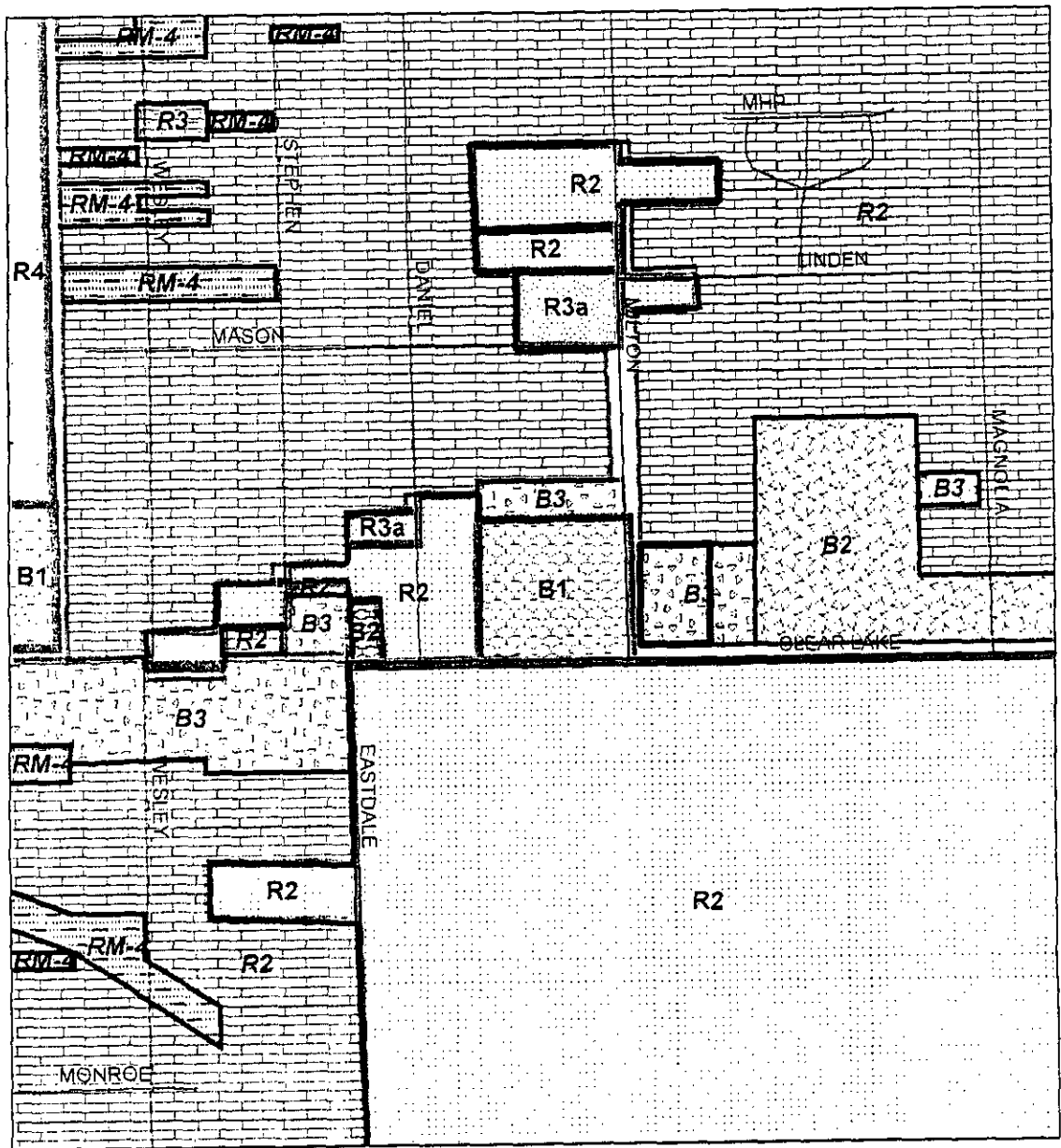
Staff Estimate of the Effect of the Amendment on the Area		None	Slight	Mod.	Great
CONTRASTS: CURRENT VS. PROPOSED	land use	X			
	Appearance	X			
	height	X			
	parking spaces	X			
PROBLEMS FORESEEN	drainage	X			
	sewer	X			
	traffic flow	X			
WILL USE INCREASE	pop. density	X			
	dwelling density	X			
	school pop.	X			
	traffic volume	X			



RECOMMENDATIONS: **Recommend approval.**

County Zoning

Case# 2005-012

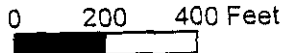


County Zoning

	RM-4		I1
	R3		I2
	R2		B3
	R1a		B2
	R1		B1
	OFF		A

City Zoning

	R5		H1		OFF
	R1		H2		PUD
	R2		H3		B1
	R3a		S1		B2
	R3b		S2		I1
	R4		S3		I2





RECOMMENDED FINDINGS OF FACT FOR CONDITIONAL PERMITTED USES

Case #: 2005-12

Address: 3001 Clear Lake Avenue

No conditional permitted uses shall be granted by the County Board unless the conditional permitted use:

- (i) Is so proposed that the proposed location, design and method of operation of such use will minimize the adjacent effects on the character of the surrounding area.

Packaged liquor has been sold at this location for some time with no complaints.

- (ii) Is so proposed to be operated, designed and located so that the public health, safety, and welfare will be protected.

Yes

- (iii) Will not cause substantial injury to the value of other property in the vicinity in which it is located.

It would appear not.

- (iv) In addition to the above general standards for all conditional permitted uses that may be allowed, no conditional permitted use listed below shall be granted unless the proposed use can meet the standards as noted:

- (a) Fairgrounds, public or private outdoor recreation centers - that the principal vehicle access for such use is located on a major thoroughfare or a secondary thoroughfare or within one-quarter mile of a major thoroughfare, that such use is so located as to draw a minimum of vehicular traffic to and through minor and collector streets in residential areas.

NA

- (b) Mobile home parks - must meet the requirements of Section III(R) Large Scale Development.

NA

- (c) Tourist home, motels, hotels - that the proposed use must be located on or within 400 feet of a major thoroughfare.

NA

- (d) Taverns and liquor stores - that the following distances be maintained: (1) schools - 100' from the property line of the school to the property line of the tavern or liquor store; (2) churches - 100' from the church building to the tavern or liquor store building; and (3) residences - 100' from the tavern or liquor store property line to the residential structure or institutional care facility.

A variance has been requested.



RECOMMENDED STANDARDS FOR VARIATIONS

Case #: **2005-12**

Address: **3001 Clear Lake Avenue**

The Zoning Board of Appeals shall not recommend to the Sangamon County Board that the regulations of this ordinance be varied as authorized in F. (1) hereof, unless it shall make findings of fact based upon the evidence presented to it in each specified case:

- (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.

There is no evidence of an economic hardship although it is acknowledged that most gas station/convenience stores in Springfield do sell packaged liquor.

- (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 operation does have a liquor license and has been selling packaged liquor for some time without any apparent negative impacts or complaints.

- (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.

No