

CASE# 2019-012  
RESOLUTION NUMBER 10-1

**GRANTING A REZONING, CONDITIONAL PERMITTED USE AND A VARIANCE**  
FOR CERTAIN PROPERTY LOCATED AT  
**2317 N. 5<sup>TH</sup> STREET, SPRINGFIELD**  
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 an amendment, Conditional Permitted Use and a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

**See Exhibit A**

WHEREAS, the Petitioner, **Jeff Mizeur**, has petitioned the Sangamon County Board for **Proposed Parcel 1: a rezoning from “R-2” Single-Family and Two-Family Residence District to “B-3” General Business District; 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 single-family residence (approximately seven and one-half (7.5) feet to the South); and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **April 18, 2019** 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 a rezoning, Conditional Permitted Use with conditions, and a variance;** and,

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

**FILED**

APR 30 2019

*Don J. Hays*  
Sangamon County Clerk

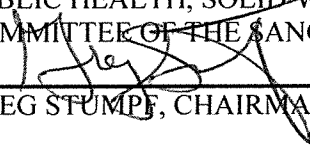
**NOW, THEREFORE, BE IT RESOLVED** by the County Board of Sangamon County, Illinois, in session assembled this 14<sup>th</sup> Day of May, 2019 that the requests for Proposed Parcel 1: a rezoning from “R-2” Single-Family and Two-Family Residence District to “B-3” General Business District; a Conditional Permitted Use for a tavern with the following conditions:

- 1) the tavern is limited to the existing building footprint of approximately 818 square feet as per the floor plan submitted with the petition, and
  - 2) the hours of operation are limited to the Sangamon County Liquor Ordinance;
- and, a variance to allow the tavern property line to be less than one hundred (100) feet from a single-family residence (approximately seven and one-half (7.5) feet to the South) on the above described property are hereby approved.

Signed and passed by the Sangamon County Board in session on this 14<sup>th</sup> day of May, 2019.

Respectfully submitted,

PUBLIC HEALTH, SOLID WASTE & ZONING  
COMMITTEE OF THE SANGAMON COUNTY BOARD

  
\_\_\_\_\_  
GREG STUMPF, CHAIRMAN

\_\_\_\_\_  
DAVID MENDENHALL, VICE CHAIRMAN

\_\_\_\_\_  
CRAIG HALL

\_\_\_\_\_  
SAM SNELL

\_\_\_\_\_  
ABE FORSYTH

\_\_\_\_\_  
JASON RATTS

\_\_\_\_\_  
LINDA DOUGLAS WILLIAMS

\_\_\_\_\_  
ANNETTE FULGENZI

\_\_\_\_\_  
LINDA FULGENZI

\_\_\_\_\_  
LISA HILLS

\_\_\_\_\_  
MIKE SULLIVAN

\_\_\_\_\_  
ROSE RUZIC

**ATTEST:**

\_\_\_\_\_  
SANGAMON COUNTY CLERK

\_\_\_\_\_  
COUNTY BOARD CHAIRMAN

**EXHIBIT A**

Lots Thirty-two (32), Thirty-three (33), Thirty-four (34), Thirty-five (35), Thirty-six (36), Thirty-seven (37), Thirty-eight (38), Thirty-nine (39), and Forty (40) of Roanoke Subdivision.

EXCEPTING THE FOLLOWING PORTIONS:

- 1) Commencing at the Northwest corner of said Lot Thirty-two (32); thence along the West line of said Lot a distance of 27 feet; thence proceeding Northeasterly to a point in the North line of said Lot 25 feet West of the East line of said Lot; thence West along the North line to the point of beginning;
  
- 2) Commencing at the Southeast corner of said Lot Thirty-two (32); thence North along the East line of said Lot to the Northeast corner of said Lot; thence West along the North line of said Lot a distance of 25 feet; thence Southeasterly to the point of beginning.

Except any interest in the coal, oil, gas and other minerals underlying the land which have been heretofore conveyed or reserved in prior to conveyances, and all rights and easements in favor of the estate of said coal, oil, gas and other minerals, if any.

Situated in Sangamon County, Illinois.

Parcel Numbers: 14-15.0-354-017 thru 14-15.0-354-024 and 14-15.0-354-030

AND

LOTS 41, 42, 43 AND 44 OF ROANOKE SUBDIVISION, BEING A SUBDIVISION OF ALL OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 16 NORTH, RANGE 5 WEST OF THE THIRD PRINCIPAL MERIDIAN.

All except any interest in the coal, oil, gas and other minerals underlying the land which have been heretofore conveyed or reserved in prior conveyances, and all rights and easements in favor of the estate of said coal, oil, gas and other minerals, if any.

All situated in the County of Sangamon, State of Illinois.

Parcel Number: 14-15.0-354-036

**RECAP**  
(For County Board Use)

COUNTY BOARD MEMBER: #17                      NAME: **Annette Fulgenzi**

DOCKET NUMBER: **2019-012**

ADDRESS: **2317 N. 5<sup>th</sup> Street, Springfield, IL 62702**

PETITIONER: **Jeff Mizeur**

PRESENT ZONING CLASSIFICATION: **“B-3” General Business District & “R-2” Single-Family and Two-Family Residence District.**

REQUESTED ZONING CLASSIFICATION: **Proposed Parcel 1: “B-3” General Business District; a Conditional Permitted Use (CPU) for a tavern; and, a variance to allow the tavern property line to be less than one hundred (100) feet from a single-family residence (approximately seven and one-half (7.5) feet to the South).**

AREA:     **1.6 acres**

COMMENTS:     **None**

OBJECTORS:     **None**

PLANNING COMMISSION RECOMMENDATION: **Recommend denial. The area from Sangamon Avenue to Browning Road has been converting from residential to commercial uses on the west side of the street. Given this trend, it would be acceptable to consider expanding B-3 zoning to encompass additional properties. However, staff has significant concerns that the properties lack all essential services to accommodate business/commercial uses. The property containing the structure to be converted into a tavern is already zoned B-3, but the petitioner proposes to utilize a cistern to supply the water to the proposed tavern. While this may be**

acceptable from a regulatory standpoint for the proposed use, staff finds that using a cistern to supply water to business/commercial uses is contrary to effective planning principles. In addition, the Standards for Variation are not met regarding allowing a tavern within 7.5 feet of a residence.

**AMENDED:** Recommend approval of the B-3 District. There is water service running to the residence on parcel -036. However, testimony was provided that CWLP has indicated that the water service would be discontinued if the house were to be demolished eliminating an ability for the business to obtain public water without annexing into the city. Annexing would render the proposed business moot. This will require the petitioner to utilize a cistern for water service which is a particularly unique circumstance. The area from Sangamon Avenue to Browning Road has been converting from residential to commercial uses on the west side of the street. Given this trend, it would be acceptable to consider expanding B-3 zoning to encompass additional properties. Recommend approval of a Conditional Permitted Use (CPU) for a tavern with the following conditions: 1) the tavern is limited to the existing building footprint of approximately 818 square feet as per the floor plan submitted with the petition and 2) the hours of operation are limited to the Sangamon County Liquor Ordinance. Recommend approval of the variance to allow a tavern property line to be less than 100 feet

**from a single-family residence. The Standards for Variation are met.**

SANGAMON COUNTY BOARD OF APPEALS  
RECOMMENDATION:

**Approval of Amended Staff  
Recommendation.**

  
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF: )	DOCKET NO: <b>2019-012</b>
<b>Jeff Mizeur</b> )	
)	PROPERTY LOCATED AT:
)	<b>2317 N. 5<sup>th</sup> Street</b>
)	<b>Springfield, IL 62702</b>

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 **rezoning, Conditional Permitted Use, and a 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 **April 18, 2019** 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, contract to purchase, or is the County Board Member representing the property commonly known as: **2317 N. 5<sup>th</sup> Street, Springfield, IL 62702** and more particularly described as:

**See Exhibit A**




- 3. That the present zoning of said property is **“B-3” General Business District and “R-2” Single-Family and Two-Family Residence District.**
- 4. That the present land use of said property is a **single-family residence, storage building, and vacant.**
- 5. That the proposed land use of said property is a **single-family residence, tavern, and vacant.**
- 6. That the requested **rezoning, Conditional Permitted Use, and a variance** of said property is for **Proposed Parcel 1: a rezoning from “R-2” Single-Family and Two-Family Residence District to “B-3” General Business District; 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 single-family residence (approximately seven and one-half (7.5) feet to the South).**
- 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 **rezoning, Conditional Permitted Use for a tavern with the following conditions:**

- 1) the tavern is limited to the existing building footprint of approximately 818 square feet as per the floor plan submitted with the petition; and,**
- 2) the hours of operation are limited to the Sangamon County Liquor Ordinance;**

**and, a variance** is 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 **rezoning, Conditional Permitted Use with the above noted conditions, and a variance** be approved.

  
 CHAIRMAN TC

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Don Wulf**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the **rezoning, variance and Conditional Permitted Use** be **approved with the following conditions:**

**1) the tavern is limited to the existing building footprint of approximately 818 square feet as per the floor plan submitted with the petition; and,**

**2) the hours of operation are limited to the Sangamon County Liquor Ordinance.**

which was duly seconded by **Larry Beaty**.

The vote of the Board was as follows:

YES: **Charlie Chimento, Tony Mares, Don Wulf, Andrew Spiro, Larry Beaty**

NO:

PRESENT:

ABSENT:

  
RECORDING SECRETARY

**AMENDED**  
**SANGAMON COUNTY**  
**RECOMMENDED - FINDINGS OF FACT**

Case #: 2019-012

Address: 2317 N. 5<sup>th</sup> Street, Springfield

- (i) Existing uses of property within the general area of the property in question.  
**North – Light industrial. East – Illinois State Fairgrounds. South – Residence. West – Residence and vacant.**
- (ii) The zoning classification of property within the general area of the property in question.  
**North & East – I-1. South & West – R-2.**
- (iii) The suitability of the property in question to the uses permitted under the existing zoning classification.

**Given the trend in the area, it would be acceptable to consider expanding B-3 zoning to encompass additional properties. However, staff has significant concerns that the properties lack all essential services to accommodate business/commercial uses.**

**AMENDED: The B-3 zoning that was granted previously for parcel -017 through -024 and -030 make it suitable for the northern portion of parcel -036 to also be rezoned to B-3.**

- (iv) The trend of development, within the vicinity since the property was originally classified.

**The area from Sangamon Avenue to Browning Road has been converting from residential to commercial uses on the west side of the street.**

**In 1999, parcels -017 through -024 and -030 of the subject property were all rezoned from R-2 to B-3.**

**In 2011, B-3 was denied but a use variance was granted to allow the storage of construction equipment inside a building southwest of the subject property. In 2006, B-1 was approved with a CPU for a tavern and a variance to allow the tavern within 100 feet of a residence west of the subject property. In 2001, I-1 was denied but a use variance was granted to allow custom vehicle painting inside only west of the subject property. In 1985, I-1 was approved with a CPU for auto repair, auto body repair, and spray painting with proper screening north of the subject property. In 1982, B-2 was denied but a use variance was granted for a tavern southwest of the subject property.**

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FOR CONDITIONAL PERMITTED USES

Case #: 2019-012

Address: 2317 N. 5<sup>th</sup> Street, Springfield

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.

**It is questionable whether there is a public benefit to allowing a tavern at the proposed location especially with a residence within 7.5 feet of the proposed tavern property line.**

**AMENDED: Conditions are suggested regarding size, location, and hours of operation to minimize potential impacts.**

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

**The property containing the structure to be converted into a tavern is already zoned B-3, but the petitioner proposes to utilize a cistern to supply the water to the proposed tavern. While this may be acceptable from a regulatory standpoint for the proposed use, staff finds that using a cistern to supply water to business/commercial uses is contrary to effective planning principles.**

**AMENDED: The public health, safety, and welfare should be protected with the suggested conditions regarding size, location, and hours of operation.**

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

**A tavern located within 7.5 feet of a residence could negatively impact the residential property values.**

**AMENDED: The tavern, with the proposed conditions, will not likely cause substantial injury to property values in the vicinity.**

- (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.

**N/A**

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

**N/A**

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

**N/A**

- (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 is requested to allow the tavern property line to be within seven and one-half (7.5) feet of a residence.**

**AMENDED**  
**SANGAMON COUNTY**  
**RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2019-012**

Address: **2317 N. 5<sup>th</sup> Street, Springfield**

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.

**No circumstances unique to the property were indicated in the petition.**  
**AMENDED: The structure has been vacant for an extended period and is yielding no return. Allowing the variance will result in a reasonable yield.**

- (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.

**No circumstances unique to the property were indicated in the petition.**  
**AMENDED: An acceptable alternative would be to demolish the house thus removing the need for a variance. However, doing so results in other issues making it difficult to use the property.**

- (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.

**A tavern located within 7.5 feet of a residence could negatively impact the residential property values.**  
**AMENDED: No negative impact is anticipated.**