

CASE# 2014-022  
RESOLUTION NUMBER 2-1

**DENYING VARIANCES**  
FOR CERTAIN PROPERTY LOCATED AT  
**501 N. DIRKSEN PARKWAY, 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 **deny variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

**Wanless Bergen Park Addition PT Lot 38 (Ex Road Row Taken 2013R23782) 25-16-5**

WHEREAS, the Petitioner, **Evergreen Market Incorporated, tenant**, has petitioned the Sangamon County Board for **a variance to allow a liquor store property line to be five (5) feet from a residential structure instead of the required one-hundred (100) feet, a variance to allow three (3) uses on one (1) parcel and a Conditional Permitted Use to allow for the sale of alcohol; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **August 21, 2014** 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 **deny the variances**; and

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

**FILED**

OCT 29 2014

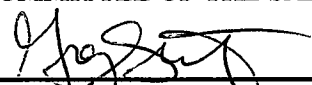
*Joe Aiello*  
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 12<sup>th</sup> day of November, 2014 that the request for a variance to allow a liquor store property line to be five (5) feet from a residential structure instead of the required one-hundred (100) feet and a variance to allow three (3) uses on one (1) parcel on the above described property is hereby denied.

Signed and passed by the Sangamon County Board in session on this 12<sup>th</sup> day of November, 2014.

Respectfully submitted,

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

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

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DAVID MENDENHALL, VICE CHAIRMAN

\_\_\_\_\_  
JOHN FULGENZI

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

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

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

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

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

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

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

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

ATTEST:

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

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

**RECAP**

(For County Board Use)

COUNTY BOARD MEMBER: # 18                      NAME: Rose Ruzic

DOCKET NUMBER: 2014-022

ADDRESS: 501 N. Dirksen Parkway, Springfield, IL 62702

PETITIONER: Evergreen Market Incorporated, tenant

PRESENT ZONING CLASSIFICATION: "I-1" Restricted Industrial District

REQUESTED ZONING CLASSIFICATION: "I-1" Restricted Industrial District with a variance to allow a liquor store property line to be five (5) feet from a residential structure instead of the required one-hundred (100) feet, a variance to allow three (3) uses on one (1) parcel and a Conditional Permitted Use to allow for the sale of alcohol.

AREA: 12, 240 Square Feet

COMMENTS: None

OBJECTORS: Yes

PLANNING COMMISSION  
RECOMMENDATION:

The petitioner's request for the Conditional Permitted Use to allow the sale of liquor is not necessary as it is allowed in the I-1 zoning district per section 17.28.010 of the Sangamon County Zoning Ordinance. The regulations state that permitted uses in the I-1 district include "...Conditional Permitted Uses in the B-1, B-2 and B-3 districts...". Since a liquor store is an at-will use outlined under Conditional Permitted Uses in the B-3 district, the request of the petitioner is not needed therefore staff did not address these standards. The variance requests still apply. Staff recommends approval of the requested variance to allow the sale of packaged liquor to be within 5 feet of a residential structure. The standards for variation are met. In 1984, Mr. Michael Welch filed a petition requesting that the County Board grant an amendment to rezone the property to I-1 (Zoning Case 84-A-13). Variances to reduce

the transitional yard requirements were also granted. The Zoning Board of Appeals' Findings of Fact for the case state that the "neighbors on both sides of the property have been notified and are not in objection to the rezoning." The subject property is located on the corner of a major thoroughfare with significant traffic. The parcels to the north, east and south of the subject property are being utilized with commercial and retail uses. While there is a residence adjacent to the west of the subject property, given the commercial nature of the area, it is unlikely the variance will negatively affect the surrounding parcels. Staff recommends approval of the requested variance to allow three uses on one parcel. The request is compatible with the immediate area as there is a trend to allow multiple uses in a building as a strip-mall. No negative impacts are anticipated.

SANGAMON COUNTY BOARD OF APPEALS  
RECOMMENDATION:

**Deny the variances.**

  
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF: )	DOCKET NO: <b>2014-022</b>
<b>Evergreen Market Incorporated</b> )	
)	PROPERTY LOCATED AT:
)	<b>501 N. Dirksen Parkway</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 **variances** 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 **August 21, 2014** 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: **501 N. Dirksen Parkway, Springfield, IL 62702** and more particularly described as:

**Wanless Bergen Park Addition PT Lot 38 (Ex Road Row Taken 2013R23782) 25-16-5**

3. That the present zoning of said property is **"I-1" Restricted Industrial District.**
4. That the present land use of said property is **a convenience store, Tina's Hair Salon & Barber Shop, and Street Art and Trucking Accessories.**
5. That the proposed land use of said property is **a convenience store with the sale of packaged liquor, Tina's Hair Salon & Barber Shop, and Street Art and trucking Accessories.**
6. That the requested **variances** of said property **are a variance to allow a liquor store property line to be five (5) feet from a residential structure instead of the required one-hundred (100) feet and a variance to allow three (3) uses on one (1) parcel.**
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 not** support the proposition that the adoption of the proposed **variances** 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 **variances** be **denied**.

Charles Chimento/cx  
CHAIRMAN

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Don Wulf**, to **not** concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **denied**, which was duly seconded by **Merilyn Herbert**.

The vote of the Board was as follows:

YES: **Don Wulf, Merilyn Herbert and John Lucchesi**

NO: **Charles Chimento and Andrew Spiro**

PRESENT:

ABSENT: **Janet Dobrinsky**

Cyndi Knowles  
RECORDING SECRETARY

**ZONING BOARD OF APPEALS  
RECOMMENDED – STANDARDS FOR VARIATIONS  
OCTOBER 16, 2014**

Case #: 2014-022

Address: 501 N. Dirksen Parkway, 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 up on 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.

**The property is located in an I-1 zoning district and utilizing the current commercial building under the current zoning regulations could be difficult. Allowing the proposed use to operate would allow the business to continue to be used economically, otherwise making it difficult to locate an industrial use in the commercial structure.**

- (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 is located in a spot of I-1 zoning, is bound on all four sides, only five feet on the west side, by commercial zoning and is located along a major corridor of business uses.**

- (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.

**This variation will impact the surrounding area. The five foot offset is inadequate in this instance and would impact residences to the west of the property. There are already ample package liquor retail outlets in the area. Area residents are justifiably concerned that allowing packaged liquor sales at this location would increase traffic and add to the potential for unwanted disturbances in the area.**