

FILED

SEP 01 2022

Don / Mary
Sangamon County Clerk

CASE#2022-011
RESOLUTION NUMBER 3-1

GRANTING A CONDITIONAL PERMITTED USE WITH CONDITIONS AND VARIANCES

**FOR CERTAIN PROPERTY LOCATED AT
1552 WEST JEFFERSON 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 a Conditional Permitted Use with conditions and variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Erins Place, LLC**, has petitioned the Sangamon County Board requesting pursuant to **Chapter 17.58 and Section 17.24.020, a Conditional Permitted Use for a tavern (approximately 1118 sq. ft.); pursuant to Chapter 17.66, a variance of Section 17.58.080(D)(4) to allow a tavern property line to be approximately ten (10) feet from a residence instead of the required one hundred (100) feet; a variance of Section 17.50.020 to allow thirty-seven (37) parking spaces instead of the required forty (40) parking spaces; and, a variance of Section 17.50.080 to allow the use of parking spaces located on an adjacent parcel that is not the same zoning lot; and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **August 18, 2022** 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 Conditional Permitted Use with conditions and variances;** and,

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

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **13th Day of September, 2022** that the following request(s) on the above described property are hereby approved:

- Pursuant to Chapter 17.58 and Section 17.24.020, a Conditional Permitted Use for a tavern (approximately 1,118 sq. ft.) with the following conditions:
 1. The tavern is limited to approximately 1,118 square feet as indicated in the petition and its exhibits,
 2. The hours of operation are limited to the Sangamon County Liquor Ordinance and
 3. The only public entrance for the tavern shall be on the east side of the building;
- Pursuant to Chapter 17.66, a variance of Section 17.58.080(D)(4) to allow a tavern property line to be approximately ten (10) feet from a residence instead of the required one hundred (100) feet;
- Pursuant to Chapter 17.66, a variance of Section 17.50.020 to allow thirty-seven (37) parking spaces instead of the required forty (40) parking spaces; and,
- Pursuant to Chapter 17.66, a variance of Section 17.50.080 to allow the use of parking spaces located on an adjacent parcel that is not the same zoning lot.

Signed and passed by the Sangamon County Board in session on this **13th day of September, 2022.**

COUNTY BOARD CHAIRMAN

ATTEST:

SANGAMON COUNTY CLERK

EXHIBIT A

Tract II:

Lots 30, 31 and 32, ALSO, beginning at the Southwest corner of Lot 31 in Henry Selinger's Estate Subdivision, thence East along the South border of said Lot 31 and along the South border of Lot 30 to Southeast corner of said Lot 30; thence South 16 feet to the Northeast corner of Lot 32; thence West along the North border of said Lot 32 to the Northwest corner of Lot 32; thence North 16 feet to the point of beginning; all being in Henry Selinger's Estate Subdivision of all that part of the Northeast Quarter of the West Half of the Southeast Quarter of Section 29, Township 16 North, Range 5 West of the Third Principal Meridian, lying South of the middle of the Beardstown Road as shown in Plat of said Subdivision now on file in the Office of the Recorder of Deeds of Sangamon County, Illinois. Also, that portion of a vacated alley lying West of Lot 29 in Henry's Selinger's Estate Subdivision situated in the Northeast Quarter of the West Half of the Southeast Quarter of Section 29, Township 16 North, Range 5 West of the Third Principal Meridian, Sangamon County, Illinois, and lying East of Lots 30 and 32 in said Subdivision.

Except the coal and other minerals underlying said lot with the right to mine and remove same.

Situated in Sangamon County, Illinois.

14-29.0-403-033

1552 West Jefferson St., Springfield, IL 62702

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 11 NAME: James Schackmann

DOCKET NUMBER: 2022-011

ADDRESS: 1552 West Jefferson, Springfield, IL 62702

PETITIONER: Erins Place, LLC

PRESENT ZONING CLASSIFICATION: "B-2" Retail Business District.

REQUESTED ZONING CLASSIFICATION: Pursuant to Chapter 17.58 and Section 17.24.020 a Conditional Permitted Use for a tavern (approximately 1118 sq. ft.); pursuant to Chapter 17.66, a variance of Section 17.58.080(D)(4) to allow a tavern property line to be approximately ten (10) feet from a residence instead of the required one hundred (100) feet; a variance of Section 17.50.020 to allow thirty-seven (37) parking spaces instead of the required forty (40) parking spaces; and, a variance of Section 17.50.080 to allow the use of parking spaces located on an adjacent parcel that is not the same zoning lot.

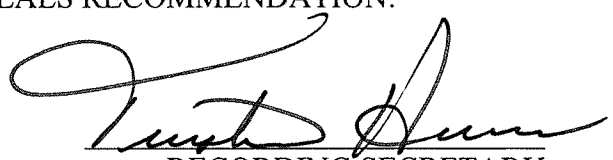
AREA: 0.5 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION STAFF RECOMMENDATION: Recommend approval of the Conditional Permitted Use for a tavern with the following conditions: 1) the tavern is limited to approximately 1,118 square feet as indicated in the petition and its exhibits, 2) the hours of operation are limited to the Sangamon County Liquor Ordinance, and 3) the only public entrance for the tavern shall be on the east side of the building. Recommend approval of the requested variances. There is a unique circumstance in that the customer entrance to the proposed tavern will be over 100 feet away from a residence. Shared parking between the subject property and the adjacent parcel satisfies the parking requirements. The Standards for Variation are met.

SANGAMON COUNTY ZONING BOARD OF APPEALS RECOMMENDATION:
Approval of Staff Recommendation.


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2022-011
Erins Place, LLC)	
)	PROPERTY LOCATED AT:
)	1552 West Jefferson
)	Springfield, IL 62702

RECOMMENDATION OF THE ZONING 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 with conditions and 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 18, 2022** 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: **1552 West Jefferson, Springfield, IL 62702** and more particularly described as:

See Exhibit A

- 3. That the present zoning of said property is **“B-2” Retail Business District.**
- 4. That the present land use of said property is **Strip commercial.**
- 5. That the proposed land use of said property is **Strip commercial with one unit including a tavern with video gaming.**
- 6. That the request(s) for the subject property **are pursuant to Chapter 17.58 and Section 17.24.020 a Conditional Permitted Use for a tavern (approximately 1118 sq. ft.); pursuant to Chapter 17.66, a variance of Section 17.58.080(D)(4) to allow a tavern property line to be approximately ten (10) feet from a residence instead of the required one hundred (100) feet; a variance of Section 17.50.020 to allow thirty-seven (37) parking spaces instead of the required forty (40) parking spaces; and, a variance of Section 17.50.080 to allow the use of parking spaces located on an adjacent parcel that is not the same zoning lot.**
- 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 with conditions, and 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 following request(s) **are hereby approved:**

- **Pursuant to Chapter 17.58 and Section 17.24.020, a Conditional Permitted Use for a tavern (approximately 1,118 sq. ft.) with the following conditions:**
 - 1. **The tavern is limited to approximately 1,118 square feet as indicated in the petition and its exhibits,**
 - 2. **The hours of operation are limited to the Sangamon County Liquor Ordinance and**
 - 3. **The only public entrance for the tavern shall be on the east side of the building;**
- **Pursuant to Chapter 17.66, a variance of Section 17.58.080(D)(4) to allow a tavern property line to be approximately ten (10) feet from a residence instead of the required one hundred (100) feet;**
- **Pursuant to Chapter 17.66, a variance of Section 17.50.020 to allow thirty-seven (37) parking spaces instead of the required forty (40) parking spaces; and,**
- **Pursuant to Chapter 17.66, a variance of Section 17.50.080 to allow the use of parking spaces located on an adjacent parcel that is not the same zoning lot.**


 CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Anthony Mares**, which was duly seconded by **George Petrilli**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the following request(s) are hereby approved:

- Pursuant to Chapter 17.58 and Section 17.24.020, a Conditional Permitted Use for a tavern (approximately 1,118 sq. ft.) with the following conditions:
 1. The tavern is limited to approximately 1,118 square feet as indicated in the petition and its exhibits,
 2. The hours of operation are limited to the Sangamon County Liquor Ordinance and
 3. The only public entrance for the tavern shall be on the east side of the building;
- Pursuant to Chapter 17.66, a variance of Section 17.58.080(D)(4) to allow a tavern property line to be approximately ten (10) feet from a residence instead of the required one hundred (100) feet;
- Pursuant to Chapter 17.66, a variance of Section 17.50.020 to allow thirty-seven (37) parking spaces instead of the required forty (40) parking spaces; and,
- Pursuant to Chapter 17.66, a variance of Section 17.50.080 to allow the use of parking spaces located on an adjacent parcel that is not the same zoning lot.

The vote of the Board was as follows:

YES: **Charlie Chimento, Tony Mares, Don Wulf, George Petrilli, Phil Sidles**

NO:

PRESENT:

ABSENT:



RECORDING SECRETARY

**SANGAMON COUNTY - RECOMMENDED FINDINGS OF FACT
FOR CONDITIONAL PERMITTED USES**

Case #: 2022-011

Address: 1552 West Jefferson 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.

Yes, the proposed tavern is located in a commercial area fronting a four-lane road, and that, along with the proposed conditions limiting the size, hours of operation, and public entrance should minimize potential impacts.

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

Conditions regarding the size, hours of operation, and location of the public entrance should help minimize effects to the public health, safety, and welfare.

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

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) Manufactured home parks - must meet the requirements of Chapter 17.48 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 a tavern property line to be approximately ten (10) feet from a residence.

- (e) Wind energy conversion systems - a WECS shall not be located within 1½ miles of an incorporated area with a population over 10,000 or within ½ mile of an incorporated area with a population of less than 10,000. WECS shall not be located so that they interfere with contiguous urban development.

N/A

- (f) Adult-use cannabis business establishments as defined in Chapter 17.04:

- 1) that the following distances be maintained from the principal structure of an adult-use cannabis business establishment to the property line of a use defined in Chapter 17.04 as a "sensitive area":
 - (A) Adult-use cannabis craft grower – 1,500 feet
 - (B) Adult-use cannabis cultivation center – 1,500 feet
 - (C) Adult-use cannabis dispensing organization (dispensary) – 250 feet
 - (D) Adult-use cannabis infuser organization (infuser) – 1,500 feet
 - (E) Adult-use cannabis processing organization (processor) – 1,500 feet
 - (F) Adult-use cannabis transporting organization (transporter) – 1,500 feet
- 2) On-premise consumption of cannabis at cannabis dispensing organizations and smoking lounges in unincorporated Sangamon County is prohibited.

N/A

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2022-011**

Address: **1552 West Jefferson 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.

Given the subject property's location along a commercial corridor zoned for commercial usage, a business of this nature could be expected to contribute to the economic yield of the property. The adjacent parcel has ample parking to provide the additional parking necessary for the subject property.

- (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.

There is a unique circumstance in that the customer entrance to the proposed tavern will be over 100 feet away from a residence. Shared parking between the subject property and the adjacent parcel satisfies the parking requirements.

- (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.

Negative impacts are not anticipated.