

**GRANTING A CONDITIONAL PERMITTED USE WITH CONDITIONS AND A
VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
708 & 714 NORTH DIRKSEN PARKWAY, SUITE 716, 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 a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **BHTH Gaming 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 600 square feet); and, pursuant to Chapter 17.66, a variance of Section 17.58.080(D)(4) to allow a tavern property line to be approximately three (3) feet from a residence instead of the required one hundred (100) feet; and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **August 17, 2023** 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 a variance;** 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 12th Day of September, 2023 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 600 square feet) with the following conditions:
 - 1) The tavern is limited to suite 716 and approximately 840 square feet as indicated in the petition and its exhibits; and,
 - 2) The hours of operation are limited to the Sangamon County Liquor Ordinance; and,
- Pursuant to Chapter 17.66, a variance of Section 17.58.080(D)(4) to allow a tavern property line to be approximately three (3) feet from a residence instead of the required one hundred (100) feet.

Signed and passed by the Sangamon County Board in session on this 12th day of September, 2023.

COUNTY BOARD CHAIRMAN

ATTEST:

SANGAMON COUNTY CLERK

EXHIBIT A

Tracts 7, 8, 9, 10 and 11 of Plat of Charles S. Wanless' survey of Lot 8 and part of Lot 7 of Wanless' Bergen Park Addition to the City of Springfield. Except the Coal and other minerals underlying the surface of said land and all rights and easements in favor of the estate of said coal and minerals. Situated in Sangamon County, Illinois.

Except Tract 7 and 8 of Charles S. Wanless' survey of Lots 8 & part of Lot 7 of Wanless' Bergen Park Addition to the City of Springfield.

Permanent Index Numbers: 14-25.0-401-009, 14-25.0-401-010, & 14-25.0-401-011

3-4

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 9 NAME: Tom Madonia, Jr.

DOCKET NUMBER: 2023-017

ADDRESS: 708 & 714 North Dirksen Parkway, Suite 716, Springfield, IL 62702

PETITIONER: BHTH Gaming 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 600 square feet); and, pursuant to Chapter 17.66, a variance of Section 17.58.080(D)(4) to allow a tavern property line to be approximately three (3) feet from a residence instead of the required one hundred (100) feet.

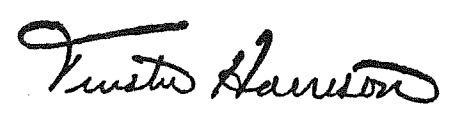
AREA: 0.4 acres

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 suite 716 and approximately 840 square feet as indicated in the petition and its exhibits and 2) the hours of operation are limited to the Sangamon County Liquor Ordinance. Recommend approval of the requested variance. 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 subject property was granted the same variance request in Zoning Case #2014-030 for the tavern on the northern end of the 3-unit strip commercial building, so denying the requested variance would constitute a hardship as the customer entrance for the proposed tavern is further away from a residence than the existing tavern's entrance. 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

3-5

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2023-017
BHTH Gaming LLC))
)	PROPERTY LOCATED AT:
)	708 & 714 North Dirksen Parkway,
)	Suite 716
)	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 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 **August 17, 2023** 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: **708 & 714 North Dirksen Parkway, Suite 716, Springfield, IL 62702** and more particularly described as:

See Exhibit A

- 3-6
3. That the present zoning of said property is **B-2 Retail Business District**.
 4. That the present land use of said property is **3-unit strip commercial building (retail, vacant, tavern), glass repair business, and single-family residence**.
 5. That the proposed land use of said property is **3-unit strip commercial building (retail and 2 taverns), glass repair business, and single-family residence**.
 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 600 square feet); and, pursuant to Chapter 17.66, a variance of Section 17.58.080(D)(4) to allow a tavern property line to be approximately three (3) feet from a residence instead of the required one hundred (100) feet**.
 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 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 following request(s) are hereby approved:

- Pursuant to Chapter 17.58 and Section 17.24.020, a Conditional Permitted Use for a tavern (approximately 600 square feet) with the following conditions:
 - 1) The tavern is limited to suite 716 and approximately 840 square feet as indicated in the petition and its exhibits; and,
 - 2) The hours of operation are limited to the Sangamon County Liquor Ordinance; and,
- Pursuant to Chapter 17.66, a variance of Section 17.58.080(D)(4) to allow a tavern property line to be approximately three (3) feet from a residence instead of the required one hundred (100) feet.

CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Don Wulf**, which was duly seconded by **Anthony Mares**, 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 600 square feet) with the following conditions:
 - 1) The tavern is limited to suite 716 and approximately 840 square feet as indicated in the petition and its exhibits; and,
 - 2) The hours of operation are limited to the Sangamon County Liquor Ordinance; and,
- Pursuant to Chapter 17.66, a variance of Section 17.58.080(D)(4) to allow a tavern property line to be approximately three (3) feet from a residence instead of the required one hundred (100) feet.

The vote of the Board was as follows:

YES: **Charlie Chimento, Don Wulf, Anthony Mares, Richard Thompson, George Petrilli**

NO:

PRESENT:

ABSENT:



RECORDING SECRETARY

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

Case #: 2023-017

Address: 708 & 714 North Dirksen Parkway, Suite 716, 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.
The proposed tavern is located in a commercial area fronting a four-lane arterial road, and that, along with the proposed conditions limiting the size and hours of operation, 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 size and hours of operation should 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 three (3) feet from a residence.

- (e) 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

3-10

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2023-017**

Address: **708 & 714 North Dirksen Parkway, Suite 716, 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.

- (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 subject property was granted the same variance request in Zoning Case #2014-030 for the tavern on the northern end of the 3-unit strip commercial building, so denying the requested variance would constitute a hardship as the customer entrance for the proposed tavern is further away from a residence than the existing tavern's entrance.

- (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 proposed tavern is located further away from the residence to the north than the existing tavern so negative impacts over existing conditions are not anticipated.