

CASE# 2014-022
RESOLUTION NUMBER 3-1

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

AUG 27 2014

Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 9th day of September, 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 9th day of September, 2014.

Respectfully submitted,

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



GREG STUMPF, CHAIRMAN

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: 2014-022
Evergreen Market Incorporated)	
)	PROPERTY LOCATED AT:
)	501 N. Dirksen Parkway
)	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 **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
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