

FILED

OCT 28 2015


Sangamon County Clerk

CASE# 2015-040 3-1
RESOLUTION NUMBER

DENY A CPU AND VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
1313 ADLAI STEVENSON DRIVE, 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 a Conditional Permitted Use and variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

Lots 16, 17 & 18 Town of Mildred

WHEREAS, the Petitioner, **Kevin D. Guinan**, has petitioned the Sangamon County Board for a **Conditional Permitted Use to allow the sale & consumption of alcoholic beverages (tavern), a variance to allow a tavern property line to be within five (5) feet of a residential structure and a variance to allow three (3) principal uses (internet car sales, tattoo parlor and a tavern) limited to 5,850 square feet of the building on one (1) parcel;** and

WHEREAS, a public hearing was held at the Sangamon County Building on **October 15, 2015** 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 Conditional Permitted Use 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 10th Day of November, 2015 that the request for a **Conditional Permitted Use to allow the sale & consumption of alcoholic beverages (tavern), a variance to allow a tavern property line to be within five (5) feet of a residential structure and a variance to allow three (3) principal uses (internet car sales, tattoo parlor and a tavern) limited to 5,850 square feet of the building on one (1) parcel on the above described property is hereby denied.**

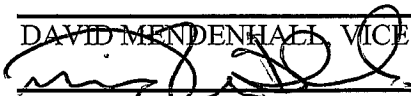
Signed and passed by the Sangamon County Board in session on this 10th day of November, 2015.

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 RATTIS

LINDA DOUGLAS WILLIAMS

ANNETTE FULGENZI

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: 14 NAME: Joel Tjelmeland, Jr.

DOCKET NUMBER: 2015-040

ADDRESS: 1313 Adlai Stevenson Drive, Springfield, IL 62703

PETITIONER: Kevin D. Guinan

PRESENT ZONING CLASSIFICATION: "B-3" General Business District

REQUESTED ZONING CLASSIFICATION: "B-3" General Business District with a Conditional Permitted Use to allow the sale & consumption of alcoholic beverages (tavern), a variance to allow a tavern property line to be within five (5) feet of a residential structure and a variance to allow three (3) principal uses (internet car sales, tattoo parlor and a tavern) limited to 5,850 square feet of the building on one (1) parcel.

AREA: 0.47 acre

COMMENTS: None

OBJECTORS: Yes

PLANNING COMMISSION RECOMMENDATION: Recommend denial of the requested conditional permitted use [CPU]. Staff has concerns because the new tavern could occupy approximately five thousand eight hundred fifty (5,850) square feet in the future. It is possible that a new tavern of this size could have a negative impact on the residential character of the area to the north. Also, staff believes it is questionable whether a new tavern at this location will have a positive benefit on the community. Recommend denial of the requested variances. As the CPU is recommended for denial, the variances are unnecessary.

SANGAMON COUNTY BOARD OF APPEALS

RECOMMENDATION:

Denial as staff recommended.

Cyndi Knowles
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: **2015-040**
 Kevin D. Guinan)
)
) PROPERTY LOCATED AT:
) **1313 Adlai Stevenson Drive**
) **Springfield, IL 62703**

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 **Conditional Permitted Use 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 **October 15, 2015** 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: **1313 Adlai Stevenson Drive, Springfield, IL 62703** and more particularly described as:

Lots 16, 17 & 18 Town of Mildred

- 3. That the present zoning of said property is **“B-3” General Business District.**
- 4. That the present land use of said property is **a car lot, Styx Emporium and personal area.**
- 5. That the proposed land use of said property is **a car lot, Styx Emporium and a tavern (gaming).**
- 6. That the requested **Conditional Permitted Use and variances** of said property are a **Conditional Permitted Use to allow the sale & consumption of alcoholic beverages (tavern), a variance to allow a tavern property line to be within five (5) feet of a residential structure and a variance to allow three (3) principal uses (internet car sales, tattoo parlor and a tavern) limited to 5,850 square feet of the building 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 **Conditional Permitted Use 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 requested **Conditional Permitted Use and variances** be **denied**.

Charles Chimento/ck
CHAIRMAN

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 petition be **denied** which was duly seconded by **Anthony Mares**.

The vote of the Board was as follows:

YES: **Charles Chimento, Anthony Mares, Don Wulf, Andrew Spiro, & John Lucchesi**

NO:

PRESENT:

ABSENT: **Merilyn Herbert & Janet Dobrinsky**

Cyndi Knowles
RECORDING SECRETARY

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

Case #: 2015-040

Address: 1313 Stevenson, 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.

An addendum to the zoning petition indicates the hours of operation for the tavern will be 10:00 AM to 12:00 AM, which are the same hours as the tattoo parlor. While the addendum does indicate a size for the tavern at two hundred-ten (210) square feet, the Petitioner is requesting approximately five thousand eight hundred-fifty (5,850) square feet for the uses. It is unclear as to where the proposed tavern will be located within the structure and the exact size. A tavern of approximately 5,850 square feet could have a negative impact on the residential character of the area to the north. As a point of reference, Zoning Case # 2015-015, i.e. a CPU for a tavern on Ridgely Avenue denied by the County Board, had evidence submitted that the total size of the building was approximately 2,384 square feet.

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

Staff has concerns with the potential size of a tavern, i.e. 5,850 square feet, at this location. Also, the petition did not indicate how a tavern at this location would help the public health, safety, and welfare of the community.

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

It is possible a new tavern at this location could have a negative impact on property values in the area. It is also possible a new tavern could have a negative impact on the character of the residential neighborhood to the north.

- (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 a tavern within five (5) feet of a residence.

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**RECOMMENDED STANDARDS FOR USE VARIATIONS
[TO ALLOW THREE (3) PRINCIPAL USES (INTERNET CAR SALES,
TATTOO PARLOR, AND A TAVERN) LIMITED TO FIVE THOUSAND,
EIGHT HUNDRED FIFTY (5,850) SQUARE FEET]**

Case #: 2015-040

Address: 1313 Stevenson, Springfield

The Zoning Board of Appeals shall not recommend to the Sangamon County Board that the regulations of the zoning ordinance be varied as authorized in Section 17.66.010 thereof, unless it shall make findings of fact based upon the evidence presented to it in each specified case:

- (i) that the variance is justified by a showing of special circumstances demonstrating practical difficulties or particular hardship in the way of carrying out the strict letter of the Zoning Regulations.

The subject property appears to have a successful tattoo parlor and auto dealership located on it with patrons.

- (ii) that the variance is compatible with the trend of development in the area.
The subject property fronts on a commercial corridor. As such, the commercial nature of the proposed uses is consistent with the trend of development in the area. However, staff is concerned that having a tavern at this location would be a detriment to the residential area to the north.

- (iii) that the variance will benefit the community and be in harmony with the general purpose and intent of the Zoning Regulations.

It is questionable whether a new tavern at this location will have a positive benefit on the community. Staff has concerns because the tavern could occupy approximately five thousand eight hundred fifty (5,850) square feet in the future.

- (iv) that the variance will not create a negative impact on the area, 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 new tavern could diminish property values in the area.

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**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS
[TO ALLOW A TAVERN WITHIN FIVE (5) FEET OF A RESIDENCE]**

Case #: 2015-040

Address: 1313 Stevenson, 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 particular economic reasons were mentioned in the petition to indicate why a new tavern is needed in such close proximity to a residence.

- (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 particularly unique circumstances were mentioned in the petition.

- (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.

No particular reasons for the variance were mentioned in the petition.