

CASE# 2015-040  
RESOLUTION NUMBER 3-1

**GRANTING A CONDITIONAL PERMITTED USE 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 **grant 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 a tavern, providing that the Conditional Permitted Use is limited to the existing building in an area not to exceed 2,139 square feet devoted to the public as per the site plan attached to the revised petition dated November 29, 2015, a variance to allow a tavern property line to be within forty (40) feet of a residential structure, and a variance to allow two (2) principal uses (a tattoo parlor and a tavern) on one (1) parcel; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **December 17, 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 **grant the Conditional Permitted Use and variances; and**

**FILED**

DEC 29 2015

  
Sangamon County Clerk


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 12<sup>th</sup> Day of January, 2016 that the request for a **Conditional Permitted Use to allow a tavern, providing that the Conditional Permitted Use is limited to the existing building in an area not to exceed 2,139 square feet devoted to the public as per the site plan attached to the revised petition dated November 29, 2015, a variance to allow a tavern property line to be within forty (40) feet of a residential structure, and a variance to allow two (2) principal uses (a tattoo parlor and a tavern) on the above described property is hereby approved.**

Signed and passed by the Sangamon County Board in session on this 12<sup>th</sup> day of **January, 2016.**

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 RATTS

\_\_\_\_\_  
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 with beer & wine only), a variance to allow a tavern property line to be within forty (40) feet of a residential structure, and a variance to allow two (2) principal uses (a tattoo parlor and a tavern) on one (1) parcel, tavern limited to 2,139 square feet with 1,100 square feet devoted to the public.

AREA: 0.47 acre

COMMENTS: None

OBJECTORS: Yes

PLANNING COMMISSION RECOMMENDATION: Recommend approval of the requested conditional permitted use [CPU] limited to 1,100 square feet as per the site plan attached to the revised petition dated November 20, 2015. The revised petition indicated a 2,139 square foot tavern, with approximately 1,100 square feet available to the public through a separate entrance from the existing tattoo parlor. It should be noted that hours of operation were not mentioned in the petition. The petitioner should clarify the hours of operation at the public hearing. Recommend approval of the requested use variance to allow two

(2) principal uses, a tattoo parlor and a tavern on the subject property. The building on the subject property has been modified over the years and is now considered to be a multi-use structure. Therefore, approving the request is consistent with recent County Board approvals for similar requests. Recommend approval of the request to allow a tavern to be within forty (40) feet of a residence. The subject property is located on a commercial corridor and has residences adjacent to the north property line. Such placement is consistent with developments on other commercial corridors. The entrances to the proposed tavern will face away from the residences. In addition, there is a tavern located directly across the street to the west from the subject property. The Standards for Variation are met.

SANGAMON COUNTY BOARD OF APPEALS  
RECOMMENDATION:

Approval as staff recommended.

  
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITON OF: )	DOCKET NO: <b>2015-040</b>
<b>Kevin D. Guinan</b> )	
)	PROPERTY LOCATED AT:
)	<b>1313 Adlai Stevenson Drive</b>
)	<b>Springfield, IL 62703</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 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 **December 17, 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 **Styx Emporium, a tavern (gaming), and personal area.**
- 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 with beer & wine only), a variance to allow a tavern property line to be within forty (40) feet of a residential structure, and a variance to allow two (2) principal uses (a tattoo parlor and a tavern) on one (1) parcel, tavern limited to 2,139 square feet with 1,100 square feet devoted to the public.**
- 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 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 **approved.**

*Charles Chimento/ex*  
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 **approved** which was duly seconded by **Anthony Mares.**

The vote of the Board was as follows:

YES: **Charles Chimento, Anthony Mares, Don Wulf, & Marilyn Herbert**

NO:

PRESENT:

ABSENT: **Andrew Spiro, John Lucchesi & 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.

**There are no hours indicated on the petition. Presumably, the hours of operation for the tavern will be 10:00 AM to 12:00 AM, which are the same as the tattoo parlor. Staff recommends the hours be clarified at the public hearing.**

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

**The proposed tavern is located along a commercial corridor in a modified multi-tenant building, consistent with prior County Board approvals.**

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

**The proposed tavern might not cause any more injury to property values in the vicinity than the currently existing tavern.**

- (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 forty (40) feet of a residence.**

**RECOMMENDED STANDARDS FOR USE VARIATIONS  
[TO ALLOW TWO (2) PRINCIPAL USES (TATTO PARLOR  
AND A TAVERN WITH THE TAVERN LIMITED TO 2,139 SQUARE  
FEET WITH 1,100 SQUARE FEET DEVOTED TO THE PUBLIC]**

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.

**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 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. There is also an established tavern located to the west across the street from the subject property.**

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

**The proposed tavern and tattoo parlor will be located along a corridor where the zoning, i.e. B-3, shows an intent for intense commercial uses of this nature.**

- (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.

**The proposed tavern might not cause any more injury to property values in the vicinity than the currently existing tavern. To the extent that the proposed tavern follows required building codes, it should not impair an adequate supply of light and air to adjacent property. No negative impacts pertaining to the other factors are anticipated.**

**SANGAMON COUNTY  
RECOMMENDED - STANDARDS FOR VARIATIONS  
[TO ALLOW A TAVERN WITHIN FORTY (40) 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.

**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.

**There are unique circumstances in that the customer entrances to the proposed located will be in excess of one hundred (100) feet from a residentially zoned lot.**

- (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 might not cause any more injury to property values in the vicinity than the currently existing tavern. To the extent that the proposed tavern follows required building codes, it should not impair an adequate supply of light and air to adjacent property. No negative impacts pertaining to the other factors are anticipated.**