

CASE# 2014-008
RESOLUTION NUMBER 41

GRANTING A REZONING, USE VARIANCE & VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
2708 N. PEORIA RD, 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 an amendment, use variance and variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See **EXHIBIT A**

WHEREAS, the Petitioner, **Jay Timm**, has petitioned the Sangamon County Board for a **rezoning from "R-3" General Residence District and "B-3" General Business District to "I-1" Restricted Industrial District to allow a microbrewery with a variance to allow two (2) uses on one (1) parcel, and a variance to allow a duplex in the "I-1" Restricted Industrial District; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **February 20, 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 **grant a rezoning, use variance and variances; and**

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

FILED

FEB 28 2014

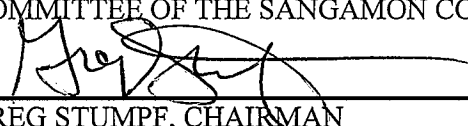
Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 11th day of March, 2014 that the request for a rezoning from "R-3" General Residence District and "B-3" General Business District to "I-1" Restricted Industrial District is denied but, in the alternative, "B-3" General Business District with a use variance to allow a microbrewery not to exceed a 5 barrel system to be located in the rear outbuildings with all brewing operations to take place inside, all beer will be kegged and/or bottled on site, deliveries will be not more than one a month, no consumption or sale of beer on-site, and production will be for distribution to local bars and restaurants only; a variance to allow two (2) uses on one (1) parcel; and a variance to allow a duplex in the "B-3" General Business District on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 11th day of March, 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

EXHIBIT A

LOT 5 OF THE COUNTY CLERK'S SUBDIVISION OF PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 16 NORTH, RANGE 5 WEST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AS FOLLOWS, TO WIT:

BEGINNING AT A POINT IN THE CENTER LINE OF THE SPRINGFIELD AND PEORIA STATE ROAD SOUTH 13 DEGREES AND 6 MINUTES WEST 323.24 FEET FROM THE INTERSECTION OF THE CENTERLINE OF SAID ROAD, AND THE NORTH LINE OF SAID WEST HALF OF THE SOUTHWEST QUARTER AND RUNNING THENCE EAST PARALLEL WITH THE NORTH LINE OF SAID WEST HALF OF THE SOUTHWEST QUARTER 739.62 FEET TO THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF THE CHICAGO, PEORIA AND ST. LOUIS RAILWAY COMPANY, THENCE IN A SOUTHERLY DIRECTION ALONG SAID RIGHT-OF-WAY LINE 58.33 FEET THENCE WEST PARALLEL WITH SAID NORTH BOUNDARY LINE 753.84 FEET TO THE CENTER LINE OF SAID SPRINGFIELD AND PEORIA STATE ROAD AND THENCE NORTH 13 DEGREES AND 6 MINUTES EAST 59.86 FEET TO THE PLACE OF BEGINNING.

ALSO

LOT 6 OF THE COUNTY CLERK'S SUBDIVISION OF PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 16 NORTH, RANGE 5 WEST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AS FOLLOWS, TO WIT:

BEGINNING AT A POINT IN THE CENTER LINE OF THE SPRINGFIELD AND PEORIA STATE ROAD, SOUTH 13 DEGREES AND 6 MINUTES WEST 383.10 FEET FROM THE INTERSECTION OF THE CENTER LINE OF SAID ROAD AND THE NORTH LINE OF SAID WEST HALF OF THE SOUTHWEST QUARTER AND RUNNING THENCE EAST PARALLEL WITH THE NORTH LINE OF SAID WEST HALF OF THE SOUTHWEST QUARTER 753.84 FEET TO THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF THE CHICAGO, PEORIA AND ST. LOUIS RAILROAD COMPANY, THENCE IN THE SOUTHERLY DIRECTION ALONG SAID RIGHT-OF WAY LINE 57.29 FEET, THENCE WEST PARALLEL WITH SAID NORTH BOUNDARY LINE 766.85 FEET TO A POINT IN THE CENTER LINE OF SPRINGFIELD AND PEORIA STATE ROAD, AND THENCE NORTH 13 DEGREES AND 6 MINUTES EAST 58.76 FEET TO THE PLACE OF BEGINNING.

SITUATED IN SANGAMON COUNTY, ILLINOIS.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 17 NAME: John Fulgenzi

DOCKET NUMBER: 2014-008

ADDRESS: 2708 N. Peoria Rd., Springfield, IL. 62702

PETITIONER: Jay Timm

PRESENT ZONING CLASSIFICATION: "R-3" General Residence District and "B-3" General Business District.

REQUESTED ZONING CLASSIFICATION: "I-1" Restricted Industrial District to allow a microbrewery with a variance to allow two (2) uses on one (1) parcel, and a variance to allow a duplex in the "I-1" Restricted Industrial District.

AREA: 1.76 Acres

COMMENTS: None

OBJECTORS: None

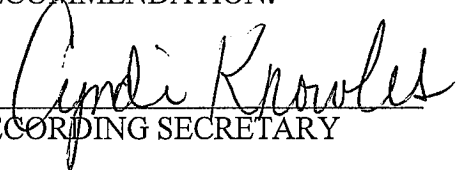
PLANNING COMMISSION
RECOMMENDATION:

Recommend denial of the requested I-1 zoning, as it is seen as too intense along this commercial and residential corridor of Peoria Road. Given the adjacent B-3 zoning to the north and south, and the nature of this corridor, staff recommends the entire subject property be classified as B-3 General Business District. It is recognized that the duplex is zoned appropriately; however, given the age of the structure and the location of this parcel along a commercial corridor it is more likely that in the future the land use will convert to all commercial rather than back to residential. Staff also recommends that a Use Variance is appropriate to allow two uses on one parcel with the uses being the duplex and a microbrewery. The duplex has existed for many years and there will be no negative impact on the area. The petitioners have proposed that a microbrewery, up to but not exceeding a 5 barrel system, be located in the rear outbuildings with all brewing operations to take place inside. The petition states that all beer will be kegged and/or bottled on site, deliveries will be not more than once a month,

and there will be no consumption or sale of beer on-site. Production will be for distribution to local bars and restaurants only. Given the method of operation stated in the petition, there will be no negative impacts related to the character of the area, light and air to adjacent properties, traffic congestion or impaired property values. The standards for variation have been met.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval as recommended by staff.


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2014-008
Jay Timm)	
)	PROPERTY LOCATED AT:
)	2708 N. Peoria Road
)	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 an **amendment and 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 **February 20, 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: **2708 N. Peoria Road, Springfield, IL 62702** and more particularly described as:

See **EXHIBIT A**

- 3. That the present zoning of said property is **“R-3” General Residence District and “B-3” General Business District.**
- 4. That the present land use of said property is a **duplex in the front and two outbuildings on the rear of the property.**
- 5. That the proposed land use of said property is a **duplex and microbrewery.**
- 6. That the requested **rezoning and variance** of said property is from **“R-3” General Residence District and “B-3” General Business District to “I-1” Restricted Industrial District to allow a microbrewery with a variance to allow two (2) uses on one (1) parcel, and a variance to allow a duplex in the “I-1” Restricted Industrial District.**
- 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 **rezoning and 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 requested **rezoning be denied but, in the alternative, grant a rezoning to “B-3” General Business District, with a use variance for a microbrewery not to exceed a 5 barrel system to be located in the rear outbuildings with all brewing operations to take place inside, all beer will be kegged and/or bottled on site, deliveries will be not more than one a month, no consumption or sale of beer on-site, and production will be for distribution to local bars and restaurants only; a variance to allow two (2) uses on one (1) parcel, and a variance to allow a duplex in the “B-3” General Business District.**

Charles Chimento/cx
 CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Judith Johnson**, 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 **Byron Deaner**.

The vote of the Board was as follows:

YES: **Charles Chimento, Byron Deaner, Judith Johnson, Don Wulf, and John Lucchesi**

NO:

ABSENT:

Cyndi Knowles
 RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: 2014-008

Address: 2708 N. Peoria Road, Springfield

- (i) Existing uses of property within the general area of the property in question.

To the north is a single-family residence, storage units and a tavern. To the east is timber. To the south is a resale shop and storage units. To the west are the state fairgrounds.

- (ii) The zoning classification of property within the general area of the property in question.

To the north is B-3 and RM-4. To the east is I-2. To the south is B-1 and B-3. To the west is I-1.

- (iii) The suitability of the property in question to the uses permitted under the existing zoning classification.

The property contains a duplex and two outbuildings and appears to be suited to the current zoning classifications. Although the R-3 zoning is suited to the current duplex use, rezoning this portion of the property to B-3 is recommended given the location of the parcel on a commercial corridor. It is more likely that this parcel will convert to all commercial uses in the future rather than reverting back to residential uses.

- (iv) The trend of development, within the vicinity since the property was originally classified.

The trend of development in the area along Peoria Road is a mixture of commercial and residential uses with commercial development occurring adjacent to the north and south of the subject property.

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS
(Variance to allow a duplex unit in the I-1 zoning district.)**

Case #: 2014-008

Address: 2708 N. Peoria Road, 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.

The residential structure already exists on the property and making the property owner remove the residence could result in financial hardship.

- (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 property already contains a residence and two outbuildings, whereas most other property in the area contains a single use.

- (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.

Because the residence already has been in existence for quite some time, it appears that no negative impact is anticipated.

**RECOMMENDED STANDARDS FOR USE VARIATIONS
(Duplex & Microbrewery)**

Case #: 2014-008

Address: 2708 N. Peoria Road, 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 property contains a duplex and a vacant commercial building in which the petitioner wishes to open a microbrewery. Although the duplex is zoned appropriately the property is located on a commercial corridor and also contains two commercial buildings.

- (ii) that the variance is compatible with the trend of development in the area.

The area is a mixture of residential and commercial uses.

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

The petitioner states that all beer produced on site will be indoors within the existing outbuildings. All beer produced will be for distribution to local bars and restaurants only and could potentially benefit the community in this regard.

- (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.

Allowing the duplex to continue to be used as a residence will not have a negative impact on the area. The petition states that all brewing operations for the proposed microbrewery will take place within the existing building and operation will be electrical with no open flame. Additionally, the petitioner states that beer will not be sold or consumed on-site and all beer produced will be for distribution only, with deliveries limited to once a month. Given this method of operation, no negative impacts are anticipated in regards to the character of the area, supply of light and air to adjacent properties, congestion of traffic or impaired property values.