

CASE# 2015-002
RESOLUTION NUMBER 6-1

DENYING VARIANCES AND A CONDITIONAL PERMITTED USE
FOR CERTAIN PROPERTY LOCATED AT
2935 E. SANGAMON AVE, 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 and a Conditional Permitted Use** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Hollinshead Auto Body**, has petitioned the Sangamon County Board for **a variance to allow two (2) principal uses on one (1) parcel; a variance to allow a tavern property line to be within twenty (20) feet of a residence instead of the required one-hundred (100) feet; and, a Conditional Permitted Use to allow a tavern with the sale and consumption of beer and wine;** and

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

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

FILED

JAN 28 2015

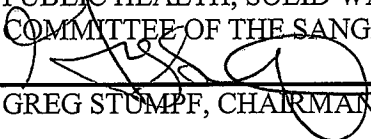
Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 10th Day of February, 2015 that the request for a variance to allow two (2) principal uses on one (1) parcel; a variance to allow a tavern property line to be within twenty (20) feet of a residence instead of the required one-hundred (100) feet; and, a Conditional Permitted Use to allow a tavern with the sale and consumption of beer and wine on the above described property is hereby denied.

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

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

Part of Lots 3 and 18 and Part of the West 167.65 feet of Lot 4, all in Jones and Adams Coal Company Subdivision of part of the West Half of Section 13, Township 16 North, Range 5 West of the Third Principal Meridian, more particularly described as follows:

Beginning at the Southwest corner of said Lot 4; thence North 88 degrees 13 minutes 45 seconds West, 11.00 feet along the south line of said Lot 18; thence North 0 degrees 00 minutes 00 seconds East, 236.50 feet, parallel with the West line of said Lot 4; thence North 90 degrees 00 minutes 00 seconds East, 178.64 feet to the East line of the West 167.65 feet of said Lot 4; thence South 0 degrees 00 minutes 00 seconds West, 242.02 feet along said east line to the south line of said Lot 4; thence North 88 degrees 13 minutes 45 seconds West, 167.73 feet along said South line to the point of beginning containing 0.981 acres, more or less.

Except

Commencing at a "P.K" nail at the Southeast corner of the Southwest Quarter of said Section 13; thence North 89 degrees 40 minutes 00 seconds West along the South line of said section 13 a distance of 807.21 feet; thence North 0 degrees 20 minutes 00 seconds East a distance of 23.00 feet to a point on the existing North right of way line of Sangamon Avenue, said point being the point of beginning; thence North 89 degrees 40 minutes 00 seconds West along said North right of way line and parallel with the South line of Section 13 a distance of 177.92 feet; thence North 1 degree 09 minutes 34 seconds West a distance of 11.95 feet; thence South 89 degrees 39 minutes 15 seconds East a distance of 7.47 feet; thence South 0 degrees 20 minutes 45 seconds West a distance of 5.00 feet; thence South 89 degrees 39 minutes 15 seconds East a distance of 13.00 feet; thence North 0 degrees 20 minutes 45 seconds East a distance of 5.00 feet; thence South 89 degrees 39 minutes 15 seconds East a distance of 157.45 feet; thence South 1 degree 09 minutes 34 seconds East a distance of 11.91 feet to the point of beginning, containing 2057square feet, more or less.

RECAP

(For County Board Use)

COUNTY BOARD MEMBER: #16

NAME: **Greg Stumpf**

DOCKET NUMBER: 2015-002

ADDRESS: 2935 E. Sangamon Ave, Springfield, IL 62702

PETITIONER: **Hollinshead Auto Body**

PRESENT ZONING CLASSIFICATION: **"I-2" with a CPU for an Auto Body Repair Shop including spray painting.**

REQUESTED ZONING CLASSIFICATION: **"I-2" with a CPU for an Auto Body Repair Shop including spray painting; a variance to allow two (2) principal uses on one (1) parcel; a variance to allow a tavern property line to be within twenty (20) feet of a residence instead of the required one-hundred (100) feet; and, a Conditional Permitted Use to allow a tavern with the sale and consumption of beer and wine.**

AREA: 0.9 Acres

COMMENTS: None

OBJECTORS: Yes

PLANNING COMMISSION RECOMMENDATION: **Denial of the variance to allow two (2) principal uses on one (1) parcel. There was no evidence provided as to whether the variance to allow a second principal use, i.e. a tavern, will benefit the community at this location because a successful auto body shop is on the subject property. Recommend denial of the variance request to allow the tavern property line to be within twenty (20) feet of a residence instead of the required one-hundred (100) feet. The residence in question is located on property zoned I-2 and is considered to be "watchman's quarters" for the property. It is expected that**

residences located in more intense zoning districts will be subject to more intense uses in the immediate area than would residences in a residentially zoned district. However, there is no evidence that the subject property cannot be economically used unless the tavern is located within one-hundred (100) feet of the residence. Therefore, the Standards for Variation are not met. Recommend denial of the CPU to allow a tavern with the sale of beer and wine. It appears that the video gaming/tavern business will be open until 1 am. The proposed hours of operation result in the business being open for the general public, not just patrons of the business as the petition indicates. As such, the proposed use for the property is more like a tavern with an auto body shop as an incidental use.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Denial as staff recommended.


RECORDING SECRETARY

le-6

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2015-002
Hollinshead Auto Body)	
)	PROPERTY LOCATED AT:
)	2935 E. Sangamon Ave
)	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 and a Conditional Permitted Use** 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 **January 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: **2935 E. Sangamon Ave, Springfield, IL 62702** and more particularly described as:

See Exhibit A

- 3. That the present zoning of said property is **"I-2" General Industrial District with a CPU for an Auto Body Shop including spray painting.**
- 4. That the present land use of said property is **an Auto Body Shop.**
- 5. That the proposed land use of said property is **a tavern and an Auto Body Shop.**
- 6. That the requested **variances and CPU** of said property is **a variance to allow two (2) principal uses on one (1) parcel; a variance to allow a tavern property line to be within twenty (20) feet of a residence instead of the required one-hundred (100) feet; and, a Conditional Permitted Use for a tavern with the sale and consumption of beer & wine.**
- 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 and CPU** are 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 and CPU** be **denied.**

Charles Chimento/ck
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Andrew Spiro**, 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 as staff recommended**, which was duly seconded by **Merilyn Herbert.**

The vote of the Board was as follows:

YES: **Charles Chimento, Don Wulf, Andrew Spiro, Merilyn Herbert, & Anthony Mares**

NO:

PRESENT:

ABSENT:

Cyndi Knowles
RECORDING SECRETARY

**RECOMMENDED STANDARDS FOR USE VARIATIONS
(Two (2) Uses on One (1) Parcel)**

Case #: 2015-002

Address: 2935 E. Sangamon Avenue, 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 site appears to be a successful auto body shop. While evidence submitted with the petition indicated gaming would help keep the business open during difficult times of the year, there are many business sectors and individual businesses where this is true.

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

The area has a mixture of B-1, B-2, and I-2 zoning on the north side of Sangamon Avenue. In addition, the parcels across Sangamon Avenue to the south are Springfield R-2.

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

While the I-2 General Industrial District is established to allow a wide range of both commercial and industrial uses, the Sangamon County Board has also seen fit to control the placement of taverns in this zoning classification by making them a conditional permitted use, instead of permitting them as of right. Also, the zoning ordinance does mention the I-2 district is designed to accommodate essential heavy and industrial uses. It is questionable whether a tavern with video gaming fits this description. There was no evidence provided as to whether the variance to allow a second principal use, i.e. a tavern, will benefit the community at this location. There is an existing business that seems to adequately use the site.

- (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.

While there may be a slight increase in traffic and/or parking on the site, the petition indicates the tavern and incidental video gaming would provide a service primarily for its customers rather than the general public. However, the intended customers are deficient on the petition. If the gaming is not limited to patrons and is open to the general public until 1 am, the use seems more like a tavern rather than an auto body shop. No other impacts pertaining to the other factors are anticipated.

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS
(Tavern to be within twenty (20) feet of a residence
Instead of the required one-hundred (100) feet)**

Case #: 2015-002

Address: 2935 E. Sangamon Avenue, 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 site appears to be a successful auto body shop. The petition did not mention how placing a tavern with only a small separation from an adjoining residence would decrease the economic use of the property under the conditions allowed by the Zoning Ordinance.

- (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 auto body shop in which the proposed use is to be located is adjacent to a residence located above a mini-storage office and an insurance office. However, the residence is located in the I-2 zoning district and is considered to be a "watchman's quarters."

- (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.

To the extent that the property is zoned to allow a tavern, there may be an injury to property values in the area. No other impacts pertaining to the other factors listed are anticipated.



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

Case #: **2015-002**

Address: **2935 E. Sangamon Avenue**

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.

It appears that the video gaming/tavern business will be open until 1 am. The proposed hours of operation result in the business being open for the general public, not just patrons of the business as the petition indicates. As such, the proposed use for the property is more like a tavern with an auto body shop as an incidental use. This is against the intent of the CPU granted for an auto body shop by the County Board in zoning case 2011-30.

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

Evidence submitted with the petition indicates the businesses will operate in separate suites and that the rationale for the gaming parlor is to get the auto body shop more notice and business. While this is an admirable business goal, the evidence submitted does not address how the public health, safety, and welfare will be protected by allowing a video gaming/tavern establishment at this location.

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

To the extent that the property is zoned to allow a tavern, there may be an injury to property values in the area.

- (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

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- (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 being made to allow a tavern property line to be within twenty (20) feet of a residence instead of the required one-hundred (100) feet.