

**GRANTING AN AMENDMENT TO AN EXISTING CONDITIONAL PERMITTED
USE
FOR CERTAIN PROPERTY LOCATED AT
2327 N. 5TH STREET, 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 to an existing Conditional Permitted Use** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Jeff Mizeur**, has petitioned the Sangamon County Board requesting **pursuant to Chapter 17.58 and Section 17.26.020 to amend a Conditional Permitted Use (previously granted zoning case# 2019-012 for a tavern not to exceed 818 square feet) for the expansion of the existing tavern to include a beer garden (approximately 1,595 square feet); and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **April 15, 2021** 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 an amendment to an existing Conditional Permitted Use; and,**

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

FILED

APR 21 2021

Don J. May
Sangamon County Clerk

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NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **11th Day of May, 2021** that the following request(s) on the above described property is hereby approved:

- Pursuant to Chapter 17.58 and Section 17.26.020 to amend a Conditional Permitted Use (previously granted zoning case# 2019-012 for a tavern not to exceed 818 square feet) for the expansion of the existing tavern to include a beer garden (approximately 1,595 square feet).

Signed and passed by the Sangamon County Board in session on this **11th day of May, 2021**.

COUNTY BOARD CHAIRMAN

ATTEST:

SANGAMON COUNTY CLERK

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EXHIBIT A

Lots Thirty-two (32), Thirty-three (33), Thirty-four (34), Thirty-five (35), Thirty-six (36), Thirty-seven (37), Thirty-eight (38), Thirty-nine (39), Forty (40) and the north 37 feet of Lot 41 Roanoke Subdivision.

EXCEPTING THE FOLLOWING PORTIONS:

1) Commencing at the Northwest corner of said Lot Thirty-two (32); thence along the West line of said Lot a distance of 27 feet; thence proceeding Northeasterly to a point in the North line of said Lot 25 feet West of the East line of said Lot; thence West along the North line to the point of beginning;

2) Commencing at the Southeast corner of said Lot Thirty-two (32); thence North along the East line of said Lot to the Northeast corner of said Lot; thence West along the North line of said Lot a distance of 25 feet; thence Southeasterly to the point of beginning.

Except any interest in the coal, oil, gas and other minerals underlying the land which have been heretofore conveyed or reserved in prior to conveyances, and all rights and easements in favor of the estate of said coal, oil, gas and other minerals, if any.

Situated in Sangamon County, Illinois.

Parcel Number: 14-15.0-354-038.

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RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #17 NAME: **Annette Fulgenzi**

DOCKET NUMBER: **2021-018**

ADDRESS: **2327 N. 5th Street**

PETITIONER: **Jeff Mizeur**

PRESENT ZONING CLASSIFICATION: **“B-3” General Business District with a CPU for a tavern (818 square feet).**

REQUESTED ZONING CLASSIFICATION: **Pursuant to Chapter 17.58 and Section 17.26.020 to amend a Conditional Permitted Use (previously granted zoning case# 2019-012 for a tavern not to exceed 818 square feet) for the expansion of the existing tavern to include a beer garden (approximately 1,595 square feet).**

AREA: **1.19 acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION STAFF RECOMMENDATION: **Recommend denial of the requested amendment to an existing Conditional Permitted Use. Staff was concerned in 2019 that a cistern would be supplying the water for the tavern on the subject property, which contributed to the rationale used to recommend the condition limiting the size of the tavern. Tripling the tavern’s size contradicts this analysis and would lead to negative effects on the character of the surrounding area and the public health. Staff also noticed a new addition, which further contradicts the 2019 size limitation.**

SANGAMON COUNTY ZONING BOARD OF APPEALS RECOMMENDATION:
Approval (see attached ZBA Findings of Fact).



RECORDING SECRETARY

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SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: **2021-018**
Jeff Mizeur)
))
)) PROPERTY LOCATED AT:
)) **2327 N. 5th Street**
)) **Springfield, IL 62712**

RECOMMENDATION OF THE ZONING 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 to an existing 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 **April 15, 2021** 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: **2327 N. 5th Street, Springfield, IL 62712** and more particularly described as:

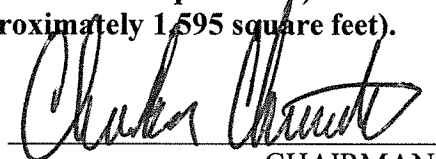
See Exhibit A

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3. That the present zoning of said property is **“B-3” General Business District with a CPU for a tavern (818 square feet)**.
4. That the present land use of said property is **Tavern**.
5. That the proposed land use of said property is **Tavern with a beer garden**.
6. That the request(s) for the subject property is **pursuant to Chapter 17.58 and Section 17.26.020 to amend a Conditional Permitted Use (previously granted zoning case# 2019-012 for a tavern not to exceed 818 square feet) for the expansion of the existing tavern to include a beer garden (approximately 1,595 square feet)**.
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 **amendment to an existing Conditional Permitted Use** 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 following request(s) **is hereby approved**:

- **Pursuant to Chapter 17.58 and Section 17.26.020 to amend a Conditional Permitted Use (previously granted zoning case# 2019-012 for a tavern not to exceed 818 square feet) for the expansion of the existing tavern to include a beer garden (approximately 1,595 square feet).**


CHAIRMAN

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MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Phil Sidles**, which was duly seconded by **JD Sudeth**, to not concur with the findings of fact and recommendation of the Regional Planning Commission, but in the alternative based on the attached findings of fact to recommend to the County Board that the following request(s) is hereby approved.

- Pursuant to Chapter 17.58 and Section 17.26.020 to amend a Conditional Permitted Use (previously granted zoning case# 2019-012 for a tavern not to exceed 818 square feet) for the expansion of the existing tavern to include a beer garden (approximately 1,595 square feet).

The vote of the Board was as follows:

YES: **Charlie Chimento, Tony Mares, Andrew Spiro, Phil Sidles, JD Sudeth**

NO:

PRESENT:

ABSENT: **Don Wulf**


RECORDING SECRETARY

**SANGAMON COUNTY - RECOMMENDED FINDINGS OF FACT
FOR CONDITIONAL PERMITTED USES
ZONING BOARD OF APPEALS FINDINGS TO GRANT AN AMENDMENT
TO THE EXISTING CONDITIONAL PERMITTED USE**

Case #: **2021-018**

Address: **2327 N. 5th Street, 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.

The ZBA agrees with the testimony provided by the petitioner that this will be the case.

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

The ZBA concurs with the petitioner that the method of supplying water will serve the site safely.

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

The ZBA does not believe that properties will be negatively affected.

- (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) Manufactured home parks - must meet the requirements of Chapter 17.48 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.

Zoning Case # 2019-012 granted the existing tavern on the subject property a variance to allow the tavern property line to be less than 100 feet from a single-family residence.

- (e) Wind energy conversion systems - a WECS shall not be located within 1½ miles of an incorporated area with a population over 10,000 or within ½ mile of an incorporated area with a population of less than 10,000. WECS shall not be located so that they interfere with contiguous urban development. **N/A**

- (f) Adult-use cannabis business establishments as defined in Chapter 17.04:

- 1) that the following distances be maintained from the principal structure of an adult-use cannabis business establishment to the property line of a use defined in Chapter 17.04 as a "sensitive area":

- (A) Adult-use cannabis craft grower – 1,500 feet
- (B) Adult-use cannabis cultivation center – 1,500 feet
- (C) Adult-use cannabis dispensing organization (dispensary) – 250 feet

- (D) Adult-use cannabis infuser organization (infuser) – 1,500 feet
 - (E) Adult-use cannabis processing organization (processor) – 1,500 feet
 - (F) Adult-use cannabis transporting organization (transporter) – 1,500 feet
- 2) On-premise consumption of cannabis at cannabis dispensing organizations and smoking lounges in unincorporated Sangamon County is prohibited. **N/A**