

**DENYING A CONDITIONAL PERMITTED USE AND A VARIANCE AND
GRANTING A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
1705 N. DIRKSEN PARKWAY, 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 a variance and grant a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

L73 Wanless Ridgewood Addition. Parcel Number 14-24.0-401-025.

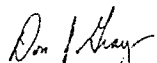
WHEREAS, the Petitioner, **Out North Billiards & More LLC (Christina Anderson)**, has petitioned the Sangamon County Board requesting **pursuant to Chapter 17.58 and Section 17.26.020 a Conditional Permitted Use for a tavern (approximately 700-750 sq. feet); pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow four (4) principal uses on one (1) parcel: (1) tavern (approximately 350 square feet), (2) charity, (3) tavern (approximately 700-750 square feet), and (4) dwelling unit above the first floor; and, a variance of Section 17.58.080(D)(4) to allow a tavern property line to be approximately seventeen (17) feet from a residence instead of the required one hundred (100) feet; and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **May 18, 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

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Sangamon County Clerk

Sangamon County Board **deny a Conditional Permitted Use and a variance and grant a variance;** 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 **8th Day of June, 2021 that the following request(s) on the above described property are hereby denied:**

- Pursuant to Chapter 17.58 and Section 17.26.020 a Conditional Permitted Use for a tavern (approximately 700-750 sq. feet); and,
- Pursuant to Chapter 17.66, a variance of Section 17.58.080(D)(4) to allow a tavern property line to be approximately seventeen (17) feet from a residence instead of the required one hundred (100) feet.

The following request(s) on the above described property is hereby approved:

- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow four (4) principal uses on one (1) parcel: (1) tavern (approximately 350 square feet), (2) charity, (3) tavern (approximately 700-750 square feet), and (4) dwelling unit above the first floor.

Signed and passed by the Sangamon County Board in session on this **8th day of June, 2021.**

COUNTY BOARD CHAIRMAN

ATTEST:

SANGAMON COUNTY CLERK

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #10 NAME: Jason Ratts

DOCKET NUMBER: 2021-020

ADDRESS: 1705 N. Dirksen Parkway, Springfield, IL 62702

PETITIONER: Out North Billiards & More LLC (Christina Anderson)

PRESENT ZONING CLASSIFICATION: "B-3" General Business District with a CPU for a tavern (approximately 350 square feet).

REQUESTED ZONING CLASSIFICATION: Pursuant to Chapter 17.58 and Section 17.26.020 a Conditional Permitted Use for a tavern (approximately 700-750 sq. feet); pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow four (4) principal uses on one (1) parcel: (1) tavern (approximately 350 square feet), (2) charity, (3) tavern (approximately 700-750 square feet), and (4) dwelling unit above the first floor; and, a variance of Section 17.58.080(D)(4) to allow a tavern property line to be approximately seventeen (17) feet from a residence instead of the required one hundred (100) feet.

AREA: 14,545 sq. ft.

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION STAFF RECOMMENDATION: Recommend denial of the requested Conditional Permitted Use for a tavern and a variance to allow a tavern property line to be approximately seventeen (17) feet from a residence. While the subject property was previously granted this variance for the south unit, the unique circumstance that was granted for that unit does not apply for the unit requesting the tavern in this zoning case. The customer entrance for this proposed tavern will be less than 100 feet (approximately 85 feet) away from the residential apartment building. Therefore, staff believes a tavern is not appropriate for this location on the subject property.

Recommend approval of the variance request to allow four (4) uses on one (1) parcel. Since staff has recommended denial of the Conditional Permitted Use for a tavern, the uses on the subject property would include: the existing tavern (approximately 350 square feet), dwelling unit above the first floor, and two additional businesses permitted in the B-3 District. The building has been retrofitted for three business uses on the first floor and a dwelling unit above the first floor, so approval of the variance would bring the property into compliance with the Zoning Regulations.

SANGAMON COUNTY ZONING BOARD OF APPEALS RECOMMENDATION:
Approval of Staff Recommendation.


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2021-020
Out North Billiards & More LLC)	
(Christina Anderson))	
)	PROPERTY LOCATED AT:
)	1705 N. Dirksen Parkway
)	Springfield, IL 62702

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 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 **May 18, 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: **1705 N. Dirksen Parkway, Springfield, IL 62702** and more particularly described as:

L73 Wanless Ridgewood Addition. Parcel Number 14-24.0-401-025.

3. That the present zoning of said property is **“B-3” General Business District with a CPU for a tavern (approximately 350 square feet).**
4. That the present land use of said property is **Tavern (approximately 350 square feet), charity, dwelling unit above the first floor, and vacant unit.**
5. That the proposed land use of said property is **Tavern (approximately 350 square feet), charity, dwelling unit above the first floor, and tavern (approximately 700-750 square feet).**
6. That the request(s) for the subject property **are pursuant to Chapter 17.58 and Section 17.26.020 a Conditional Permitted Use for a tavern (approximately 700-750 sq. feet); pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow four (4) principal uses on one (1) parcel: (1) tavern (approximately 350 square feet), (2) charity, (3) tavern (approximately 700-750 square feet), and (4) dwelling unit above the first floor; and, a variance of Section 17.58.080(D)(4) to allow a tavern property line to be approximately seventeen (17) feet from a residence instead of the required one hundred (100) 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 not** support the proposition that the adoption of the proposed **Conditional Permitted Use and a variance** are in the public interest and is not solely in the interest of the petitioner(s) but, in the alternative **does** support the proposition that the adoption of **a 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 following request(s) **are hereby denied:**

- Pursuant to Chapter 17.58 and Section 17.26.020 a Conditional Permitted Use for a tavern (approximately 700-750 sq. feet); and,
- Pursuant to Chapter 17.66, a variance of Section 17.58.080(D)(4) to allow a tavern property line to be approximately seventeen (17) feet from a residence instead of the required one hundred (100) feet.

The following request(s) on the above described property is hereby approved:

- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow four (4) principal uses on one (1) parcel.



 CHAIRMAN

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MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Don Wulf**, which was duly seconded by **Tony Mares**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the following request(s) **are hereby denied**:

- Pursuant to Chapter 17.58 and Section 17.26.020 a Conditional Permitted Use for a tavern (approximately 700-750 sq. feet); and,
- Pursuant to Chapter 17.66, a variance of Section 17.58.080(D)(4) to allow a tavern property line to be approximately seventeen (17) feet from a residence instead of the required one hundred (100) feet.

The following request(s) on the above described property is hereby approved:

- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow four (4) principal uses on one (1) parcel.

The vote of the Board was as follows:

YES: **Charlie Chimento, Tony Mares, Don Wulf, JD Sudeth**

NO: **Andrew Spiro**

PRESENT:

ABSENT:



RECORDING SECRETARY

6-7

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

Case #: **2021-020**

Address: **1705 N. Dirksen Parkway, 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.

Staff believes a tavern is not appropriate for this location on the subject property, especially since the location of this proposed tavern would have an entrance less than 100 feet away from a residential apartment building.

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

It is questionable whether the public health, safety, and welfare will be protected by allowing an additional tavern on the subject property, especially when the customer entrance for this proposed tavern is less than 100 feet away from an apartment building.

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

An additional tavern on the subject property, where the entrance is approximately 85 feet away from an apartment building, could negatively impact the 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) 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.

A variance is requested to allow a tavern property line to be approximately seventeen (17) feet from a 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

**SANGAMON COUNTY
RECOMMENDED STANDARDS FOR USE VARIATIONS**

Case #: 2021-020

Address: 1705 N. Dirksen Parkway, 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.

Since staff has recommended denial of the Conditional Permitted Use for a tavern, the uses on the subject property would include: the existing tavern (approximately 350 square feet), dwelling unit above the first floor, and two additional businesses permitted in the B-3 District. The building has been retrofitted for three business uses on the first floor and a dwelling unit above the first floor, so approval of the variance would bring the property into compliance with the Zoning Regulations. Granting the multiple uses variance would allow the petitioner to fill the vacant space with any other permitted use in the B-3 District.

- (ii) that the variance is compatible with the trend of development in the area.
This area fronting Dirksen Parkway is predominantly commercial and the four uses will be compatible with this trend of development. In Zoning Case #2019-038, the subject property was granted a CPU for a tavern with conditions, a variance to allow two uses on one parcel, a variance to allow a tavern property line to be approximately 17 feet from a residence instead of the required 100 feet, and a variance to allow vehicles to back into a street or alley rather than accessing it in a forward manner. In Zoning Case # 1988-068, the subject property was granted B-3 and a Use Variance for accessory off-street parking on a portion of the adjacent parcel to the west.

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

The building was previously utilized for a motorcycle sales and service business, and has since been retrofitted for three business units and a dwelling unit above the first floor. The requested variance will allow the petitioner to utilize the entire structure and come into compliance with the Zoning Ordinance.

- (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.

There could be a negative impact to the character of the surrounding area if an additional tavern is allowed to be located on the subject property due to the proximity to an apartment building. Negative impacts are not anticipated in allowing four uses on the subject property being the existing tavern (approximately 350 square feet), dwelling unit above the first floor, and two additional businesses permitted in the B-3 District.

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**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2021-020**

Address: **1705 N. Dirksen Parkway, 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 subject property could continue to operate economically without the requested variance, as the unit on the south was granted this variance in Zoning Case #2019-038, but had a customer entrance over 100 feet away from 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.

While the subject property was previously granted this variance for the south unit, the unique circumstance that was granted for that unit does not apply for the unit requesting the tavern in this zoning case. The customer entrance for this proposed tavern will be less than 100 feet (approximately 85 feet) away from the residential apartment building.

- (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.

Staff has concerns about negative effects on the character of the area in allowing an additional tavern with the entrance being approximately 85 feet away from a residential apartment building. Denying the variance is consistent with previous cases where the entrance for a proposed tavern is less than 100 feet away from a residence.