

CASE# 2017-004  
RESOLUTION NUMBER 7-1

**DENYING A CONDITIONAL PERMITTED USE AND VARIANCES**  
FOR CERTAIN PROPERTY LOCATED AT  
**2936 S. MACARTHUR BOULEVARD, 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 variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

**See Exhibit A**

WHEREAS, the Petitioners, **Chun D. Hu & Yi Lu**, have petitioned the Sangamon County Board for **a Conditional Permitted Use to allow the sale of packaged liquor; a variance to allow a liquor store property line to be within seventy-one (71) feet of a residential structure; and, a variance to allow a portion of the required parking to be located on the adjacent property, five (5) spaces; and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **January 19, 2017** 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 Conditional Permitted Use and variances;** and,

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

**FILED**

**JAN 25 2017**


*Don J. Hays*  
Sangamon County Clerk

**NOW, THEREFORE, BE IT RESOLVED** by the County Board of Sangamon County, Illinois, in session assembled this 7<sup>th</sup> Day of February, 2017 that the request for a **Conditional Permitted Use to allow the sale of packaged liquor; a variance to allow a liquor store property line to be within seventy-one (71) feet of a residential structure; and, a variance to allow a portion of the required parking to be located on the adjacent property, five (5) spaces on the above described property is hereby denied.**

Signed and passed by the Sangamon County Board in session on this 7<sup>th</sup> day of February, 2017.

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 RATTIS

\_\_\_\_\_  
LINDA DOUGLAS WILLIAMS

\_\_\_\_\_  
ANNETTE FULGENZI

\_\_\_\_\_  
LINDA FULGENZI

\_\_\_\_\_  
LISA HILLS

\_\_\_\_\_  
MIKE SULLIVAN

\_\_\_\_\_  
ROSE RUZIC

**ATTEST:**

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

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**EXHIBIT A**

The South 50 feet of the North 450 feet of Lot One (1) of Mrs. Jesse V. Price's Subdivision, EXCEPT the West 3 feet thereof.

Also excepting that part of Lot One (1) described as follows:

Commencing at the Southwest corner of said Lot One (1); thence North 00 degrees 53 minutes 56 seconds West along the West line of Lot One (1), a distance of 280.89 feet to the South line of the South 50 feet of the North 450 feet of Lot One (1); thence North 88 degrees, 09 minutes 13 seconds East along the South line of the South 50 feet of the North 450 feet of Lot One (1), a distance of 3.00 feet to the existing Easterly right of way line of MacArthur Boulevard, also being the point of beginning; thence North 00 degrees 53 minutes 56 seconds West along the existing Easterly right of way line of MacArthur Boulevard, 50.00 feet to the North line of the South 50 feet of the North 450 feet of Lot One (1); thence North 88 degrees 09 minutes 13 seconds East along the North line of the South 50 feet of the North 450 feet of Lot One (1), a distance of 10.59 feet; thence South 06 degrees 49 minutes 43 seconds East, 50.19 feet to the South line of the South 50 feet of the North 450 feet of Lot One (1); thence South 88 degrees 09 minutes 13 seconds West along the South line of the South 50 feet of the North 450 feet of Lot One (1), a distance of 15.78 feet to the point of beginning.

Situated in Sangamon County, Illinois.

**RECAP**  
(For County Board Use)

COUNTY BOARD MEMBER: # 23                      NAME: Lisa Hills

DOCKET NUMBER: 2017-004

ADDRESS: 2936 S. MacArthur Boulevard, Springfield, IL 62704

PETITIONER: Chun D. Hu & Yi Lu

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 of packaged liquor; a variance to allow a liquor store property line to be within seventy-one (71) feet of a residential structure; and, a variance to allow a portion of the required parking to be located on the adjacent property, five (5) spaces.

AREA: 14,707 sq. ft.

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: Recommend denial of the requested Conditional Permitted Use (CPU) and variances due to concerns about safety of vehicular circulation on the subject property. The purpose of the case is to allow the petitioners to add package liquor sales to the existing grocery store, which would increase the intensity of use on the property. The subject property requires 14 parking spaces for the current use and the petitioners have striped and paved a portion of the subject property and some of the adjoining lot to the south, which the petitioners also own, for a total of 21 parking spaces. Staff has concerns that 11 of the spaces provided have half of the

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parking space area on the adjacent property to the south, which is located in the City of Springfield. There could be a negative impact to the area if the property immediately to the south is sold and patrons can only get to the rear parking via the narrow driveway on the north side of the existing building since no alley access exists.

SANGAMON COUNTY BOARD OF APPEALS  
RECOMMENDATION:

Approval of staff recommendation

  
RECORDING SECRETARY

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SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF: )	DOCKET NO: <b>2017-004</b>
<b>Chun D. Hu &amp; Yi Lu</b> )	
)	PROPERTY LOCATED AT:
)	<b>2936 S. MacArthur Boulevard</b>
)	<b>Springfield, IL 62704</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 **January 19, 2017** 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: **2936 S. MacArthur Boulevard, Springfield, IL 62704** and more particularly described as:

**See Exhibit A**

- 3. That the present zoning of said property is **“B-3” General Business District.**
- 4. That the present land use of said property is **an Asian grocery store.**
- 5. That the proposed land use of said property is **an Asian grocery store with packaged liquor sales.**
- 6. That the requested **Conditional Permitted Use and variances** of said property is a **Conditional Permitted Use to allow the sale of packaged liquor; a variance to allow a liquor store property line to be within seventy-one (71) feet of a residential structure; and, a variance to allow a portion of the required parking to be located on the adjacent property, five (5) spaces.**
- 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 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 **denied.**

  
CHAIRMAN *cc*

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 **denied** which was duly seconded by **Charles Chimento.**

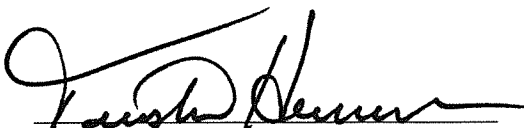
The vote of the Board was as follows:

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

NO:

PRESENT:

ABSENT:

  
RECORDING SECRETARY



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

Case #: 2017-004

Address: 2936 S. MacArthur Blvd., 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.  
**If the requested Conditional Permitted Use is granted, the adjacent effects on the surrounding area could be negative if cars are required to use the driveway on the north side of the existing building in the event the lot immediately to the south is sold.**
- (ii) Is so proposed to be operated, designed and located so that the public health, safety, and welfare will be protected.  
**Staff has concerns with the safety of vehicular circulation on the subject property. If the property immediately to the south is sold, the only access to the rear parking on the property is via the narrow driveway on the north side of the existing building since no alley access exists.**
- (iii) Will not cause substantial injury to the value of other property in the vicinity in which it is located.  
**There could be a negative impact to the area if the property immediately to the south is sold and patrons can only get to the rear parking via the narrow driveway on the north side of the existing building since no alley access exists.**
- (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 sought to allow the liquor store property line to be within seventy-one (71) feet from a residence.**

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**SANGAMON COUNTY  
RECOMMENDED - STANDARDS FOR VARIATIONS  
(TO ALLOW PARKING ON ADJACENT PROPERTY AND TO ALLOW  
A LIQUOR STORE PROPERTY LINE WITHIN 100 FEET OF A RESIDENTIAL  
STRUCTURE)**

Case #: 2017-004

Address: 2936 S. MacArthur Blvd., 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 property could continue to be used economically without the requested variances as a grocery store.**

- (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.

**No particularly unique circumstances were mentioned in the petition to justify the requested variances that are not equally applicable to other properties in the area.**

- (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.

**There could be a negative impact to the area if the property immediately to the south is sold and patrons can only get to the rear parking via the narrow driveway on the north side of the existing building since no alley access exists.**