

FILED

MAY 25 2017



CASE# 2017-022
RESOLUTION NUMBER 7-1

DENYING A CONDITIONAL PERMITTED USE AND GRANTING A VARIANCE

FOR CERTAIN PROPERTY LOCATED AT
1411 N. 29TH 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 **deny a Conditional Permitted Use and grant a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

The South 60 feet of Lot 126 in Wanless' Ridgewood Addition to the City of Springfield; and Lot 127 of Wanless' Ridgewood Addition to the City of Springfield.

WHEREAS, the Petitioner, **Willis Payton**, has petitioned the Sangamon County Board for a **Conditional Permitted Use for a tavern; a variance to allow for three (3) uses on one (1) parcel: (a) apartment building with three (3) dwelling units, (b) tavern limited to four hundred twenty (420) square feet for video gaming, and (c) watchman's quarters for tavern and video gaming; a variance to allow the tavern property line to be located less than one hundred (100) feet from a residence (approximately 50 feet); and, a variance to allow an apartment building with three (3) units on same parcel as tavern; and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **May 18, 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 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 **13th Day of June, 2017** that the request for a **Conditional Permitted Use for a tavern is hereby denied; and, a variance to allow for three (3) uses on one (1) parcel: (a) an apartment building with three (3) dwelling units, (b) a business permitted in the "B-3" General Business District, and (c) a watchman's quarters for the business on the above described property is hereby approved.**

Signed and passed by the Sangamon County Board in session on this **13th day of June, 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 RATTS

LINDA DOUGLAS WILLIAMS

ANNETTE FULGENZI

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ROSE RUZIC

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

7-4

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #10 NAME: Jason Ratts

DOCKET NUMBER: 2017-022

ADDRESS: 1411 N. 29th Street, Springfield, IL 62702

PETITIONER: Willis Payton

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

REQUESTED ZONING CLASSIFICATION: **Conditional Permitted Use (CPU) for a tavern; a variance to allow three (3) uses on one (1) parcel: (a) apartment building with three (3) dwelling units, (b) tavern limited to four hundred twenty (420) square feet for video gaming, and (c) watchman's quarters for the tavern and video gaming; a variance to allow the tavern property line to be located less than one hundred (100) feet from a residence (approximately 50 feet); and, a variance to allow an apartment building with three (3) units on the same parcel as the tavern.**

AREA: 0.4 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: **Recommend denial of the CPU to allow a tavern in the B-3 district. The residential character of the area to the north could be changed with the addition of a tavern to the area. In addition, to the extent that the property is zoned to allow a tavern, there may be injury to property values in the area.**

Recommend approval of the variance request to allow three (3) uses on one (1) parcel. Since staff has recommended denial of the CPU for the tavern, the uses on the subject

property would include: a business permitted in the B-3 district, a three-unit apartment building, and a watchman's quarters for the business. The subject property has a history of multiple uses; some of the uses have been approved, while others have not been approved. The approval of the variance to allow three (3) uses would bring the property into compliance with the Zoning Regulations.

As staff has recommended denial of the CPU for a tavern, the variance requests to allow a tavern property line to be within fifty (50) feet of a residence and to allow an apartment building with three units on the same parcel as the tavern are unnecessary.

SANGAMON COUNTY 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: 2017-022
Willis Payton)	
)	PROPERTY LOCATED AT:
)	1411 N. 29th
)	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 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, 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: **1411 N. 29th Street, Springfield, IL 62702** and more particularly described as:

The South 60 feet of Lot 126 in Wanless' Ridgewood Addition to the City of Springfield; and Lot 127 of Wanless' Ridgewood Addition to the City of Springfield.

7-7

Page 2

3. That the present zoning of said property is **“B-3” General Business District.**
4. That the present land use of said property is **office space, storage, and apartments.**
5. That the proposed land use of said property is a **tavern with video gaming, watchman’s quarters, storage, and apartments.**
6. That the requested **Conditional Permitted Use and variances** of said property are a **Conditional Permitted Use for a tavern; a variance to allow for three (3) uses on one (1) parcel: (a) apartment building with three (3) dwelling units, (b) tavern limited to four hundred twenty (420) square feet for video gaming, and (c) watchman’s quarters for tavern and video gaming; a variance to allow the tavern property line to be located less than one hundred (100) feet from a residence (approximately 50 feet); and, a variance to allow an apartment building with three (3) units on same parcel as tavern.**
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 for a tavern** is in the public interest and is not solely in the interest of the petitioner(s); but **does** support the proposition that the adoption of the proposed **variance to allow for three (3) uses on one (1) parcel: (a) an apartment building with three (3) dwelling units, (b) a business permitted in the “B-3” General Business District, and (c) a watchman’s quarters for the business** 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 for a tavern** be denied; and, a **variance to allow for three (3) uses on one (1) parcel: (a) an apartment building with three (3) dwelling units, (b) a business permitted in the “B-3” General Business District, and (c) a watchman’s quarters for the business** on the above described property is hereby approved.


 CHAIRMAN ro

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 for a **Conditional Permitted Use for a tavern be denied; and, a variance to allow for three (3) uses on one (1) parcel: (a) an apartment building with three (3) dwelling units, (b) a business permitted in the "B-3" General Business District, and (c) a watchman's quarters for the business is hereby approved;** which was duly seconded by **Tony Mares**.

The vote of the Board was as follows:

YES: **Charles Chimento, Tony Mares, Don Wulf, Andrew Spiro, JD Sudeth**

NO:

PRESENT:

ABSENT:


RECORDING SECRETARY

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

Case #: **2017-022**

Address: **1411 North 29th 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.

It is questionable whether there is a public benefit to allowing a tavern at the proposed location relative to the residences in the surrounding area.

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

No evidence was provided in the petition to indicate how the public health, safety, and welfare will be protected at this location.

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

The residential character of the area to the north could be changed with the addition of a tavern to the area. In addition, to the extent that the property is zoned to allow a tavern, there may be 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

- (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 tavern property line to be within fifty (50) feet from a residence.

**RECOMMENDED STANDARDS FOR USE VARIATIONS
(THREE USES ON ONE PARCEL: APARTMENT BUILDING WITH THREE
UNITS, TAVERN, & WATCHMAN'S QUARTERS)**

Case #: **2017-022**

Address: **1411 North 29th Street, 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 petition mentions that multiple uses have existed on the subject property in the past. Denying the petitioner multiple uses on the subject property could constitute a hardship.

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

The residential character of the area to the north could be changed with the addition of a tavern to the area. The subject property was previously granted a variance to allow a single-family dwelling to be located on the first floor of a commercial building (Zoning Case #1997-053). In 2015, a CPU for a tavern and a variance were denied west of the subject property (Zoning Case #2015-015). In 2016, a variance was granted to allow two uses on one parcel southwest of the subject property (Zoning Case #2016-030).

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

The subject property has a history of multiple uses; some of the uses have been approved, while others have not been approved. The approval of the variance to allow three (3) uses would bring the property into compliance with the Zoning Regulations.

- (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 a tavern is allowed to be located on the subject property. No additional negative impacts are anticipated.

7-11

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2017-022**

Address: **1411 North 29th Street, 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 contains commercial buildings that are suitable for most uses permitted in the B-3 district.

- (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 circumstances unique to the property were indicated in the petition.

- (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 a public entrance to a tavern locates within fifty (50) feet of a residence, there could be a negative impact on residential property values.