

CASE# **2017-064**  
RESOLUTION NUMBER 74

**GRANTING A CONDITIONAL PERMITTED USE AND VARIANCES**  
FOR CERTAIN PROPERTY LOCATED AT  
**3124 S. 11<sup>TH</sup> 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 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 Petitioner, **Chronister Oil Company**, has petitioned the Sangamon County Board for a **Conditional Permitted Use for the sale of packaged liquor and a variance to allow the liquor store property lines to be within one hundred (100) feet of a residential structure, for Proposed Parcel 1; and, a variance to allow an off premise sign, for Proposed Parcels 2-4; and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **December 21, 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 **grant 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**

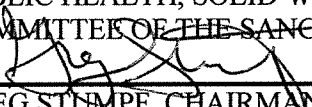
DEC 28 2017

*Don J. Hayes*  
Sangamon County Clerk

**NOW, THEREFORE, BE IT RESOLVED** by the County Board of Sangamon County, Illinois, in session assembled this **9<sup>th</sup> Day of January, 2018** that the requests for **Proposed Parcel 1 (PINs 22-10.0-454-006 & -007): a Conditional Permitted Use for the sale of packaged liquor and a variance to allow the liquor store property lines to be within one hundred (100) feet of a residential structure; and, for Proposed Parcels 2-4: a variance to allow an off premise sign on the above described property are hereby approved.**

Signed and passed by the Sangamon County Board in session on this **9<sup>th</sup> day of January, 2018.**

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

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**ATTEST:**

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

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**EXHIBIT A**

**Tract E:**

Lot 24, and the West ½ of the vacated alley lying East and adjoining said Lot 24, as vacated by Document No. 2015R04800 recorded March 2, 2015, in Block 10 in the Town of Mildred.

Tax ID: 22-10.0-454-007, 3124 S. 11<sup>th</sup> Street

**Tract F:**

Lot 25, and the West ½ of the vacated alley lying East and adjoining Lot 25, as vacated by Document No. 2015R04800 recorded March 2, 2015, in Block 10 in the Town of Mildred.

Tax ID: 22-10.0-454-006, 3120 S. 11<sup>th</sup> Street

**Tract K:**

Lot 30, and the West ½ of the vacated alley lying East and adjoining said Lot 30, as vacated by Document No. 2015R04800 recorded March 2, 2015, in Block 10 in the Town of Mildred, EXCEPT that part of said Lot 30 described as follows:

Beginning at the Northwest corner of said Lot 30 as a point located 27.5 feet left of Sta.37+16.12; thence in an Easterly direction along the North line of Lot 30 for a distance of 6.0 feet to a point located 33.5 feet left of Sta.37+16.12; thence in a Southwesterly direction for a distance of 11.66 feet to a point on the West line of Lot 30 located 27.5 feet left of Sta.37+26.12; thence in a Northerly direction along the West line of Lot 30 for a distance of 10.0 feet to the point of beginning.

Tax ID: 22-10.0-454-032, 3100 S. 11<sup>th</sup> Street

**Tract L:**

The East 110.84 feet of Lots 1 and 2 in Block 10 of the Town of Mildred.

Tax ID: 22-10.0-454-016, 3105 S. 11<sup>th</sup> Street

**Tract N:**

The South 20 feet of Lot 9, all of Lot 10 and the North 7 feet of Lot 11, and the East ½ of the vacated alley lying West and adjoining the South 20 feet of said Lot 9, all of said Lot 10 and the North 7 feet of said Lot 11, as vacated by Document No. 2015R04800 recorded March 2, 2015, in Block 10 in the Town of Mildred.

Tax ID: 22-10.0-454-041, 3119 S. 11<sup>th</sup> Street

**RECAP**  
(For County Board Use)

COUNTY BOARD  
MEMBER:

#14

NAME: **Joel Tjelmeland, Jr.**

DOCKET NUMBER: **2017-064**

ADDRESS: **3124 S. 11<sup>th</sup> Street, Springfield, IL 62702**

PETITIONER: **Chronister Oil Company**

PRESENT ZONING  
CLASSIFICATION:

**“B-3” General Business District.**

REQUESTED ZONING  
CLASSIFICATION:

**For Proposed Parcel 1: a Conditional Permitted Use for the sale of packaged liquor and a variance to allow the liquor store property lines to be within one hundred (100) feet of a residential structure; and, for Proposed Parcels 2-4: a variance to allow an off premise sign.**

AREA: **0.97 acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION  
RECOMMENDATION:

**Recommend approval of the Conditional Permitted Use on Proposed Parcel 1, i.e. PINs 22-10-454-006 and -007, and approval of the requested variances. The petitioner is adding onto the building and is required to extend the existing Conditional Permitted Use to the new addition. No additional negative impact is expected. In 1999, a variance was granted to allow liquor sales within 100 feet of a residence. Due to the changes in 11th Street, the ingress/egress to the property will change. The petitioner is adding onto the building to accommodate the changes. Denying the CPU on the additional parcels to**

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accommodate the building addition would result in the petitioner being unable to continue to sell alcohol thus removing the ability of the petitioner to continue to yield a reasonable return. The off-premise signs will be directional in nature and help patrons navigate the subject property when the 11<sup>th</sup> and Stevenson improvements are done. The Standards for Variation are met.

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: **2017-064**  
**Chronister Oil Company** )  
) )  
) PROPERTY LOCATED AT:  
) **3124 S. 11<sup>th</sup> Street**  
) **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 **December 21, 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: **3124 S. 11<sup>th</sup> Street, Springfield, IL 62702** 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 **a convenience store with a Conditional Permitted Use for package liquor sales, gas pumps, two (2) vacant commercial buildings, and one (1) vacant residence.**
- 5. That the proposed land use of said property is **a Conditional Permitted Use to allow expansion of the existing CPU for packaged liquor; and, construct up to three (3) additional off-premise signs.**
- 6. That the requested **Conditional Permitted Use and variances** of said property are **a Conditional Permitted Use for the sale of packaged liquor and a variance to allow the liquor store property lines to be within one hundred (100) feet of a residential structure, for Proposed Parcel 1; and, a variance to allow an off premise sign, for Proposed Parcels 2-4.**
- 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 **Conditional Permitted Use and variances** 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 **Conditional Permitted Use and variances** be **approved.**

  
 CHAIRMAN 90



MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Larry Beaty**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **approved** which was duly seconded by **Tony Mares**.

The vote of the Board was as follows:

YES: **Tony Mares, Don Wulf, Andrew Spiro, Gina Lathan, Larry Beaty**

NO:

PRESENT:

ABSENT: **Charles Chimento**

  
RECORDING SECRETARY

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

Case #: 2017-064

Address: 3124 S. 11<sup>th</sup> St.

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 petitioner is adding onto the building and is required to extend the existing Conditional Permitted Use to the new addition. No additional negative impact is expected.**
- (ii) Is so proposed to be operated, designed and located so that the public health, safety, and welfare will be protected.  
**No additional negative impact is expected for this factor.**
- (iii) Will not cause substantial injury to the value of other property in the vicinity in which it is located.  
**No additional negative impact is expected for this factor.**
- (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 requested to allow package liquor sales within 100 feet of a residence.**

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**SANGAMON COUNTY  
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2017-064**

Address: **3124 S. 11<sup>th</sup> St, 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.

**Signs: The subject properties where the proposed signs will be located have rezoned through the years to commercial and having improved signage will help increase the reasonable return on these properties.**

**Packaged Liquor Sales within 100 feet of a Residence: In 1999, a variance was granted to allow liquor sales within 100 feet of a residence. Due to the changes in 11th Street the ingress/egress to the property will change. The petitioner is adding onto the building to accommodate the changes. Denying the CPU on the additional parcels to accommodate the building addition would result in the petitioner being unable to continue to sell alcohol thus removing the ability of the petitioner to continue to yield a reasonable return.**

- (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.

**Signs: The off-premise signs will be directional in nature and help patrons navigate the subject property when the 11<sup>th</sup> and Stevenson improvements are done.**

**Packaged Liquor Sales within 100 feet of a Residence: The petitioner is adding onto the building and is required to extend the existing Conditional Permitted Use to the new addition. Also, the County Board previously approved a variance to allow package liquor sales within 100 feet of a residence on property immediately south of the subject property (Zoning Case # 1999-39).**

- (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.

**Negative impacts are not anticipated.**