

**DENYING A CONDITIONAL PERMITTED USE AND VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
2700 S. SPRING 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 variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **225-229 Park Ave., LLC**, 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 2,592 sq. ft.); pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow two (2) principal uses on one (1) parcel: (1) tavern and (2) personal storage; a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock/grass) instead of the required bituminous seal coat; a variance of Section 17.50.060(B) to allow vehicles to back into a street or alley rather than accessing it in a forward manner; and, a variance of Section 17.58.080(D)(4) to allow a tavern property line to be approximately sixty (60) feet from a residence instead of the required one hundred (100) feet; and,**

WHEREAS, a public hearing was held via Zoom on **February 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,

FILED

FEB 26 2021

Don J. Hayes
Sangamon County Clerk

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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 a Conditional Permitted Use and variances**; 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 **9th Day of March, 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 2,592 sq. ft.);
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow two (2) principal uses on one (1) parcel: (1) tavern and (2) personal storage;
- Pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock/grass) instead of the required bituminous seal coat;
- Pursuant to Chapter 17.66, a variance of Section 17.50.060(B) to allow vehicles to back into a street or alley rather than accessing it in a forward manner; and,
- Pursuant to Chapter 17.66, a variance of Section 17.58.080(D)(4) to allow a tavern property line to be approximately sixty (60) feet from a residence instead of the required one hundred (100) feet.

Signed and passed by the Sangamon County Board in session on this **9th day of March, 2021**.

COUNTY BOARD CHAIRMAN

ATTEST:

SANGAMON COUNTY CLERK

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EXHIBIT A

Lots Eleven (11), Twelve (12), Thirteen (13), Fourteen (14) and Fifteen (15) of the Highlands, Sangamon County, Illinois.

Except part of Lot 11 of The Highlands, a Subdivision of part of the North half of Section 9, Township 15 North, Range 5 West of the Third Principal Meridian, Sangamon County, Illinois, more particularly described as follows:

Beginning at the Northeast corner of said Lot 11; thence South 01 degree 14 minutes 23 seconds East along the East line of said Lot 11, a distance of 0.59 feet to a point on the Southeast corner of said Lot 11, said point being on a non-tangent curve having a radius of 8,546.42 feet whose center bears North 38 degrees 47 minutes 12 seconds West from said point; thence Southwesterly along the South line of said Lot 11 and along said curve through a central angle of 0 degrees 10 minutes 52 seconds, a distance of 27.00 feet; thence North 03 degrees 37 minutes 59 seconds West, 16.84 feet to the North line of said Lot 11; thence North 88 degrees 06 minutes 59 seconds East along the North line of said Lot 11; a distance of 20.00 feet to the point of beginning.

Parcel Number: 22-09.0-208-008.

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RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 21 NAME: Clyde Bunch

DOCKET NUMBER: 2021-008

ADDRESS: 2700 S. Spring Street, Springfield, IL 62702

PETITIONER: 225-229 Park Ave., LLC

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

REQUESTED ZONING CLASSIFICATION: Pursuant to Chapter 17.58 and Section 17.26.020, a Conditional Permitted Use for a tavern (approximately 2,592 sq. ft.); pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow two (2) principal uses on one (1) parcel: (1) tavern and (2) personal storage; a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock/grass) instead of the required bituminous seal coat; a variance of Section 17.50.060(B) to allow vehicles to back into a street or alley rather than accessing it in a forward manner; and, a variance of Section 17.58.080(D)(4) to allow a tavern property line to be approximately sixty (60) feet from a residence instead of the required one hundred (100) feet.

AREA: 0.8 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION STAFF RECOMMENDATION: Recommend denial of the requested CPU for a tavern. The County Board previously denied CPU requests for a tavern and liquor store in 2010 and a tavern in 2009 on the subject property, which indicates the County Board believes a tavern would have a negative effect on the character of the area. There have been no significant changes in the uses or character of the area since 2010 that would support a tavern at this location. As staff has recommended denial of the CPU for a tavern request, addressing the variance requests is unnecessary.

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: 2021-008
225-229 Park Ave., LLC)	
)	PROPERTY LOCATED AT:
)	2700 S. Spring Street
)	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 **February 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: **2700 S. Spring Street, Springfield, IL 62702** 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.**
4. That the present land use of said property is **Vacant.**
5. That the proposed land use of said property is **Tavern with storage/garage.**
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 2,592 sq. ft.); pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow two (2) principal uses on one (1) parcel: (1) tavern and (2) personal storage; a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock/grass) instead of the required bituminous seal coat; a variance of Section 17.50.060(B) to allow vehicles to back into a street or alley rather than accessing it in a forward manner; and, a variance of Section 17.58.080(D)(4) to allow a tavern property line to be approximately sixty (60) 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 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 following request(s) **are hereby denied:**

- Pursuant to **Chapter 17.58 and Section 17.26.020, a Conditional Permitted Use for a tavern (approximately 2,592 sq. ft.);**
- Pursuant to **Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow two (2) principal uses on one (1) parcel: (1) tavern and (2) personal storage;**
- Pursuant to **Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock/grass) instead of the required bituminous seal coat;**
- Pursuant to **Chapter 17.66, a variance of Section 17.50.060(B) to allow vehicles to back into a street or alley rather than accessing it in a forward manner; and,**
- Pursuant to **Chapter 17.66, a variance of Section 17.58.080(D)(4) to allow a tavern property line to be approximately sixty (60) feet from a residence instead of the required one hundred (100) feet.**


 CHAIRMAN

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 2,592 sq. ft.);
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow two (2) principal uses on one (1) parcel: (1) tavern and (2) personal storage;
- Pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock/grass) instead of the required bituminous seal coat;
- Pursuant to Chapter 17.66, a variance of Section 17.50.060(B) to allow vehicles to back into a street or alley rather than accessing it in a forward manner; and,
- Pursuant to Chapter 17.66, a variance of Section 17.58.080(D)(4) to allow a tavern property line to be approximately sixty (60) feet from a residence instead of the required one hundred (100) feet.

The vote of the Board was as follows:

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

NO:

PRESENT:

ABSENT: **Andrew Spiro**



RECORDING SECRETARY

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

Case #: **2021-008**

Address: **2700 South Spring 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 County Board previously denied CPU requests for a tavern and liquor store in 2010 and a tavern in 2009 on the subject property, which indicates the County Board believes a tavern would have a negative effect on the character of the area. There have been no significant changes in the uses or character of the area since 2010 that would support a tavern at this location.

- (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 a tavern at the proposed location, especially when the principal customer entrance is located off of Spring Street which contains two residences on the west side of the block.

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

A tavern located within sixty feet of a residence could negatively impact the residential property values.

- (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 sixty (60) 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
(MULTIPLE USES)**

Case #: **2021-008**

Address: **2700 South Spring 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.

As the variance depends on the CPU for the tavern that is recommended for denial, this standard does not apply.

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

As the variance depends on the CPU for the tavern that is recommended for denial, this standard does not apply.

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

As the variance depends on the CPU for the tavern that is recommended for denial, this standard does not apply.

- (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.

As the variance depends on the CPU for the tavern that is recommended for denial, this standard does not apply.

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**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2021-008**

Address: **2700 South Spring 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.

As the variances depend on the CPU for the tavern that is recommended for denial, this standard does not apply.

- (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.

As the variances depend on the CPU for the tavern that is recommended for denial, this standard does not apply.

- (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.

As the variances depend on the CPU for the tavern that is recommended for denial, this standard does not apply.