

CASE# 2012-050
RESOLUTION NUMBER 8-1

GRANTING VARIANCES AND A CONDITIONAL PERMITTED USE
FOR CERTAIN PROPERTY LOCATED AT
24 JUDD, GLENARM
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 the variances and a Conditional Permitted Use** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

Lots two (2) and three (3) in block four (4) in the town of Glenarm.

WHEREAS, the Petitioner, **Paula Mitchell**, has petitioned the Sangamon County Board for a **variance to allow a six (6) foot privacy fence in the front yard zero (0) feet from the property line instead of required fifteen (15) feet, a variance to allow a tavern to be less than one hundred (100) feet from a residential structure and a Conditional Permitted Use to allow the sale of alcoholic beverages** and;

WHEREAS, a public hearing was held at the Sangamon County Building on **October 18, 2012** 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 variances and a Conditional Permitted Use**; and

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

FILED

OCT 31 2012

Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 18th day of October, 2012 that the request for a variance to allow a six (6) foot privacy fence in the front yard zero (0) feet from the property line instead of required fifteen (15) feet, a variance to allow a tavern to be less than one hundred (100) feet from a residential structure, and a Conditional Permitted Use to allow the sale of alcoholic beverages on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 18th day of October, 2012.

Respectfully submitted,

PUBLIC HEALTH, SAFETY & ZONING COMMITTEE OF THE SANGAMON COUNTY BOARD

Tim Moore /ck
TIM MOORE, CHAIRMAN

ABE FORSYTH, VICE CHAIRMAN

JOHN FULGENZI

DAVID MENDENHALL

SAM SNELL

GREG STUMPF

JASON RATTS

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

83

RECAP

(For County Board Use)

COUNTY BOARD MEMBER: # 4 NAME: **Andy Goleman**

DOCKET NUMBER: **2012-050**

ADDRESS: **24 Judd, Glenarm, IL. 62536**

PETITIONER: **Paula Mitchell**

PRESENT ZONING CLASSIFICATION: **"B-2" Retail Business District**

REQUESTED ZONING CLASSIFICATION: **"B-2" Retail Business District with a variance to allow a six (6) foot privacy fence in the front yard zero (0) feet from the property line instead of required fifteen (15) feet, a variance to allow a tavern to be less than one hundred (100) feet from a residential structure and a Conditional Permitted Use to allow the sale of alcoholic beverages.**

AREA: **17,850 square feet**

COMMENTS: **None**

OBJECTORS: **Yes**

PLANNING COMMISSION RECOMMENDATION: **Recommend approval of the requested variance to allow a six (6) foot privacy fence in the front yard zero (0) feet from the property line instead of required fifteen (15) feet. Allowing the fence to be constructed would not appear to have a negative impact on the character of the area or impair light and air to adjacent properties. The standards for variation are met. Recommend denial of the requested CPU and variance to allow the sale of alcoholic beverages within one hundred (100) feet of a residence as there is not enough information in the petition. The requested CPU to allow the sale of alcoholic beverages and**

requested variance to allow the sale of alcohol within one hundred (100) feet of a residence is related only to the outside beer garden, given the existing tavern is a legal non-conforming use. The petition did not include enough information regarding the method and hours of operation related to the beer garden. Further testimony at the hearing is recommended as staff cannot fully evaluate the findings of fact given the lack of information in the petition.

AMENDED: Staff recommends approval of the petition as submitted. Testimony was provided at the hearing that the outdoor area will not include the sale or service of alcohol but be used for an outdoor smoking area. The area will be enclosed with a fence resulting in a more contained area for patrons verses the current situation of customers standing in front of the building. The tavern has been operating for a number of years and is an established part of the area.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

**Approval of the variances and
Conditional Permitted Use.**

Cynthia Knowles
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: **2012-050**
Paula Mitchell)
))
)) PROPERTY LOCATED AT:
)) **24 Judd**
)) **Glenarm, IL. 62536**

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 **variances and a Conditional Permitted Use** 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 **October 18, 2012** 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: **24 Judd, Glenarm, IL. 62536** and more particularly described as:

Lots two (2) and three (3) in block four (4) in the town of Glenarm.

06

Page 2

- 3. That the present zoning of said property is "**B-2**" **Retail Business District**.
- 4. That the present land use of said property is a **tavern**.
- 5. That the proposed land use of said property is a **tavern and beer garden**.
- 6. That the requested **variances and a Conditional Permitted Use** of said property is a **variance to allow a six (6) foot privacy fence in the front yard zero (0) feet from the property line instead of required fifteen (15) feet, a variance to allow a tavern to be less than one hundred (100) feet from a residential structure and a Conditional Permitted Use to allow the sale of alcoholic beverages**.
- 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 **variances and a Conditional Permitted Use** 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 **variances and a Conditional Permitted Use** be **approved**.

Charles Chimento/cx
 CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Don Wulf**, to concur with the **amended** 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 **John Lucchesi**.

The vote of the Board was as follows:

YES: **Don Wulf, John Lucchesi, Charles Chimento, Judith Johnson**
Peggy Egizii - Voted Present - Conflict of Interest

NO:

ABSENT: **Byron Deaner**

Cynodi Knowles
 RECORDING SECRETARY