

CASE# 2017-024
RESOLUTION NUMBER 9-1

GRANTING A CONDITIONAL PERMITTED USE AND VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
1313 ADLAI STEVENSON DRIVE, 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 variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

Lots Sixteen (16), Seventeen (17) and Eighteen (18) in Block Twelve (12) in the Town of Mildred, according to the plat thereof recorded in Book 3 of Plats as page 14, in the Recorder's Office of Sangamon County, Illinois.

WHEREAS, the Petitioner, **Duffy & Associates, Inc. d/b/a Discount Tobacco**, has petitioned the Sangamon County Board for a **Conditional Permitted Use for a tavern, and a variance to allow the tavern to be located less than one hundred (100) feet from a residence (approximately 40 feet);** 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 **grant the Conditional Permitted Use and variance;** and,

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

FILED

MAY 25 2017

Don H. Gray
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 13th Day of June, 2017 that the following requests:

1. **A Conditional Permitted Use (CPU) for a tavern with the following conditions:**
 - a. **the tavern is limited to no more than 300 square feet in the location shown on the site plan attached to the petition;**
 - b. **the hours of operation are limited to the Sangamon County liquor ordinance;**
 - c. **no live entertainment or outdoor seating are allowed; and,**
 - d. **the proposed tavern shall not be combined with the adjacent tavern located in the same building with the common street address of 1309 Stevenson Drive and must maintain a fully enclosed wall between the two businesses; and,**
 2. **A variance to allow the tavern to be located less than one hundred (100) feet from a residence (approximately 40 feet);**
- on the above described property are 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

94

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #14 NAME: Joel Tjelmeland

DOCKET NUMBER: 2017-024

ADDRESS: 1313 Adlai Stevenson Drive, Springfield, IL 62703

PETITIONER: Duffy & Associates, Inc. d/b/a Discount Tobacco

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

REQUESTED ZONING CLASSIFICATION: **Conditional Permitted Use (CPU) for a tavern; and, a variance to allow a tavern to be located less than one hundred (100) feet from a residence (approximately 40 feet).**

AREA: 20,260 sq. ft.

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: **Recommend approval of the requested Conditional Permitted Use (CPU) with the following conditions: (1) the tavern is limited to no more than 300 square feet in the location shown on the site plan attached to the petition; (2) the hours of operation are limited to the Sangamon County liquor ordinance; (3) no live entertainment or outdoor seating are allowed; and, (4) the proposed tavern shall not be combined with the adjacent tavern located in the same building with the common street address of 1309 Stevenson Drive and must maintain a fully enclosed wall between the two businesses. Recommend approval of the requested variance to allow a tavern to be within forty (40) feet of a residence. The subject property is located on a commercial corridor and has residences adjacent to the north property line. Such placement**

9-5

is consistent with developments on other commercial corridors. The entrance to the proposed tavern will face away from the residences. In addition, there is another tavern located on the subject property that was previously granted the same variance in Zoning Case 2015-040. The Standards for Variation are met.

SANGAMON COUNTY BOARD OF APPEALS

RECOMMENDATION:

Approval of Staff Recommendation.


RECORDING SECRETARY

9-6

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2017-024
Duffy & Associates, Inc. d/b/a)	
Discount Tobacco)	PROPERTY LOCATED AT:
)	1313 Adlai Stevenson Drive
)	Springfield, IL 62703

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 variance** 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:

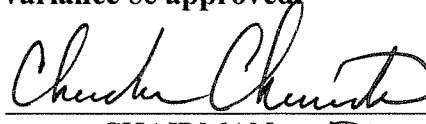
1. That said Board has jurisdiction to consider the petition filed herein.
2. That the above-captioned petitioner(s) is the owner(s) and/or has a beneficial interest in, contract to purchase, or is the County Board Member representing the property commonly known as: **1313 Adlai Stevenson Drive, Springfield, IL 62703** 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 **former tattoo parlor, tavern, and storage.**
- 5. That the proposed land use of said property is a **tobacco store and tavern with video gaming, tavern, and storage.**
- 6. That the requested **Conditional Permitted Use and variance** of said property are a **Conditional Permitted Use for a tavern, and a variance to allow the tavern to be located less than one hundred (100) feet from a residence (approximately 40 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** support the proposition that the adoption of the proposed **Conditional Permitted Use with the following conditions:**
 - a. **the tavern is limited to no more than 300 square feet in the location shown on the site plan attached to the petition;**
 - b. **the hours of operation are limited to the Sangamon County liquor ordinance;**
 - c. **no live entertainment or outdoor seating are allowed; and,**
 - d. **the proposed tavern shall not be combined with the adjacent tavern located in the same building with the common street address of 1309 Stevenson Drive and must maintain a fully enclosed wall between the two businesses;**

and variance are in the public interest and are 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, with the above noted conditions, and variance** be approved.


 CHAIRMAN 

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Andrew Spiro**, 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 with the following conditions to the Conditional Permitted Use:**

- a. **the tavern is limited to no more than 300 square feet in the location shown on the site plan attached to the petition;**
 - b. **the hours of operation are limited to the Sangamon County liquor ordinance;**
 - c. **no live entertainment or outdoor seating are allowed; and,**
 - d. **the proposed tavern shall not be combined with the adjacent tavern located in the same building with the common street address of 1309 Stevenson Drive and must maintain a fully enclosed wall between the two businesses;**
- 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 #: 2017-024

Address: 1313 Adlai Stevenson Dr., 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 method of operation for the tavern is proposed to be governed by the recommended conditions of limiting the tavern to 300 square feet; the hours of operation limited to the Sangamon County liquor ordinance; the proposed prohibition of live entertainment and outdoor seating; and, the tavern is not allowed to be combined with the adjacent tavern.

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

The proposed tavern is located along a commercial corridor in a modified multi-tenant building, and is consistent with prior County Board approvals. The recommended conditions will also protect the health, safety, and welfare of the public.

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

The proposed tavern might not cause any more injury to property values in the vicinity than the currently existing taverns.

(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 forty (40) feet from a residence.

9-10

9-11

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2017-024**

Address: **1313 Adlai Stevenson Dr., 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.

Given the subject property's location along a commercial corridor zoned for commercial usage, a business of this nature could be expected to contribute to the economic yield of the property. In addition, there is another tavern located on the subject property that was previously granted the same variance in Zoning Case 2015-040.

- (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.

There are unique circumstances in that the customer entrance to the proposed tavern will be in excess of one hundred (100) feet from a residentially zoned lot.

- (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.

The proposed tavern might not cause any more injury to property values in the vicinity than the existing taverns in the area. No negative impacts pertaining to the other factors are anticipated.