

**DENYING A CONDITIONAL PERMITTED USE AND VARIANCE AND GRANTING A
VARIANCE**

FOR CERTAIN PROPERTY LOCATED AT
1405 & 1409 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 **deny a Conditional Permitted Use and variance, and grant a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

THE SOUTH HALF OF LOT 1 AND ALL OF LOTS 9 AND 10 IN BLOCK 9 OF BELMONT PARK GARDENS, A SUBDIVISION OF SECTIONS 10 & 11, TOWNSHIP 15 NORTH, RANGE 5 WEST OF THE THIRD PRINCIPAL MERIDIAN. SITUATED IN SANGAMON COUNTY, ILLINOIS. PARCEL NUMBERS: 22-10.0-479-008, 009 & 010.

WHEREAS, the Petitioners, **Dave Telger & Laura McCune**, have petitioned the Sangamon County Board for a **Conditional Permitted Use for a tavern, a variance to allow a tavern property line to be approximately six (6) feet from a residence instead of the required one hundred (100) feet, and a variance to allow fifty two (52) parking spaces instead of the required sixty two (62) parking spaces;** and,

WHEREAS, a public hearing was held at the Sangamon County Building on **June 20, 2019** 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 a Conditional Permitted Use and variance, and grant a variance;** and,

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

FILED

JUN 26 2019

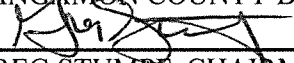
Don Hays

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 9th Day of July, 2019 that the requests for a Conditional Permitted Use for a tavern and a variance to allow a tavern property line to be approximately six (6) feet from a residence instead of the required one hundred (100) feet are hereby denied; but, the request for a variance to allow fifty two (52) parking spaces instead of the required sixty two (62) parking spaces on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 9th day of July, 2019.

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

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #14 NAME: Joel Tjelmeland, Jr.

DOCKET NUMBER: 2019-024

ADDRESS: 1405 & 1409 Adlai Stevenson Drive, Springfield, IL 62703

PETITIONER: Dave Telger & Laura McCune

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

REQUESTED ZONING CLASSIFICATION: **Conditional Permitted Use (CPU) for a tavern, a variance to allow a tavern property line to be approximately six (6) feet from a residence instead of the required one hundred (100) feet, and a variance to allow fifty-two (52) parking spaces instead of the required sixty-two (62) parking spaces.**

AREA: 1 acre

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: **Recommend denial of the Conditional Permitted Use for a tavern and a variance to allow a tavern property line to be approximately six (6) feet from a residence. It is questionable whether it is appropriate to allow a tavern at the proposed location, especially with a residence within 6 feet of the proposed tavern property line and approximately 50 feet from the proposed tavern entrance. No particularly unique circumstances were mentioned in the petition to justify granting the variance. The Standards for Variation are not met for this request.**

Recommend approval of a variance to allow fifty-two (52) parking spaces instead of the required sixty-two (62) parking spaces. The subject property contains a business strip

mall that has been operating for over 30 years with varying uses and there have been no known parking problems in that time, so requiring additional parking spaces could reduce the yield of reasonable return expected for the subject property. The Standards for Variation are met for this request.

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: **2019-024**
 Dave Telger & Laura McCune)
)
) PROPERTY LOCATED AT:
) **1405 & 1409 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 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 **June 20, 2019** 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:

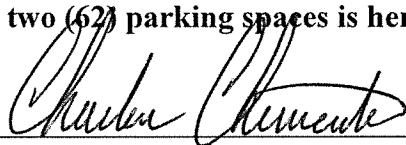
1. That said Board has jurisdiction to consider the petition filed herein.
2. That the above-captioned petitioner(s) is the owner(s) and/or has a beneficial interest in, contract to purchase, or is the County Board Member representing the property commonly known as: **1405 & 1409 Adlai Stevenson Drive, Springfield, IL 62707** and more particularly described as:

THE SOUTH HALF OF LOT 1 AND ALL OF LOTS 9 AND 10 IN BLOCK 9 OF BELMONT PARK GARDENS, A SUBDIVISION OF SECTIONS 10 & 11, TOWNSHIP 15 NORTH, RANGE 5 WEST OF THE THIRD PRINCIPAL MERIDIAN. SITUATED IN SANGAMON COUNTY, ILLINOIS. PARCEL NUMBERS: 22-10.0-479-008, 009 & 010.

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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 **strip commercial.**
5. That the proposed land use of said property is **strip commercial with a tavern with video gaming parlor.**
6. That the requested **Conditional Permitted Use and variances** of said property are a **Conditional Permitted Use for a tavern, a variance to allow a tavern property line to be approximately six (6) feet from a residence instead of the required one hundred (100) feet, and a variance to allow fifty two (52) parking spaces instead of the required sixty two (62) parking spaces.**
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 and a variance to allow a tavern property line to be approximately six (6) feet from a residence instead of the required one hundred (100) feet** is in the public interest and is not solely in the interest of the petitioner(s). The evidence adduced at the hearing **does** support the proposition that the adoption of the proposed **variance to allow fifty two (52) parking spaces instead of the required sixty two (62) parking spaces** 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 and a variance to allow a tavern property line to be approximately six (6) feet from a residence instead of the required one hundred (100) feet are hereby denied; but, the requested variance to allow fifty two (52) parking spaces instead of the required sixty two (62) parking spaces is hereby approved.**


 CHAIRMAN 460

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 and a variance to allow a tavern property line to be approximately six (6) feet from a residence instead of the required one hundred (100) feet are hereby denied; but, a variance to allow fifty two (52) parking spaces instead of the required sixty two (62) parking spaces is hereby approved**, which was duly seconded by **Tony Mares**.


The vote of the Board was as follows:

YES: **Charlie Chimento, Tony Mares, Don Wulf, Larry Beaty**

NO: **Andrew Spiro**

PRESENT:

ABSENT:



RECORDING SECRETARY

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

Case #: **2019-024**

Address: **1405 & 1409 Adlai Stevenson Drive, 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 it is appropriate to allow a tavern at the proposed location, especially with a residence within 6 feet of the proposed tavern property line and approximately 50 feet from the proposed tavern entrance.

- (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 with a residence within 6 feet of the proposed tavern property line and approximately 50 feet from the proposed tavern entrance.

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

A tavern located within six 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) 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 a tavern property line to be approximately six (6) feet from a residence.

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: 2019-024

Address: 1405 & 1409 Adlai Stevenson Drive, 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.

Tavern Property Line Variance: The subject property could continue to operate economically without the requested variance.

Parking Spaces Variance: The subject property contains a business strip mall that has been operating for over 30 years with varying uses and there have been no known parking problems in that time, so requiring additional parking spaces could reduce the yield of reasonable return expected for the subject property.

- (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.

Tavern Property Line Variance: No particularly unique circumstances were mentioned in the petition.

Parking Spaces Variance: The subject property contains a business strip mall that has been operating for over 30 years with varying uses and there have been no known parking problems in that time.

- (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.

Tavern Property Line Variance: Staff has concerns about negative effects on the character of the area in allowing a tavern property line within 6 feet of a residence with an entrance less than 100 feet away. Denying the variance is consistent with previous cases.

Parking Spaces Variance: Negative impacts are not anticipated for this request.