

CASE # 2006-25
RESOLUTION NUMBER 9-1

GRANTING A REZONING, CONDITIONAL PERMITTED USE AND A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
2249 N. 3RD ST, 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 an amendment, conditional permitted use and a variance to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

Lots 285, 286, 287, & 288 of Roanoke Subdivision.

WHEREAS, the Petitioner, D2W Inc. (Dennis Ingram), has petitioned the Sangamon County Board for a zoning from "R2" Single-Family and Two-Family Residence District to "B3" General Business District with a Conditional Permitted Use to allow a tavern and a Variance to allow the tavern property line to be within 100' of a residence; and

WHEREAS, a public hearing was held at the Sangamon County Building on May 18, 2006, 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 granting the rezoning, conditional permitted use and variance; 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 13th day of June, 2006 that the request to rezone the above described property from "R2" Single-Family and Two-Family Residence District to "B3" General Business

FILED

JUN 02 2006

Joe Aiello

District with a Conditional Permitted Use to allow a tavern and a Variance to allow the tavern property line to be within 100' of a residence is here by approved.

Signed and passed by the Sangamon County Board in session on this 13th day of June, 2006.

Respectfully submitted,

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

DAN VAUGHN, CHAIRMAN

ABE FORSYTH

BILL MOSS

TYRONE PACE

Tim Moore

TIM MOORE

DON STEPHENS

DAVID MENDENHALL

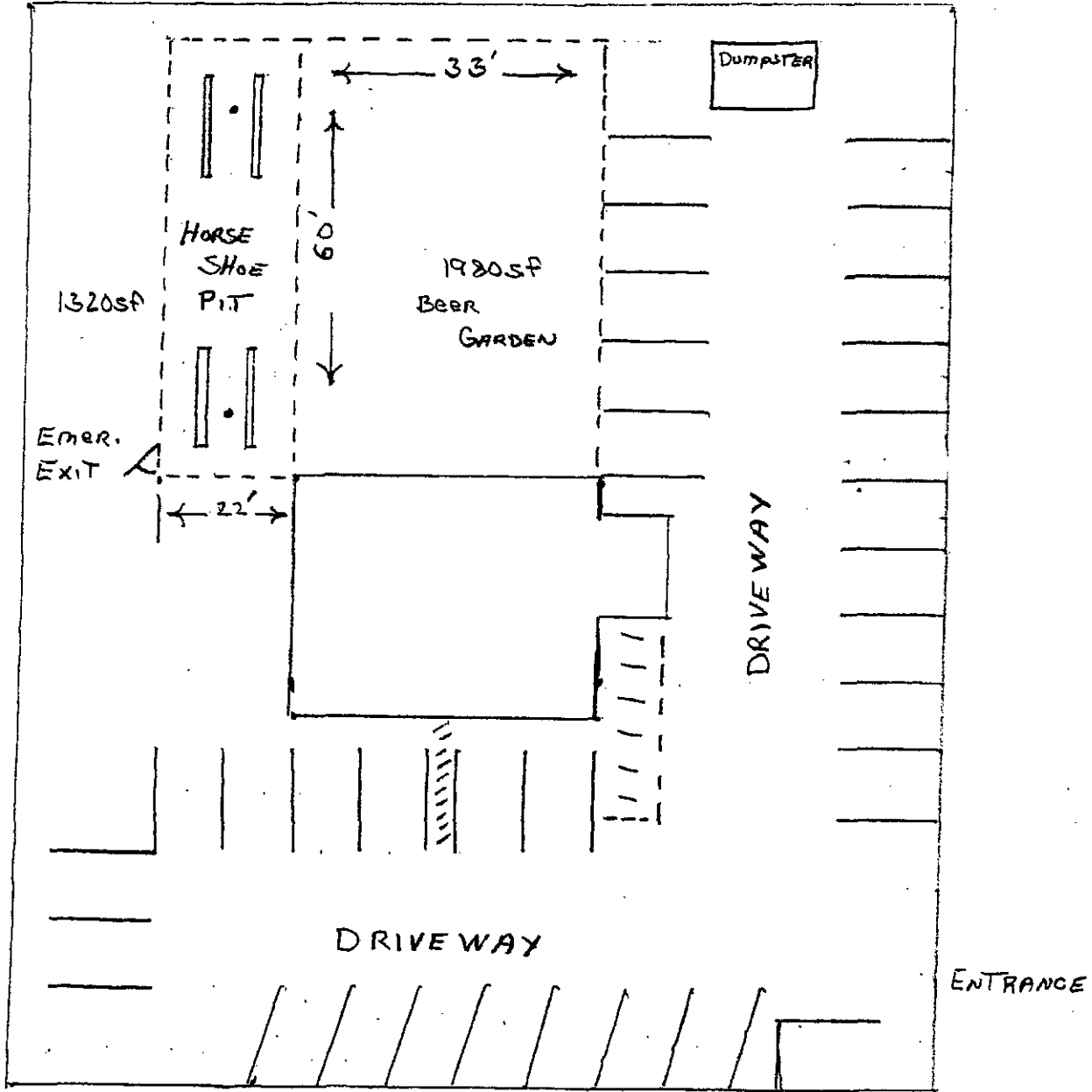
ATTEST:

Joe Rielto

SANGAMON COUNTY CLERK

A. Vaughn

COUNTY BOARD CHAIRMAN



31 PARKING SPOTS AUTO
 6 PARKING SPOTS MOTORCYCLE

2249 N 3RD
 DUNN TNC

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS
As Recommended by the Board of Appeals**

Case #: 2006-25

Address: 2249 N. 3rd Street

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.

The tavern has been operating on the property for many years as a non-conforming use. The variance will allow the use to expand and better serve its customers.

- (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.

Circumstances are unique due to the long time the tavern has been in existence.

- (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 residence nearest the beer garden is screened by a line of trees and the tavern has been on the property for 50 years.

**SANGAMON COUNTY - RECOMMENDED FINDINGS OF FACT
FOR CONDITIONAL PERMITTED USES
▶ As Recommended by the Zoning Board of Appeals ◀**

Case #: 2006-25

Address: 2249 N. 3rd Street

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 tavern has been on the property for over 50 years. The CPU is required to permit a minor expansion.

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

The nearest residence will be screened by a tree line.

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

No. The tavern is a grandfathered, long-standing use

- (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:

(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 has been requested.

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RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 17 NAME: **John Fulgenzi**

DOCKET NUMBER: **2006-25**

ADDRESS: **2249 N. 3rd St, Springfield, IL 62702**

PETITIONER: **D2W Inc. (Dennis Ingram)**

PRESENT ZONING CLASSIFICATION: **"R2" Single-Family and Two-Family Residence District**

REQUESTED ZONING CLASSIFICATION: **"B3" General Business District with a Conditional permitted Use to allow a tavern and a Variance to allow the tavern property line to be within 100' of a residence**

AREA: **21600 sq. ft.**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION RECOMMENDATION: **Recommend denial. The tavern is currently an existing non-conforming use. Approval of the rezoning, CPU and variance would allow expansion of the tavern which would not be appropriate in such close proximity to residences.**

SANGAMON COUNTY BOARD OF APPEALS RECOMMENDATION: **Approval**



RECORDING SECRETARY

9-7

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2006-25
D2W Inc. (Dennis Ingram))	
)	PROPERTY LOCATED AT:
)	2249 N. 3rd St
)	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 an **amendment, 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, 2006** 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 or contract to purchase the property commonly known as **2249 N. 3rd St, Springfield, IL 62702** and more particularly described as:

Lots 285, 286, 287, & 288 of Roanoke Subdivision.

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3. That the present zoning of said property is **“R2” Single-Family and Two-Family Residence District.**
4. That the present land use of said property is **Tavern.**
5. That the proposed land use of said property is **Tavern with beer garden.**
6. That the requested **rezoning** of said property is: **“B3” General Business District with a Conditional Permitted Use to allow a tavern and a Variance to allow the tavern property line to be within 100’ of a residence.**
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 **rezoning, Conditional Permitted Use and Variance** 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 **rezoning, Conditional Permitted Use and Variance** be **approved.**

CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Patrick Somers** based on the amended findings of fact to recommend to the County Board that the petition be **approved**, which was duly seconded by **Donn Malwick.**

The vote of the Board was as follows:

YES: Charles Chimento, Donn Malwick, Don Wulf, and Patrick Somers

NO: Barbara Braner

ABSENT: Marvin Traylor

ABSTAIN: Peggy Egizii

RECORDING SECRETARY

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CASE #: 2006-25
 INDEX #: 14-15-356-012,013,014,
015
 DATE: _____
 INSPECTED BY: DK JH LW

ZONING AMENDMENT CHECK LIST

PETITIONER: D2W Inc. (Dennis Ingram)
 ADDRESS: 2249 N. 3rd Street TWP. 16N RANGE 5 W SEC. 15 ¼ SEC. SW
 (OR NEAREST IDENTIFIABLE ROAD) TWP. _____ RANGE _____ W SEC. _____ ¼ SEC. _____
 CITY OR VILLAGE OR NEAREST ONE: Springfield

EXISTING ZONING: R2 PROPOSED ZONING: B3 with CPU and Variance*

LAND AREA: 21,600 sq.ft. ROAD FRONTAGE: 160 Lineal Ft. ROAD COND: poor

EXISTING LAND USE: Tavern
 PROPOSED LAND USE: Tavern with beer garden

TYPE OF STRUCTURE: Commercial CONDITION OF STRUCTURE: Good

EXISTING YARDS: Front 50 ft. Side 67/57 ft. Rear 42 ft.

SPOT ZONING: _____ X _____
 Yes No

- NEARBY LAND USE:
- a. To North Auto body painting, single family residences
 - b. To South Single family residence
 - c. To East Auto repair & dismantle service company, single family residence
 - d. To West Single family residences, manufactured home

OTHER COMMENTS: * A conditional permitted use is requested to allow a tavern, with a variance to allow the tavern property line to be within 100' of a residence.

Staff Estimate of the Effect of the Amendment on the Area		None	Slight	Mod.	Great
CONTRASTS: CURRENT VS. PROPOSED	land use			X	
	appearance			X	
	height	X			
	parking spaces		X		
PROBLEMS FORESEEN	drainage		X		
	sewer	X			
	traffic flow	X			
WILL USE INCREASE	pop. density	X			
	dwelling, density	X			
	school pop.	X			
	traffic volume		X		



RECOMMENDATIONS: Recommend denial. The tavern is currently an existing non-conforming use. Approval of the rezoning, CPU, and variance would allow expansion of the tavern which would not be appropriate in such close proximity to residences.

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CASE #: 2006-25
 INDEX #: 14-15-356-012,013,014,
015
 DATE: _____
 INSPECTED BY: DK JH LW

ZONING AMENDMENT CHECK LIST

PETITIONER: D2W Inc. (Dennis Ingram)
 ADDRESS: 2249 N. 3rd Street TWP. 16N RANGE 5 W SEC. 15 ¼ SEC. SW
 (OR NEAREST IDENTIFIABLE ROAD) TWP. _____ RANGE _____ W SEC. _____ ¼ SEC. _____
 CITY OR VILLAGE OR NEAREST ONE: Springfield

EXISTING ZONING: R2 PROPOSED ZONING: B3 with CPU and Variance*

LAND AREA: 21,600 sq.ft. ROAD FRONTAGE: 160 Lineal Ft. ROAD COND: poor

EXISTING LAND USE: Tavern
 PROPOSED LAND USE: Tavern with beer garden

TYPE OF STRUCTURE: Commercial CONDITION OF STRUCTURE: Good

EXISTING YARDS: Front 50 ft. Side 67/57 ft. Rear 42 ft.

SPOT ZONING: X
 Yes No

- NEARBY LAND USE:
- a. To North Auto body painting, single family residences
 - b. To South Single family residence
 - c. To East Auto repair & dismantle service company, single family residence
 - d. To West Single family residences, manufactured home

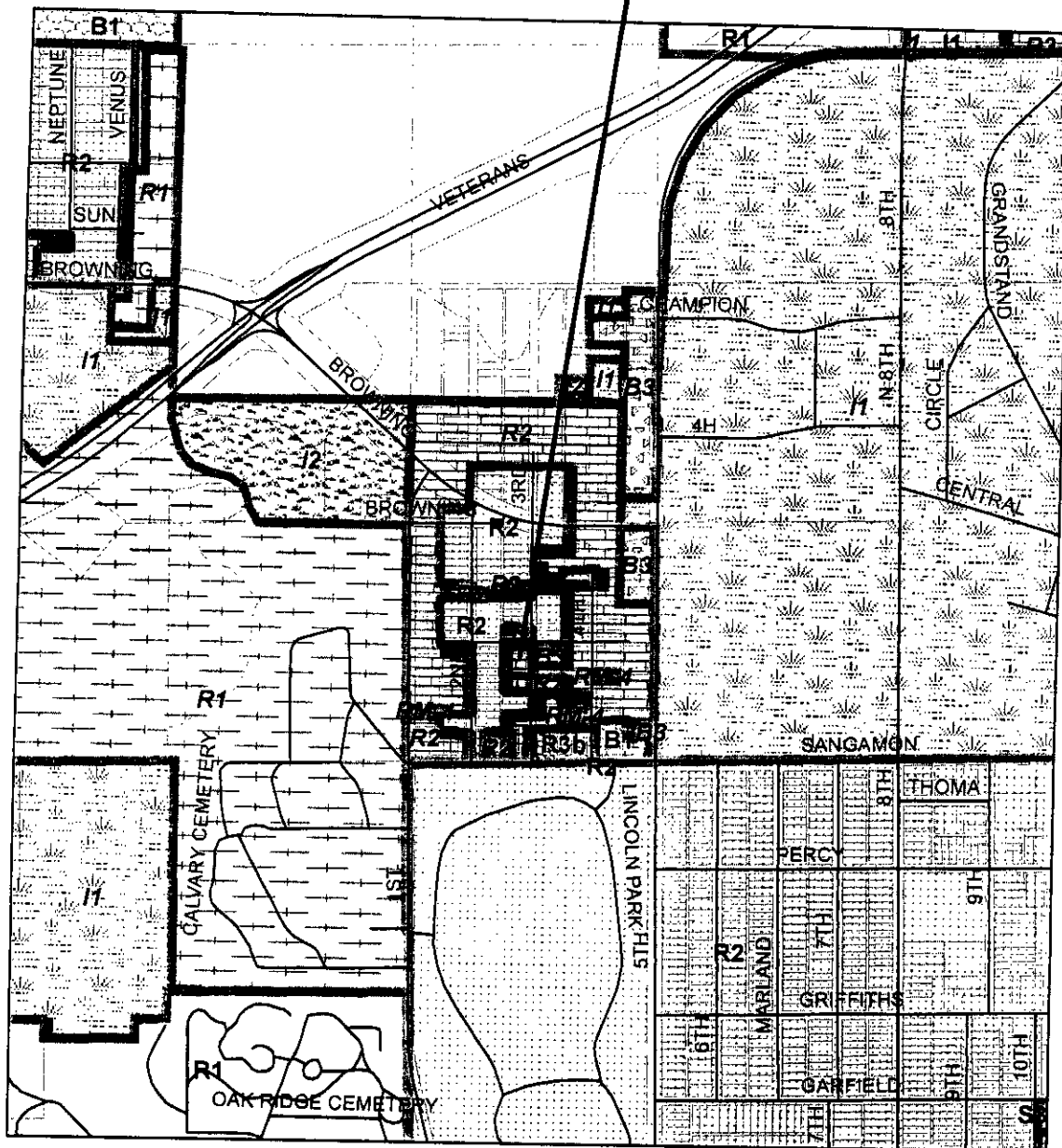
OTHER COMMENTS: * A conditional permitted use is requested to allow a tavern, with a variance to allow the tavern property line to be within 100' of a residence.

Staff Estimate of the Effect of the Amendment on the Area		None	Slight	Mod.	Great
CONTRASTS: CURRENT VS. PROPOSED	land use			X	
	appearance			X	
	height	X			
	parking spaces		X		
PROBLEMS FORESEEN	drainage		X		
	sewer	X			
	traffic flow	X			
WILL USE INCREASE	pop. density	X			
	dwellings, density	X			
	school pop.	X			
	traffic volume		X		



RECOMMENDATIONS: Recommend denial. The tavern is currently an existing non-conforming use. Approval of the rezoning, CPU, and variance would allow expansion of the tavern which would not be appropriate in such close proximity to residences.

County Zoning Case# 2006-25



County Zoning

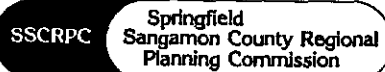
	R1		B1
	R1a		B2
	R2		B3
	R3		I1
	RM-4		I2
	OFF		A

City Zoning

	R1		H1		OFF
	R2		H2		PUD
	R3a		H3		B1
	R3b		S1		B2
	R4		S2		I1
	R5		S3		I2



0 500 1,000 Feet



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RECOMMENDED FINDINGS OF FACT

Case #: **2006-25**

Address: **2249 N. 3rd Street**

- (i) Existing uses of property within the general area of the property in question.

There is an auto body painting facility and single family residences to the north, there is an auto repair and dismantling facility and single family residences to the east, there is a manufactured home and single family residence to the west, and single family residence to the south.

- (ii) The zoning classification of property within the general area of the property in question.

To the north is I-1 & R-2; to the east is B-3 & R-2; to the south and west is R-2 and city R-2.

- (iii) The suitability of the property in question to the uses permitted under the existing zoning classification.

There has been a commercial structure housing a tavern on this property for many years so suitability for residential use is questionable.

- (iv) The trend of development, within the vicinity since the property was originally classified.

In the same block a lot on Sangamon Ave. was amended to RM4 zoning in 1991; two lots on Fourth St. were amended to RM4 zoning in 1992; in 1982 the two lots directly to the south of the subject property were granted a use variance to enclose a horseshoe pit adjacent to a tavern which is now a single family residence. In 2001, the two lots across the street to the north were amended from B-3 to I-1 zoning with a conditional permitted use to allow an auto body shop and variance for custom vehicle painting with inside storage only; in 1976, the two lots across the street to the east were amended to B-3 zoning to allow automotive repair.

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**RECOMMENDED FINDINGS OF FACT
FOR CONDITIONAL PERMITTED USES**

Case #: **2006-25**

Address: **2249 N. 3rd Street**

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 existing tavern has been operating for many years as a non-conforming use although the proposed beer garden would expand the effects on the adjacent residential neighborhood of a tavern.

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

The potential for increased noise levels with a beer garden could affect the welfare of the surrounding residential neighborhood. There does not appear to be adequate parking available for the proposed expansion.

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

There are several residences in close proximity and the proposed location of the beer garden would be within 40 feet of a vacant lot zoned R-2 with the location of the residence on the lot yet to be determined.

- (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.

NA

- (b) Mobile home parks - must meet the requirements of Section III(R) Large Scale Development.

NA

- (c) Tourist home, motels, hotels - that the proposed use must be located on or within 400 feet of a major thoroughfare.

NA

- (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.

Residential structures would be within the 100' restriction from the tavern property line, and a variance has been requested.



RECOMMENDED STANDARDS FOR VARIATIONS

Case #: **2006-25**

Address: **2249 N. 3rd Street**

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.

The tavern has been operating on the property as a non-conforming use for many years. The variance is needed to bring the tavern into compliance to allow expansion.

- (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 has been a tavern operating on the property for many years.

- (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 expanded tavern use could have an impact on property values and change the character in the area.