

CASE# 2016-015  
RESOLUTION NUMBER 2-1

**GRANTING A CONDITIONAL PERMITTED USE AND VARIANCES**  
**FOR CERTAIN PROPERTY LOCATED AT**  
**2708 N. PEORIA ROAD, 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 variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

**See Exhibit A**

WHEREAS, the Petitioner, **Jay A. Timm**, has petitioned the Sangamon County Board **for a Conditional Permitted Use for a tavern with live entertainment and dancing and a beer garden with the Conditional Permitted Use limited to the service of micro-brewery products produced on-site; and the hours of operation in accordance with the Sangamon County Liquor Ordinance; a variance to allow an "I-1" Restricted Industrial District use of a micro-brewery limited to a ten (10) barrel system in a "B-3" General Business District zoning district; a variance to allow an "R-2" Single-Family and Two-Family Residence District use of a duplex in the "B-3" General Business District zoning district; a variance to allow three (3) uses on the one (1) parcel (tavern with live entertainment and dancing and a beer garden, micro-brewery, and duplex); and, a variance to allow the property line of a tavern to be located less than the required one hundred (100) feet from a residence; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **June 16, 2016** 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**

JUN 29 2016

*Don J. Hays*

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 variances**; and

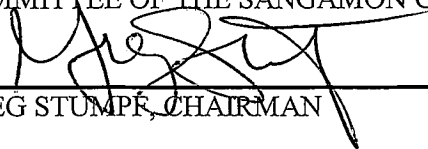
WHEREAS, the Sangamon County Board does hereby adopt the recommendation of the Sangamon County Zoning Board of Appeals.

**NOW, THEREFORE, BE IT RESOLVED** by the County Board of Sangamon County, Illinois, in session assembled this 12<sup>th</sup> Day of July, 2016 that the request for a **Conditional Permitted Use for a tavern with live entertainment and dancing and a beer garden with the Conditional Permitted Use limited to the service of micro-brewery products produced on-site; and the hours of operation in accordance with the Sangamon County Liquor Ordinance; a variance to allow an "I-1" Restricted Industrial District use of a micro-brewery limited to a ten (10) barrel system in a "B-3" General Business District zoning district; a variance to allow an "R-2" Single-Family and Two-Family Residence District use of a duplex in the "B-3" General Business District zoning district; a variance to allow three (3) uses on the one (1) parcel (tavern with live entertainment and dancing and a beer garden, micro-brewery, and duplex); and, a variance to allow the property line of a tavern to be located less than the required one hundred (100) feet from a residence on the above described property is hereby approved.**

Signed and passed by the Sangamon County Board in session on this 12<sup>th</sup> day of July, 2016.

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

**ATTEST:**

\_\_\_\_\_  
SANGAMON COUNTY CLERK

\_\_\_\_\_  
COUNTY BOARD CHAIRMAN

**EXHIBIT A**

LOT 5 OF THE COUNTY CLERK'S SUBDIVISION OF PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 16 NORTH, RANGE 5 WEST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AS FOLLOWS, TO WIT:

BEGINNING AT A POINT IN THE CENTER LINE OF THE SPRINGFIELD AND PEORIA STATE ROAD SOUTH 13 DEGREES AND 6 MINUTES WEST 323.24 FEET FROM THE INTERSECTION OF THE CENTERLINE OF SAID ROAD, AND THE NORTH LINE OF SAID WEST HALF OF THE SOUTHWEST QUARTER AND RUNNING THENCE EAST PARALLEL WITH THE NORTH LINE OF SAID WEST HALF OF THE SOUTHWEST QUARTER 739.62 FEET TO THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF THE CHICAGO, PEORIA AND ST. LOUIS RAILWAY COMPANY, THENCE IN A SOUTHERLY DIRECTION ALONG SAID RIGHT-OF-WAY LINE 58.33 FEET THENCE WEST PARALLEL WITH SAID NORTH BOUNDARY LINE 753.84 FEET TO THE CENTER LINE OF SAID SPRINGFIELD AND PEORIA STATE ROAD AND THENCE NORTH 13 DEGREES AND 6 MINUTES EAST 59.86 FEET TO THE PLACE OF BEGINNING.

ALSO

LOT 6 OF THE COUNTY CLERK'S SUBDIVISION OF PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 16 NORTH, RANGE 5 WEST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AS FOLLOWS, TO WIT:

BEGINNING AT A POINT IN THE CENTER LINE OF THE SPRINGFIELD AND PEORIA STATE ROAD, SOUTH 13 DEGREES AND 6 MINUTES WEST 383.10 FEET FROM THE INTERSECTION OF THE CENTER LINE OF SAID ROAD AND THE NORTH LINE OF SAID WEST HALF OF THE SOUTHWEST QUARTER AND RUNNING THENCE EAST PARALLEL WITH THE NORTH LINE OF SAID WEST HALF OF THE SOUTHWEST QUARTER 753.84 FEET TO THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF THE CHICAGO, PEORIA AND ST. LOUIS RAILROAD COMPANY, THENCE IN THE SOUTHERLY DIRECTION ALONG SAID RIGHT-OF-WAY LINE 57.29 FEET, THENCE WEST PARALLEL WITH SAID NORTH BOUNDARY LINE 766.85 FEET TO A POINT IN THE CENTER LINE OF SPRINGFIELD AND PEORIA STATE ROAD, AND THENCE NORTH 13 DEGREES AND 6 MINUTES EAST 58.76 FEET TO THE PLACE OF BEGINNING.

SITUATED IN SANGAMON COUNTY, ILLINOIS.

**RECAP**  
(For County Board Use)

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

DOCKET NUMBER: **2016-015**

ADDRESS: **2708 N. Peoria Road, Springfield, IL 62702**

PETITIONER: **Jay A. Timm**

PRESENT ZONING CLASSIFICATION:                      **“B-3” General Business District with a use variance to allow a microbrewery not to exceed a 5 barrel system to be located in the rear outbuildings with all brewing operations to take place inside, all beer will be kegged and/or bottled on site, deliveries will be not more than one a month, no consumption or sale of beer on-site, and production will be for distribution to local bars and restaurants only; a variance to allow two (2) uses on one (1) parcel; and a variance to allow a duplex in the “B-3” General Business District.**

REQUESTED ZONING CLASSIFICATION:                      **“B-3” General Business District with a Conditional Permitted Use for a tavern with live entertainment and dancing and a beer garden with the Conditional Permitted Use limited to the service of micro-brewery products produced on-site, and the hours of operation in accordance with the Sangamon County Liquor Ordinance, a variance to allow an “I-1” Restricted Industrial District use of a micro-brewery limited to a ten (10) barrel system in a “B-3” General Business District zoning district, a variance to allow an “R-2” Single-Family and Two-Family Residence District use of a duplex in the “B-3” General Business District zoning district, a variance to allow three (3) uses on the one (1) parcel (tavern with live entertainment and dancing, micro-brewery, and duplex), and a variance to allow a tavern to be located less than the required one hundred (100) feet from a residence.**

AREA:    **1.76 acres**

COMMENTS:    **None**

OBJECTORS:    **None**

PLANNING COMMISSION RECOMMENDATION:                      **Recommend approval of a CPU to allow a tavern with live entertainment and dancing. The petitioner desires to begin beer tastings on the site. The best mechanism available to handle such a request is with a CPU for a tavern. Staff recommends the following conditions to minimize potential**

**impacts on the surrounding area: (1) the hours of operation of the tavern including the live entertainment and dancing shall be restricted to the hours on the Sangamon County Liquor license; and, (2) the CPU shall be limited to service of microbrewery products produced on-site.**

**Recommend approval of a use variance to allow an I-1 use of a microbrewery limited to a ten (10) barrel system in a B-3 General Business District; to allow a R-2 Single-Family and Two-Family Residence use of a duplex in a B-3 General Business District; and, to allow three (3) uses on one (1) parcel (a tavern with live entertainment and dancing, a microbrewery, and a duplex). The County Board set a precedent to allow the microbrewery in Zoning Case # 2014-008. This segment of Peoria Road has a mixed character including both residential and commercial uses. Increased traffic congestion in the area should not be an issue as the location is on a major thoroughfare. Potential negative impacts pertaining to the other factors, i.e. an adequate supply of light and air and property values should not be greater than currently exist. Given the recommended approvals of the CPU and the use variance for the tavern, the two (2) other requested variances are necessary to bring the existing duplex into compliance with the zoning ordinance. The Standards for Variation are met.**

**Recommend approval of the requested variance to allow a tavern within one hundred (100) feet of a residence. The public entrance to the tavern will be located in excess of one hundred (100) feet from the residence. The Standards for Variation are met.**

**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: <b>2016-0015</b>
<b>Jay A. Timm</b> )	
)	PROPERTY LOCATED AT:
)	<b>2708 N. Peoria Road</b>
)	<b>Springfield, IL 62702</b>

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 16, 2016** 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: **2708 N. Peoria Road, Springfield, IL 62702** and more particularly described as:

**See Exhibit A**

3. That the present zoning of said property is **“B-3” General Business District with a use variance to allow a microbrewery not to exceed a 5 barrel system to be located in the rear outbuildings with all brewing operations to take place inside, all beer will be kegged and/or bottled on site, deliveries will be not more than one a month, no consumption or sale of beer on-site, and production will be for distribution to local bars and restaurants only; a variance to allow two (2) uses on one (1) parcel; and a variance to allow a duplex in the “B-3” General Business District.**
4. That the present land use of said property is **a duplex and microbrewery.**
5. That the proposed land use of said property is **a duplex, microbrewery and tavern.**
6. That the requested **Conditional Permitted Use and variances** of said property is a **Conditional Permitted Use for a tavern with live entertainment and dancing and a beer garden with the Conditional Permitted Use limited to the service of micro-brewery products produced on-site, and the hours of operation in accordance with the Sangamon County Liquor Ordinance, a variance to allow an “I-1” Restricted Industrial District use of a micro-brewery limited to a ten (10) barrel system in a “B-3” General Business District zoning district, a variance to allow an “R-2” Single-Family and Two-Family Residence District use of a duplex in the “B-3” General Business District zoning district, a variance to allow three (3) uses on the one (1) parcel (tavern with live entertainment and dancing, micro-brewery, and duplex), and a variance to allow a tavern to be located less than the required one hundred (100) feet from 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 **Conditional Permitted Use providing that service is limited to micro-brewery products produced on-site, hours of operation are in accordance with the Sangamon County Liquor Ordinance and the variance to allow a micro-brewery in a “B-3” General Business District zoning district is limited to a 10 barrel system and variances** 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 providing that service is limited to micro-brewery products produced on-site, hours of operation are in accordance with the Sangamon County Liquor Ordinance and the variance to allow a micro-brewery in a “B-3” General Business District zoning district is limited to a 10 barrel system and variances** 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** which was duly seconded by **Anthony Mares**.

The vote of the Board was as follows:

YES: **Charles Chimento, Anthony Mares, Don Wulf, Andrew Spiro, and Marilyn Herbert**

NO:

PRESENT:

ABSENT:

  
RECORDING SECRETARY

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

Case #: 2016-015

Address: 2708 N. Peoria Rd, 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 recommendation includes conditions concerning hours and products to help minimize adjacent effects of the proposed tavern.**

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

**The petition indicates the hours of operation will be governed by the Sangamon County Liquor Ordinance. Also, the petition indicates the property owners would accept a condition to limit the CPU to the service of microbrewery products produced on-site.**

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

**The subject property and the properties to the north are zoned for commercial usage. There might be a more substantive injury to property values in the area to have non-conforming uses, i.e. residences, on the commercially zoned lots than to have business uses on lots in the area.**

- (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 within 100 feet of a residence.**

**RECOMMENDED STANDARDS FOR USE VARIATIONS  
[ALLOW AN "I-1" USE OF A MICROBREWERY LIMITED TO A TEN  
(10) BARREL SYSTEM IN A "B-3" GENERAL BUSINESS DISTRICT;  
ALLOW AN "R-2" SINGLE-FAMILY AND TWO-FAMILY RESIDENCE  
DISTRICT USE OF A DUPLEX IN THE "B-3" GENERAL BUSINESS  
DISTRICT; AND, TO ALLOW THREE (3) USES ON ONE PARCEL (TAVERN  
WITH LIVE ENTERTAINMENT AND DANCING, MICROBREWERY, AND  
DUPLEX)]**

Case #: 2015-016

Address: 2708 N. Peoria Rd, 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.

There are somewhat special circumstances in that the property contains a duplex and a microbrewery granted in a previous case (Zoning Case #2014-08) and that the petitioner now desires to have beer tastings on the subject property. The best mechanism available to handle a request of this nature is via a request to add a third use, i.e. a tavern, to the site.

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

This segment of Peoria Road has a mixed character, including both residential and commercial uses. The subject property is currently zoned for commercial usage and is located along a major thoroughfare. There is a furniture resale store immediately southwest of the subject property.

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

Beer produced on the site will continue to be distributed locally and there is a proposed condition on the CPU to restrict service to beer produced on-site.

- (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 noted above, this segment of Peoria Road has a mixed character including both residential and commercial uses. Traffic congestion in the area should not be worse because of the proposed use than other traffic generators in the area, i.e. the State Fairgrounds. Potential negative impacts pertaining to the other listed factors should not be greater than currently exist.

**SANGAMON COUNTY  
RECOMMENDED - STANDARDS FOR VARIATIONS  
[TAVERN WITHIN 100 FEET OF A RESIDENCE]**

Case #: **2016-015**

Address: **2708 N. Peoria Rd, 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 corridor zoned for commercial usage, a business of this nature could be expected to contribute to the economic yield of 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.

**The public entrance to the tavern will be located in excess of one hundred (100) feet from the residence.**

- (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.

**This segment of Peoria Road has a mixed character including both residential and commercial uses. Increased traffic congestion in the area should not be an issue as the location is on a major thoroughfare. Potential negative impacts pertaining to the other factors should not be greater than currently exist.**