

**GRANTING A CONDITIONAL PERMITTED USE WITH CONDITIONS AND A
VARIANCE**

FOR CERTAIN PROPERTY LOCATED AT
425 N DIRKSEN PARKWAY, 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 with conditions and a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

**LOT 59 WANLESS' BERGEN PARK ADDN LYING W OF DIRKSEN PKWY
EX N 90' & EX S 20'. PARCEL NUMBER: 14-25.0-378-026.**

WHEREAS, the Petitioner, **Paul R. LeJeune**, has petitioned the Sangamon County Board requesting pursuant to **Chapter 17.58 and Section 17.26.020, a Conditional Permitted Use for a tavern (approximately 600 sq. feet); and, pursuant to Chapter 17.66, a variance of Section 17.58.080(D)(4) to allow a tavern property line to be approximately eight (8) feet from a residence instead of the required one hundred (100) feet; and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **November 21, 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 **grant the Conditional Permitted Use with conditions and a variance;** and,

FILED

NOV 27 2019


Sangamon County Clerk

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 **10th Day of December, 2019** that the following requests on the above described property are hereby approved:

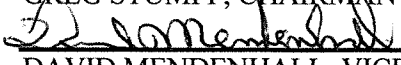
- Pursuant to Chapter 17.58 and Section 17.26.020, a Conditional Permitted Use for a tavern (approximately 600 sq. feet) with the following conditions:
 - 1) the tavern is limited to the existing building footprint of approximately 600 square feet,
 - 2) no live entertainment and dancing are allowed, and
 - 3) the hours of operation are limited to the Sangamon County Liquor Ordinance; and,
- Pursuant to Chapter 17.66, a variance of Section 17.58.080(D)(4) to allow a tavern property line to be approximately eight (8) feet from a residence instead of the required one hundred (100) feet.

Signed and passed by the Sangamon County Board in session on this **10th day of December, 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: #18 NAME: **Rose Ruzic**

DOCKET NUMBER: **2019-036**

ADDRESS: **425 N. Dirksen Parkway, Springfield, IL 62702**

PETITIONER: **Paul R. LeJeune**

PRESENT ZONING CLASSIFICATION: **“B-3” General Business District.**

REQUESTED ZONING CLASSIFICATION: **Pursuant to Chapter 17.58 and Section 17.26.020, a Conditional Permitted Use for a tavern (approximately 600 sq. feet); and, pursuant to Chapter 17.66, a variance of Section 17.58.080(D)(4) to allow a tavern property line to be approximately eight (8) feet from a residence instead of the required one hundred (100) feet.**

AREA: **12,805 sq. ft.**

COMMENTS: **None**

OBJECTORS: **Yes**

PLANNING COMMISSION STAFF RECOMMENDATION: **Recommend approval of the requested Conditional Permitted Use with the following conditions: 1) the tavern is limited to the existing building footprint of approximately 600 square feet, 2) no live entertainment and dancing are allowed, and 3) the hours of operation are limited to the Sangamon County Liquor Ordinance. Recommend approval of the requested variance. The proposed tavern is bound on all four sides by commercial zoning and fronts along a commercial corridor where businesses of this nature are most likely and preferred to be located. In the immediate two block area fronting on North Dirksen Parkway, the County Board has granted Conditional Permitted Uses for taverns or packaged liquor stores and variances to allow them within 100 feet of residences in 3 out of 4 zoning cases. Therefore, the County Board has created a trend for granting requests similar to what is being proposed by the petitioner. The Standards for Variation are met.**

SANGAMON COUNTY ZONING 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: 2019-036
Paul R. LeJeune))
)	PROPERTY LOCATED AT:
)	425 N. Dirksen Parkway
)	Springfield, IL 62702

RECOMMENDATION OF THE ZONING 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 a 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 **November 21, 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: **425 N. Dirksen Parkway, Springfield, IL 62702** and more particularly described as:

LOT 59 WANLESS' BERGEN PARK ADDN LYING W OF DIRKSEN PKWY EX N 90' & EX S 20'. PARCEL NUMBER: 14-25.0-378-026.

- 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 vacant commercial building.**
- 5. That the proposed land use of said property is **a tavern.**
- 6. That the request(s) for the subject property **are pursuant to Chapter 17.58 and Section 17.26.020 a Conditional Permitted Use for a tavern (approximately 600 sq. feet); and, pursuant to Chapter 17.66, a variance of Section 17.58.080(D)(4) to allow a tavern property line to be approximately eight (8) feet from a residence instead of the required one hundred (100) 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 conditions and a 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 following request(s) **are hereby approved:**

- **Pursuant to Chapter 17.58 and Section 17.26.020, a Conditional Permitted Use for a tavern (approximately 600 sq. feet) with the following conditions:**
 - 1) **the tavern is limited to the existing building footprint of approximately 600 square feet,**
 - 2) **no live entertainment and dancing are allowed, and**
 - 3) **the hours of operation are limited to the Sangamon County Liquor Ordinance; and,**
- **Pursuant to Chapter 17.66, a variance of Section 17.58.080(D)(4) to allow a tavern property line to be approximately eight (8) feet from a residence instead of the required one hundred (100) feet.**


 CHAIRMAN

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 following request(s) **are hereby approved**:

- Pursuant to Chapter 17.58 and Section 17.26.020, a Conditional Permitted Use for a tavern (approximately 600 sq. feet) with the following conditions:
 - 1) the tavern is limited to the existing building footprint of approximately 600 square feet,
 - 2) no live entertainment and dancing are allowed, and
 - 3) the hours of operation are limited to the Sangamon County Liquor Ordinance; and,
- Pursuant to Chapter 17.66, a variance of Section 17.58.080(D)(4) to allow a tavern property line to be approximately eight (8) feet from a residence instead of the required one hundred (100) feet

which was duly seconded by **Tony Mares**.


The vote of the Board was as follows:

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

NO:

PRESENT:

ABSENT:



 RECORDING SECRETARY

2-8

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

Case #: 2019-036

Address: 425 North Dirksen Parkway, 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.

Conditions are suggested regarding size, prohibiting live entertainment and dancing, and hours of operation to minimize potential impacts.

- (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 bound on all four sides by commercial zoning and fronts along a commercial corridor where businesses of this nature are most likely and preferred to be located.

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

Negative effects are unlikely as the proposed tavern fronts on a commercial corridor where businesses of this nature might be located. In the immediate two block area fronting on North Dirksen Parkway, the County Board has granted Conditional Permitted Uses for taverns or packaged liquor stores and variances to allow them within 100 feet of residences in 3 out of 4 zoning cases. Therefore, the County Board has created a trend for granting requests similar to what is being proposed by the petitioner.

- (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) Manufactured home parks - must meet the requirements of Chapter 17.48 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 eight (8) feet from a residence.

- (e) Wind energy conversion systems - a WECS shall not be located within 1½ miles of an incorporated area with a population over 10,000 or within ½ mile of an incorporated area with a population of less than 10,000. WECS shall not be located so that they interfere with contiguous urban development.

N/A

SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS

Case #: 2019-036

Address: 425 North Dirksen Parkway, 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.

In the immediate two block area fronting on North Dirksen Parkway, the County Board has granted Conditional Permitted Uses for taverns or packaged liquor stores and variances to allow them within 100 feet of residences in 3 out of 4 zoning cases. Therefore, the County Board has created a trend for granting requests similar to what is being proposed by the petitioner.

- (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 proposed tavern is bound on all four sides by commercial zoning and fronts along a commercial corridor where businesses of this nature are most likely and preferred to be located.

- (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.

Conditions are suggested for the CPU for the tavern regarding size, prohibiting live entertainment and dancing, and hours of operation to help minimize potential negative effects on the character of the area. In the immediate two block area fronting on North Dirksen Parkway, the County Board has granted Conditional Permitted Uses for taverns or packaged liquor stores and variances to allow them within 100 feet of residences in 3 out of 4 zoning cases. Therefore, the County Board has created a trend for granting requests similar to what is being proposed by the petitioner. Zoning Case #2016-032 approved a CPU for packaged liquor in a tavern, a CPU for packaged liquor in a smoke shop, and a variance to allow packaged liquor within 100 feet of a residence south of the subject property. Zoning Case #2016-027 approved a CPU for a tavern and a variance to allow a tavern within 100 feet of a residence (4 feet), and a CPU for packaged liquor was removed immediately north of the subject property. Zoning Case #2014-022 denied a CPU for packaged liquor, a variance to allow 3 uses on 1 parcel, and a variance to allow packaged liquor within 100 feet of a residence (5 feet) north of the subject property. Zoning Case #1994-010 approved a CPU for a tavern in suite B only and a variance to allow a tavern within 100 feet of a residence northeast of the subject property.