

CASE# 2015-005  
RESOLUTION NUMBER 5-1

**DENYING A CONDITIONAL PERMITTED USE**  
FOR CERTAIN PROPERTY LOCATED AT  
**4132 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 **deny a Conditional Permitted Use** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

**See Exhibit A**

WHEREAS, the Petitioner, **Erin Hollinshead**, has petitioned the Sangamon County Board **for a Conditional Permitted Use to allow a tavern**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **April 16, 2015** 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 the Conditional Permitted Use**; and

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

**FILED**

APR 29 2015

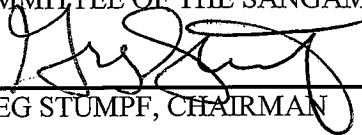
*Don Hays*  
Sangamon County Clerk

**NOW, THEREFORE, BE IT RESOLVED** by the County Board of Sangamon County, Illinois, in session assembled this 12<sup>th</sup> Day of May, 2015 that the request for a Conditional Permitted Use to allow a tavern on the above described property is hereby denied.

Signed and passed by the Sangamon County Board in session on this 12<sup>th</sup> day of May, 2015.

Respectfully submitted,

PUBLIC HEALTH, SOLID WASTE & ZONING  
COMMITTEE OF THE SANGAMON COUNTY BOARD



\_\_\_\_\_  
GREG STUMPF, CHAIRMAN

\_\_\_\_\_  
DAVID MENDENHALL, VICE CHAIRMAN

\_\_\_\_\_  
JOHN FULGENZI

\_\_\_\_\_  
CRAIG HALL

\_\_\_\_\_  
SAM SNELL

\_\_\_\_\_  
ABE FORSYTH

\_\_\_\_\_  
JASON RATTS

\_\_\_\_\_  
LINDA DOUGLAS WILLIAMS

\_\_\_\_\_  
LINDA FULGENZI

\_\_\_\_\_  
LISA HILLS

\_\_\_\_\_  
MIKE SULLIVAN

**ATTEST:**

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

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

**EXHIBIT A**

The land referred to in this Commitment is in the State of IL County of Sangamon and described as follows:

THE SOUTH 42 FEET OF THE NORTH 126 FEET OF LOT 13 OF MICHAEL BURKE'S SUBDIVISION, SITUATED IN THE SOUTH PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 11 AND THE SOUTHWEST PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 16 NORTH, RANGE 5 WEST OF THE THIRD PRINCIPAL MERIDIAN. EXCEPT ALL COAL, MINERALS AND MINING RIGHTS HERETOFORE CONVEYED OR RESERVED OF RECORD.

EXCEPT: PART OF LOT 13 OF MICHAEL BURKE'S SUBDIVISION, SPRINGFIELD, SANGAMON COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN IRON PIN SET AT THE NORTHEAST CORNER OF SAID LOT 13; THENCE SOUTH 00 DEGREES 03 MINUTES 47 SECONDS EAST, A DISTANCE OF 84.00 FEET TO THE POINT OF BEGINNING,

FROM SAID POINT OF BEGINNING; THENCE CONTINUING SOUTH 00 DEGREES 03 MINUTES 47 SECONDS EAST, A DISTANCE OF 41.99 FEET TO A PIPE FOUND; THENCE 89 DEGREES 21 MINUTES 32 SECONDS WEST, A DISTANCE OF 9.07 FEET TO AN IRON PIN SET; THENCE NORTH 39 DEGREES 19 MINUTES 08 SECONDS WEST, A DISTANCE OF 54.53 FEET TO A POINT; THENCE SOUTH 89 DEGREES 52 MINUTES 48 SECONDS EAST, A DISTANCE OF 43.58 FEET TO THE POINT OF BEGINNING. CONTAINING 0.03 ACRES, MORE OR LESS.

AND PART OF LOT 13 OF MICHAEL BURKE'S SUBDIVISION, SPRINGFIELD, SANGAMON COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN IRON PIN SET AT THE NORTHEAST CORNER OF SAID LOT 13; THENCE SOUTH 89 DEGREES 52 MINUTES 48 SECONDS WEST ON THE NORTH LINE OF SAID LOT 13, A DISTANCE OF 68.11 FEET TO AN IRON PIN SET ON THE SOUTH RIGHT OF WAY LINE OF PEORIA ROAD; THENCE SOUTH 49 DEGREES 40 MINUTES 00 SECONDS WEST ON SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 34.21 FEET TO AN IRON PIN SET AT THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING; THENCE SOUTH 39 DEGREES 19 MINUTES 08 SECONDS EAST, A DISTANCE OF 80.03 FEET TO A POINT; THENCE NORTH 89 DEGREES 52 MINUTES 48 SECONDS WEST, A DISTANCE OF 123.32 FEET TO A POINT ON SAID SOUTH RIGHT OF WAY LINE; THENCE NORTH 49 DEGREES 40 MINUTES 00 SECONDS EAST ON SAID RIGHT OF WAY LINE, A DISTANCE OF 95.26 FEET TO THE POINT OF BEGINNING. CONTAINING 0.09 ACRES, MORE OR LESS.

SITUATED IN SANGAMON COUNTY, ILLINOIS.

**RECAP**  
(For County Board Use)

COUNTY BOARD MEMBER: 16                      NAME: **Greg Stumpf**

DOCKET NUMBER: **2015-005**

ADDRESS: **4132 N. Peoria Road, Springfield, IL 62702**

PETITIONER: **Erin Hollinshead**

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

REQUESTED ZONING CLASSIFICATION: **"B-3" General Business District with a  
Conditional Permitted Use for a tavern**

AREA: **0.2 acres**

COMMENTS: **None**

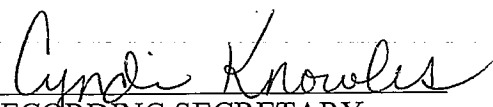
OBJECTORS: **Yes**

PLANNING COMMISSION  
RECOMMENDATION:

**Recommend denial of the CPU. The property contains a construction company and a cabinetry shop that adequately use the site. There is a question whether the public health, safety, and welfare will be protected with the request for a tavern at this location. The petitioner is requesting that a portion of a quasi-warehouse be used as a tavern so the proprietor can benefit from video gaming. There is also concern that adequate parking spaces can be provided given the small area of the subject property. The business plan indicates nine (9) spaces are available. However, thirteen (13) spaces would be required if these three (3) businesses were located on the site. It appears that some parking on the west end of the building may be encroaching on the public right-of-way, and therefore would not be considered to be part of the available parking.**

SANGAMON COUNTY BOARD OF APPEALS  
RECOMMENDATION:

**Denial as staff recommended.**

  
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF: )	DOCKET NO: <b>2015-005</b>
<b>Erin Hollinshead</b> )	)
)	PROPERTY LOCATED AT:
)	<b>4132 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** 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 **April 16, 2015** 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: **4132 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.**
- 4. That the present land use of said property is **a garage for Zinn Construction and Monarch Cabinetry.**
- 5. That the proposed land use of said property is **Monarch Cabinetry, a tavern for Ashley's Gaming Parlor and storage for Monarch & Ashley's.**
- 6. That the requested **Conditional Permitted Use** of said property is **to allow for a tavern.**
- 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** 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** be **denied.**

*Charles Chimento /cc*  
 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 petition be **denied**, which was duly seconded by **Anthony Mares**.

The vote of the Board was as follows:

YES: **Charles Chimento, Anthony Mares, Don Wulf, Andrew Spiro & Merilyn Herbert**

NO:

PRESENT:

ABSENT:

*Cyndi Knowles*  
 RECORDING SECRETARY

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

Case #: 2015-005

Address: 4132 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.

**According to the business plan submitted by the petitioner, the hours of operation are proposed to be 8:00 AM to 1:00 AM daily. No square footage limit was suggested in the petition. The petitioner also indicates the tavern will be confined only to the garage/bay between Zinn Construction and Monarch Cabinetry at 4132 Peoria Road. However, no square footage limit was suggested in the petition.**

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

**While there is a tavern directly adjacent to this property, there is a question whether the public health, safety, and welfare will be protected with the request for a tavern at this location. The petition requests that the proprietor take a portion of a quasi-warehouse for the purpose of a tavern so the proprietor can benefit from video gaming. There is also concern that adequate parking spaces can be provided given the small area of the subject property. The business plan indicates nine (9) spaces are available. However, thirteen (13) spaces would be required if these three (3) businesses were located on the site. It appears that some parking on the west end of the building may be encroaching on the public right-of-way, and therefore would not be considered to be part of the available parking.**

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

**Granting the conditional permitted use could create a negative impact on the area pertaining to parking.**

- (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.

**N/A**