

CASE# 2015-015 8-1
RESOLUTION NUMBER

DENYING A CONDITIONAL PERMITTED USE AND A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
2801 RIDGE AVE, 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 a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

Wanless Ridgewood Addition Lot 128 and S 16' Lot 129

WHEREAS, the Petitioner, **Jacob Mitrione**, has petitioned the Sangamon County Board for a **Conditional Permitted Use for a tavern and a variance to allow a tavern property line to be seventy-two (72) 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 **May 21, 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 variance;** and

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

FILED

MAY 28 2015

Don J. Hay
Sangamon County Clerk

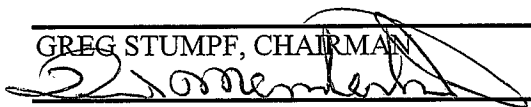
NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **9th Day of June, 2015** that the request for a **Conditional Permitted Use for a tavern, and a variance to allow a tavern property line to be seventy-two (72) feet from a residence instead of the required one hundred (100) feet on the above described property is hereby denied.**

Signed and passed by the Sangamon County Board in session on this **9th day of June, 2015.**

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

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: 10 NAME: Jason Ratts

DOCKET NUMBER: 2015-015

ADDRESS: 2801 Ridge Ave, Springfield, IL 62702

PETITIONER: Jacob Mitrione

PRESENT ZONING CLASSIFICATION: "B-2" Retail Business District

REQUESTED ZONING CLASSIFICATION: "B-2" Retail Business District with a Conditional Permitted Use for a tavern and a variance to allow a tavern property line to be seventy-two (72) feet from a residence instead of the required one hundred (100) feet.

AREA: 14,220 sq. ft.

COMMENTS: None

OBJECTORS: Yes

PLANNING COMMISSION
RECOMMENDATION:

Recommend denial of the CPU to allow a tavern in the B-2 district. There is no indication from the evidence submitted that the petitioner intends to limit the square footage of the requested CPU. There is also a concern with allowing what could be a relatively large tavern, which is considered to be a potentially intense use, adjacent to an established residential neighborhood. Recommend denial of the requested variance. The property contains a commercial building that is suitable for various uses permitted in the existing B-2 district for which an economic yield can be obtained. It is questionable whether there is a public benefit to allowing a tavern at the proposed location relative to the residences in the area.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Denial as staff recommended.


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

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|--------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|
| IN THE MATTER OF THE PETITION OF:) Jacob Mitrione |) DOCKET NO: 2015-015)) PROPERTY LOCATED AT:) 2801 Ridge Ave) 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 a **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 21, 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: **2801 Ridge Ave, Springfield, IL 62702** and more particularly described as:

Wanless Ridgewood Addition Lot 128 and S 16' Lot 129

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- 3. That the present zoning of said property is **“B-2” Retail Business District.**
- 4. That the present land use of said property is **used auto sales and service.**
- 5. That the proposed land use of said property is **a tavern.**
- 6. That the requested **Conditional Permitted Use and variance** of said property are to **allow a tavern, with the property line of the tavern to be seventy-two (72) 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 not** support the proposition that the adoption of the proposed **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 **Conditional Permitted Use and variance** be **denied.**

Charles Chimento /ck
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Anthony Mares**, 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 **Charles Chimento**.

The vote of the Board was as follows:

YES: **Charles Chimento, Anthony Mares, Andrew Spiro, Merilyn Herbert & John Lucchesi**

NO:

PRESENT:

ABSENT: **Don Wulf**

Travis Hummer
RECORDING SECRETARY

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

Case #: **2015-015**

Address: **2801 Ridge Ave., 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.

An addendum to the petition indicates the hours of operation will be 9:00 am – 1:00 am, Monday through Saturday; and, from 10:00 am – 1:00 am on Sundays. There is no indication from the evidence submitted that the petitioner intends to limit the square footage of the requested CPU.

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

There is a concern with allowing what could be a relatively large tavern, which is considered to be a potentially intense use, adjacent to an established residential neighborhood. No evidence was provided in the petition or in the addenda, i.e. the business plan, to indicate how the public health, safety, and welfare will be protected at this location.

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

The residential character of the area to the north could be changed with the addition of a tavern to the area. In addition, to the extent that the property is zoned to allow a tavern, there may be an injury to property values 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 being requested to allow a tavern within seventy-two (72) feet of a residence.

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**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2015-015**

Address: **2801 Ridge Ave., 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.

The property contains a commercial building that is suitable for various uses permitted in the existing B-2 district for which an economic yield can be obtained. It is questionable whether there is a public benefit to allowing a tavern at the proposed location relative to the residences in the area.

- (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.

No circumstances unique to the property were indicated in the petition.

- (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.

To the extent that a public entrance to a tavern locates within seventy-two (72) feet of a residence, there could be a negative impact on residential property values.