

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

FOR CERTAIN PROPERTY LOCATED AT
1701 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 variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

L73 WANLESS RIDGEWOOD ADDITION. PARCEL NUMBER: 14-24.0-401-025

WHEREAS, the Petitioner, **Robert Anderson**, 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 350 sq. feet); pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow two (2) principal uses on one (1) parcel: (1) sign shop and (2) tavern (approximately 350 sq. feet); a variance of Section 17.58.080(D)(4) to allow a tavern property line to be approximately seventeen (17) feet from a residence instead of the required one hundred (100) feet; and, a variance of Section 17.50.060(B) to allow vehicles to back into a street or alley rather than accessing it in a forward manner; and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **October 17, 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

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Don W. Hayes

Sangamon County Board **grant the Conditional Permitted Use with conditions and variances;**
and,

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

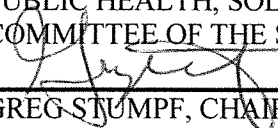
NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **12th Day of November, 2019** that the following requests on the above described property are hereby approved:

- Pursuant to Chapter 17.58 and Section 17.26.020, a Conditional Permitted Use for a tavern (approximately 350 sq. feet) with the following conditions:
 - 1) the tavern is limited to approximately 350 square feet as shown on the site plan in the petition,
 - 2) no live entertainment and dancing are allowed, and
 - 3) the hours of operation are limited to the Sangamon County Liquor Ordinance;
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow two (2) principal uses on one (1) parcel: (1) sign shop and (2) tavern (approximately 350 sq. feet);
- A variance of Section 17.58.080(D)(4) to allow a tavern property line to be approximately seventeen (17) feet from a residence instead of the required one hundred (100) feet; and,
- A variance of Section 17.50.060(B) to allow vehicles to back into a street or alley rather than accessing it in a forward manner.

Signed and passed by the Sangamon County Board in session on this **12th day of November, 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

8-4

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #10 NAME: Jason Ratts

DOCKET NUMBER: 2019-038

ADDRESS: 1701 N. Dirksen Parkway, Springfield, IL 62702

PETITIONER: Robert Anderson

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 350 square feet); pursuant to Chapter 17.66, a variance of Chapter 17.04(Lot) to allow two (2) principal uses on one (1) parcel: 1) sign shop and 2) tavern (approximately 350 square feet); a variance of Section 17.58.080(D)(4) to allow a tavern property line to be approximately seventeen (17) feet from a residence instead of the required one hundred (100) feet; and, a variance of Section 17.50.060(B) to allow vehicles to back into a street or alley rather than accessing it in a forward manner.

AREA: 14,545 sq. ft.

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION STAFF RECOMMENDATION: Recommend approval of the requested Conditional Permitted Use for a tavern with the following conditions: 1) the tavern is limited to approximately 350 square feet as shown on the site plan in the petition, 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 variances. The building was previously utilized for a motorcycle sales and service business. The existing business is a sign shop that does not utilize the total area of the building for their business. Allowing an additional use on the subject property will fill the vacant space and increase the economic yield for the property. There are unique circumstances in that the customer entrance to the proposed tavern will be over 100 feet away from a residence, and the subject property has had the same parking layout, with vehicles backing out into the road/frontage road, for over 30 years for the commercial uses that have been on the property. 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: **2019-038**
Robert Anderson)
))
)) PROPERTY LOCATED AT:
)) **1701 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 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 **October 17, 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: **1701 N. Dirksen Parkway, Springfield, IL 62702** and more particularly described as:

L73 WANLESS RIDGEWOOD ADDITION. PARCEL NUMBER: 14-24.0-401-025

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 sign shop and vacant space.**
5. That the proposed land use of said property is **a sign shop and 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 350 sq. feet); pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow two (2) principal uses on one (1) parcel: (1) sign shop and (2) tavern (approximately 350 sq. feet); a variance of Section 17.58.080(D)(4) to allow a tavern property line to be approximately seventeen (17) feet from a residence instead of the required one hundred (100) feet; and, a variance of Section 17.50.060(B) to allow vehicles to back into a street or alley rather than accessing it in a forward manner.**
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 variances** 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 requests are hereby **approved**:

- **Pursuant to Chapter 17.58 and Section 17.26.020, a Conditional Permitted Use for a tavern (approximately 350 sq. feet) with the following conditions:**
 - 1) **the tavern is limited to approximately 350 square feet as shown on the site plan in the petition,**
 - 2) **no live entertainment and dancing are allowed, and**
 - 3) **the hours of operation are limited to the Sangamon County Liquor Ordinance;**
- **Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow two (2) principal uses on one (1) parcel: (1) sign shop and (2) tavern (approximately 350 sq. feet);**
- **A variance of Section 17.58.080(D)(4) to allow a tavern property line to be approximately seventeen (17) feet from a residence instead of the required one hundred (100) feet; and,**
- **A variance of Section 17.50.060(B) to allow vehicles to back into a street or alley rather than accessing it in a forward manner.**


 CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Larry Beaty**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the following requests **are hereby approved**:

- Pursuant to Chapter 17.58 and Section 17.26.020, a Conditional Permitted Use for a tavern (approximately 350 sq. feet) with the following conditions:
 - 1) the tavern is limited to approximately 350 square feet as shown on the site plan in the petition,
 - 2) no live entertainment and dancing are allowed, and
 - 3) the hours of operation are limited to the Sangamon County Liquor Ordinance;
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow two (2) principal uses on one (1) parcel: (1) sign shop and (2) tavern (approximately 350 sq. feet);
- A variance of Section 17.58.080(D)(4) to allow a tavern property line to be approximately seventeen (17) feet from a residence instead of the required one hundred (100) feet; and,
- A variance of Section 17.50.060(B) to allow vehicles to back into a street or alley rather than accessing it in a forward manner

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

The vote of the Board was as follows:

YES: **Charlie Chimento, Tony Mares, Andrew Spiro, JD Sudeth, Larry Beaty**

NO:

PRESENT:

ABSENT: **Don Wulf**



 RECORDING SECRETARY

SANGAMON COUNTY - RECOMMENDED FINDINGS OF FACT FOR CONDITIONAL PERMITTED USES

Case #: 2019-038

Address: 1701 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.

Conditions regarding size, prohibiting live entertainment and dancing, and hours of operation should help minimize effects to the public health, safety, and welfare.

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

The tavern, with the proposed size and hours of operation restrictions, will not likely cause substantial injury to property values in the vicinity.

- (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 seventeen (17) 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 USE VARIATIONS
(TWO USES ON ONE PARCEL: 1) SIGN SHOP & 2) TAVERN)**

Case #: **2019-038**

Address: **1701 North Dirksen Parkway, 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.

The building was previously utilized for a motorcycle sales and service business. The existing business is a sign shop that does not utilize the total area of the building for their business. Allowing an additional use on the subject property will fill the vacant space and increase the economic yield for the property.

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

This area fronting Dirksen Parkway is predominantly commercial and the two uses will be compatible with this trend of development. In Zoning Case # 1988-068, the subject property was granted B-3 and a Use Variance for accessory off-street parking on a portion of the adjacent parcel to the west.

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

The subject property can accommodate the required parking spaces for the two uses and the addition of the proposed tavern will fill the vacant space in the building that the existing sign shop does not need.

- (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.

Negative impacts are not anticipated.

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**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2019-038**

Address: **1701 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.

Tavern Variance: The proposed tavern entrance will be located over 100 feet away from a residence, so granting the requested variance will allow the petitioner to economically use the subject property for the proposed tavern.

Backing Vehicles Variance: There could be a potential reduction in the yield of reasonable return if the parking arrangement must be redone, because the subject property had commercial uses for over 30 years with the same parking layout (vehicles backing onto the road/frontage road).

- (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.

Tavern Variance: There is a unique circumstance in that the customer entrance to the proposed tavern will be over 100 feet away from a residence.

Backing Vehicles Variance: There is a unique circumstance in that the subject property has had the same parking layout, with vehicles backing out into the road/frontage road, for over 30 years for the commercial uses that have been on the property.

- (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.

Negative impacts are not anticipated.