

**GRANTING A CONDITIONAL PERMITTED USE WITH CONDITIONS AND A  
VARIANCE  
FOR CERTAIN PROPERTY LOCATED AT  
2605 & 2609 E. NORTH GRAND AVENUE, 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:

**The West 92.3 Feet of Lots 723 and 724 in Spaulding's Capital Park.  
Parcel Number: 14-24.0-376-029.  
And  
The East 50 Feet of Lots 723 and 724 in Spaulding's Capital Park.  
Parcel Number: 14-24.0-376-030.**

WHEREAS, the Petitioner, **Kasellie Futures LLC (Kyle Killebrew)**, 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 740 square 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 forty-five (45) 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 **October 21, 2021** 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 a Conditional Permitted Use with conditions and a variance; and,**

**FILED**

OCT 28 2021

*Don J. Hays*  
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 9<sup>th</sup> Day of November, 2021 that the following request(s) 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 740 square feet) with the following conditions:
  1. The tavern is limited to approximately 740 square feet as shown on the amended site plan,
  2. The only public entrance for the tavern shall face East North Grand Avenue as shown on the amended site plan,
  3. A six foot solid fence on the north side of the subject property be constructed and maintained,
  4. No live entertainment and dancing are allowed, and
  5. 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 forty-five (45) feet from a residence instead of the required one hundred (100) feet.

Signed and passed by the Sangamon County Board in session on this 9<sup>th</sup> day of November, 2021.

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

**ATTEST:**

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

**RECAP**  
(For County Board Use)

COUNTY BOARD MEMBER: # NAME: Vacant

DOCKET NUMBER: 2021-038

ADDRESS: 2605 & 2609 E. North Grand Avenue, Springfield, IL 62702

PETITIONER: Kasellie Futures LLC (Kyle Killebrew)

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 740 square feet); pursuant to Chapter 17.66, a variance of Section 17.58.080(D)(4) to allow a tavern property line to be approximately forty-five (45) feet from a residence instead of the required one hundred (100) feet; a variance of Section 17.38.050 to allow the north transitional buffer yard to be zero (0) feet instead of the required ten (10) feet; and, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat.

The petitioner amended the request to remove the variances of Sections 17.38.050 and 17.50.060(A).

AREA: 11,852 sq. ft.

COMMENTS: None

OBJECTORS: Yes

PLANNING COMMISSION STAFF RECOMMENDATION: Recommend denial. For the Conditional Permitted Use for a tavern and variance to allow a tavern property line to be approximately 45 feet from a residence, it is questionable whether it is appropriate to allow a tavern at the proposed location, since a residence is within 45 feet of the proposed tavern property line and is approximately 80 feet from the proposed tavern entrance. For the transitional buffer yard variance, the purpose of a transitional buffer yard is to ensure a business is buffered from adjacent residences. The petitioner can modify the parking plan to meet the ten foot transitional buffer yard requirement. For the paving variance, a commercial business, especially located adjacent to an incorporated city, should pave all the required parking spaces to help with internal vehicular circulation. The Standards for Variation are not met.

**AMENDED:** Based on the evidence presented at the Zoning Board of Appeals, staff recommends approval of the requested Conditional Permitted Use for a tavern with the following conditions: 1) the tavern is limited to approximately 740 square feet as shown on the amended site plan, 2) the only public entrance for the tavern shall face East North Grand Avenue as shown on the amended site plan, 3) a six foot solid fence on the north side of the subject property be constructed and maintained, 4) no live entertainment and dancing are allowed, and 5) the hours of operation are limited to the Sangamon County Liquor Ordinance. Recommend approval of the requested variance to Section

**17.58.080(D)(4). The amended site plan moved the only customer entrance to face East North Grand Avenue and will now be located over 100 feet away from the residence to the north. This is consistent with several other cases which have been approved. This area of East North Grand Avenue is also a commercial corridor where a business of this nature could be expected to locate. The Standards for Variation are met.**

**With the newly submitted site plan, the transitional buffer yard and paving variances are no longer needed as the petitioner will be in compliance with the Zoning Ordinance.**

**SANGAMON COUNTY ZONING BOARD OF APPEALS RECOMMENDATION:  
Approval of the Amended Staff Recommendation.**

  
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF: )	DOCKET NO: <b>2021-038</b>
<b>Kasellie Futures LLC</b> )	
<b>(Kyle Killebrew)</b> )	
)	PROPERTY LOCATED AT:
)	<b>2605 &amp; 2609 E. North Grand Avenue</b>
)	<b>Springfield, IL 62702</b>

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 21, 2021** 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: **2605 & 2609 E. North Grand Avenue, Springfield, IL 62702** and more particularly described as:

**The West 92.3 Feet of Lots 723 and 724 in Spaulding’s Capital Park.  
Parcel Number: 14-24.0-376-029.**  
**And**  
**The East 50 Feet of Lots 723 and 724 in Spaulding’s Capital Park.  
Parcel Number: 14-24.0-376-030.**

8-6

3. That the present zoning of said property is **“B-3” General Business District.**
4. That the present land use of said property is **Single-Family Residence and a garage.**
5. That the proposed land use of said property is **Tavern.**
6. That the amended 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 740 square 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 forty-five (45) 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** are 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 740 square feet) with the following conditions:**
  1. **The tavern is limited to approximately 740 square feet as shown on the amended site plan,**
  2. **The only public entrance for the tavern shall face East North Grand Avenue as shown on the amended site plan,**
  3. **A six foot solid fence on the north side of the subject property be constructed and maintained,**
  4. **No live entertainment and dancing are allowed, and**
  5. **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 forty-five (45) feet from a residence instead of the required one hundred (100) feet.**

*Charlie Chumato*  
 \_\_\_\_\_  
 CHAIRMAN

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Don Wulf**, which was duly seconded by **JD Sudeth**, to concur with the amended 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 740 square feet) with the following conditions:**
  1. **The tavern is limited to approximately 740 square feet as shown on the amended site plan,**
  2. **The only public entrance for the tavern shall face East North Grand Avenue as shown on the amended site plan,**
  3. **A six foot solid fence on the north side of the subject property be constructed and maintained,**
  4. **No live entertainment and dancing are allowed, and**
  5. **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 forty-five (45) feet from a residence instead of the required one hundred (100) feet.**

The vote of the Board was as follows:

YES: **Charlie Chimento, Tony Mares, Don Wulf, JD Sudeth**

NO: **Richard Thompson**

PRESENT:

ABSENT:

  
 RECORDING SECRETARY



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

Case #: **2021-038**

Address: **2605 & 2609 East North Grand Avenue, 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.

**It is questionable whether it is appropriate to allow a tavern at the proposed location, since a residence is within 45 feet of the proposed tavern property line and is approximately 80 feet from the proposed tavern entrance.**

**AMENDED:** The amended site plan and conditions suggested regarding size, entrance location, fence requirement, prohibiting live entertainment and dancing, and hours of operation will minimize potential impacts.

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

**It is questionable whether the public health, safety, and welfare will be protected by allowing a tavern on the subject property, since a residence is within 45 feet of the proposed tavern property line and is approximately 80 feet from the proposed tavern entrance.**

**AMENDED:** Conditions regarding size, entrance location, fence requirement, 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.

**A tavern located within 45 feet of a residence could negatively effect the residential property values.**

**AMENDED:** The tavern, based on the amended site plan and the proposed conditions, 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 forty-five (45) 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**

- (f) Adult-use cannabis business establishments as defined in Chapter 17.04:
- 1) that the following distances be maintained from the principal structure of an adult-use cannabis business establishment to the property line of a use defined in Chapter 17.04 as a "sensitive area":
    - (A) Adult-use cannabis craft grower – 1,500 feet
    - (B) Adult-use cannabis cultivation center – 1,500 feet
    - (C) Adult-use cannabis dispensing organization (dispensary) – 250 feet
    - (D) Adult-use cannabis infuser organization (infuser) – 1,500 feet
    - (E) Adult-use cannabis processing organization (processor) – 1,500 feet
    - (F) Adult-use cannabis transporting organization (transporter) – 1,500 feet
  - 2) On-premise consumption of cannabis at cannabis dispensing organizations and smoking lounges in unincorporated Sangamon County is prohibited.

**N/A**

**AMENDED:**  
**SANGAMON COUNTY**  
**RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: 2021-038

Address: 2605 & 2609 East North Grand Avenue, 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 property can continue to operate economically as a business permitted in the B-3 District without the requested variance.

**TBY Variance:** The property can continue to yield a reasonable return while being used in compliance with the ordinance. The petitioner can modify the parking plan to meet the ten foot transitional buffer yard requirement.

**Paving Variance:** A commercial business, especially located adjacent to an incorporated city, should pave all the required parking spaces to help with internal vehicular circulation.

**AMENDED:** The amended site plan moved the only customer entrance to face East North Grand Avenue and will now be located over 100 feet away from the residence to the north. This is consistent with several other cases which have been approved. This area of East North Grand Avenue is also a commercial corridor where a business of this nature could be expected to locate.

- (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 particularly unique circumstances were mentioned in the petition.**

**AMENDED:** With the amended site plan, the only customer entrance to the proposed tavern will be over 100 feet away from a 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.

**Tavern Variance:** Staff has concerns about negative effects on the character of the area in allowing a tavern approximately 45 feet from a residence.

**TBY Variance:** The purpose of a transitional buffer yard is to ensure a business is buffered from adjacent residences.

**Paving Variance:** Paving and striping the entire parking lot could ease internal vehicular circulation on the subject property.

**AMENDED:** Negative impacts are not anticipated.