

CASE # 2008-46 5-1
RESOLUTION NUMBER

DENYING A USE VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
10729 DARNELL RD., DAWSON
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 the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Thomas Burgess**, has petitioned the Sangamon County Board for a use **variance to allow a contractor's office & yard**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **August 21, 2008**, 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 use variance**; and

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

FILED
AUG 29 2008
Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 9th day of September, 2008 that the request for a use variance to allow a contractor's office & yard on the above described property is hereby denied.

Signed and passed by the Sangamon County Board in session on this 9th day of December, 2008

Respectfully submitted,

PUBLIC HEALTH, SAFETY & ZONING
COMMITTEE OF THE SANGAMON COUNTY BOARD

TIM MOORE, CHAIRMAN

Abe Forsyth

ABE FORSYTH, VICE CHAIRMAN

JENNIFER DILLMAN

DAVID MENDENHALL

GEORGE PRECKWINKLE

SAM SNELL

DON STEPHENS

LINDA DOUGLAS WILLIAMS

ATTEST:

Joe Aiello

SANGAMON COUNTY CLERK

A. Williams

COUNTY BOARD CHAIRMAN

53

EXHIBIT A

Part of the Fractional Northeast Quarter of Section 5, Township 15 North, Range 3 West of the Third Principal Meridian, Sangamon County, Illinois, being more particularly described as follows:

Commencing at the Southwest corner of said Fractional Northeast Quarter; thence North 89 degrees 41 minutes 09 seconds East along the South line of said Fractional Northeast Quarter, a distance of 957.00 feet to the point of beginning.

From said point of beginning; thence North 00 degrees 18 minutes 52 seconds West, a distance of 248.61 feet; thence North 21 degrees 22 minutes 28 seconds East, a distance of 174.01 feet; thence North 00 degrees 14 minutes 30 seconds East, a distance of 804.15 feet; thence South 89 degrees 45 minutes 30 seconds East, a distance of 323.30 feet to the East line of the West Half of said Fractional Northeast Quarter; thence South 00 degrees 14 minutes 30 seconds West along said East line, a distance of 551.33 feet; thence North 89 degrees 41 minutes 09 seconds East, a distance of 66.00 feet; thence south 00 degrees 14 minutes 30 seconds West parallel with said East line, a distance of 660.00 feet to the South line of said Fractional Northeast Quarter; thence South 89 degrees 41 minutes 09 seconds West along said South line, a distance of 456.12 feet to the point of beginning.

54

24-05
200-013

24-05
200-006

2008 46
BURGESS
10729 DARNELL RD
24-05-200-011

24-05
200-011
SUBJECT

PROPERTY

DARNELL RD

WEBB CT

WEBB CT

24-05
427-002

24-05
427-003

24-05
427-004

24-05
426-004

24-05
426-005

24-05
427-005

24-05
427-006

24-05
400-009

24-05
400-001

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 3 NAME: **David Mendenhall**

DOCKET NUMBER: **2008-46**

ADDRESS: **10729 Darnell Rd., Dawson, IL. 62520**

PETITIONER: **Thomas Burgess**

PRESENT ZONING CLASSIFICATION: **"A" Agricultural District**

REQUESTED ZONING CLASSIFICATION: **"A" Agricultural District with a use variance to allow a contractor's office & yard**

AREA: **8.22 acres**

COMMENTS: **None**

OBJECTORS: **Yes**

PLANNING COMMISSION RECOMMENDATION: **Recommend denial. There are no special circumstances related to the property to support a use variance to allow for a contractor's yard and office.**

SANGAMON COUNTY BOARD OF APPEALS RECOMMENDATION: **Denial**



RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: **2008-46**
 Thomas Burgess)
)
) PROPERTY LOCATED AT:
) **10729 Darnell Rd.**
) **Dawson, IL. 62520**
)

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 **use 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 August 21st, 2008 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 or contract to purchase the property commonly known as **10729 Darnell Rd., Dawson, IL. 62520** and more particularly described as:

See Exhibit A

- 3. That the present zoning of said property is **"A" Agricultural District.**
- 4. That the present land use of said property is a **Single Family Residence & Contractor's Yard.**
- 5. That the proposed land use of said property is a **Single Family Residence & Contractor's Yard.**
- 6. That the requested **use variance** of said property is **to allow a contractor's office & yard.**
- 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 **use 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 **use variance** be **denied.**



 CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Judith Johnson** 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 **Marvin Traylor.**

The vote of the Board was as follows:

**YES: Charles Chimento, Byron Deaner, Judith Johnson, Marvin Traylor, Don Wulf
 Peggy Egizii**

NO:

ABSENT:



 RECORDING SECRETARY

EXHIBIT A

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SSCRPC Springfield Sangamon County Regional Planning Commission

Staff Findings and Recommendation
 (inspected 8/8/08 by MB & AJ)

SANGAMON COUNTY ZONING CASE # 2008-46

ADDRESS 10729 Darnell Road

Property Index # 24-05-200-011

PETITIONER Burgess, Thomas

REQUESTED ZONING Use variance to allow for a contractor's yard and office.

PROPOSED LAND USE Single family residence, contractor's yard and office.

EXISTING:

ZONING A

LAND USE Single family residence and contractor's yard.

ROAD FRONTAGE Darnell Road - 456.12' CONDITION OF PAVEMENT Good

STRUCTURE DESIGNED FOR Residence

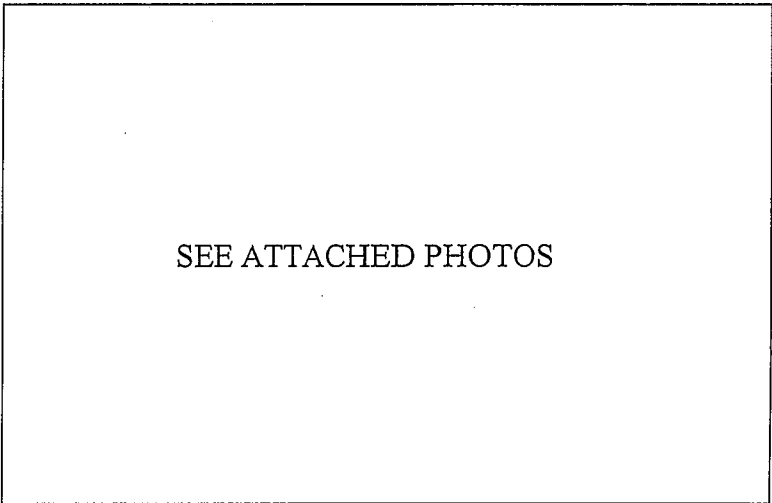
CONDITION OF STRUCTURE Good

LOT AREA 8.22 acres

FRONT YARD 60'

SIDE YARDS 70'/340'

REAR YARD 1080'



Would the proposed zoning be spot zoning? N/A

PLANNING COMMISSION STAFF RECOMMENDATION: Recommend denial. There are no special circumstances related to the property to support a use variance to allow for a contractor's yard and office.

S-10

Case #: 2008-046

Address: 10729 Darnell Road



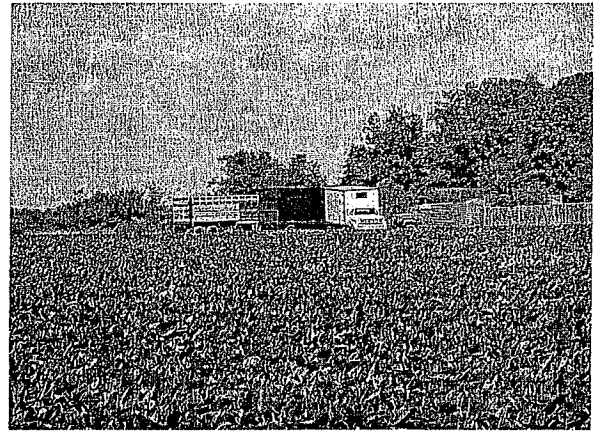
2008-46 10729 Darnell Road



2008-46



2008-46

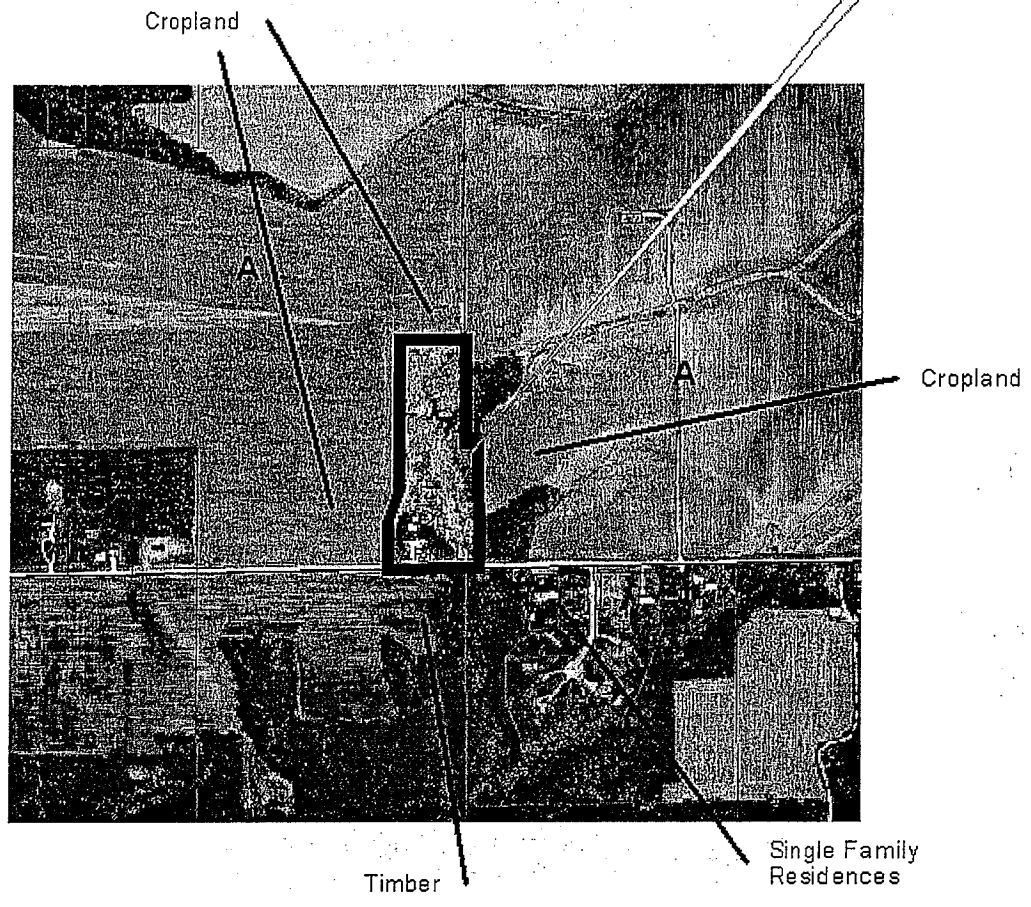


2008-46

County Zoning

Case# 2008-46

Requested:
Use Variance

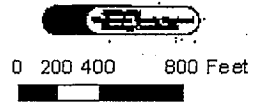


County Zoning

	RM-4		I1
	R3		I2
	R2		B3
	R1a		B2
	R1		B1
	OFF		A

City Zoning

	R5		H1		OFF
	R1		H2		PUD
	R2		H3		B1
	R3a		S1		B2
	R3b		S2		I1
	R4		S3		I2



RECOMMENDED STANDARDS FOR USE VARIATIONS

Case #: **2008-46**

Address: **10729 Darnell Road**

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.

No. The property has been utilized with a single family residence and is similar to other property in the area.

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

There have been some residences constructed in the area and has remained agricultural in character.

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

There is no particular benefit to the community in having a contractor's yard at this location.

- (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.

No negative impact is anticipated.