

CASE # 2009-10  
RESOLUTION NUMBER 3-1

**DENYING A USE VARIANCE**  
FOR CERTAIN PROPERTY LOCATED AT  
**766 S. OAKLANE 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 use variance to** the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

**See Exhibit A**

WHEREAS, the Petitioners, **Kendra McCarthy & Bill Igoe**, have petitioned the Sangamon County Board for a **use variance to allow outside storage of masonry business material and equipment**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **March 19, 2009**, 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**

APR 02 2009

*Joe Aiello*  
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 15<sup>th</sup> day of April, 2009 that the request for a use variance to allow outside storage of masonry business material and equipment on the above described property is hereby denied.

Signed and passed by the Sangamon County Board in session on this 15<sup>th</sup> day of April, 2009.

Respectfully submitted,

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

\_\_\_\_\_  
TIM MOORE, CHAIRMAN

*Abe Forsyth*  
\_\_\_\_\_  
ABE FORSYTH, VICE CHAIRMAN

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

\_\_\_\_\_  
DAVID MENDENHALL

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

\_\_\_\_\_  
DON STEPHENS

\_\_\_\_\_  
GREG STUMPF

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

**ATTEST:**

*Joe DiIullo*  
\_\_\_\_\_  
SANGAMON COUNTY CLERK

*A. Sam Snell*  
\_\_\_\_\_  
COUNTY BOARD CHAIRMAN

**EXHIBIT A**

Part of the Southwest Quarter of the Southwest Quarter of Section 33, Township 16 North, Range 4 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows: Beginning at a point on the Section line, 155.00 feet South of the Southwest Corner of the Northwest Quarter of the Southwest Quarter of said Section 33; thence East parallel to the South line of said Quarter Quarter Section 160.00 feet; thence North parallel to the aforesaid Section line 155.00 feet; thence East on said Quarter Quarter line 12.00 feet; thence South parallel to aforesaid Section line 262.00 feet; thence West parallel to aforesaid Quarter Quarter line 172.00 feet; thence North on aforesaid Section line 107.00 feet to the point of beginning.

RECAP  
(For County Board Use)

COUNTY BOARD MEMBER: # 9 NAME: Sarah Musgrave

DOCKET NUMBER: 2009-10

ADDRESS: 766 S. Oaklane Road, Springfield, IL 62712

PETITIONER: Kendra McCarthy & Bill Igoe

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: "A" Agricultural District with a use variance to allow outside storage of masonry business material and equipment.

AREA: 1.03 acres

COMMENTS: None

OBJECTORS: Yes

PLANNING COMMISSION RECOMMENDATION: Recommend denial. A use variance is not recommended at this location because the standards for use variations are not met in that the area has remained agricultural and residential, and having outside storage of masonry equipment at this location would have a negative effect on the essential character of the area. A use variance is meant to support a non-permitted use when no other viable option is apparent.

SANGAMON COUNTY BOARD OF APPEALS  
RECOMMENDATION:

Denial

Cyndi Knowles  
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF: )	DOCKET NO: <b>2009-10</b>
<b>Kendra McCarthy &amp; Bill Igoe</b> )	PROPERTY LOCATED AT:
)	<b>766 S. Oaklane Road</b>
)	<b>Springfield, IL 62712</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 **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 **March 19, 2009** 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 **766 S. Oaklane Road, Springfield, IL 62712** and more particularly described as:

**See Exhibit A**

Page 2

- 3. That the present zoning of said property is "A" **Agricultural District**.
- 4. That the present land use of said property is **Agriculture zone with residence**.
- 5. That the proposed land use of said property is **Restricted Industrial**.
- 6. That the requested **use variance** of said property is **to allow outside storage of masonry business material and equipment**.
- 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**.

Charles Chimento /ck  
CHAIRMAN

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Byron Deaner** 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 **Judith Johnson**.

The vote of the Board was as follows:

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

NO:

ABSENT:

Cyndi Knoroles  
RECORDING SECRETARY

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15-33  
300-028

15-33  
300-039

15-33  
300-021

SUBJECT  
PROPERTY

15-33  
300-030

15-32  
400-007

15-32  
400-013

15-32  
400-012

15-32  
400-014

2009-10  
McCORTHY / ISDE  
766 S. OAKLAND RD  
15-33-300-030



**SSCRPC** Springfield Sangamon County Regional Planning Commission

**Staff Findings and Recommendation**  
 (inspected 3/5/2009 by MB & AJ)

SANGAMON COUNTY ZONING CASE # 2009-10  
 ADDRESS 766 S. Oaklane Road  
 Property Index # 15-33-300-030

PETITIONER Kendra McCarthy & Bill Igoe

REQUESTED ZONING A use variance to allow for storage of masonry business equipment outside on the property.

PROPOSED LAND USE Outside storage of masonry business equipment.

EXISTING:

ZONING A

LAND USE Single family residence with outside storage of masonry business equipment.

ROAD FRONTAGE S. Oaklane Rd. - 262'      CONDITION OF PAVEMENT Good

STRUCTURE DESIGNED FOR Residence

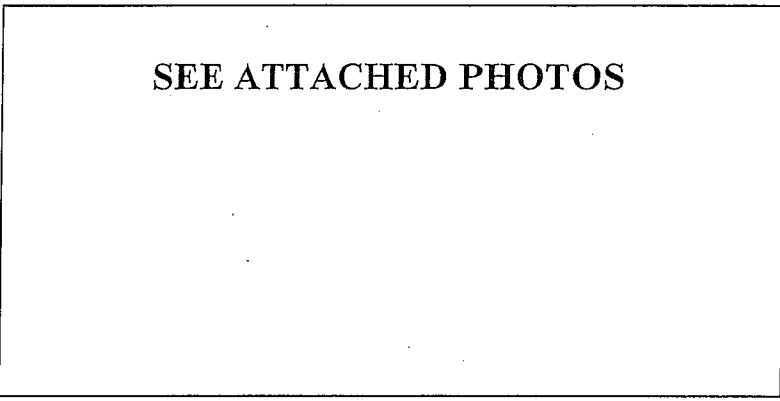
CONDITION OF STRUCTURE Good

LOT AREA 1.03 acres

FRONT YARD 42'

SIDE YARDS 102'/121'

REAR YARD 75'



Would the proposed zoning be spot zoning? N/A

**PLANNING COMMISSION STAFF RECOMMENDATION:** Recommend denial. A use variance is not recommended at this location because the standards for use variations are not met in that the area has remained agricultural and residential, and having outside storage of masonry equipment at this location would have a negative effect on the essential character of the area. A use variance is meant to support a non-permitted use when no other viable option is apparent.

**RECOMMENDED STANDARDS FOR USE VARIATIONS**

Case #: 2009-10

Address: 766 South Oaklane 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.

**There do not appear to be any circumstances special to the property.**

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

**The area has remained agricultural and residential in character. There is a pest control company further southwest of the subject property.**

- (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 masonry business equipment storage outside on this subject property.**

- (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.

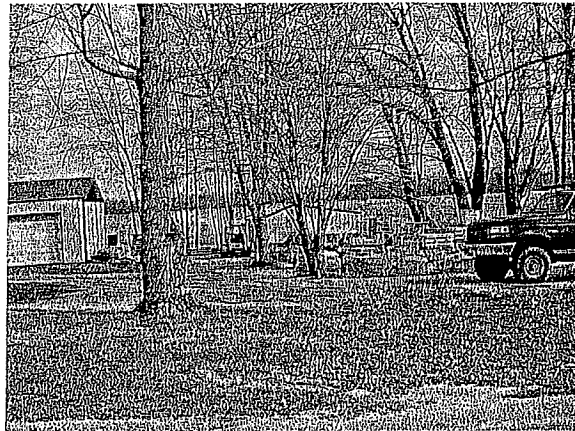
**There is a concern of outside storage of masonry equipment and how it will impact the essential character of the locality.**

Case #: 2009-10

Address: 766 S. Oaklane Road



**2009-10A**



**2009-10B**

# County Zoning

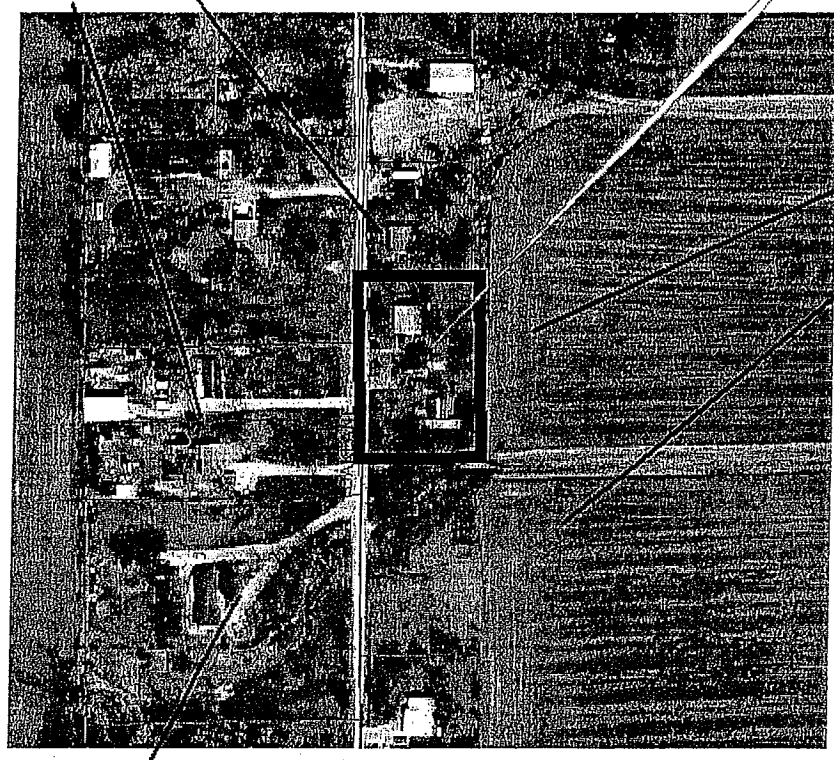
Case# 2009-10

Requested:  
Use Variance

Single Family  
Residence

Cropland

Pest Control  
Company



## 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



**SSC RPC** Springfield Engineers & Architects  
Regional Planning Commission

