

VILLAGE OF CHATHAM, ILLINOIS

ORDINANCE NO. 01 - 64

AN ORDINANCE GRANTING VARIANCE TO THE ZONING ORDINANCE

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF
CHATHAM, ILLINOIS THIS 23RD DAY OF OCTOBER, 2001

Published in pamphlet form by the authority of the President and
Board of Trustees of the Village of Chatham, Sangamon County,
Illinois, this 23RD day of October 2001.

ORDINANCE NO. 01 - 64

AN ORDINANCE GRANTING VARIANCE TO THE ZONING ORDINANCE

WHEREAS, on the 14th of September, 2001, a petition for a variance to the Village of Chatham Zoning Ordinance was filed by Bruce A. Osborne on the following real property located within the corporate limits of the Village of Chatham, Illinois (the "Property"):

East half of Lot 15 and all of Lot 16 in Block 5, in the Town of Chatham, 301 West Mulberry, Chatham, Illinois.

WHEREAS, said petition requested the Side Lot set back on the West side of 10 feet in R-1 be varied to 4 feet on the above property; and

WHEREAS, notice was given of the petition, the relief requested therein, the name of the petitioner and the time and place of the hearing by posting on petitioner's land, by publishing a notice thereof, in a newspaper published within the Village of Chatham, Illinois, and by giving written notice by mail to adjacent property owners, all as required in Section VIII (h) (3) of the Zoning Ordinance of the Village of Chatham;

WHEREAS, on October 15, 2001 the Zoning Board of Appeals conducted a Public Hearing regarding the proposed variance and is recommended approval of the proposed variance request;

WHEREAS, the Public Planning and Works Committee has reviewed the recommendation of the Zoning Board of Appeals and finds it to be in the best interest of the Village to grant the variance request on the above described property.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CHATHAM, ILLINOIS, AS FOLLOWS:

SECTION 1: The findings in the preamble hereto are hereby adopted.

SECTION 2: The Property is hereby granted the variance to Section V of the Zoning Ordinance of the Village of Chatham, Illinois.

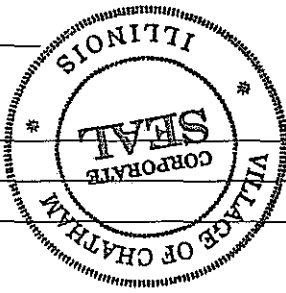
SECTION 3: This Ordinance is effective upon its passage and approval.

Thomas S. Gray
Thomas S. Gray, President
Village of Chatham

ATTEST:

Pat Schad
Pat Schad, Village Clerk

AYES: 6
NAYS: 0
ABSENT: 0



PASSED: 10-27-01
APPROVED: 10-27-01

ORDINANCE CERTIFICATE

STATE OF ILLINOIS)
) SS.
COUNTY OF SANGAMON)

I, the undersigned, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Chatham, Sangamon County, Illinois.

I do further certify that the Ordinance attached hereto is a full, true, and exact copy of Ordinance No. 01-64, adopted by the President and Board of Trustees of said Village on the 23RD day of October, 2001, said Ordinance being entitled:

AN ORDINANCE GRANTING VARIANCE TO THE ZONING ORDINANCE

I do further certify that prior to the making of this certificate, the said Ordinance was spread at length upon the permanent records of said Village, where it now appears and remains.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Village this 23RD day of October 2001.



Pat Schad
Pat Schad, Village Clerk

ZONING BOARD OF APPEALS
Public Hearing Minutes
Monday, October 15, 2001, 7:00 p.m.

Present: Chairman, Dave Johnson, Debby Murphy, Paul Stivers,
John Stutsman, and John Moulton

Excused Absence: Tim Scott

Visitor(s): Bruce Osborne and Raymond Hollands

AGENDA

Hearing to determine if zoning variance request made by Bruce and Katherine Osborne to have a change in the set back on their property located at 301 West Mulberry has sufficient cause for approval.

Chairman, Dave Johnson called the meeting to order. Clerk called roll.

Chairman Dave Johnson indicated there was a quorum to hear the request for a zoning variance change in the set back of property from 10' to 4' made by Bruce and Katherine Osborne.

Meredith Branham made a request on behalf of Bruce Osborne, asking that Mr. Osborne be allowed the opportunity of speaking first, due to his obligation of another meeting.

Chairman Dave Johnson asked Mr. Osborne to explain his need for the requested zoning variance change on his property.

Bruce Osborne stated the attached garage with a ramp to the house was needed due to his wives handicap. She has a blood clotting disorder resulting in the need for a wheelchair and she requires limited exposure to weather conditions. Mr. Osborn stated Laddish Construction Company in Auburn is the contractor that will be building the attached garage and ramp on the property.

Paul Stivers asked for the distance from the side of the house to the edge of the property. Mr. Osborne stated the distance was 25 ½ to 26 feet.

Debby Murphy asked how long the shed on the property has been on the property. Mr. Osborne indicated the shed was there when he purchased the property.

John Moulton asked where the access to the garage will be located and what he plans to do with the detached garage on the property. Mr. Osborne stated access will be off of Mulberry Street with a single driveway to avoid cutting down any trees and he plans to leave the detached garage on the property. The attached garage is only needed to accommodate the handicap of his wife.

Chairman Dave Johnson asked if there is any access behind the property. Mr. Osborne stated there is no access due to the in ground pool in the backyard.

Visitor, Raymond Hollands, 305 West Mulberry, neighbor of Mr. Osborne stated he does not have any opposition to the variance request. He did indicate he was concerned with safety issues for fire protection and the cluttering affects this would have on the property.

Meredith Branham stated Mr. Clark a neighbor to Mr. Osborne called in his objection to the variance request. Mr. Clark could not attend the meeting due to his being out of town. He resides across to the South and one property to the West of Mr. Osborne.

Paul Stivers asked about the footage requirements for fire protection. Meredith Branham indicated the footage in R1 zoning is 10'. Mr. Osborne indicated the distance would be approximately 4 to 5 ½ feet with clear access.

With there being no further questions or concerns, Debby Murphy made a motion to accept the zoning variance request, Paul Stivers 2nd the motion, Chairman Dave Johnson asked the clerk to call roll for vote to accept zoning variance to change set back of property from 10' to 4', voice vote, Debby Murphy-Yes, Paul Stivers-Yes, John Stutsman-Yes, and John Moulton-Yes, No negative votes, motion carries.

Meeting adjourned at 7:30 p.m.

Respectfully Submitted
Becky Young

VILLAGE OF CHATHAM, ILLINOIS
PETITION FOR ZONING VARIANCE

TO: Zoning Board of Appeals and
Village Board
Village Hall
Chatham, IL 62629

Date: 09/06/2001

[DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY]

Date Set for Hearing 10-15-01

Fee \$ 150.00

Notice Published 9-20-9-29-01

Date Paid 9-17-01

Newspaper Chatham Clarion

Notice Mailed to Adjacent Landowners 9-20-01

Notice Posted on Subject Property _____

Date 10-15-01

Zoning Board of Appeals
Recommendation

Village Board Action Date

- Approve Date 10/15/01
 Deny Chairman's Initials DSJ
 Approve with Modification

- Denied
 Approved (Ordinance No. _____)

INSTRUCTIONS TO APPLICANTS: All information required by this Application must be completed and submitted herewith. Applicants are encouraged to visit the Village office for any assistance needed in filling out this form.

An applicant for variance must show that (a) the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the zone; (b) the plight of the owner is due to unique circumstances; (c) the variation, if granted, will not alter the essential character of the locality. The burden of providing substantiating evidence is on the applicant. See Section 7.11 of the 1994 Zoning Ordinance for further details.

NAME OF APPLICANT: Bruce A. Osborne

ADDRESS OF APPLICANT: 301 W. Mulberry P.O. Box 401 Chatham, IL 62629

PHONE NUMBER: 483-2121 (W) 483-4469 (H)

Interest of Applicant in the Subject Property (if not owner): _____

APPENDIX D

1. This application must be filed with an accurate legal description and one copy of a plat map of the property showing the location of all existing and proposed structures and setbacks, and structures on all adjacent properties drawn to scale not less than one (1) inch equals Two Hundred (200) feet.

LEGAL DESCRIPTION East half of lot 15 + all of lot 16 in Block 5 of town of
Lot, Block, Subdivision, Metes and Bounds-may be on attachment Chatham

2. Street Address of Property 301 West Mulberry

3. Area of land variance requested for 144 square feet.

4. (a) Present Zoning District Classification of subject and adjacent properties (show zone district boundaries on plat): _____

(b) Nature of requested variance: To be allowed to build within 4' of property line an attached garage with a handicap accessible ramp to enter home.

5. Present use of Property: Residential

6. Names, addresses and phone numbers of all owners of record:

Bruce + Katherine Osborne 483-4469

7. A variance is requested to vary the requirements of the Zoning Ordinance with respect to the property described herein. A statement of the applicant's described reasons and factual information supporting the requested variance is attached.

DATE: 09/14/2001

SIGNATURE: Bruce A. Osborne

OWNERS' CONSENT

[This part need be signed only if the applicant is different from the owner or if there is more than one owner of record]

I consent to this requested variance.

