

SANGAMON COUNTY, ILLINOIS

ORDINANCE
NUMBER 21 - 12

**AN ORDINANCE AUTHORIZING A VARIANCE TO ALLOW USE OF APARTMENT
ABOVE THE MAIN FLOOR OF A FUNERAL HOME FOR WATCHMEN QUARTERS
AT 8855 STATE RT. 4, CHATHAM, ILLINOIS**

DAVE KIMSEY, Village President
AMY DAHLKAMP, Village Clerk

KRISTEN CHIARO
ANDREW DETMERS
BRETT GERGER
RYAN MANN
MATT MAU
PAUL SCHERSCHEL
Village Trustees

Published in pamphlet form by authority of the President and Board of Trustees of the Village of

Chatham
on March 23, 2021

Sorling Northrup – 1 North Old State Capitol Plaza, Suite 200, P.O. Box 5131, Springfield, IL
62705

ORDINANCE NO. 21-_____

AN ORDINANCE AUTHORIZING A VARIANCE TO ALLOW USE OF APARTMENT ABOVE THE MAIN FLOOR OF A FUNERAL HOME FOR WATCHMEN QUARTERS AT 8855 STATE ROUTE 4, CHATHAM, ILLINOIS

WHEREAS, the Village of Chatham, Sangamon County, State of Illinois, is a duly organized and existing Village created under the provisions of the laws of the State of Illinois; and,

WHEREAS, an application for a variance from the Village of Chatham Zoning Code (“Zoning Code”) was filed by Mr. Chris Butler for Butler Properties, LLC, the Owner of 8855 State Route 4 in Chatham, Illinois for a variance to allow use of an existing apartment above the main floor of their funeral home for watchmen quarters; and,

WHEREAS, a public hearing was noticed and duly held by the Chatham Zoning Board of Appeals on March 5, 2021; and,

WHEREAS, the Zoning Board of Appeals met on March 5, 2021, and unanimously recommended the Village Board approve the variance to the Zoning Code; and,

WHEREAS, Section 158.121 permits the Village Board to approve variations from the Zoning Code to authorize a use of land where an amendment to the village zoning district classification causes practical difficulties or hardships; and,

WHEREAS, the Village Board of Trustees and the President of the Village of Chatham believe it is in the best interests of the Village to grant the requested variance;

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Chatham, Sangamon County, Illinois, as follows:

Section 1. Recitals. The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

Section 2. Findings of Fact. Regarding the need for all of the variations requested by

Petitioner, the Board of Trustees finds as follows:

- A. **Reasonable Return.** Due to the unique conditions of the business and zoning requirements, the strict application of the regulations set forth in the Zoning Code would result in an unnecessary and undue hardship, and the property could not yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located.
- B. **Unique Circumstances.** The variance is necessary solely as a result of the zoning of the premises and is unique to the business.
- C. **Not Alter Local Character.** The funeral home is zoned B-2 because it operates a crematorium. However, the variance, if granted, will not alter the essential character of the locality because the apartment is finished.

Section 3. Description of the Property. The property is located at 8855 State Route 4, Chatham, Illinois, within a B-2 District. The property has a PIN #28-12.0-481-018 and is legally described as follows:

PT SE1/4 SE1/4 12-14-6

Section 4. Public Hearing. A public hearing was advertised on February 11, 2021, in the Chatham Clarion and held by the Zoning Board of Appeals on March 5, 2021, at which time the Zoning Board of Appeals unanimously recommended approval of the variance requested.

Section 5. Variance. The variations requested in the Petition for Zoning Variance to the Zoning Code, outlined herein, and recommended at the March 5, 2021, Zoning Board of Appeals meeting, is hereby granted as follows:

- A. A variance to use an existing second-floor apartment above the Butler Funeral Home building as a watchman's quarters for a funeral home employee.

Section 6. Severability. In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

Section 7. Repeal and Savings Clause. All Ordinances or parts of Ordinances in

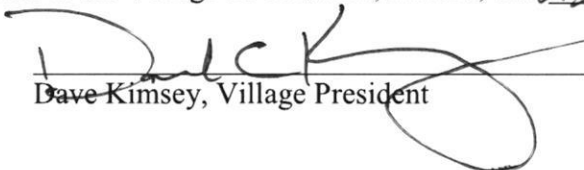
conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, action, or causes of action which shall have accrued to the Village of Chatham prior to the effective date of this Ordinance.

Section 8. Effectiveness. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

SO ORDAINED this 23 day of March, 2021, at Chatham, Sangamon County, Illinois.

	AYE	NAY	ABSTAIN	ABSENT
KRISTEN CHIARO	X			
ANDREW DETMERS	X			
BRETT GERGER				X
RYAN MANN	X			
MATT MAU	X			
PAUL SCHERSCHEL	X			
DAVE KIMSEY				
TOTAL	5	0		1

APPROVED by the President of the Village of Chatham, Illinois, this 23 day of 3/23, 2021.


 Dave Kimsey, Village President

Attest:

 Amy Dahlkamp, Village Clerk

APPENDIX D: PETITION FOR ZONING VARIANCE

VILLAGE OF CHATHAM, ILLINOIS
PETITION FOR ZONING VARIANCE

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

Date: 2/8/21

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

Date Set for Hearing 3-4-21

Fee \$ 200.00

Notice published 2-11-21

Date Paid 2/8/21

Newspaper CHATHAM CLARION

Notice Mailed to Adjacent Landowners 2/17/21

Notice Posted on Subject Property 2/19/21 1045AM

Zoning Board of Appeals

Recommendation

Village Board Action

Date _____

Approve Date _____

Denied

Deny Chairman Initials _____

Approved (Ordinance No. _____)

Approve with Modification

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: BUTLER Properties LLC / Chms BUTLER

ADDRESS OF APPLICANT: 900 South 6th Street Spk, Chatham IL 62703

PHONE NUMBER: (H) 217-321-0445 (W)

Interest of Applicant In the Subject Property (if not owner): Owner

- 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

Lot, Block, Subdivision, Metes and Bounds--may be on attachment

2. Street Address of Property 8855 State Route 4 Chatham IL

3. Area of land variance requested for: 64,333 square feet. (Lava Area)

4. (a) Present Zoning District Classification of subject and adjacent properties (show zone district boundaries on plat): B-2

(b) Nature of requested variance: Use of Apartment Above main floor for business for Associate Use

5. Present use of Property: main level - Funeral Home; Upper level UNOCCUPIED Apartment

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

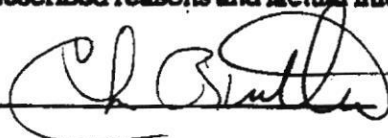
Chris Butler - 900 South 6th St Springfield IL 62703
217-321-0445

CBUTLER@BUTLERFUNERALHOMES.COM

- 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: 1/28/2021

SIGNATURE:



OWNER'S 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 zoning change

To: Village of Chatham
From: Butler Properties LLC/Chris Butler
Re: 8855 State Route 4, Chatham, IL 62629

Village of Chatham, Illinois; Petition for Zoning Variance

The subject property was purchased by our LLC in August 2018; there was an associate of the former owner that occupied the upper story apartment at that time. That associate moved out and we have cleaned and restored the apartment.

We have a current associate who is interested in occupying the upper story of the facility. This would be good for our associate and be helpful for us to help watch over the property and the adjacent property for the Reception Center at 8865 State Route 4.

This location is zoned as "B2". We understand that a different zoning classification or variance would allow our associate to occupy this apartment and for us to be compliant with Village zoning.

There would be no material difference for the village regarding our property from this arrangement. It would replicate a previous arrangement at the property and would not add to cars/traffic on the business grounds or immediate area.

Thank you for your consideration.

Butler Properties LLC/Chris Butler

LEGAL DESCRIPTIONS

PARCEL II: (TAX PARCEL ID: 28-12.0-481-018)

PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST
QUARTER OF SECTION 12, TOWNSHIP 14

NORTH, RANGE 6 WEST OF THE THIRD PRINCIPAL MERIDIAN,
SANGAMON COUNTY, ILLINOIS, DESCRIBED AS

FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY RIGHT OF WAY LINE OF
ILLINOIS ROUTE 4 THRU CHATHAM,

ILLINOIS. SAID POINT BEING 264.00 FEET SOUTH OF AND AT RIGHT
ANGLES TO THE SOUTH RIGHT OF WAY

LINE OF SPRUCE STREET. FROM SAID POINT OF BEGINNING
SOUTHWESTERLY ALONG THE WESTERLY RIGHT

OF WAY LINE OF SAID ROUTE 4 TO AN IRON PIN IN ASPHALT DRIVE.
SAID POINT BEARING SOUTH 50 DEGREES

59 MINUTES 18 SECONDS WEST AND 224.38 FEET FROM THE POINT
OF BEGINNING; THENCE NORTH 84

DEGREES 04 MINUTES 31 SECONDS WEST TO AN IRON PIN ON THE
EASTERLY RIGHT OF WAY LINE OF OLD

ROUTE 4 (CHURCH STREET); THENCE NORTH 24 DEGREES 13
MINUTES 41 SECONDS EAST ALONG THE

EASTERLY LINE OF CHURCH STREET, 123.00 FEET TO AN IRON
PIPE; THENCE EAST 404.07 FEET MORE OR

LESS TO THE POINT OF BEGINNING.

Notice of Public Hearing

Thursday, March 4, 2021

The Village of Chatham Zoning Board of Appeals will hold a public hearing on Thursday, March 4, 2021 at 6:00 p.m. at the Chatham Municipal Hall located at 117 East Mulberry Street, Chatham, Illinois. The Zoning Board of Appeals will hear a request from Butler Funeral Homes, to be granted a zoning variance for their property located at 8855 State Route 4. This property is located on the west side of Illinois State Route 4 and is directly across from the intersection of Circle Drive and Illinois State Route 4. The parcel of land is 1.00 acres and is currently zoned B-2 (General Business District). A legal description and plat of survey is on file in the Zoning Administrator's office located at 117 East Mulberry Street and is available for review by the public upon request. The requested zoning variance will consist of allowing the current B-2 zoned property to include a watchmen's residence above the main building. Any questions concerning this hearing should be directed to Ryan Crawford at 1-217-697-5802.

17 February 2021

To: Adjoining Property Owner

From: Ryan Crawford – Zoning Administrator

Re: Public Hearing Thursday, March 4, 2021

Dear Adjoining Property Owner,

The Village of Chatham Zoning Board of Appeals will hold a public hearing on Thursday, March 4, 2021 at 6:00 p.m. at the Chatham Municipal Hall located at 117 East Mulberry Street, Chatham, Illinois. The Zoning Board will hear a request from Mr. Chris Butler, owner of Butler Funeral Homes to be granted a variance to his property located at 8855 State Route 4. This property is located on the west side of Illinois State Route 4, directly across from the intersection of Circle Drive and Illinois State Route 4. This parcel of land is approximately 1.00 acres and is currently zoned B-2 (General Business District). A legal description and plat of survey is on file in the Zoning Administrator's office located at 117 East Mulberry Street, and is available for review by the public upon request. The requested zoning variance will consist of allowing a watchmen's residence above the main building. Any questions concerning this public hearing should be directed to Ryan Crawford at 1-217-697-5802.

Yours very truly,

Ryan J. Crawford
Zoning Administrator

PUBLIC HEARING

The Village of Chatham Zoning Board of Appeals will hold a public hearing on
THURS. MARCH 4, 2021 at 6:00 PM

The hearing will be held in the Chatham Municipal Hall located at 117 E.
Mulberry, Chatham, IL. They will take public comment on a petition for
ZONING VARIANCE of this parcel of land

from to to allow WINTHROP QUARTERS

A legal description and plot of survey are on file in the Zoning Administrators
Office for review by the public. If you wish to give public comment in this matter,
please plan to attend the public hearing.

Posted 2/19/2021 @ 10:45 AM By RYAN CRAWFORD
Zoning Administrator Village of Chatham

Date 02/08/2021 Time 10:47 AM
Rec# 00482513 Operator mingels

Village of Chatham
116 E. Mulberry
Chatham IL 62629
(217) 483-2451

/ 000000
Butler Funeral Homes
900 So 6th St.
Springfield IL 62703-

Zoning and Variances		200.00
<hr/>		
Total		200.00
Cash		0.00
Check	77953	200.00
Change		0.00

200.00

Butler Funeral Home

Village of Chatham
Date 1/28/2021 Type Bill Reference

iNB Main Checking Ac Zoning Variance

ZONING VARIANCE RECOMMENDATION AND FINDING OF FACT

To: Village of Chatham Board of Trustees

From: Zoning Board of Appeals

Re: Recommendation for Zoning Variance for 8855 State Route 4 – Butler Properties, LLC. – Mr. Chris Butler

Date: March 5, 2021

On March 4, 2021, the Zoning Board of Appeals held a public hearing for a zoning variance at 8855 State Route 4. The notice of public hearing was published in the Chatham Clarion on February 11, 2021.

Mr. Chris Butler, owner of Butler Properties, LLC., (aka Butler Funeral Home), petitioned the Village of Chatham Zoning Board of Appeals to allow for a variance to allow the use of the existing apartment above the first floor, even though the property is zoned B-2 (General Business). According to the Village's zoning code, a special use for a "watchmen quarters" is allowed only for a B-1 (Community Business) zoned property above the first floor. The only reason Butler Funeral Home is zoned B-2 is because of their use of a crematorium, whereas a funeral home without a crematorium is allowed in the B-1 district.

Based on the public hearing, the ZBA voted 4 – yes to 0 – no, with Dan Brill and Chuck Herr absent, to allow/disallow the zoning variance at 8855 State Route 4. The ZBA further made the following findings of fact:

Below is a list of suggested guidelines which are to be used by the ZBA in making an informed vote concerning zoning variations:

(C) Standards

1. The Zoning Board of Appeals shall not recommend variance of the provisions of this chapter as authorized in this section unless it shall have made findings based upon the evidence presented to it that all of the following conditions apply:

(a) That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located;

(b) That the plight of the owner is due to unique circumstances; and

(c) That the variance, if granted, will not alter the essential character of the locality.

Chairperson Vaughn: The requested variance is to use an existing second-floor apartment above the Butler Funeral Home building as a watchman's quarters for a funeral home employee. There was testimony from the petitioner that having an employee live on-premises would be more beneficial for the business because they would be able to respond to any off-hours emergency that may arise at the business. A watchman's quarters is allowable under B1 zoning, but because the petitioner also operates a crematorium on the premises the funeral home is zoned B2. This qualifies as a unique circumstance. The apartment is finished and as such would not alter the locality.

2. The Zoning Board of Appeals, in making the foregoing determination may take into consideration the extent to which the following facts, favorable to the applicant, have been established by the evidence:

(a) That the physical surroundings, shape or topographical conditions of the specific property involved would bring a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulation were to be carried out;

Chairperson Vaughn: There was no testimony in this regard.

(b) That the condition upon which the petition for variance is based would not be applicable generally to other property within the same zoning classification;

Chairperson Vaughn: Petitioner's testimony established that his situation is unique as the only reason he cannot maintain a watchman's quarters is because of the B2 zoning.

(c) That the purpose of the variance is not based exclusively upon a desire to make more money out of the property;

Chairperson Vaughn: There was no testimony that the purpose of the variance is based upon a desire to make more money out of the property.

(d) That the alleged difficulty or hardship has not been created by any person pa
having an interest in the property;

Chairperson Vaughn: There was no testimony in this regard.

(e) That the granting of the variance will not be detrimental to the public welfare or
injurious to other property or improvements in the neighborhood in which the property is
located; or

***Chairperson Vaughn: One public comment was received and was in favor of the
variance. There was no testimony that the granting of the variance would be detrimental to
the public welfare of injurious to other property or improvements in the neighborhood.***

(f) That the proposed variance will not impair an inadequate supply of light and air to
adjacent property, or substantially increase the danger of fire, or otherwise endanger the public
safety or substantially diminish or impair property values within the neighborhood.

Chairperson Vaughn: There was no testimony in this regard.

3. The Zoning Board of Appeals may require such conditions and restrictions upon the premises
benefited by a variance as may be necessary to comply with the standards set forth in this section
to reduce or minimize the injurious effect of such variance upon other property in the
neighborhood, and to implement the general purpose and intent of this chapter.

(E) Authorized variations. Variations from the regulations of this chapter may be recommended
by the Zoning Board of Appeals only in accordance with the standards set forth in this section
and only in the following instances:

(1) To permit a height greater than allowed.

(2) To permit a yard less than the yard required by the applicable regulation.

(3) To permit the use of a lot located in a Residential District having insufficient area and width
for a single-family dwelling, provided such lot is of record on the effective date of this chapter.

(4) To permit the use of any lot not covered above, for the use otherwise prohibited solely
because of insufficient area of the lot.

(5) To permit the same off-street parking spaces to qualify as required spaces for two or more uses, provided that the maximum use of such facility by each user does not take place during the same hours of the same days of the week.

(6) To reduce the applicable off-street parking or loading requirements.

(7) To authorize the use of land where an amendment to the village zoning district classification causes difficulties or hardships.

(8) To vary requirements for fences and swimming pools.


(F) Decisions

(1) The Zoning Board of Appeals at the conclusion of the public hearing promptly thereafter shall submit a report of its findings and recommendations on each petition to the Village Board.

(2) The Village Board, after receiving the report of the Zoning Board of Appeals and without further public hearing, except for any new matter not presented to the Zoning Board of Appeals and which the Village Board deems relevant, may grant or deny by majority vote and proposed variation or may refer it back to the recommending body for further consideration.

The ZBA did have a public hearing on March 4, 2021, in which (1) people (Mr. Chris Butler) addressed the Zoning Board.

This zoning variance Recommendation and Finding of Fact was compiled by the Village of Chatham's Zoning Board of Appeals Chairperson.

Zoning Board of Appeals Chairperson:  _____

Date: 3/5/2021 _____