

SANGAMON COUNTY, ILLINOIS

ORDINANCE
NUMBER 23 - 33

**AN ORDINANCE AUTHORIZING A VARIANCE TO INCREASE THE HEIGHT OF
AN ACCESSORY STRUCTURE ABOVE THE ALLOWABLE HEIGHT OF 17 FEET AT
693 HOMESTEAD DRIVE, CHATHAM, ILLINOIS**

DAVE KIMSEY, Village President
DAN HOLDEN, Village Clerk

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MEREDITH FERGUSON
JOHN FLETCHER
BRETT GERGER
TIM NICE
CARL TRY
Village Trustees

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

on September 26, 2023

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62705

ORDINANCE NO. 23-33

AN ORDINANCE AUTHORIZING A VARIANCE TO INCREASE THE HEIGHT OF AN ACCESSORY STRUCTURE ABOVE THE ALLOWABLE HEIGHT OF 17 FEET AT 693 HOMESTEAD DRIVE, 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 Joe Summerson, the Owner of 693 Homestead Drive in Chatham, Illinois for a variance to allowing construction of an accessory structure above the allowable height of 17 feet to a maximum height of 25 feet 6 inches; and,

WHEREAS, a public hearing was noticed on August 3, 2023 and duly held by the Chatham Zoning Board of Appeals on August 21, 2023; and,

WHEREAS, the Zoning Board of Appeals met on August 21, 2023, and recommended the Village Board approve the variance to the Zoning Code with a with a 4-0 vote in favor of the recommendation with the Recommendation and Finding of Fact attached as **Exhibit A**; and,

WHEREAS, Section 158.121 permits the Village Board to approve variations from the Zoning Code to permit a height of accessory structures greater than allowed; 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 accepts and adopts the Recommendation and Findings of Fact attached as **Exhibit A.**

Section 3. Description of the Property. The property is located at 693 Homestead Drive Chatham, Illinois within a R-1 District. The property has a PIN #29-21.0-376-012 and is legally described as follows:

LOTS 8 & 9 PIONEER PARK
ESTATES PLAT 1 21-14-5

Section 4. Public Hearing. A public hearing was advertised on August 3, 2023, in the Chatham Clarion and held by the Zoning Board of Appeals August 21, 2023, 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 August 21, 2023, Zoning Board of Appeals meeting, is hereby granted as follows:

- A. A variance allowing construction of an accessory structure with a maximum height above seventeen feet (17') not to exceed twenty-five feet 6 inches (25' 6").

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

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after its passage, approval, and publication in pamphlet form as provided by law.

SO ORDAINED this 26 day of September, 2023, at Chatham, Sangamon County,
Illinois.

	AYE	NAY	ABSTAIN	ABSENT
KRISTEN CHIARO	✓			
MEREDITH FERGUSON	✓			
JOHN FLETCHER				✓
BRETT GERGER		✓		
TIM NICE	✓			
CARL TRY	✓			
DAVE KIMSEY				
TOTAL	4	1	—	1

APPROVED by the President of the Village of Chatham, Illinois this 26 day of September, 2023.


Dave Kimsey, Village President

Attest:

Dan Holden, Village Clerk

EXHIBIT A

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 693 Homestead Dr.

Date: August 21, 2023

On August 21, 2023, the Zoning Board of Appeals held a public hearing for a zoning variance at 693 Homestead Dr. The notice of public hearing was published in the Chatham Clarion on August 3rd, 2023.

Joe Summerson, owner of 693 Homestead Dr, petitioned the Village of Chatham Zoning Board of Appeals to allow for a variance to allow an accessory use building to permit a height greater than allowed. The maximum height of an accessory use structure is one story or 17 feet in height. The property is Zoned R-1.

Based on the public hearing, the ZBA voted 4 – yes to 0 – no, with no one abstaining and three members absent. 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;

Petitioner testified that the intent of the accessory structure that the height variance was sought for is for parking campers. Not allowing a height variance for the structure would prohibit the petitioner from parking these vehicles in the structure.

(b) That the plight of the owner is due to unique circumstances; and
Petitioner testified that the accessory structure is intended specifically to park campers and other recreational vehicles that would exceed normal accessory height requirements.

(c) That the variance, if granted, will not alter the essential character of the locality.
Petitioner testified that the structure will be built close to and color-matched to Petitioner's existing residential structure, which would not in and of itself alter the essential character of 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;

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;

The Village Zoning Board of Appeals has heard and granted several other petitions for accessory height variances over the last several years.

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

There was no testimony in this regard.

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

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

There was no testimony in this regard.

(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.

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 August 21, 2023, in which no members of the public 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: 8/22/2023