

SANGAMON COUNTY, ILLINOIS

(UNDERWOOD)
(ZONING VARIANCE)
4/26/16

ORDINANCE
NUMBER 16- 19

**AN ORDINANCE AUTHORIZING A VARIANCE TO CONSTRUCT A DETACHED
GARAGE FOR THE PROPERTY AT 800 HOMESTEAD DRIVE
GLENARM, ILLINOIS**

THOMAS S. GRAY, Village President
PAT SCHAD, Village Clerk

MARK CLAYTON
DAVID KIMSEY
NINA LINDHORST
MATT MAU
JOE SCHATTEMAN
Village Trustees

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

on 4-26, 2016

Sorling Northrup – 1 N. Old State Capitol Plaza, Suite 200, Springfield, IL 62705

ORDINANCE NO. 16- 19

AN ORDINANCE AUTHORIZING A VARIANCE TO CONSTRUCT A DETACHED GARAGE FOR THE PROPERTY AT 800 HOMESTEAD DRIVE GLENARM, 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, on or around March 22, 2016, an application for a variance from the Village of Chatham Zoning Code (“Zoning Code”) was filed by Paul and Sue Usherwood for a variance to allowing construction of a detached garage with a side wall height of 17’2” and a peak height of 22’6”; and,

WHEREAS, a public hearing was noticed and duly held by the Chatham Zoning Board of Appeals on April 20, 2016; and,

WHEREAS, the Zoning Board of Appeals met on April 20, 2016, and unanimously recommended the Village Board approve the variance to the Zoning Code; and,

WHEREAS, Section 158.044 permits the Village Board to approve variations from the Zoning Code when in the best interest of the Village; 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 find as follows:

- A. **Economic Hardship.** Due to the unique size, shape and location of the lot, the strict application of the regulations set forth in the Zoning Code would result in an unnecessary and undue hardship, thereby creating an economic hardship.
- B. **Unique Circumstances.** The variance is necessary solely as a result of the location of the lot and is unique to the property.
- C. **Not Alter Local Character.** The lot is located in an R-1 District and is in a rural area of Chatham. Accordingly, the variance will not alter or impact the local character of the area.

Section 3. Description of the Property. The property is located at 800 Homestead Drive in the Village of Glenarm within an R-1 District. The property is legally described as follows:

That part of the Southwest Quarter of Section 21, Township 14 North, Range 5 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows: Beginning at a point on the Southwest corner of Pioneer Park Estates, Plat 1, Sangamon County, Illinois, said point being on the South line of Lot 2 of the Estate of Samuel O'Neal deceased, as shown on the plat recorded in the Office of the Circuit Clerk of Sangamon County, Illinois, in Chancery Record "Y" page 622, 163.02 feet (2.47 Chains) West of the Southeast corner of said Lot 2; thence North 0 degrees 50 minutes 32 seconds East parallel with the East line of said Lot 2 of the Estate of Samuel O'Neil and along the East line of said pioneer Park Estates, Plat 1, a distance of 192.26 feet; thence North 80 degrees 09 minutes 28 seconds West, 150.00 feet; thence North 35 degrees 09 minutes 28 seconds West, 303.5 feet; thence North 8 degrees 04 minutes 18 seconds West, 480.31 feet, more or less, to the center of Sugar Creek; thence Southwesterly along the center of Sugar Creek a distance of 1310.0 feet, more or less, to the South line of said Lot 2 of the Estate of Samuel O'Neal; thence South 89 degrees 55 minutes 56 seconds East along the South line of said Lot 2 of the Estate of Samuel O'Neal, a distance of 777.0 feet to the point of beginning. Said land further depicted as Tract 1 on survey recorded August 28, 1996 as Document Number 1996R34775. Situated in Sangamon County.

Section 4. Public Hearing. A public hearing was advertised on March 29, 2016, in the State Journal Register and held by the Zoning Board of Appeals on April 20, 2016, 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 April 20, 2016, Zoning Board of Appeals meeting, is hereby granted as follows:

- A. A variance allowing construction of a detached garage with a side wall height of 17'2" and peak height of 22'6" as more fully described in **Exhibit A**.

Section 6. Severability. In the event a court of competent jurisdiction finds this ordinance or any provision hereof to be invalid or unenforceable as applied, such finding shall not affect the validity of the remaining provisions of this ordinance and the application thereof to the greatest extent permitted by law.

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

	YES	NO	ABSENT	PRESENT
MARK CLAYTON	✓			
DAVID KIMSEY	✓			
NINA LINDHORST	✓			
MATT MAU	✓			
JOE SCHATTEMAN	✓			
THOMAS S. GRAY				
TOTAL	5	0	0	0

PASSED this 26 day of APRIL, 2016.

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: 3-22-2016

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

Date Set for Hearing 4-20-16

Fee \$ 200

Notice published 3-29-16

Date Paid 3-22-16

Newspaper CHATHAM CLARION

Notice Mailed to Adjacent Landowners 4-7-16

Notice Posted on Subject Property 4-7-16

Zoning Board of Appeals

Recommendation

- Approve Date 4-20-16
 Deny Chairman Initials P/SJ
 Approve with Modification

Village Board Action

- Denied
 Approved (Ordinance No. 16-19)

Date 4/26/16

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: Paul & Sue Usherwood

ADDRESS OF APPLICANT: 800 Homestead Drive, Glenarm, IL 62536

PHONE NUMBER: 483-5015 (H) 725-5445 cell

Chatham - Land Usage

Interest of Applicant In the Subject Property (if not owner): we are the owners of the property for which variance is being sought

- 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 see legal description attached
Lot, Block, Subdivision, Metes and Bounds--may be on attachment

2. Street Address of Property 900 Homestead Drive,

3. Area of land variance requested for 1,536 square feet. 22' x 48' structure

4. (a) Present Zoning District Classification of subject and adjacent properties (show zone district boundaries on plat): B-1

(b) Nature of requested variance: to construct a detached garage, with a side wall height of 17' 2" peak height of 22' 6"

5. Present use of Property: portion of yard

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

we are current owners of property and have been since September 1998

- 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: 3-22-2016

SIGNATURE: Paul [unclear]
Susan [unclear]

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]

REQUEST FOR VARIANCE

We are seeking a variance for the construction of a detached garage, see attached structure design drawing. The proposed structure will have side walls with a height of seventeen feet with a height from surface grade to peak of twenty two and a half feet. The height will accommodate two fourteen foot high overhead doors such that our recreational vehicle will be able to be stored inside. The proposed structure as designed will complement the existing structures already on the property and will be color coordinated to match the existing structures. The proposed structure will be approximately 230 feet from the closest adjoining property line with a residential dwelling and is separated by wooded land, see aerial view of property and proposed structure building sight.

In order for the structure to accommodate our recreational vehicle we are requesting a variance for the height of the proposed structure.

Legal Description of 800 Homestead Drive:

That part of the Southwest Quarter of Section 21, Township 14 North, Range 5 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows: Beginning at a point on the Southwest corner of Pioneer Park Estates, Plat 1, Sangamon County, Illinois, said point being on the South line of Lot 2 of the Estate of Samuel O'Neal deceased, as shown on the plat recorded in the Office of the Circuit Clerk of Sangamon County, Illinois, in Chancery Record "Y" Page 622, 163.02 feet (2.47 Chains) West of the Southeast corner of said Lot 2; thence North 0 degrees 50 minutes 32 seconds East parallel with the East line of said Lot 2 of the Estate of Samuel O'Neal and along the East line of said Pioneer Park Estates, Plat 1, a distance of 192.26 feet; thence North 80 degrees 09 minutes 28 seconds West, 150.00 feet; thence North 35 degrees 09 minutes 28 seconds West, 303.5 feet; thence North 8 degrees 04 minutes 18 seconds West, 480.31 feet, more or less, to the center of Sugar Creek; thence Southwesterly along the center of Sugar Creek, a distance of 1310.0 feet, more or less, to the South line of said Lot 2 of the Estate of Samuel O'Neal; thence South 89 degrees 55 minutes 56 seconds East along the South line of said Lot 2 of the Estate of Samuel O'Neal, a distance of 777.0 feet to the point of beginning. Said land further depicted as Tract 1 on survey recorded August 28, 1996 as Document Number 1996R34775. Situated in Sangamon County.



VILLAGE PRESIDENT
Thomas Gray

VILLAGE CLERK
Pat Schad

TRUSTEES
Ken Boyle
Mark Clayton
Dave Kimsey
Nina Lindhorst
Matthew Mau
Joe Schatteaman

Notice of Public Hearing

Wednesday, April 20, 2016

The Village of Chatham Zoning Board of Appeals will hold a public hearing on Wednesday, April 20, 2016 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 Paul & Sue Usherwood to be granted a zoning variance to their property located at 800 Homestead Drive, Glenarm, Illinois 62536. This property is located on the west end of Homestead Drive, approximately .23 miles from the intersection of Homestead Drive and Old Indian Trail Road. The parcel of land is approximately 8.86 acres and is currently zoned R-1 residential. A legal description and plat of survey is on file in the zoning administrator's office located 117 East Mulberry Street, and is available for review by the public upon request. The requested zoning variance will consist of allowing an increase to the height of an accessory structure from 17 feet to 22 feet 6 inches. Any questions concerning this public hearing should be directed to Ryan Crawford at 1-217-483-2451 Ext: 102.

Incorporated March 24, 1874

Phone (217) 483-2451 • Fax (217) 483-3574
116 East Mulberry • Chatham, Illinois 62629
website: www.chathamil.net

VILLAGE OF
CHATHAM
Family. Community. Prosperity.

VILLAGE PRESIDENT
Thomas Gray
VILLAGE CLERK
Pat Schad

TRUSTEES
Ken Boyle
Mark Clayton
Dave Kimsey
Nina Lindhorst
Matthew Mau
Joe Schatteman

7 April 2016

To: Adjoining Property Owners

From: Ryan Crawford – Zoning Administrator

Re: Public Hearing

Dear Adjoining Property Owner,

The Village of Chatham Zoning Board of Appeals will hold a public hearing on Wednesday, April 20, 2016 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 Paul & Sue Usherwood to be granted a zoning variance to their property located at 800 Homestead Drive, Glenarm, Illinois 62536. This property is located on the west end of Homestead Drive, approximately .23 miles from the intersection of Homestead Drive and Old Indian Trail Road. The parcel of land is approximately 8.86 acres and is currently zoned R-1 residential. A legal description and plat of survey is on file in the zoning administrator's office located 117 East Mulberry Street, and is available for review by the public upon request. The requested zoning variance will consist of allowing an increase to the height of an accessory structure from 17 feet to 22 feet 6 inches. Any questions concerning this public hearing should be directed to Ryan Crawford at 1-217-483-2451 Ext: 102.

Sincerely,

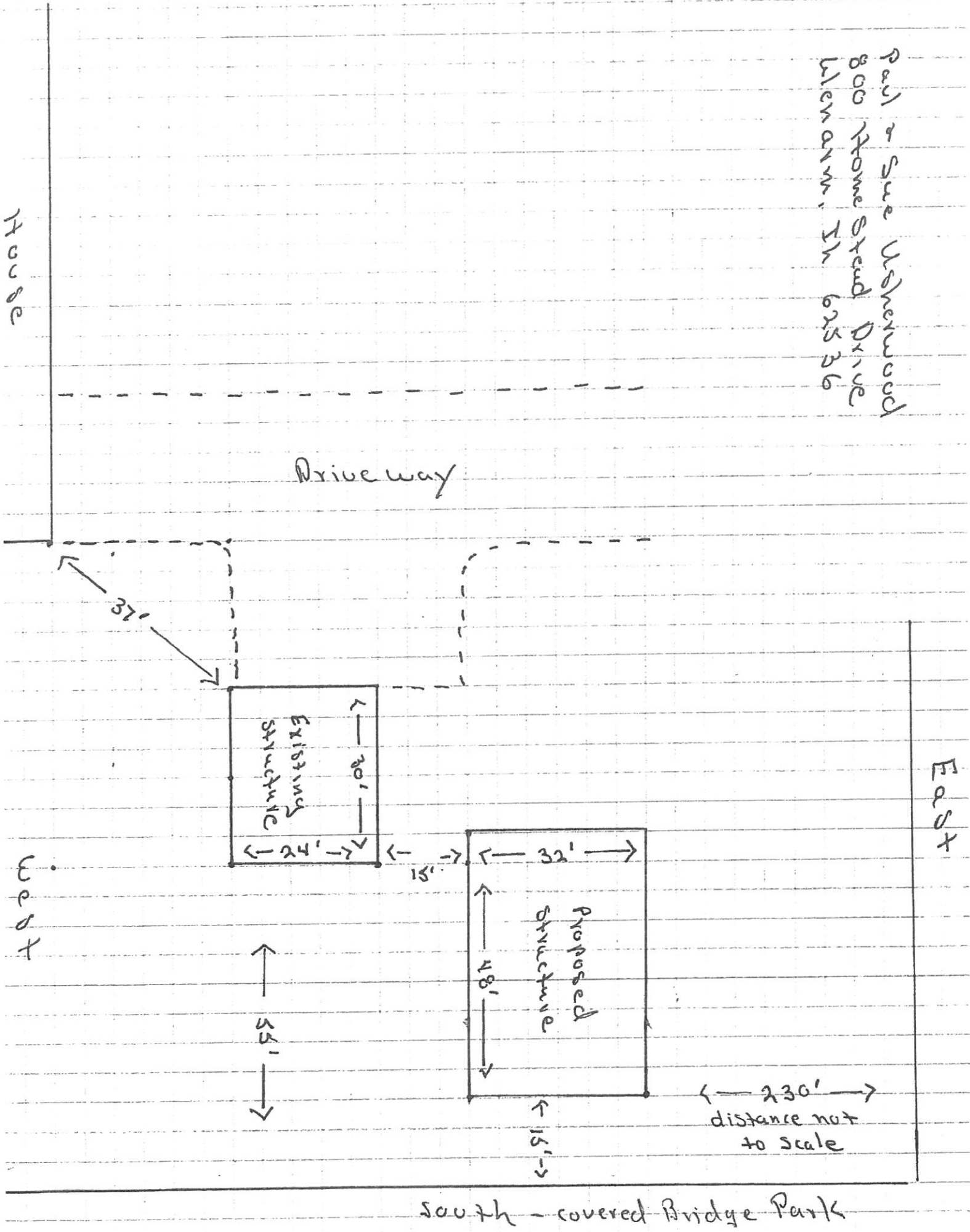
Ryan J. Crawford

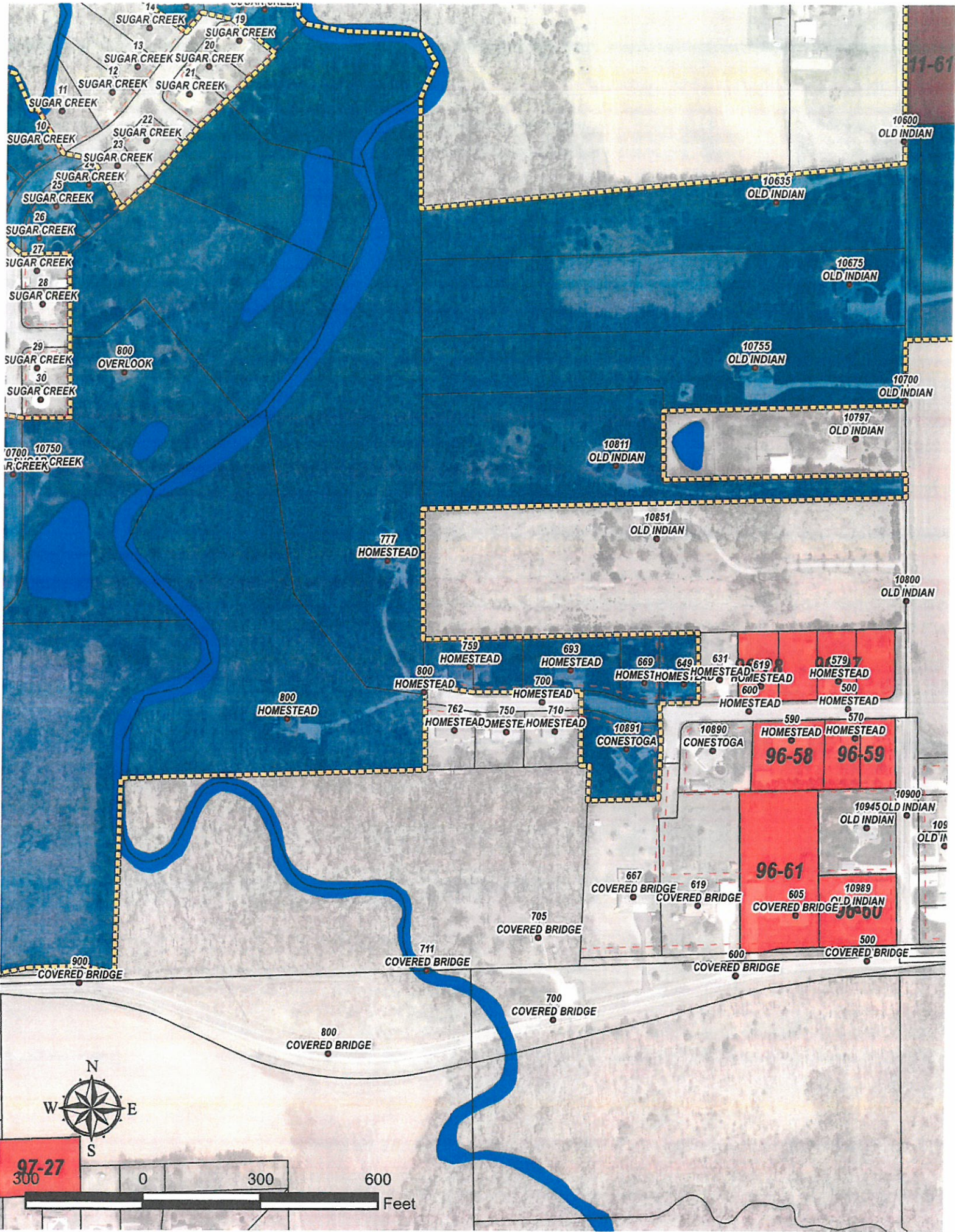
Ryan Crawford
Zoning Administrator

Incorporated March 24, 1874

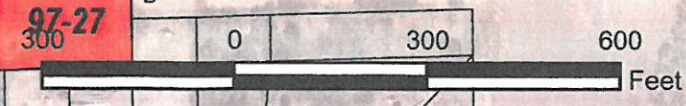
Phone (217) 483-2451 • Fax (217) 483-3574
116 East Mulberry • Chatham, Illinois 62629
website: www.chathamil.net

Paul & Sue Usherwood
800 Home Street Drive
Blenn arm, IN 62536





97-27
300

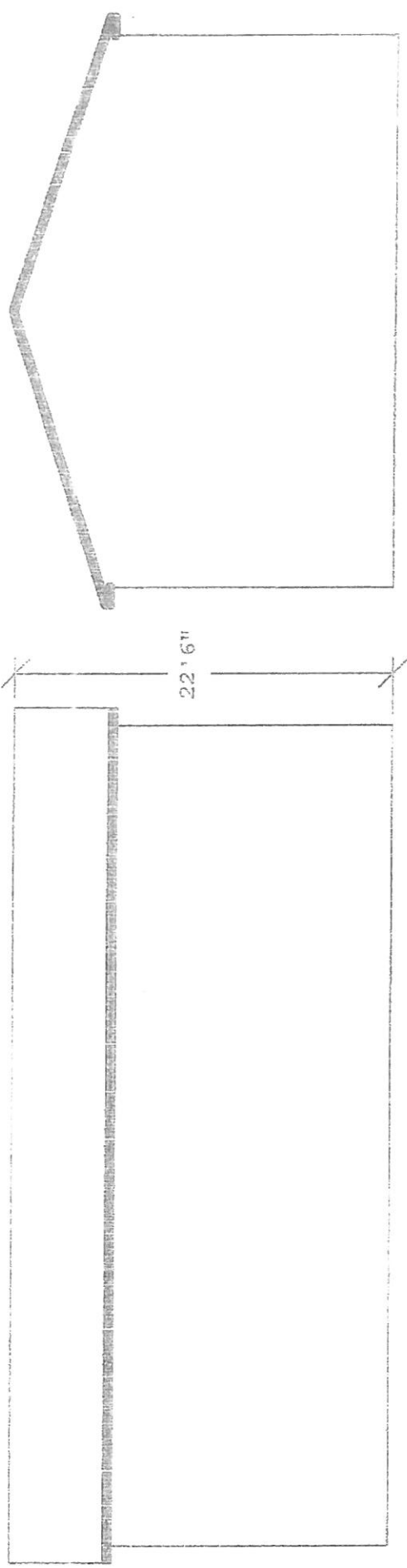




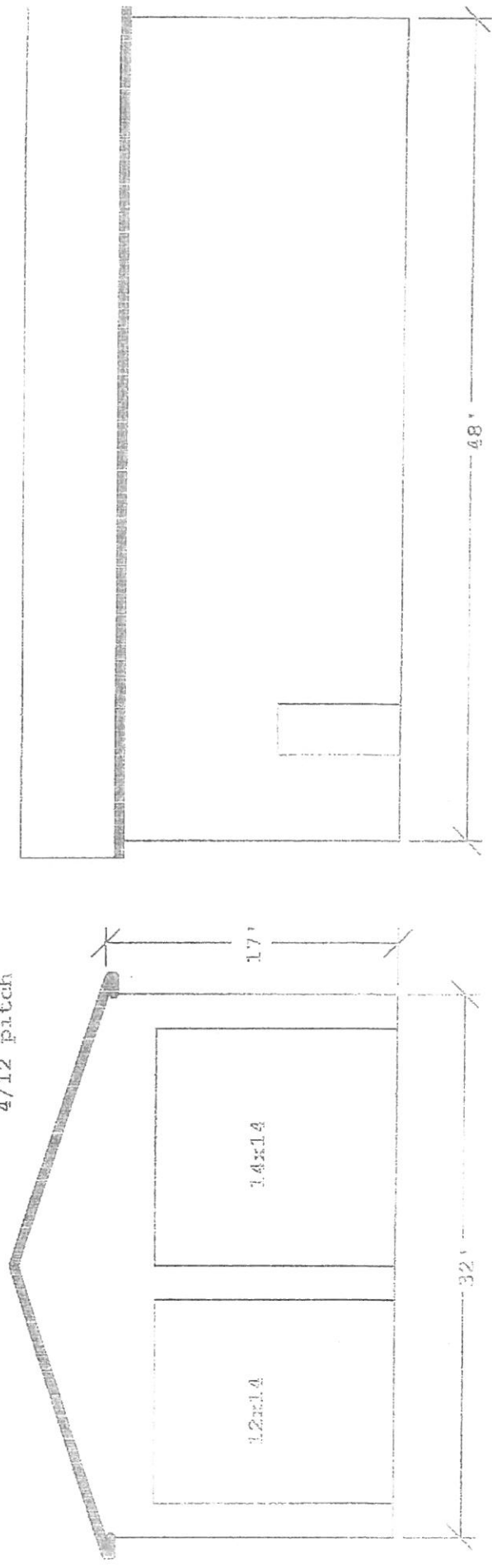
Ragland Buildings & Supply

P.O. Box 418 Hopedale, Ill. 61747
309-449-3368

Paul Usherwood
32 X 48

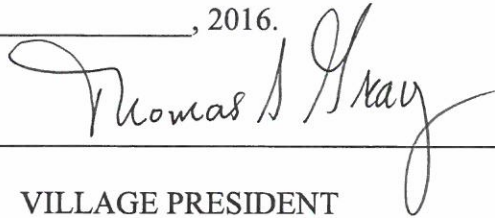


4/12 pitch



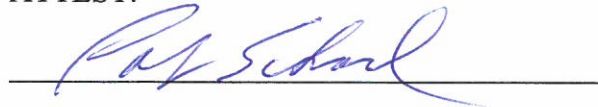
Proposed structure

APPROVED by the President of the Village of Chatham, Illinois this ___ day
of _____, 2016.



VILLAGE PRESIDENT

ATTEST:



VILLAGE CLERK