

SANGAMON COUNTY, ILLINOIS

ORDINANCE
NUMBER 20 - 20

**AN ORDINANCE AUTHORIZING A VARIANCE TO INCREASE THE HEIGHT OF
AN ACCESSORY STRUCTURE ABOVE THE ALLOWABLE HEIGHT OF 17 FEET AT
8989 GORDON DRIVE, 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 August 25, 2020

Sorling Northrup – 1 N. Old State Capitol Plaza, Suite 200, P.O. Box 5131, Springfield, IL
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ORDINANCE NO. 20- 20

AN ORDINANCE AUTHORIZING A VARIANCE TO INCREASE THE HEIGHT OF AN ACCESSORY STRUCTURE ABOVE THE ALLOWABLE HEIGHT OF 17 FEET AT 8989 GORDON 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 Timothy Brown, the Owner of 8989 Gordon 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 21 feet; and,

WHEREAS, a public hearing was noticed and duly held by the Chatham Zoning Board of Appeals on July 9, 2020; and,

WHEREAS, the Zoning Board of Appeals met on July 9, 2020, 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 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 find as follows:

- A. **Reasonable Return.** 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, 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 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, if granted, will not alter the essential character of the locality.

Section 3. Description of the Property. The property is located at 8989 Gordon Drive Chatham, Illinois within a R-1 District. The property has a PIN #29-08.0-351-020 and is legally described as follows:

LOT 77 BRECKENRIDGE MANOR
5TH ADDN 8-14-5

Section 4. Public Hearing. A public hearing was advertised on June 18, 2020, in the Chatham Clarion and held by the Zoning Board of Appeals July 9, 2020, 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 July 9, 2020, 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-one feet (21').

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.

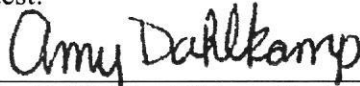
Section 8. Effectiveness. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

SO ORDAINED this 25 day of August, 2020, 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	X			
TOTAL				

APPROVED by the President of the Village of Chatham, Illinois this 25th day of August, 2020.


 Dave Kimsey, Village President

Attest:

 Amy Dahlkamp, Village Clerk