

SANGAMON COUNTY, ILLINOIS

ORDINANCE
NUMBER 20 - 28

**AN ORDINANCE AUTHORIZING A VARIANCE TO ALLOW FOR AN ACCESSORY
STRUCTURE SET-BACK VARIANCE FROM 30 FEET TO 25 FEET AT 31
TANGLEWOOD DR., 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 11 - 10 -, 2020

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

ORDINANCE NO. 20- 28

AN ORDINANCE AUTHORIZING A VARIANCE TO ALLOW FOR AN ACCESSORY STRUCTURE SET-BACK VARIANCE FROM 30 FEET TO 25 FEET AT 31 TANGLEWOOD DR., 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 Eric Black, the owner of 31 Tanglewood Dr. in Chatham, Illinois for a variance to allow an accessory structure setback of 25 feet instead of 30 feet; and,

WHEREAS, a public hearing was noticed by publication on October 8, 2020 and duly held by the Chatham Zoning Board of Appeals on October 29, 2020; and,

WHEREAS, the Zoning Board of Appeals met on October 29, 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 yard of lesser 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 31 Tanglewood Dr. Chatham, Illinois within a R-1 District. The property has a PIN #29-08.0-477-001 and is legally described as follows:

L 21 IVY GLEN ESTATES
1ST ADDN

Section 4. Public Hearing. A public hearing was advertised on October 8, 2020, in the Chatham Clarion and held by the Zoning Board of Appeals October 29, 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 October 29, 2020, Zoning Board of Appeals meeting, is hereby granted as follows:

- A. A variance allowing construction of an accessory structure with a minimum setback of twenty-five feet (25') instead of thirty feet (30') as required in the Zoning Code.

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 10 day of Nov., 2020, at Chatham, Sangamon County, Illinois.

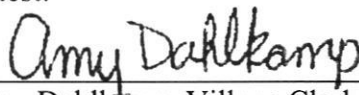
	AYE	NAY	ABSTAIN	ABSENT
KRISTEN CHIARO	X			
ANDREW DETMERS	X			
BRETT GERGER	X			
RYAN MANN	X			
MATT MAU	X			
PAUL SCHERSCHEL	X			
DAVE KIMSEY				
TOTAL	6	0		

APPROVED by the President of the Village of Chatham, Illinois this 10 day of Nov., 2020.



Dave Kimsey, Village President

Attest:



Amy Dahlkamp, Village Clerk

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 31 Tanglewood Drive

Date: October 30, 2020

On October 29, 2020, the Zoning Board of Appeals held a public hearing for a zoning variance at 31 Tanglewood Drive. The notice of public hearing was published in the Chatham Clarion on October 8, 2020.

Mr. Eric Black, owner of 31 Tanglewood Drive, petitioned the Village of Chatham Zoning Board of Appeals to allow for an accessory structure set-back variation to the property at 31 Tanglewood Drive. This variation would allow the accessory structure to match the existing set-back of the residence at 25 feet from the property line on Tanglewood Drive.

Based on the public hearing, the ZBA voted 4 – yes to 0 – no, with Sarah Albrecht and Dan Brill absent, to **allow** the zoning variance at 31 Tanglewood Drive. 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 - Applicant testified that his home was built by the builder with a 25-foot setback instead of 30 feet, and that his intent was to ensure that the front of the accessory structure referenced in the petition was aligned with the side of the house that faces Tanglewood Drive for consistency with other houses on the street and for visual appeal.

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 - Applicant testified that the setback of the house was built at 25 feet by mistake. Therefore, the particular hardship upon the owner would exist if the variance was not granted, in that the accessory structure's design and size would be limited as compared to the house.

(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 - There was no evidence presented that the variance would not be applicable to other property within the same zoning classification.

(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 evidence presented that the purpose of the variance was based exclusively 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 presently having an interest in the property;

Chairperson Vaughn - There was no evidence presented that the difficulty or hardship had been created by any person having an interest in the property.

(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

(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 evidence presented that granting the variance would be detrimental to the public welfare or injurious to other property or improvements in the neighborhood. There was no evidence presented that the proposed variance would 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.

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 October 29, 2020, in which (0) people 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: 10/30/2020

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: 10/01/2020

(DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY)

Date Set for Hearing 10/29/20

Fee \$ 200

Notice published 10/8/20

Date Paid 10/2/20

Newspaper CHATHAM CLARION

Notice Mailed to Adjacent Landowners 10/8/20

Notice Posted on Subject Property 10/16/20

Zoning Board of Appeals

Recommendation
 Approve Date 10/29/20
 Deny Chairman Initials EV
 Approve with Modification

Village Board Action Date _____
 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: Eric Black

ADDRESS OF APPLICANT: 31 Tanglewood Dr.

PHONE NUMBER: _____ (H) (217)691-9909 _____ (W)

Interest of Applicant In the Subject Property (if not 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 PARCEL # 29080477001
 Lot, Block, Subdivision, Metes and Bounds--may be on attachment

- 2. Street Address of Property 31 Tanglewood Dr
- 3. Area of land variance requested for ~13,000 square feet.
- 4. (a) Present Zoning District Classification of subject and adjacent properties (show zone district boundaries on plat): R1
- (b) Nature of requested variance: build detached garage in line with the front of the current building setback to the property line.
- 5. Present use of Property: Single family home.
- 6. Names, addresses and phone numbers of all owners of record:

- 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: 10/01/2020

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

Date 10/02/2020 Time 01:12 PM
Rec# 00460022 Operator mingels

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

/ 013467
Eric Black
31 Tanglewood Dr
Chatham IL 62629

Zoning and Variances	200.00

Total	200.00
Cash	0.00
Check	200.00
Change	0.00

Notice of Public Hearing

Thursday, October 29, 2020

The Village of Chatham Zoning Board of Appeals will hold two separate public hearings on Thursday, October 29, 2020 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 public comment concerning two separate Petitions for Zoning Variance:

The first Petition for Zoning Variance was filed by Mr. Logan Patton, owner of 45 Teal Drive which is currently zoned R-1 (Residential), located approximately 0.1 miles from the intersection of Teal Drive and Illinois Route 4 in the Quail Meadows Subdivision. Mr. Patton is petitioning the ZBA to be granted a zoning variance for an addition to his existing residential home.

The second Petition for Zoning Variance was filed by Mr. Erik Black, owner of 31 Tanglewood Drive which is zoned R-1 (Residential), located at the intersection of Greentrail Drive and Tanglewood Drive in the Ivy Glen Subdivision. Mr. Black is petitioning the ZBA to be granted a zoning variance to build an accessory structure next to his existing residence with the same setback as the residence.

A legal description and a plat of survey are on file at the Village of Chatham's Zoning Administrator's Office located at 117 east Mulberry Street, and is available for review upon request.

Any questions concerning these hearings should be directed to Ryan Crawford at 1-217-697-5802.

and Reagan Weichold (10:40) rounded out the top five.

Weichold, a senior, posted the best time of her career. She was overcome with emotion at the finish as she celebrated with her teammates.

"Seeing Reagan's reaction after her race was one of the most amazing things to watch," Garber stated. "She has been plagued by injury her last two seasons, so this was a very special moment. I'm very proud of her and the girls that pushed her to such a fast time. The trifecta of Leahy, Gurnsey and Weichold are pretty dangerous on a cross country course."

Herren and Herbst each crossed the finish line in 15:51, and Cameron Smith was fourth in 16:06. Rochester's Adam Gribbins and Glenwood's

Saturday. Looking at the results we did puts both teams near the top of the rankings in the state, and they are earning every piece of it."

•GHS had the top 13 placers in the JV boys race, with Ayden Groves (17:33) edging Grant Schreiner (17:36) for the win. Karthik Kamarajan (17:39) was third. Other GHS times: Sal Sgro (17:46), Jon Smith (17:49), Tajh Price (17:54), Myles Brant (17:55), Evan Capps (17:56), Galashky Blaise (18:10), Caleb Steber (18:22), Will Shink (18:28), Andreas Geranios (18:28), Alex Chopra (18:45), Gautham Viswanathan (20:01), Fletcher Moulton (20:12), Matthew Lindberg (20:33), Sam McCurdy (21:08), Brandy VonLehmden (22:20) and Dinesh Gopi (25:15).

Girls swim team second at three team meet

The Glenwood High School girls swimming team competed against SHG and Springfield High in a three-team meet at Eisenhower Pool Saturday.

SHG finished with 87 points to win, with Glenwood (60) second and Springfield (48) third.

SHG won all nine individual events. Lauren Blair, Annie Mizeur and Mary Clare Mizeur combined to win the eight swimming events, while Elise Ilsley won the one-meter diving competition. GHS results:

•200 freestyle - 2. Emily Carlson, 2:14.83. 3. Lizzie Tomko, 2:17.12.

•200 IM - 2. Abby Anderson, 2:29.58. 4. Annie Harms, 2:43.77.

•50 freestyle - 2. Yianna VanFleet, 28.63. 6. Lexi Wienhoff, 30.09. Other GHS times: Jordan Sarra (31.21), Sarah Jones (31.51), Georgette Gulley (31.55), Allie Mathon (32.53), Amelia Lengacher (37.04), Aly Poani (41.82).

•100 butterfly - 3. Carlson, 1:12.03. 5. Harms, 1:17.91.

•100 freestyle - 2. Anderson, 1:03.11. 3. VanFleet, 1:03.83. Other GHS times: Jones (1:07.21), Wienhoff (1:09.44), Sarra (1:10.98), Maton (1:12.93), Lengacher (1:22.08), Poani (1:35.62).

•500 freestyle - 2. Tomko,

6:11.72. 5. Gulley, 6:21.28.

•100 backstroke - 3. Carlson, 1:11.87. 4. VanFleet, 1:13.54. Other GHS times: Harms (1:18.61), Gulley (1:19.68), Wienhoff (1:24.16), Sarra (1:27.69), Jones (1:28.67), Mathon (1:36.99).

•100 breaststroke - 2. Anderson, 1:17.0. 4. Tomko, 1:26.39. Other GHS times: Lengacher (1:45.75), Poani (1:56.91).

Nell, Titans finish second; Centralia Sectional next up

Tobin Nell fired a 77 to finish in second place individually and lead the Glenwood High School boys golf team at Tuesday's Class 2A Roxana Regional at Belk Park Golf Course.

The Titans shot 340 to finish in second place overall behind Jacksonville (322). GHS will compete as a team at the Class 2A Centralia Sectional Oct. 13.

Jake Herrin added an 84 for the Titans, while Brady Wynn shot 88 and Brock Bredehoff 91.

Call 438-6155 to
subscribe to the Clarion

VOLUME 60
NUMBER 29

Public Notice

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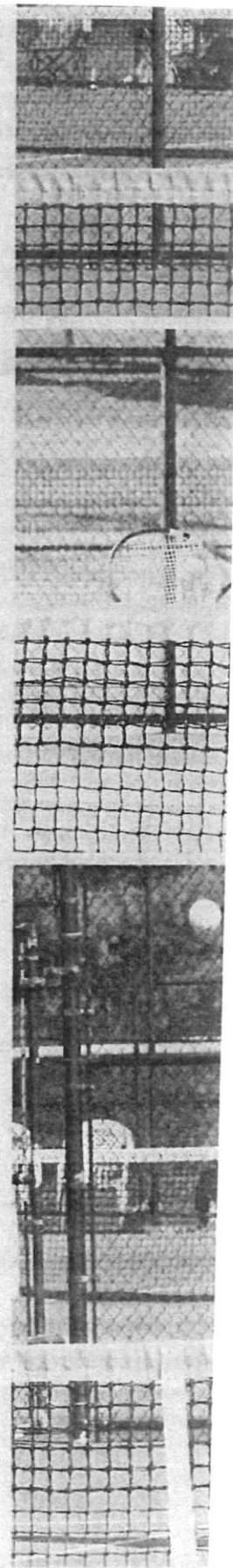
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C:10-8

Find more sports
photos online at
[www.southcounty-
publications.net](http://www.southcounty-publications.net)



GHS girls tennis
Invite include (from
Dulceak and Simm

10/8/20 EDITION

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: 10/01/2020

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

Date Set for Hearing 10/29/20

Fee \$ 200

Notice published 10/8/20

Date Paid 10/2/20

Newspaper CHATHAM CLARION

Notice Mailed to Adjacent Landowners 10/8/20

Notice Posted on Subject Property 10/16/20

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.

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ADDRESS OF APPLICANT: 31 Tanglewood Dr.

PHONE NUMBER: _____ (H) (217)691-9909 _____ (W)

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DATE: 10/01/2020

SIGNATURE: [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

Date 10/02/2020 Time 01:12 PM
Rec# 00460022 Operator mingels

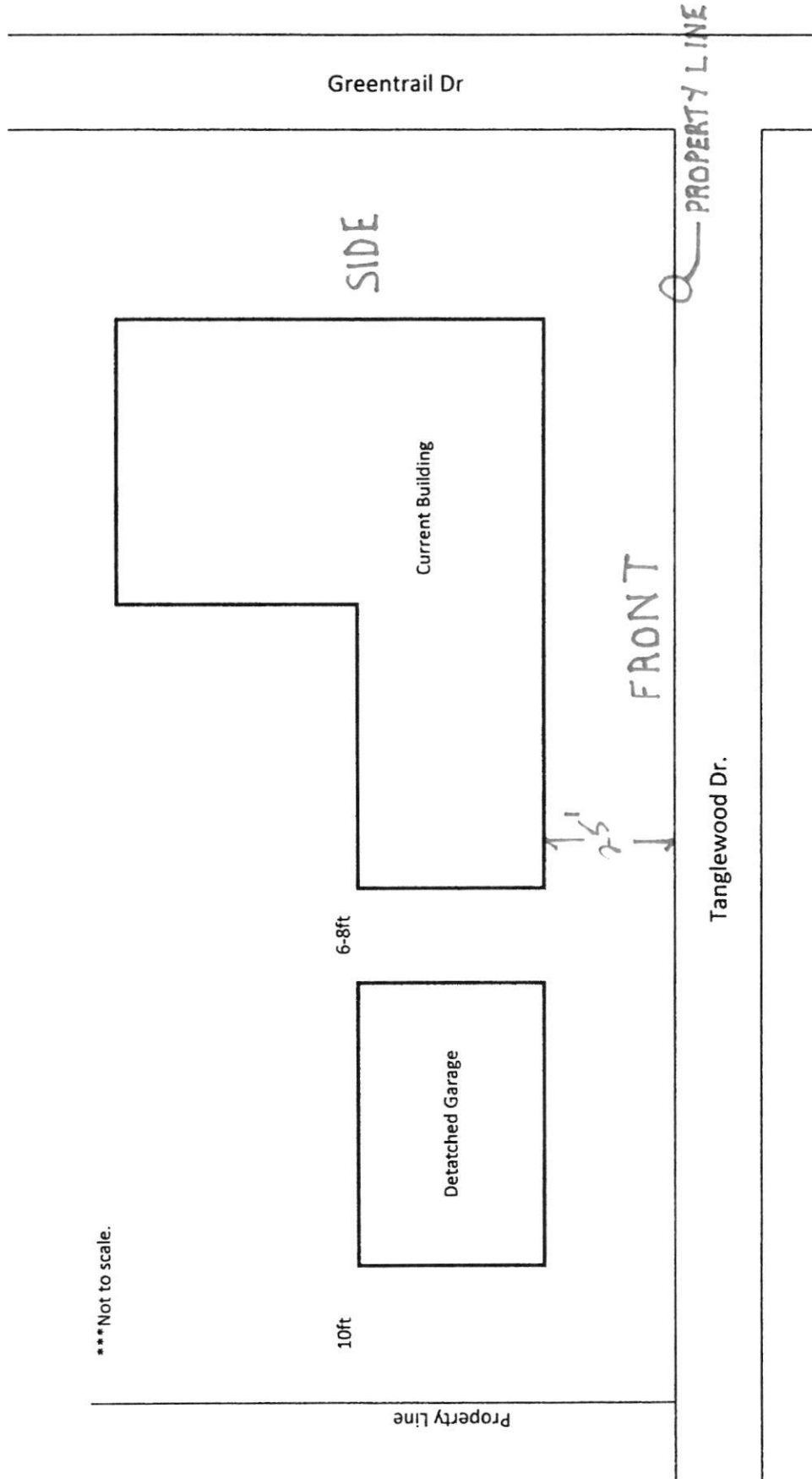
Village of Chatham
116 E. Mulberry
Chatham, IL 62629
(217) 483-2451

/ 013467
Eric Black
31 Tanglewood Dr
Chatham IL 62629

Zoning and Variances	200.00

Total	200.00
Cash	0.00
Check	1046
Change	200.00
	0.00

Chatham - Land Usage



***Not to scale.

ERIC BLACK

Village President
Dave Kimsey

Village Clerk
Amy Dahlkamp

VILLAGE OF
CHATHAM
Family. Community. Prosperity.

Village Trustees
Kristen Chiaro
Andrew Detmers
Brett Gerger
Ryan Mann
Matthew Mau
Paul Scherschel

8 October 2020

To: Adjoining Property Owner

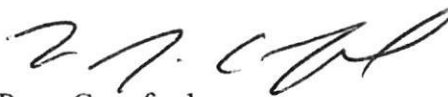
From: Ryan Crawford – Zoning Administrator

Re: Public Hearing Thursday, October 29, 2020

Dear Adjoining Property Owner,

The Village of Chatham Zoning Board of Appeals will hold a public hearing on Thursday, October 29, 2020 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. Erik Black to be granted a variance to his property located at 31 Tanglewood Drive. This property is located on the southwest intersection of Greentrail Drive and Tanglewood Drive in the Ivy Glen Subdivision. This parcel of land is approximately 0.30 acres and is currently zoned R-1 (Residential). A legal description and plat of survey is on file in the Zoning Administrator's office at 117 East Mulberry Street, and is available for review by the public upon request. The petitioner is requesting a variance allowing an accessory structure to be placed next to his residence with the same setback as the residence on the Tanglewood side. Any questions concerning this public hearing should be directed to Ryan Crawford at 1-217-697-5802.

Yours very truly,


Ryan Crawford
Zoning Administrator

SENT
10/8/20

Incorporated March 24, 1874

116 E Mulberry, Chatham, Illinois 62629 Phone (217) 483-2451 Fax (217) 483-3574

