

**Charleston Board of Zoning Appeals & Planning
City of Charleston**

City Council Chambers

520 Jackson Avenue

Thursday, February 11, 2021

7:00 P.M.

AGENDA

Notice is hereby given that a regular meeting of the Charleston Board of Zoning Appeals & Planning will be held on Thursday, February 11, 2021, at 7:00 p.m. in the City Council Chambers, on the 2nd Floor of City Hall at 520 Jackson Avenue, Charleston, Illinois 61920.

Social distancing may limit physical attendance at City Hall. The public hearing will also be broadcast at the following link: www.charlestonillinois.org (Click on: **Agendas, Packets & Videos for City Council and BZAP**).

Interested parties can participate in any of the following 3 ways:

1. Submission of written comments before the public hearing:

- Written comments may be emailed to **City Clerk Deborah Muller at: CityClerk.co.coles.il.us**.
- Written comments received by 5:00 p.m. on Friday, February 5, 2021 will be included in the meeting packet sent to the Board of Zoning Appeals and Planning. This meeting packet is also posted on the City's website: www.charlestonillinois.org.
- Written comments received after 5:00 p.m. on Friday, February 5, 2021 through 5:00 p.m. on Wednesday, February 10, 2021 will be emailed directly to the Board of Zoning Appeals and Planning but will not be included in the meeting packet or posted on the City's website.
- Written comments received after 5:00 p.m. on February 10, 2021, will be added to the case file.

2. Participation during the public hearing:

- If you wish to provide comment, testimony, questions, or cross examination on a petition, or otherwise address the BZAP on any public hearing matter before it, please email Deborah Muller, City Clerk at the following email addresses to register your participation before 5:00 p.m. on the day of the hearing: CityClerk@co.coles.il.us. Alternatively, you may obtain a registration form outside the public hearing room, fill the form out, and place it in the registration form box, which will be brought to the dais prior to the meeting.
- Individuals who do not wish to speak during the public hearing may simply indicate whether they support or are opposed to the application. The individual's name and their position on the application will be read aloud into the record at the hearing. Any written comments submitted by an individual in conjunction with their position will also be read into the record, subject to compliance with the City's public comment and public hearing rules and procedures.
- Individuals who register to speak in advance will receive an email from City staff with information about how to join the meeting.
- Individuals who fail to register in advance may participate in the hearing by following the instructions provided on the meeting agenda.

3. Other methods of participation: Any individual who would like to listen to the meeting by telephone or who may require a special accommodation to listen to or participate in the meeting, should contact the **City Clerk Deborah Muller at 217-345-5650 and/or email CityClerk@co.coles.il.us** as soon as possible.

***PLEASE NOTE:** Times are provided for audience members to ask the Petitioner questions, speak in support of the petition or speak against the petition. Anyone addressing the Board of Zoning Appeals & Planning is requested to approach the podium, provide the City Clerk with name & address, and speak into the microphone. A handheld microphone will be provided for those unable to approach the podium.

1. Call to Order
2. Roll Call
3. Allow Remote Participation by BZAP Members.
4. Approval of Minutes from the regular meeting of the Board of Zoning Appeals & Planning on December 10, 2020.

5. The Petition of Lanman Properties, Inc. for the following Zoning Map Amendment:
Zoning Map Amendment (change in zoning district boundaries / rezoning) from R3 – Limited Multi-Family Residence District to C-2 General Commercial District.

All on a tract of land described as:

A PART OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION FIFTEEN (15), TOWNSHIP TWELVE (12) NORTH, RANGE NINE (9) EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: FROM THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION FIFTEEN (15) MEASURE WEST 2002 FEET, THENCE SOUTH ALONG THE WEST LINE OF “B” STREET, 211 FEET TO THE PLACE OF BEGINNING, THENCE SOUTH 60 FEET, THENCE WEST 97 FEET THENCE NORTH 60 FEET, THENCE EAST 97 FEET TO THE PLACE BEGINNING, COLES COUNTY, ILLINOIS

Also known as 1506 B Street, Charleston Illinois (PIN # 02-1-00626-000)

6. The Petition of Coles County Habitat for Humanity for the following conditional use permit:
Conditional Use Permit (to allow “All Other Community Service”) in the I-2 Heavy Industrial District; and City Code Title 10-6-11 Conversion to Conditional Use.

All on a tract of land described as:

Also known as 990 West State Street, Charleston, Illinois (PIN # 02-1-00307-000).

The following protocol will be observed after presentation of petition(s) at the direction of the Chair:

- A. *Questions from the Board and Petitioner response.
- B. *Questions from the audience and Petitioner response.
- C. *Anyone present wishing to speak in favor of the petition.
- D. *Anyone present wishing to speak against the petition.
- E. Petitioner response.
- F. Board Discussion.
- G. Call for a vote.

7. Old Business

8. New Business.

9. Adjournment.

BZAP MEMBERS PLEASE NOTE: Contact Deborah Muller, City Clerk, at 345-8426, as soon as possible, if you are NOT able to attend this meeting. Thank you.

Board of Zoning Appeals & Planning
Meeting Date: 02/11/2021

3.

Information

Attachments

No file(s) attached.

Board of Zoning Appeals & Planning

4.

Meeting Date: 02/11/2021

Information

Attachments

BZAP Minutes: 12/10/2020.

City of Charleston
BOARD OF ZONING APPEALS AND PLANNING
CITY COUNCIL CHAMBERS

520 Jackson Avenue
Charleston, Illinois
Thursday, December 10, 2020
7:00 p.m.

MINUTES

The regular meeting of the Charleston Board of Zoning Appeals and Planning scheduled for 7:00 p.m. was called to order on Thursday, December 10, 2020, at 7:00 p.m. by Chairman Jason Wavering.

Item 1. Chairman Wavering directed the City Clerk to call the roll and the following answered present to the call of his or her name.

Board Members **Physically Present:** Paul Brown, Tim Jacobs, Ryan Siegel, Lexe Volk, and Jason Wavering. Jill Nilsen was present via remote participation.

Board Member (s) **Absent:** Pat Adair.

A physical *quorum* was present.

Staff members Present: City Planner Steve Pamperin; Building Code Official Alex Winkler; City Attorney Rachael Cunningham; and City Clerk Deborah Muller.

Present on behalf of the Petitioner were Sarah J. Jennings, petitioner; and Ron Galbreath, witness.

Chairman Wavering welcomed everyone and explained that the meeting was being audio and video-recorded and explained the Board's procedures.

Item 2. The next order of business was to allow remote participation if required. Chairman Wavering read into the record the City of Charleston Board of Zoning, Appeals and Planning Member Remote Participation policy.

It is the policy of the City of Charleston Board of Zoning, Appeals & Planning ("public body") that its members may attend and participate in any open or closed meeting by video or audio conference, provided that such attendance and participation complies with this policy, the Open Meetings Act, and any other applicable laws.

A member of the public body may attend an open and closed meeting by video or audio conference if: the member notifies the City Clerk at least 24 hours before the meeting unless advance notice is impractical; and the member is prevented from physically attending because of: personal illness or disability; employment purposes or the business of the public body; or a family or other emergency; and a quorum of the public body is physically present at the location of the meeting as posted in the meeting notice; and a majority of the physically present public body members vote to approve the remote attendance.

After roll call, the physically present public body members will consider the prerequisites in Section 2, and vote on whether to allow a remote member to participate by video or audio conference. All the physically present members are permitted to vote on whether to allow the remote member to participate by video or audio conference. The public body may vote to allow remote participation for a member for a single meeting, or a stated series of meetings if the same reason applies for each meeting.

A quorum must be physically present at a meeting before the public body considers whether to allow a remote member to participate by video or audio conference at that meeting. A remote member may attend by video or audio conference by a majority vote of the physically present members. A quorum must be physically present at all times during the meeting.

When a member is authorized to attend remotely, the meeting minutes must state whether each member is physically present, or present by video or audio conference.

The member permitted to participate remotely may express his or her comments during the meeting and participate in the same capacity as those members physically present, subject to all general meeting guidelines and procedures. The remote member shall be heard, considered, and counted as to any vote taken. Accordingly, the City Clerk shall call the name of any remote member during any vote taken, and count and record the remote member's vote in the meeting minutes. A remote member may leave a meeting and return as in the case of any member.

For closed meetings, a quorum of public body members must be physically present at any closed meeting. Members participating remotely shall otherwise be entitled to participate in closed meetings by video or audio conference.

With advance approval by the public body, members may have costs associated with remote participation reimbursed, including video conferencing and other audio and video equipment.

Chairman Wavering advised that those were the proposed participation rules and asked if there was any discussion on the rules.

Chairman Wavering stated that 5 board members were present physically which constituted a quorum.

City Planner Steve Pamperin said that Board Member Jill Nilsen had notified the City Clerk a minimum of 24-hours prior to the meeting and that her remote participation met the prerequisites set forth in the remote attendance policy.

Item 3. The next order of business was to allow remote participation by Board Member Jill Nilsen.

A **motion** was made by Ryan Siegel and seconded by Tim Jacobs to allow Board Member Jill Nilsen after having met the criteria of the policy of the Board.

A Roll Call vote showed Board Members Paul Brown, Tim Jacobs, Ryan Siegel, Lexe Volk, and Chairman Jason Wavering voting in favor of the motion.

Motion carried with 5-Yeas, 0-Nays.

The Board welcomed Board Member Jill Nilsen to the meeting.

Item 4. The next order of business was approval of the minutes.

A **motion** was made by Ryan Siegel and seconded by Lexe Volk to approve the **Minutes** from the regular meeting of the Board of Zoning and Appeals & Planning on September 24, 2020.

A Roll Call vote showed Board Members Paul Brown, Tim Jacobs, Jill Nilsen, Ryan Siegel, Lexe Volk, and Chairman Wavering voting in favor of the motion.

Motion carried with 7-Yeas, 0-Nays.

Chairman Wavering in a prepared statement said, “As indicated earlier, interested parties have been provided the opportunity to comment on each case tonight in a variety of ways, including the submittal of written comments prior to tonight’s meeting for inclusion in the meeting packet. In addition, the members of the public were invited to:

1. Submit an indication of support or opposition to be read into the record by staff;
2. Submit written comments to be read into the record by City staff; or
3. Request to speak during the meeting.

For those who registered to speak, I will call each speaker in the order that he or she signed up. Speakers will be muted until their names are called by staff. Prior to speaking, I will ask the speaker to state his or her name and then be sworn in.

Finally, before adjourning the public hearing portion of any case, I will ask if anyone who is participating in the meeting by phone or through the electronic meeting platform, but did not specifically sign up to speak through the City Clerk, would like to provide comment or testimony.

To ensure that we have an opportunity to hear from each person wishing to speak, please keep your comments specific to the request under consideration and try to avoid repetitive comments. Anyone participating in the hearing will also be able to ask questions of any speaker that provided testimony.

With that said, we have come to the portion of our agenda that has been reserved for public hearings.

One of the duties of the Board of Zoning Appeals and Planning is to conduct a public hearing to listen and record the testimony of the public whenever the City considers an amendment to the Zoning Code or Comprehensive Plan; **a variance**, a zoning map amendment, commonly known as rezoning; approval of a **conditional**-use permit, including planned unit developments; or an amendment to a special-use permit.

The order we follow for each public hearing is this:

The petitioner presents his or her proposal, describing it through written items and reports.

Members of the Board of Zoning Appeals and Planning question the petitioner and the City with regard to the project.

Then, the Board of Zoning Appeals and Planning will hear testimony of interested parties both for and against the petition. At the conclusion of your testimony, you may cross-examine or ask questions of the petitioner or its witnesses about the proposal, although all questions should be directed to me. I will then redirect the question to the appropriate individual. The petitioner will also have an opportunity to cross-examine or ask questions of anyone that testified.

Following testimony and cross-examination, the petitioner and the Board of Zoning Appeals and Planning may ask questions of those who testified.

The petitioner may provide a rebuttal to any testimony in opposition, subject again to cross-examination by the parties.

When there is no further testimony, the hearing will be closed, and the Board of Zoning Appeals and Planning will take its vote and in most cases makes its recommendation to the City Council. Please be concise in your testimony. If your point has already been made during the hearing, it will not be necessary for you to repeat it. Each item addressed and each point made is recorded and considered as the Board of Zoning Appeals and Planning makes its findings and recommendation.

When it is your turn to testify, please raise your hand and I will call on you. To ensure that everyone can be heard, please do not speak until I call on you. Please then state your name for the record.

After everyone who wishes to present testimony has spoken, the Members will be asked to consider whether they have heard adequate testimony to make a decision. The Members and the City will then offer their comments based on the testimony presented at the hearing and considering the comments of other entities such as other units of local government. In addition, anyone may present additional information in response to a specific question or requests for information from the Board. Those are the only circumstances under which the Board will hear additional testimony.

It is important to note that 4 affirmative votes are required for a favorable recommendation to the City of the total 5 members present. The Petitioner may request a continuance at any time prior to the vote by the Board.

Chairman Wavering then introduced Item #5 on the agenda and opened the public hearing with regard to this issue. He began the public hearing by reading the notice of publication into the record:

“The public hearing this evening is to consider the petition of Sara J. Jennings for the following variances:

Title 10, Chapter 8, Section 1—Density and Dimensional Standards including but not limited to: 10-8-1(C) Table 8-1 to allow an approximately 9’ front yard setback (south) and to allow an approximately 2’ side yard setback (east) all in the R-1 Single-Family Residential District.

All on a tract of land described as:

1045 West Polk Avenue, Charleston, Illinois 61920 (PIN #02-2-07441-000)

Without any objections from members of the Board, the public hearing on this issue is now open.”

Chairman Wavering asked that those wishing to speak be sworn in one at a time. He noted that they would need to approach the podium and state their names and addresses for the record when they spoke.

Sara J. Jennings and Ron Galbreath were sworn in at this time.

Sarah J. Jennings, 1045 West Polk Avenue, Charleston, Illinois, owner and petitioner, and Ron Galbreath, petitioner’s representative, stated that the petitioner had constructed a carport (an accessory building) that was 26.5’ x 22.6’ (an approximately 600 square foot building).

The property was zoned R-1 Single-Family Residential with an existing single-family residential use. They were unaware at the time that the Charleston City Code requires structures to have a 25’ front yard setback and a 6’ side yard setback when locating an accessory structure in the front yard.

The Petitioner maintained that her health required the positioning of the carport where it had been located.

Ms. Jennings and Mr. Galbreath said that they had constructed the carport without known a building permit was required and that setbacks would be an issue. It was noted that the carport was not finished, and the owner intended to add a door to the south side of the structure to enclose it. The current existing garage was being used for storage and crafts, so there was no space for vehicles in it.

Their home has a side yard setback of approximately 5 feet. The carport has a setback to the east side of approximately 2 feet. The carport's front yard setback was about 9 feet to the property line.

Ms. Jennings and Mr. Galbreath testified that the application met the required findings for approval of the variance described in Section 10-4-3(J)(4) of the Unified Development Code (UDC).

There was one (1) public comment with regard to the petition:

William “Bill” Miller, 2461 Harrison Avenue, located across the street from the subject address, sent an email dated November 16, 2020. In the email, Mr. Miller commented that the carport should stay at its current location.

Chairman Wavering asked if there were any other questions or comments. There were not.

Chairman Wavering called for Board Discussion.

There were concerns about the proximity of the structure with regard to both the front and side yard setbacks.

Board Discussion came to a close.

A **motion** was made by Ryan Siegel and seconded by Lexie Volk that the petition for a variance of Title 10, Chapter 8, Section 1—Density & Dimensional Standards including but not limited to: 10-8-1(C) Table 8-1 to allow an approximately 9-foot front yard setback (to the south) at 1045 West Polk Avenue, Charleston, be approved.

A Roll Call vote showed Board Members Paul Brown, Jill Nilsen, Ryan Siegel, Lexie Volk, and Chairman Wavering voting in favor of the motion.

Board Member Tim Jacobs voted against the motion.

The Motion carried with a vote of 5-Yeas, 1-Nay.

A **motion** was then made by Lexie Volk and seconded by Ryan Siegel that the petition for a variance of Title 10, Chapter 8, Section 1—Density & Dimensional Standards including but not limited to: 10-8-1(C) Table 8-1 to allow an approximately 2-foot front yard setback (to the east) at 1045 West Polk Avenue, Charleston, be approved.

A Roll Call vote showed Board Members Jill Nilsen, Lexie Volk and Jason Wavering voting in favor of the motion. Board Members Paul Brown, Tim Jacobs, and Ryan Siegel voted against the motion.

The Motion failed to carry with a vote of 3-Yeas, 3-Nays.

It was noted again that the petition for a variance of Title 10-8-1(C) Table 8-1 “Density and Dimensional Standards” of an approximately 9’ front yard setback (south side) for structures in the front yard for would go to City Council with a favorable recommendation with a vote of 5:1.

It was further noted that the petition for a variance of Title 10-8-1(C) Table 8-1 “Density and Dimensional Standards” of an approximately 2’ side yard setback for structure in the side yard (east side) would receive no recommendation due to the vote of 3:3.

Old Business: None.

New Business: City Planner Steve Pamperin said that there were some projects coming up, but not until after the new year.

As there was no further business to discuss, Board Chair Wavering said that he would entertain a motion to adjourn.

A **motion** was made by Tim Jacobs and seconded by Paul Brown to adjourn.

A Roll Call vote showed Board Members Paul Brown, Tim Jacobs, Jill Nilsen, Ryan Siegel, Lexe Volk, and Chairman Jason Wavering voting in favor of the motion.

Motion carried with 6-Yeas, 0-Nays.

Adjournment: 7:40 p.m.

Respectfully submitted,

Secretary Jill Nilsen

Deborah Muller
City Clerk/Recording Secretary

Board of Zoning Appeals & Planning

5.

Meeting Date: 02/11/2021

Information

Attachments

Application 21-101: Petition of Lanman Properties, Inc.

Lanman Properties, Inc. 250' Buffer Map.

PUBLIC HEARING LEGAL NOTICE

The Charleston Board of Zoning Appeals and Planning will conduct a Public Hearing on Thursday, February 11, 2021 at 7:00 P.M. in the City Council Chambers of City Hall, 520 Jackson Avenue, Charleston, Illinois, to consider the petition of the Lanman Properties, Inc. for:

1.) Zoning Map Amendment (change in zoning district boundaries / rezoning) from R3 – Limited Multi-Family Residence District to C-2 General Commercial District.

All on a tract of land described as:

A PART OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION FIFTEEN (15), TOWNSHIP TWELVE (12) NORTH, RANGE NINE (9) EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: FROM THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER (SE ¼) OF SAID SECTION FIFTEEN (15) MEASURE WEST 2002 FEET, THENCE SOUTH ALONG THE WEST LINE OF “B” STREET, 211 FEET TO THE PLACE OF BEGINNING, THENCE SOUTH 60 FEET, THENCE WEST 97 FEET THENCE NORTH 60 FEET, THENCE EAST 97 FEET TO THE PLACE BEGINNING, COLES COUNTY, ILLINOIS

Also known as 1506 B Street, Charleston Illinois (PIN # 02-1-00626-000)

Social distancing may limit physical attendance at City Hall. The public hearing will also be broadcast at the following link: **charlestonillinois.org (agendas, packets and videos for City Council and BZAP)**

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2. Participation during the public hearing:

- If you wish to provide comment, testimony, questions, or cross examination on a petition, or otherwise address the BZAP on any public hearing matter before it, please email Deborah Muller, City Clerk at the following email addresses to register your participation before 5:00 p.m. on the day of the hearing: cityclerk@co.coles.il.us. Alternatively, you may obtain a registration form outside the public hearing room, fill the form out, and place it in the registration form box, which will be brought to the dais prior to the meeting.
- Individuals who do not wish to speak during the public hearing may simply indicate whether they support or are opposed to the application. The individual's name and their position on the application will be read aloud into the record at the hearing. Any written comments submitted by an individual in conjunction with their position will also be read into the record, subject to compliance with the City's public comment and public hearing rules and procedures.
- Individuals who register to speak in advance will receive an email from City staff with information about how to join the meeting.
- Individuals who fail to register in advance may participate in the hearing by following the instructions provided on the meeting agenda.

3. Other methods of participation: Any individual who would like to listen to the meeting by telephone or who may require an accommodation to listen to or participate in the meeting, should contact the **City Clerk Deborah Muller at 217-345-5650 and/or email cityclerk@co.coles.il.us** as soon as possible.

To request a copy of the application or questions regarding the application, please contact the City of Charleston City Planner at 217-345-5650. Members of the public may be heard at the public hearing.

/s/ Deborah Muller
City Clerk

-0-

Publisher's Note:

Please publish one (1) time on Friday, January 22, 2021

If you have questions, please call Steve Pamperin or Deborah Muller at 345-5650.

Please fax ad proof and certificate of publication to Deborah Muller at 345-7554.

City of Charleston

Section 1-2

APPLICATION TO APPEAR BEFORE THE CHARLESTON BOARD OF ZONING APPEALS AND PLANNING

1. APPLICANT INFORMATION:

APPLICANT: Michael Lanman
(print name) (signed) DATE: _____
ADDRESS: P.O. Box 108 PHONE No.: 217-348-8020
CITY / STATE / ZIP: Charleston, IL 61920

2. TYPE OF APPLICATION:

(Check applicable box(es) and provide responses to corresponding exhibits attached herein. Please refer to the Charleston City Code for required information for sections that do not have specific exhibits included in this packet.)

Zoning Variance (exhibit 1) ☐ Planned Unit Development ☐
Conditional Use Permit (exhibit 2) ☐ Major Subdivision ☐
Zoning Map Amendment (exhibit 3) ☒ Appeal of Code Official's Decision ☐
Zoning Text Amendment (exhibit 3) ☐
Other (Please Describe): _____

Brief Project Description: Amendment of zoning classification from R3 to C2, removal of R1 improvement, and construction of parking area.

Zoning Classification: R3 to C2

3. REQUIRED DOCUMENTS (TO BE PROVIDED BY THE APPLICANT):

- A. Street Address of the Subject Property: 1506 B Street
- B. Subject Property Legal Description (to be provided to the City in electronic format as a Microsoft Word Document / email the subject property's legal description to: cityplanner@co.coles.il.us)
- C. Letter of Intent (a one page description of the project and the why the request is necessary)
- D. Plans ("blueprints" or similar plan sheets showing as applicable: site plan, elevations, floor plan)
- E. Provide any additional information as required and detailed in the Charleston City Code or as requested by the Charleston Code Official

FOR OFFICE USE ONLY			Application Number: 21-101		
Submitted Date:	Sent to Publish:	Published Date:	Hearing Date:	To Council Date:	Affected Zoning:
01-15-2021	PCT.	01-22-2021	02-11-2021	02-16-2021	


January 2015

4. OWNER INFORMATION:

A. Do you own this property fee simple (if yes, check yes and skip to #5)?

YES: ☐ NO: ☒

B. If the applicant is not the owner of this property please provide the following:

OWNER *: Lanman Properties, Inc. 
(print name) (signed)

ADDRESS: P.O. Box 108

CITY / STATE / ZIP: Charleston, IL 61920

DATE: 3-24-2020

PHONE No.: 217-348-8020

C. If the property is owned by a land trust, who has beneficial interest in this property?

TRUST NAME *: _____

ADDRESS: _____

CITY / STATE / ZIP: _____

DATE: _____

PHONE No.: _____

TRUST'S REPRESENTATIVE: _____
(print name) (signed)

DATE: _____

TRUST'S REPRESENTATIVE: _____
(print name) (signed)

DATE: _____

TRUST'S REPRESENTATIVE: _____
(print name) (signed)

DATE: _____

** If Owner(s) is different than the Applicant, please attach a letter from the Owner(s) authorizing submittal of this Application to the Charleston Board of Zoning Appeals and Planning.*

5. APPLICANT'S REPRESENTATIVE:

If the applicant is planning to be represented by a third party for purposes of this application and to appear on behalf of the applicant at the Charleston Board of Zoning Appeals and Planning meetings, please provide the Representative's contact information below:

REPRESENTATIVE: Jacob Smallhorn 
(print name) (signed)

DATE: 3-24-2020

REPRESENTATIVE'S FIRM NAME (IF APPLICABLE) Smallhorn Law, LLC

ADDRESS: 600 Jackson Avenue

PHONE No.: 217-348-5253

CITY / STATE / ZIP: Charleston, IL 61920

600 Jackson Avenue
Charleston, Illinois 61920
T: (217) 348-5253
F: (217) 348-5258



Jacob N. Smallhorn
jsmallhorn@smallhornlaw.com
Garth E. Flygare
gflygare@smallhornlaw.com

June 4, 2020

Steve Pamperin
City Planner – City of Charleston
520 Jackson Ave.
Charleston, IL 61920

Re: 1506 B Street

Dear Steve:

Thank you for your consideration of Lanman Property, Inc.'s application for a zoning variance for 1506 B Street. The property which is the subject of this application sits directly south of the Lambo's BP Gas Station on Lincoln Avenue. Lanman Properties, Inc. is requesting that the City amend the property's zoning classification from R3 to C2. The property is surrounded on all but its south boundary by commercially zoned properties. If granted this zoning amendment, Lanman Property, Inc's intent is to tear down the current single family dwelling which is the only improvement on the property and to construct a parking lot or expansion of the Lambo's building on the land in the near future. The proposed variance will square off the existing commercial zone making the area more useful to the commercial tenants for future expansion and will potentially alleviate any parking space issues in the area due to the commercial properties and multi-unit rental properties surrounding 1506 B Street.

If you have any questions or concerns, please do not hesitate to contact me. Thank you for your kind attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jacob N. Smallhorn", is written over the typed name.

Jacob N. Smallhorn

JNS/rc

EXHIBIT 3 – Text and Zoning Map Amendments *(Refer to 10-4-3 (B) of the Charleston City Code)*

Text And Zoning Map Amendments: All amendments to the text of this title and zoning map amendments follow the type 3 review process as described in subsection 10-4-1(C) of the City Code.

1. **Purpose:** The council may, from time to time, on its own motion or on petition, amend, supplement, or change, by ordinance, the zoning map or development regulations in this title to better provide for the public health, safety and welfare of the city.
2. **Applicability:** An owner of real property within the city, or that owner's authorized representative, may apply for a change in zoning district boundaries (rezoning) for that landowner's property, or an amendment to the text of this title. The board of zoning appeals and planning, city manager or the city council also may initiate such amendments.
3. **Application and Procedures:** The applicant shall file an application with the required information listed in the City Code.
4. **Review Criteria:** Changes to the text of this title or the zoning map shall not become effective until after review and study by the board of zoning appeals and planning and the city council who shall consider the following review criteria, as applicable, to determine whether the change should be approved:

These items (a-i) should be addressed in the application:

- a. The existing zoning was in error at the time of adoption; or
- b. The proposed change is consistent with, and in furtherance of, the implementation of the goals and objectives of the comprehensive plan, other adopted plans, and the policies, intents and requirements of this title and other city regulations and guidelines; or

The proposed development is consistent with the goals set forth in the Comprehensive Plan. The commercial development of the parcel will serve to promote the expansion of business and the additional off-street parking is an expansion of infrastructure. The parcel is the northernmost in a limited multi-family dwelling district, and the improvement is a single family residence. The proposed development will alleviate any potential congestion that might occur if the other adjacent parcels are developed as multi-family dwellings, and it may serve to allow the adjacent properties to be developed further and consistent with the current zoning classification. As the area is currently a residential district next to a commercial district, the proposed development would serve as a buffer between the districts. Because this parcel juts north into a commercially zoned district, the proposed amendment would not adversely affect the character of the district, and the development would promote a concentration of similar districts.

- c. There is a community need for and benefit from the proposed change; or

The proposed amendment involves the development of a parcel into a parking area between a commercial and multi-family dwelling residential area, alleviating the limitation of existing on-street and off-street parking.

- d. The proposed change is consistent with the character of the affected area; or

The parcel is surrounded on all but its south boundary by commercial districts, and the amendment would square off the commercial district. The proposed parking area development would serve the needs of the adjacent commercial district.

- e. The proposed zoning is compatible with the zoning and uses of property nearby; or

The parcel at issue juts north from a multi-family dwelling district into a commercial district. The amendment would eliminate this single R3 extension into the commercial district, and the parcel would share the same designation as the properties to its east, north, and west. The proposed development is a parking area, and it is not inconsistent with the limited multi-family dwelling district to the south, in that the multi-family district would likely benefit that area by reducing the need for on-street parking in the commercial area.

- f. The existing zoning is suitable for the development of the uses authorized under the existing zoning classification, will be conducive to proper community planning, and is a logical extension of an existing urban area or growth center; and

The existing zoning is not suitable for the development of the parcel as a logical extension of the surrounding commercial district, and an amendment is necessary to allow for such development.

- g. Public and community facilities, which may include, but are not limited to, sanitary and storm sewers, water, electrical service, police and fire protection, schools, parks and recreation facilities, roads, libraries, and solid waste collection and disposal, are available and adequate to serve uses authorized under the proposed zoning; and

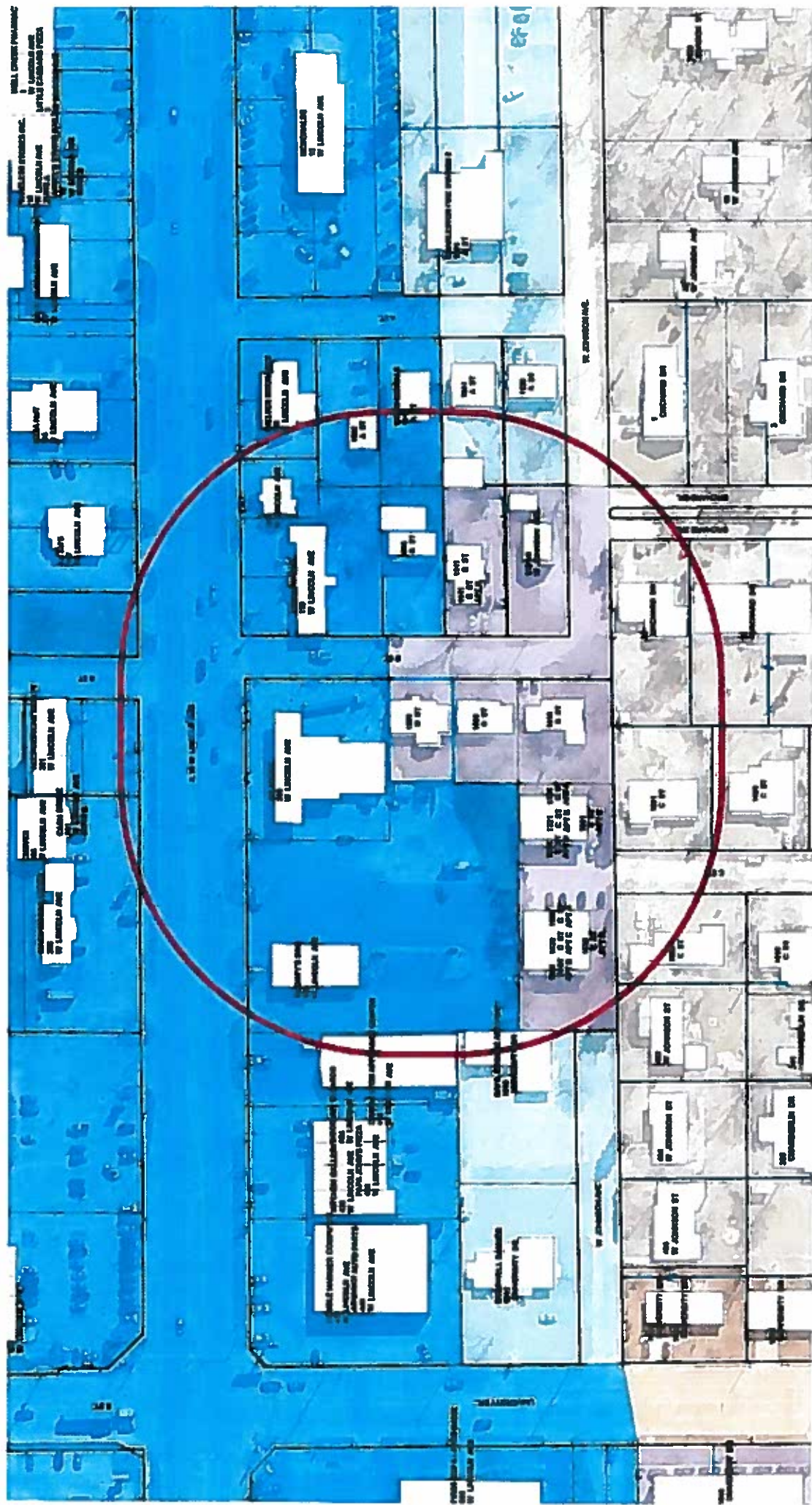
The existing infrastructure is adequate for the uses authorized in the proposed amendment, and it exceeds that necessary for the uses involved in the proposed development.

- h. Authorized uses will not adversely affect the capacity or safety of the street network in the vicinity of the property; and

The authorized use under the amended classification will not adversely affect the capacity of the street network in the vicinity of the property, and the proposed development will likely promote street capacity in the vicinity by reducing on-street parking.

- i. Potential environmental impacts (e.g., excessive storm water runoff, water pollution, air pollution, noise pollution, excessive lighting, or other environmental harms) of authorized uses will be mitigated.

There is no perceived environmental impact for the combined proposed amendment and development. While parking areas are intended for vehicles, they are not the cause of increased vehicle traffic, but are a solution to an increase in vehicle traffic which has already occurred. Any potential environmental impact is mitigated by the removal of a similar impact already occurring in parking areas in close proximity.





Serving Central & East Central Illinois

January 14, 2021

Jacob Smallhorn
Smallhorn Law LLC
600 Jackson Avenue
Charleston, IL 61920

RE: 1506 B Street Charleston, IL 61920 (PIN#02-1-00626-000)

Mr. Smallhorn,

Based on your request, I have reviewed the above property to give a recommendation on the adverse effect on the neighboring property's values if the subject was rezoned to C-2 General Commercial District. The present zoning district is R-3 Limited Multi-Family Dwelling District. The property is presently used as a single family rental. The future use of the subject property would be for additional parking for the Lambo's Gas Station.

It appears that the property to the south and one property on the east side of B Street are owner occupied single family uses. There are two residential rental properties. One is two properties south of the subject and one is on the corner of B Street and West Johnson Avenue. These are all in R-3 zoned districts. Across the street to the east is a commercial storage building located in a C-2 zoned district. The property to the west and contiguous to the subject property, as well as 1508 B Street, is in the C-2 zoned district.

It is my opinion that the commercial and residential rental properties on B Street would have no adverse effect to the rezoning of the subject to a C-2 zoned district. The property to the west and contiguous to 1508 B Street is presently a C-2 zoned district, also being used as a parking area for the Lambo's Gas Station. It would appear that there would be no adverse effect on the market value of this property with the rezoning. The property at 1511 B Street appears to be owner occupied residential use and is already contiguous to a C-2 zoned district, based on this it would appear that the rezoning of the subject would not have any adverse effect on its market value.

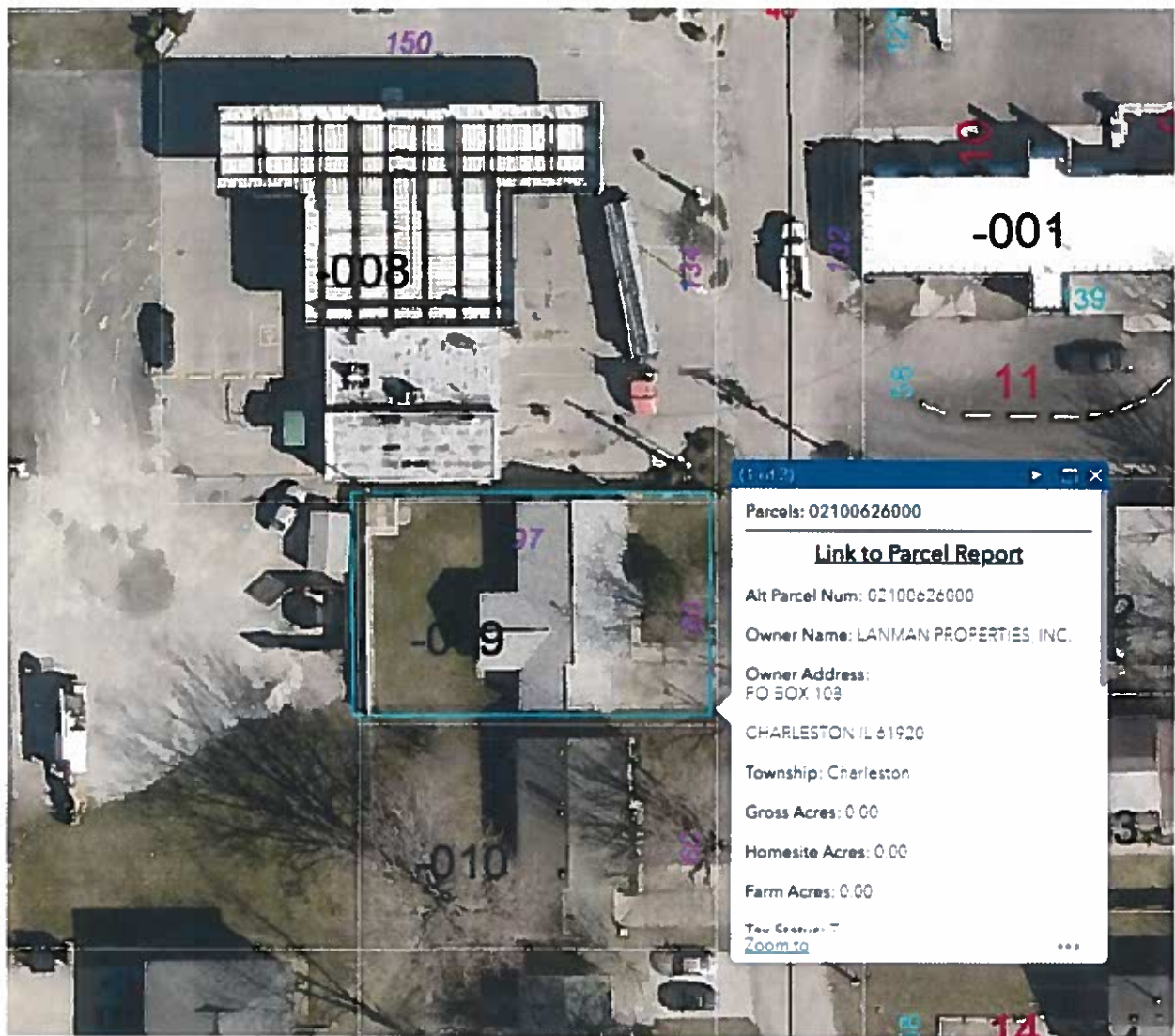
The above information is based on 1506 B Street being rezoned to C-2 General Commercial and its use would be a parking area for the Lambo's Gas Station.

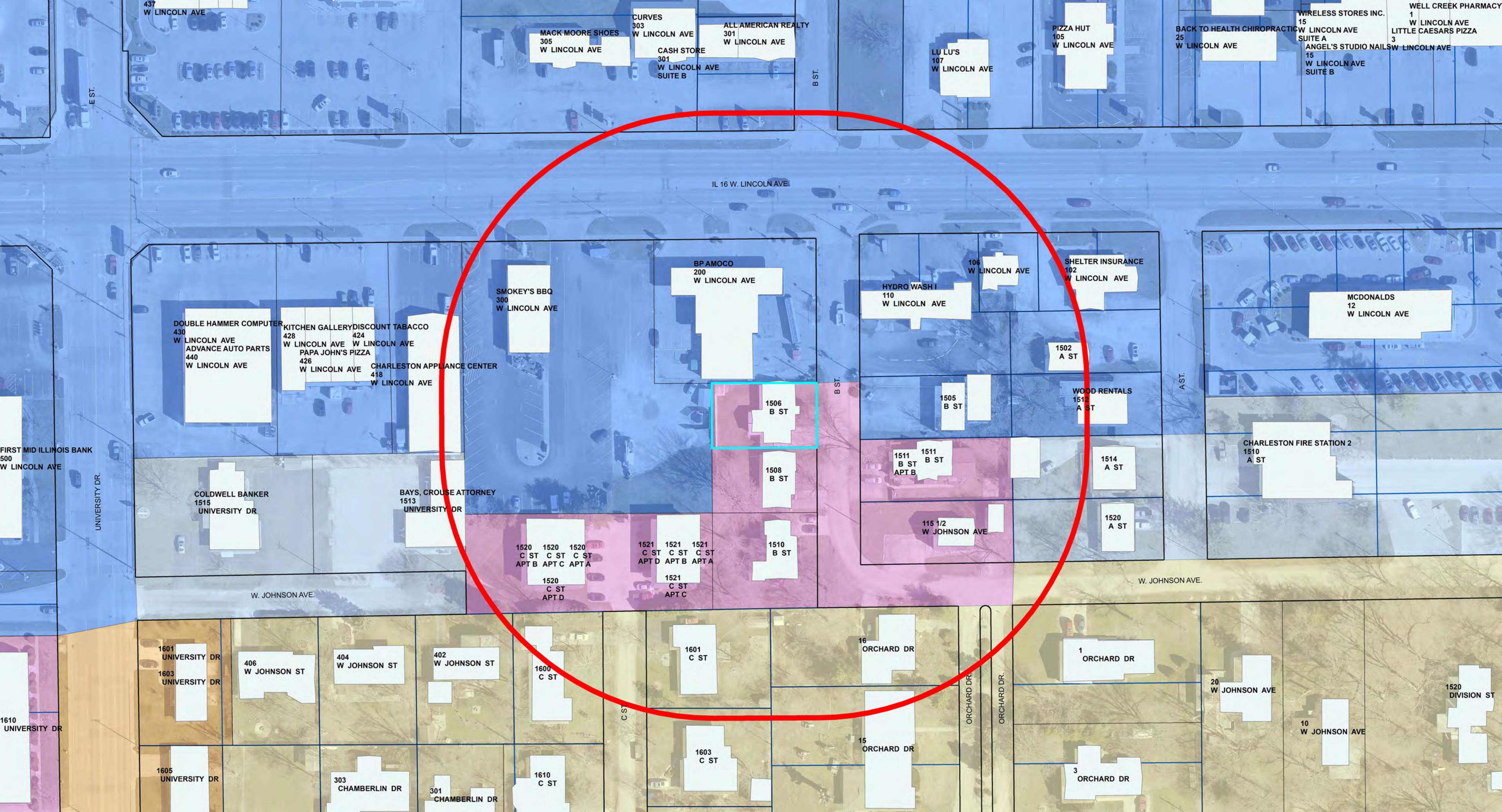
Regards,

G. Daniel Corrie
Corrie Appraisal & Consulting, Inc.
Illinois State Certified General Real Estate Appraiser
Cert. No. 553.001405, expired September 30, 2021

Addendum:

I am a Certified General Real Estate Appraiser and am not providing an opinion of value on the subject property. I am providing a service outside of the Uniform Standards of Professional Appraisal Purposes (USPAP).





Board of Zoning Appeals & Planning

6.

Meeting Date: 02/11/2021

Information

Attachments

21-102 -- Habitat for Humanity Application for Conditional Use Permit at 990 W. State Street.

City of Charleston

Section 1-2

APPLICATION TO APPEAR BEFORE THE CHARLESTON BOARD OF ZONING APPEALS AND PLANNING

1. APPLICANT INFORMATION:

APPLICANT:

Coles County Habitat for Humanity
(print name) (signed)

DATE:

01/20/2021

ADDRESS:

990 W. State St.

PHONE No.:

(217) 348-7063
alt. (217) 246-6181

CITY / STATE / ZIP:

Charleston, IL 61920

2. TYPE OF APPLICATION:

(Check applicable box(es) and provide responses to corresponding exhibits attached herein. Please refer to the Charleston City Code for required information for sections that do not have specific exhibits included in this packet.)

Zoning Variance (exhibit 1)

☐

Planned Unit Development

☐

Conditional Use Permit (exhibit 2)

☒

Major Subdivision

☐

Zoning Map Amendment (exhibit 3)

☐

Appeal of Code Official's Decision

☐

Zoning Text Amendment (exhibit 3)

☐

Other (Please Describe):

Brief Project Description:

Habitat is applying for a Conditional Use Permit
to continue our operations + expand the Food Pantry. Zoning Classification: I2

3. REQUIRED DOCUMENTS (TO BE PROVIDED BY THE APPLICANT):

A. Street Address of the Subject Property:

990 W. State St., Charleston

B. Subject Property Legal Description (to be provided to the City in electronic format as a Microsoft Word Document / email the subject property's legal description to: cityplanner@co.coles.il.us)

C. Letter of Intent (a one page description of the project and the why the request is necessary)

D. Plans ("blueprints" or similar plan sheets showing as applicable: site plan, elevations, floor plan)

E. Provide any additional information as required and detailed in the Charleston City Code or as requested by the Charleston Code Official

FOR OFFICE USE ONLY

Application Number: 21-102

Submitted Date:	Sent to Publish:	Published Date:	Hearing Date:	To Council Date:	Affected Zoning:
<u>01/22/2021</u>	<u>PET.</u>		<u>02/11/2021</u>	<u>02/16/2021</u>	

4. OWNER INFORMATION:

A. Do you own this property fee simple (if yes, check yes and skip to #5)?

YES:



NO:



B. If the applicant is not the owner of this property please provide the following:

OWNER *:

(print name)

(signed)

DATE:

ADDRESS:

PHONE No.:

CITY / STATE / ZIP:

C. If the property is owned by a land trust, who has beneficial interest in this property?

TRUST NAME *:

DATE:

ADDRESS:

PHONE No.:

CITY / STATE / ZIP:

TRUST'S REPRESENTATIVE:

(print name)

(signed)

DATE:

TRUST'S REPRESENTATIVE:

(print name)

(signed)

DATE:

TRUST'S REPRESENTATIVE:

(print name)

(signed)

DATE:

* If Owner(s) is different than the Applicant, please attach a letter from the Owner(s) authorizing submittal of this Application to the Charleston Board of Zoning Appeals and Planning.

5. APPLICANT'S REPRESENTATIVE:

If the applicant is planning to be represented by a third party for purposes of this application and to appear on behalf of the applicant at the Charleston Board of Zoning Appeals and Planning meetings, please provide the Representative's contact information below:

REPRESENTATIVE: Melissa McDaniel Melissa McDaniel

(print name)

(signed)

DATE:

01/20/2021

REPRESENTATIVE'S FIRM NAME (IF APPLICABLE)

ADDRESS:

PHONE No.:

CITY / STATE / ZIP:



P.O. Box 226
Charleston, IL 61920
217-348-7063
www.colescountyhabitat.net

Dear City of Charleston Zoning Board & City Council,

Coles County Habitat for Humanity (CCHFH) is sending this letter of intent along with our application to seek your approval for a Conditional Use Permit "to allow (All Other Community Services) for our property at 990 W. State St.

CCHFH acquired the property from the USDA in 2008 and completed significant renovations between 2008 and 2009. This included wiring new electrical and installing new HVAC systems and other necessary renovations required for our operations and code compliance.

Since CCHFH acquired the property, we have occupied the building along with two other non-profit organizations, the Charleston Food Pantry and the Coalition for People in Need. All 3 organizations provide valuable and unique services to the community including building new affordable housing, providing food security and rental/utility assistance. These services help meet the various needs of low-income individuals and families to improve their quality of life.

Our property is zoned as I2 and we have been grandfathered in as a Non-Conforming Use. We are applying for a Conditional Use Permit for two reasons. First, we want to continue our current operations and protect our investment in the property. Second, the Charleston Food Pantry has doubled its clients over the past 10 years, causing a substantial need to increase their food storage capacity. We are currently planning a proposed addition to the building, to enlarge their space. This will assist in reducing the cost of their operations and increase their capacity to provide food security to individuals and families in our community.

We appreciate your consideration of this important request and thank you for allowing us to continue serving our community.

Sincerely Yours,

A handwritten signature in blue ink that reads "Melissa McDaniel".

Melissa McDaniel
CCHFH Executive Director

EXHIBIT 2 - Conditional Use Permits (Refer to 10-4-3 (D) of the Charleston City Code)

All conditional use permit applications follow the type 3 review process as described in subsection 10-4-1(C) of the Charleston City Code.

1. **Purpose:** The purpose of conditional use review is to allow the city to exercise some discretion over the extent and design of certain activities that could have a detrimental effect on the community if permitted to exist in large numbers, in certain locations or without special conditions. Therefore, these regulations enable the city to authorize a conditional use subject to conditions that mitigate the potential problems associated with the use or its location in relation to the neighboring properties. A conditional use is not a use by right.
2. **Applicability:** Conditional uses, as shown in Tables 5-2 and 5-3 of the Charleston City Code (subsections 10-5-3 (B) and (C)), are uses that have negative impacts upon allowed uses that can be mitigated for some sites. A conditional use, once approved, goes with the land for the approved use only, unless the permit is revoked due to violations enumerated in part 6 "Revocation" of this section. The designation of a use in a zoning district as a conditional use does not constitute an authorization or assurance that such use will be approved. Temporary uses for commercial, recreational or amusement land uses also shall be required to receive approval of a conditional use permit.
3. **Application and Procedures:** The applicant shall file an application with the required information listed herein and any additional information as prescribed in the Charleston City Code and as requested by the Building Code Official or City Planner.
4. **Review Criteria:** The following criteria shall be used when determining approval of a conditional use permit:

These items (a-g) should be addressed in the application:

- a. The proposed use at the specified location is consistent with the goals, objectives and policies of the comprehensive plan;

The proposed Conditional Use Permit is consistent with the City of Charleston's goals and plan to enhance the quality of life for its residents. Additionally, Habitat builds new affordable housing which generates new property taxes to support essential services provided by the city. The Food Pantry and the Coalition for People in Need also provide important services to the community by helping low-income individuals and families obtain food security and rental/utility assistance.

- b. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations and complies with requirements of this code;

The proposed Conditional Use Permit does comply with the city's code requirements. When Habitat purchased and renovated the building in 2008-2009, we obtained the necessary permits and completed required inspections. Additionally, for our planned building addition to expand the Food Pantry's space, we are working with an architect and the city to ensure the addition meets all the applicable code requirements.

- c. The proposed conditional use is not materially detrimental to the public health, safety, comfort and general welfare, and will not result in material damage or prejudice to other property in the vicinity;

The proposed Conditional Use Permit is not in any way detrimental to public health, safety, etc., but in fact enhances the quality of life for residents, both individuals and families, through the community services provided by the three non-profit entities that occupy the property.

- d. The proposed use is compatible with and preserves or enhances the character and integrity of adjacent development and includes improvements necessary to mitigate adverse development related impacts, such as traffic, noise, odors, visual nuisances, or other similar adverse effects to adjacent development and neighborhoods;

The proposed Conditional Use is compatible with the character of adjacent buildings and will cause no additional traffic, noise, odors, or other visual nuisances to the neighborhood.

- e. The proposed use does not generate pedestrian and vehicular traffic that will be hazardous to the existing and anticipated traffic in the neighborhood;

The proposed use will not generate additional pedestrian or vehicular traffic. Additionally, Habitat has a large parking lot with close to 50 parking spaces, which is more than adequate to accommodate any additional client parking for the three non-profits that occupy the property. We just recently moved the entrance of our parking lot about 10 feet east to make it safer to exit the lot for vehicles heading east. We worked with IDOT on this project.

- f. The proposed conditional use complies with all fire, health, building, plumbing, electrical and storm water drainage regulations of the city, county, state and federal agencies; and

The proposed Conditional Use complies with all fire, health, building, plumbing, electrical and storm water drainage regulations both for the current property and will comply with all of these items for the proposed addition for the Food Pantry.

- g. Adequate utilities exist to service the proposed conditional use.

Adequate utilities already exist for the property and therefore are in place for the proposed addition. Ameren is the utility provider for the property.



PUBLIC HEARING LEGAL NOTICE

The Charleston Board of Zoning Appeals and Planning will conduct a Public Hearing on Thursday, February 11, 2021 at 7:00 P.M. in the City Council Chambers of City Hall, 520 Jackson Avenue, Charleston, Illinois, to consider the petition of the Coles County Habitat for Humanity for:

1.) Conditional Use Permit (to allow "All Other Community Service") in the I-2 Heavy Industrial District; and City Code Title 10-6-11 Conversion to Conditional Use.

All on a tract of land described as:

990 W State Street, Charleston Illinois (PIN # 02-1-00307-000)

Social distancing may limit physical attendance at City Hall. The public hearing will also be broadcast at the following link: **charlestonillinois.org (agendas, packets and videos for City Council and BZAP)**

Interested parties can participate in any of the following 3 ways:

1. Submission of written comments before the public hearing:

- Written comments may be emailed to **City Clerk Deborah Muller at cityclerk@co.coles.il.us**
- Written comments received by 5:00 p.m. on Friday, February 5, 2021 will be included in the meeting packet sent to the Board of Zoning Appeals and Planning. This meeting packet is also posted on the City's website: **www.charlestonillinois.org**
- Written comments received after 5:00 p.m. on February 5, 2021 through 5:00 p.m. on February 10, 2021 will be emailed directly to the Board of Zoning Appeals and Planning but will not be included in the meeting packet or posted on the City's website.
- Written comments received after 5:00 p.m. on February 10, 2021 will be added to the case file.

2. Participation during the public hearing:

- If you wish to provide comment, testimony, questions, or cross examination on a petition, or otherwise address the BZAP on any public hearing matter before it, please email Deborah Muller, City Clerk at the following email addresses to register your participation before 5:00 p.m. on the day of the hearing: cityclerk@co.coles.il.us. Alternatively, you may obtain a registration form outside the public hearing room, fill the form out, and place it in the registration form box, which will be brought to the dais prior to the meeting.
- Individuals who do not wish to speak during the public hearing may simply indicate whether they support or are opposed to the application. The individual's name and their position on the application will be read aloud into the record at the hearing. Any written comments submitted by an individual in conjunction with their position will also be read into the record, subject to compliance with the City's public comment and public hearing rules and procedures.
- Individuals who register to speak in advance will receive an email from City staff with information about how to join the meeting.
- Individuals who fail to register in advance may participate in the hearing by following the instructions provided on the meeting agenda.

3. Other methods of participation: Any individual who would like to listen to the meeting by telephone or who may require an accommodation to listen to or participate in the meeting, should contact the **City Clerk Deborah Muller at 217-345-5650 and/or email cityclerk@co.coles.il.us** as soon as possible.

To request a copy of the application or questions regarding the application, please contact the City of Charleston City Planner at 217-345-5650. Members of the public may be heard at the public hearing.

/s/ Deborah Muller
City Clerk

-0-

Publisher's Note:

Please publish one (1) time on Monday, January 25, 2021

If you have questions, please call Steve Pamperin or Deborah Muller at 345-5650.

Please fax ad proof and certificate of publication to Deborah Muller at 345-7554.