

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

City Council Chambers

520 Jackson Avenue

Thursday, February 24, 2022

7:00 P.M.

AGENDA

*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. **Approval of Minutes** from the regular meeting of the Board of Zoning Appeals & Planning on January 27, 2022.
4. **The Petition of Amanda and Christopher Dukeman for the following Variance:**

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 14’ rear yard setback (west) and to allow an approximately 9’ front yard setback (east) in the R1 – Single Family Residential District.

All on a tract of land described as:

990 11th Street, Charleston, Illinois 61920 (PIN #02-1-06248-000)

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.

5. **Old Business**
6. **New Business**
7. **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

3.

Meeting Date: 02/24/2022

Information

Attachments

01-27-2022 BZAP Minutes.

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

520 Jackson Avenue
Charleston, Illinois
Thursday, January 27, 2022
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, January 27, 2022, at 7:00 p.m. by Chairman Jason Wavering.

Item 2. 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, Jill Nilsen, Ryan Siegel, Scott Stevens, and Jason Wavering.

Board Member (s) **Absent:** Tim Jacobs.

Staff members Present: Building Code Official Alex Winkler; and Deputy City Clerk Debbie Burkhart.

Due to the ongoing Coronavirus (COVID-19) pandemic, this Board of Zoning Appeals and Planning meeting may include remote participation.

Item 3. The next order of business was to allow remote participation if required. No one had requested remote participation, so Chairman Wavering dispensed with explaining the related procedures.

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

A **motion** was made by Board Member Siegel and seconded by Board Member Nilsen to approve the **Minutes** from the regular meeting of the Board of Zoning and Appeals & Planning on August 12, 2021.

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

Motion carried with 5-Yeas, 0-Nays.

Chairman Wavering said that as indicated earlier, interested parties had 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, Wavering said that he would call each speaker in the order that he or she had signed up. Speakers would be muted until their names were called by staff. Prior to speaking, he said that he would ask the speakers to state names and addresses, and then they would be sworn in.

Finally, before adjourning the public hearing portion of any case, Chairman Wavering said that he would ask if anyone participating in the meeting by phone or through an electronic meeting platform, but did not specifically sign up to speak through the City Clerk, would like to provide comment or testimony.

To ensure the opportunity to hear from each person wishing to speak, Wavering asked that they keep comments specific to the request under consideration and try to avoid repetitive comments.

Anyone participating in the hearing would also be able to ask questions of any speaker that provided testimony.

Chairman Wavering said, "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 on requests for variances.

Mr. Wavering said that the next item on this evening's agenda was a petition by Loretta Lahr was for a variance of 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 20' yard setback (east) in the R1 – Single Family Residential District. The property in question is located at 2115 Rosewood Court and is inside the city limits.

Mr. Wavering noted that the following protocol would be observed:

1. Ms. Lahr or her appointee would present the case describing the variance requested on her property.
2. BZAP Members may question the Petitioner.
3. The public may question the Petitioner.
4. Rebuttal evidence may be presented as determined appropriate by the Chair.
5. Upon presentation of all evidence by the Petitioner, the Board will hear from the public.

Chairman Wavering explained that after Ms. Lahr's petition the Board would hear the variance request of the City of Charleston. The City of Charleston is requesting a variance to allow an

approximate two foot (2') side yard setback, north side, in the A – Agricultural District. The property in question is located at 71 N. Loxa Road and inside the city limits.

Mr. Wavering noted that the following protocol would be observed:

1. The City of Charleston would present the case describing the variance requested on the property.
2. BZAP Members may question the City of Charleston.
3. The public may question the City of Charleston.
4. Rebuttal evidence may be presented as determined appropriate by the Chair.
5. Upon presentation of all evidence by the Petitioner, the Board will hear from the public.

Chairman Wavering explained that when questioning any witness, questions were to be directed to the Chair and the Chair would determine the appropriateness of the question. If the question was allowed, the Chair would then ask the witness the question.

Mr. Wavering said that when there was no further testimony, the hearing would be closed, and the Board of Zoning Appeals and Planning would vote on the variance request. **The Board shall make a recommendation to the City Council on approval or denial of the variance request, based on the findings. The City Council shall make the final decision by considering the findings of the public hearing from the Board of Zoning Appeals and Planning.**

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.

Chairman Wavering then introduced Item #5 on the agenda and opened the public hearing with regard to this issue.

Without any objections from members of the Board, the public hearing on this issue is now open.” He began the public hearing by reading the notice of publication into the record:

The Charleston Board of Zoning Appeals and Planning will conduct a Public Hearing on Thursday, January 27, 2022, at 7:00 P.M. in the City Council Chambers of City Hall, 520 Jackson Avenue, Charleston, Illinois, to consider the petition of Loretta Lahr for:

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 20’ rear yard setback (east) in the R1 – Single Family Residential District.

All on a tract of land described as:

2115 Rosewood Court, Charleston, Illinois 61920 (PIN #02-2-14703-000)

Chairman Wavering noted that this Notice had been published in the local Times-Courier on January 5, 2022, and posted on the City’s website as well.

Item #5: The Petition of Loretta Lahr to consider the following:

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 20’ rear yard setback (east) in the R1 – Single Family Residential District.

All on a tract of land described as:

2115 Rosewood Court, Charleston, Illinois 61920 (PIN #02-2-14703-000)

Chairman Wavering noted that this was a recommending body to the Council and that 5 board members were present physically which constituted a quorum. The Board would need a majority vote.

Building Code Official Alex Winkler advised that this Board has a total number of 7 members so a majority vote would be 4 members for an affirmative vote. Mr. Winkler advised the Petitioner that after he presented tonight and took questions from the audience and from the Board, before the Board votes, he would have the opportunity to request a continuance until the next meeting with the hope of having more members present.

Jeffrey Lahr, 2995 Whitetail Drive, Charleston, Illinois who spoke on behalf of his mother, the Petitioner Loretta Lahr, 2115 Rosewood Court, was duly sworn in. The owner is proposing to construct a new single-family residence at this location. The owner lost her home due to a fire and she is proposing to rebuild the home, at the same size, on the existing foundation. The former home was built with and maintained an approximate 20’ rear yard setback and the owner would like to keep this 20’ rear yard setback when they build back a new home.

The Board asked the Clerk whether she had received any written comments, and the Clerk said that she had received no comments written or otherwise.

Chairman Wavering asked if anyone wished to speak in favor of the petition. No one came forward.

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

Chairman Wavering called for Board Discussion.

Board Member Stephens asked Mr. Lahr if in the fence in the back was on his mother's property or on the neighbor's property.

Mr. Lahr stated that as far as they could tell, the fence was on the property line.

Board Member Stephens stated that from the code standpoint, the house should be setback twenty-five feet (25') and the footings are at twenty feet (20'). Is that correct.

Mr. Lahr stated that they were requesting a twenty foot (20') setback because now that the structure is down, it was difficult to determine where the overhang would be and wanted to ensure that there were no code violations once the re-building is complete.

Mr. Winkler advised that the rear yard setback for R-1 (Residential) is twenty-five feet (25'). Mr. Winkler noted that in 1991 when this house was constructed, it was placed at around twenty-two feet (22') and that tonight's variance asking for twenty feet (20') would also allow for the additional overhang because setbacks are measured from the furthest projection which would be the overhang on the house. Mr. Winkler also stated that it appears that the house is going back in the exact same position that it was previously in. As far as the rear yard, it would have been nonconforming prior to the fire. In order to re-build, this variance will allow the Petitioner to meet city code.

Board Member Nilsen asked the Petitioner if the new construction would be three to five feet (3'-5') closer to the back.

Mr. Lahr stated no because they would be using the exact same footings.

Chairman Wavering noted that the Petitioner would be rebuilding in the existing foot print which was non-compliant to begin with.

Mr. Lahr stated yes.

Board Member Sigel asked Mr. Lahr if he had any objection with including the entire application as part of the finding of fact this evening.

Mr. Lahr stated no.

Board Member Brown asked Mr. Winkler if the zoning requirements for PUD's have changed since then and also asked if there was a setback requirement for fences.

Mr. Winkler stated that he reviewed 73 pages of the PUD from 1991 and could not locate anything that said setbacks were any different from today's requirements. Mr. Winkler also noted that fences are allowed to go right up to the property line.

Mr. Winkler also noted that this variance would bring this property into compliance with city code.

Chairman Wavering noted that there were height requirements for fences, but not a property line requirement.

Board Member Siegel asked Mr. Lahr if an addition had been added to the structure.

Mr. Lahr stated no, they have the original plans for the house.

As it was determined that there was no further discussion, Board Discussion came to a close.

Chairman Wavering asked if there were any comments from the public; there were not.

It was noted that this was a 7-Member Board; there were 5 members present this evening. In order to advance a favorable recommendation to City Council, it would require 4 of the 5 members to vote in favor of the petition. There needed to be 4 affirmative votes.

Chairman Wavering asked Mr. Lahr whether he wished to continue with a vote this evening.

Mr. Lahr asked that they proceed.

A **motion** was made by Board Member Siegel and seconded by Board Member Brown that the petition of Loretta Lahr be approved.

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

Motion carried with 5-Yeas, 0-Nays.

It was noted that the petition would go before the City Council on February 1, 2022, with a favorable recommendation from the Board of Zoning Appeals & Planning.

Chairman Wavering noted that the second hearing this evening was for a variance from the City of Charleston.

Without any objections from members of the Board, the public hearing on this issue is now open.” He began the public hearing by reading the notice of publication into the record:

The Charleston Board of Zoning Appeals and Planning will conduct a Public Hearing on Thursday, January 27, 2022 at 7:00 P.M. in the City Council Chambers of City Hall, 520 Jackson Avenue, Charleston, IL, to consider the petition of the City of Charleston for the following variance:

Title 10, Chapter 8, Section 1 – Density and Dimensional Standards including but not limited to: 10-8-1(C) Table 8-1; and 10-8-1(B)(5)(c) to allow an approximately 2’ side yard setback (north) in the A - Agricultural District.

All on a tract of land described as:

71 N Loxa Road, Mattoon, Illinois 61938 (PIN #06-0-00382-000)

Chairman Wavering noted that this Notice had been published in the local Times-Courier on January 5, 2022, and posted on the City's website as well.

Item #6. THE PETITION OF THE CITY OF CHARLESTON for the following variance:

Title 10, Chapter 8, Section 1 – Density and Dimensional Standards including but not limited to: 10-8-1(C) Table 8-1; and 10-8-1(B)(5)(c) to allow an approximately 2' side yard setback (north) in the A - Agricultural District.

All on a tract of land described as:

71 N Loxa Road, Mattoon, Illinois 61938 (PIN #06-0-00382-000)

Alex Winkler representing the City of Charleston was sworn in and testified on behalf of the petitioner in this matter.

This narrative is part of the City's application for the proposed variance request regarding a side yard / side street setback at 71 N Loxa Road; along with a site plan as an exhibit. The City's application and its exhibits are included as part of the record.

At this time the City would like to enter the following exhibits into the record:

- 1. 2020 Charleston Comprehensive Plan (update) (by reference)**
- 2. 2020 Official Zoning Map of the City of Charleston (by reference)**

The application meets the required findings for approval of the variance request as described in Section 10-4-3(J) of the Unified Development Code, and in support thereof the City will present suggested findings of fact that are contained in the application in addition to the general testimonial evidence presented during the hearing.

Findings from the BZAP Application:

1.) 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.

This is public property which is currently used as a recreation trail and a utility corridor for Ameren. The zoning of this property is Agricultural which allows public parks as a permitted use. For many years, the city has been asked to provide a restroom facility and drinking fountains for users of the trail. This location at Loxa Road is the midpoint along the trail from Charleston to Mattoon and is currently used as a trail head for the recreation trail. The city seeks to improve this trail head and as part of those improvements, this restroom facility is being proposed. This restroom facility will provide a reasonable return to all users of the trail system.

The 2020 Comprehensive Plan specifically calls out needed improvements at the Loxa Road Trail Head to include a future restroom facility along with other improvements. The goal is to "Enhance the city park system by developing additional connectivity between and within parks, facilities, open spaces/green spaces/recreation areas and neighborhoods" and recommends to "Enhance, maintain and promote use of the Lincoln Prairie Grass Trail corridor for recreational use and

events". A Lincoln Prairie Grass Trail beautification development plan was developed and is included as part of the adopted 2020 Comprehensive Plan.

2.) The plight of the owner is due to unique circumstances.

Ameren has approved the request to locate this structure in its current proposed location and within its described easement. As part of this approval, Ameren required a 20' separation from the high voltage power line pole to the proposed restroom structure. Ameren also did not want the structure to be located any further east where the power lines naturally "sag". The site plan shows the 20' Ameren approved separation.

3.) The variance, if granted, will not alter the essential character of the locality.

It appears properties located nearby, including one across the street (along Railroad Street and to the north/east), have structures that are located on (or near) their street side property lines. This 2' side street setback request is consistent with other structures in the immediate area and will not alter the essential character of the locality. This building's north wall will be 3' from the property line in order to allow for a sidewalk on the north side of the property. The 2' variance request allows for a 1' overhang from the building's north wall.

The City's Director of Public Works has confirmed this location should not create any "line-of-sight" issues with oncoming traffic. We spoke with the Lafayette Township Road Commissioner and he had no objections to the location of the building.

The proposed restroom is 348 square feet in size and the UDC allows accessory structures up to 864 square feet. This proposed building is less than ½ the size of allowable accessory structures. The site plan showing the proposed improvements at the Loxa Road trail head is part of the application and the record.

Mr. Winkler advised that the City of Charleston requested to enter the application along with the exhibits into the record.

Board Member Nilsen noted that the ability to walk out to Loxa Road and know that you have a facility there.

Mr. Winkler stated that there are other proposed improvements, one being a bike repair section that would have a bench with fixed tools in a shaded area.

Board Chair Wavering suggested adding an air station to the bike repair section for individuals to air up the tires or fix a flat tire.

Mr. Winkler advised that he would pass that idea along.

Board Member Siegel asked Mr. Winkler how close the building would be from the road to the west.

Mr. Winkler stated that the edge of building to the pavement is twenty feet (20') and would set back further from the road than the adjacent building to the north.

Board Chair Wavering asked if there was City water at this location.

Mr. Winkler stated that yes, there was city water; a pole light and security cameras would be added.

Board Member Stevens asked if this would be in front of JG Scholes Trucking.

Mr. Winkler noted that yes it would be just to the south. Mr. Winkler advised that the City of Charleston did their notification as required and received positive feedback from one (1) resident, but there were no written comments.

As it was determined that there was no further discussion, Board Discussion came to a close.

Chairman Wavering asked if there were any comments from the public; there were not.

It was noted that this was a 7-Member Board; there were 5 members present this evening. In order to advance a favorable recommendation to City Council, it would require 4 of the 5 members to vote in favor of the petition. There needed to be 4 affirmative votes.

Chairman Wavering asked Mr. Winkler whether he wished to continue with a vote this evening.

Mr. Winkler asked that they proceed.

A **motion** was made by Board Member Brown and seconded by Board Member Nilsen that the petition of the City of Charleston be approved.

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

Motion carried with 5-Yeas, 0-Nays.

Item #7: Old Business: There was none.

Item #8: New Business: Appointment of Nominating Committee and Subsequent Vote.

MR. Winkler advised that there was an application provided to the city and there may be another meeting coming up pretty quickly so if the Board chose to they could skip the nominating committee if the members here tonight could agree upon the appointments for the positions of Chair, Vice Chair and Secretary.

After a general discussion the Board decided on Jason Wavering as Chair; Paul Brown as Vice Chair and Tim Jacobs as Secretary.

A **motion** was made by Board Member Siegel and seconded by Board Member Nilsen that the appointments be approved.

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

Motion carried with 5-Yeas, 0-Nays.

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 Paul Brown and seconded by Scott Stevens to adjourn.

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

Motion carried with 5-Yeas, 0-Nays.

Adjournment: 7:54 p.m.

Respectfully submitted,

Acting Secretary Tim Jacobs

Debbie Burkhart
Deputy City Clerk/Recording Secretary

Board of Zoning Appeals & Planning

4.

Meeting Date: 02/24/2022

Information

Attachments

Petition of Amanda & Christopher Dukeman.

PUBLIC HEARING LEGAL NOTICE

The Charleston Board of Zoning Appeals and Planning will conduct a Public Hearing on Thursday, February 24, 2022 at 7:00 P.M. in the City Council Chambers of City Hall, 520 Jackson Avenue, Charleston, IL, to consider the petition of Christopher and Amanda Dukeman 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 14' rear yard setback (west); and to allow approximately 9' front yard setback (east) in the R1 – Single Family Residential District.

All on a tract of land described as:

990 11th Street, Charleston, Illinois 61920 (PIN #02-1-06248-000)

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 18, 2022 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 18, 2022 through 5:00 p.m. on February 23, 2022 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 23, 2022 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 or before Saturday, February 5, 2022

City of Charleston

Section 1-2

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

1. APPLICANT INFORMATION:

APPLICANT: Christopher Dukeman
(print name) (signed)
ADDRESS: 990 11th Street
CITY / STATE / ZIP: Charleston, IL. 61920
DATE: Jan 15, 2022
PHONE No.: 217-254-0281

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:

Extension of existing garage

Zoning Classification: _____

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

- A. Street Address of the Subject Property: _____
- 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: 22-103		
Submitted Date:	Sent to Publish:	Published Date:	Hearing Date:	To Council Date:	Affected Zoning:
02-01-22	02-02-22	02-05-22	02-24-22	03-01-22	R-1

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 *:

(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:

DATE:

(print name)

(signed)

TRUST'S REPRESENTATIVE:

DATE:

(print name)

(signed)

TRUST'S REPRESENTATIVE:

DATE:

(print name)

(signed)

** 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:

DATE:

(print name)

(signed)

REPRESENTATIVE'S FIRM NAME (IF APPLICABLE)

ADDRESS:

PHONE No.:

CITY / STATE / ZIP:

January 2015

EXHIBIT 1 - Variances

(Refer to 10-4-3 (J) of the Charleston City Code)

1. Purpose: Variances provide a mechanism for relief for property owners when strict application of this title would result in practical difficulties or a particular hardship. The variance granted shall be the minimum necessary to permit reasonable use of the land.
2. Applicability: The board of zoning appeals and planning shall hear and make recommendations on all requests for variances, in conformance with 65 Illinois Compiled Statutes 5/11-13-5. The city council shall decide all variances. No variance shall be granted to allow a use that is not authorized by this title or a density that exceeds the maximums established for the applicable zoning district. The practical difficulty or hardship must be clearly exhibited and shall not be a result of actions of the applicant or previous owner.
3. Application and Procedures: The application, with the required information as listed herein and as prescribed in the City Code, shall be filed with the building official and processed in accordance with the procedures for a type 3 application as described in subsection 10-4-1 (C) of the City Code.
4. Required Findings: A variance is not a right. In conformance with 65 Illinois Compiled Statutes 5/11-13-5, a variance may be granted only upon finding that:

These items (a-c) should be addressed in the application (see subsection d on the following page for specific review criteria for each item (a-c)):

- 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 (refer to d(1)(A-C) on the following page); and

The garage currently cannot hold 2 sized vehicles as it stands. This would not allow us to yield a reasonable return when we decide to sell the property. By building to the west it would allow us to access the functionality of a 2 car garage.

- b. The plight of the owner is due to unique circumstances (refer to d(2)(A-B) on the following page); and

Our home is on a corner lot so what we term as our "backyard" is legally considered a side yard. By adding the garage to the north it would be more aesthetically pleasing to the eye.

- c. The variance, if granted, will not alter the essential character of the locality (refer to d(3)(A-D) on the following page).

If granted, it would not reduce the viability of other adjacent property owners and would add value to our property along with theirs.

d. The following factors shall be used to determine whether each of the findings have been satisfied:

(1) Prior to finding that a property could not yield a reasonable return as provided in Item 4a of this section, the city shall consider:

(A) The initial purchase price was prudent and the intended return reasonable.

(B) Lack of reasonable return was not due to a general economic downturn that affected all similarly situated property in the city.

(C) The impact of the regulations could not have been reasonably anticipated at the time of purchase of the property.

(2) Prior to finding that the plight of the owner is due to unique circumstances, as provided in Item 4b of this section, the city shall consider:

(A) The variance is being requested due to a constraint that does not commonly apply to other properties within the city.

(B) The variance is required due to the shape or size of the property or due to natural constraints such as steep slopes, floodplains or significant vegetation (define this as specimen trees or stands of trees) that will be preserved.

(3) Prior to finding that the variance, if granted, will not alter the essential character of the locality, as provided in Item 4c of this section, the city shall consider:

(A) The variance will not reduce the viability of adjacent uses.

(B) The variance will not reduce the value of adjacent properties.

(C) The variance will not create a health or safety hazard for the users of the subject or adjacent properties, pedestrians, bicyclists or automobiles.

(D) The variance will not subject adjacent residences to additional light or noise.

5. Decision Makers:

a. Board Of Zoning Appeals And Planning: The board of zoning appeals and planning shall conduct a public hearing in conformance with subsection 10-4-1(B) of the City Code. The board shall make recommendation to the city council on approval or denial of the variance request. The board shall make finding based upon Item 4 of this section in conformance with 65 Illinois Compiled Statutes 5/11-13-5.

b. City Council: City council shall make the final decision by considering the above described findings and minutes of the public hearing from the board of zoning appeals and planning.

10

Actual Property Line

990 17th St.
R-1

225755T

Handwritten: To: Sid
A sample
Software

Zoned R1 - Single Family Residential
Lot Size ~ 9,138 sft

TAYLOR AVE.

1-bus ~ 2576 SF

REF: Addition 318 JF

Envi. Acclim. 133 JF

3032 Bldg Curage / 9156

33% Lot Course (35% 42x OK)

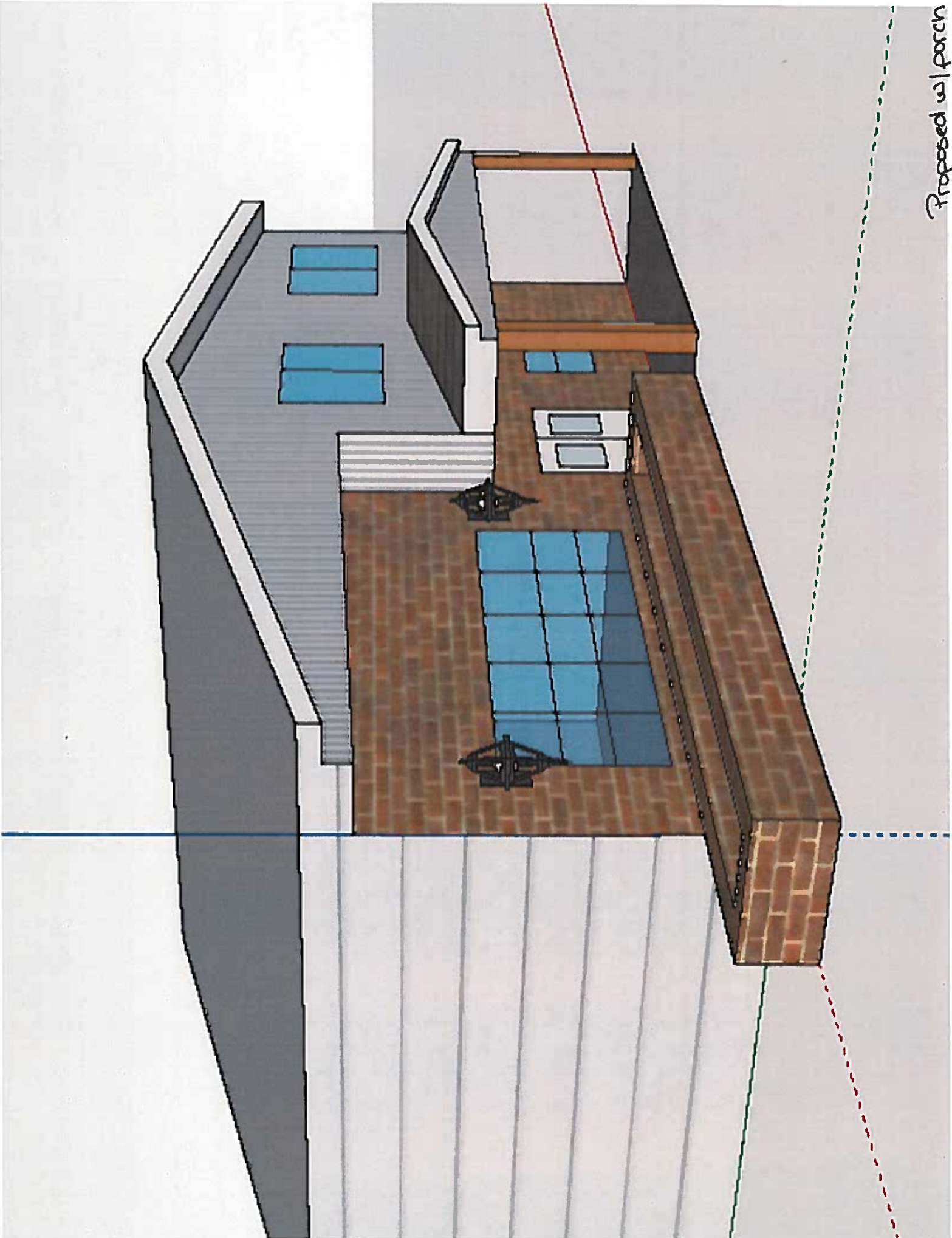
scale

$$I = 20$$

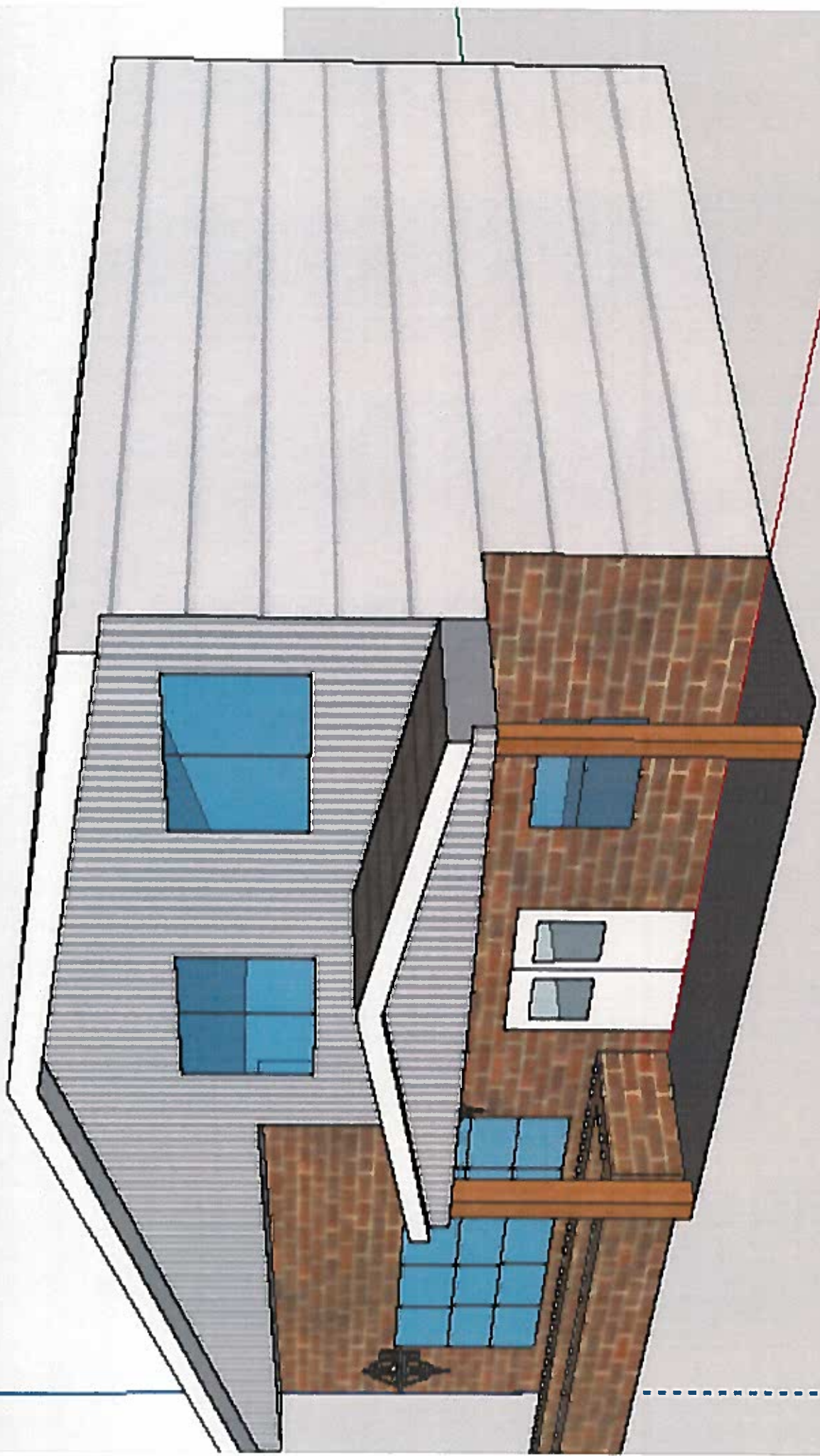
தமிழ்



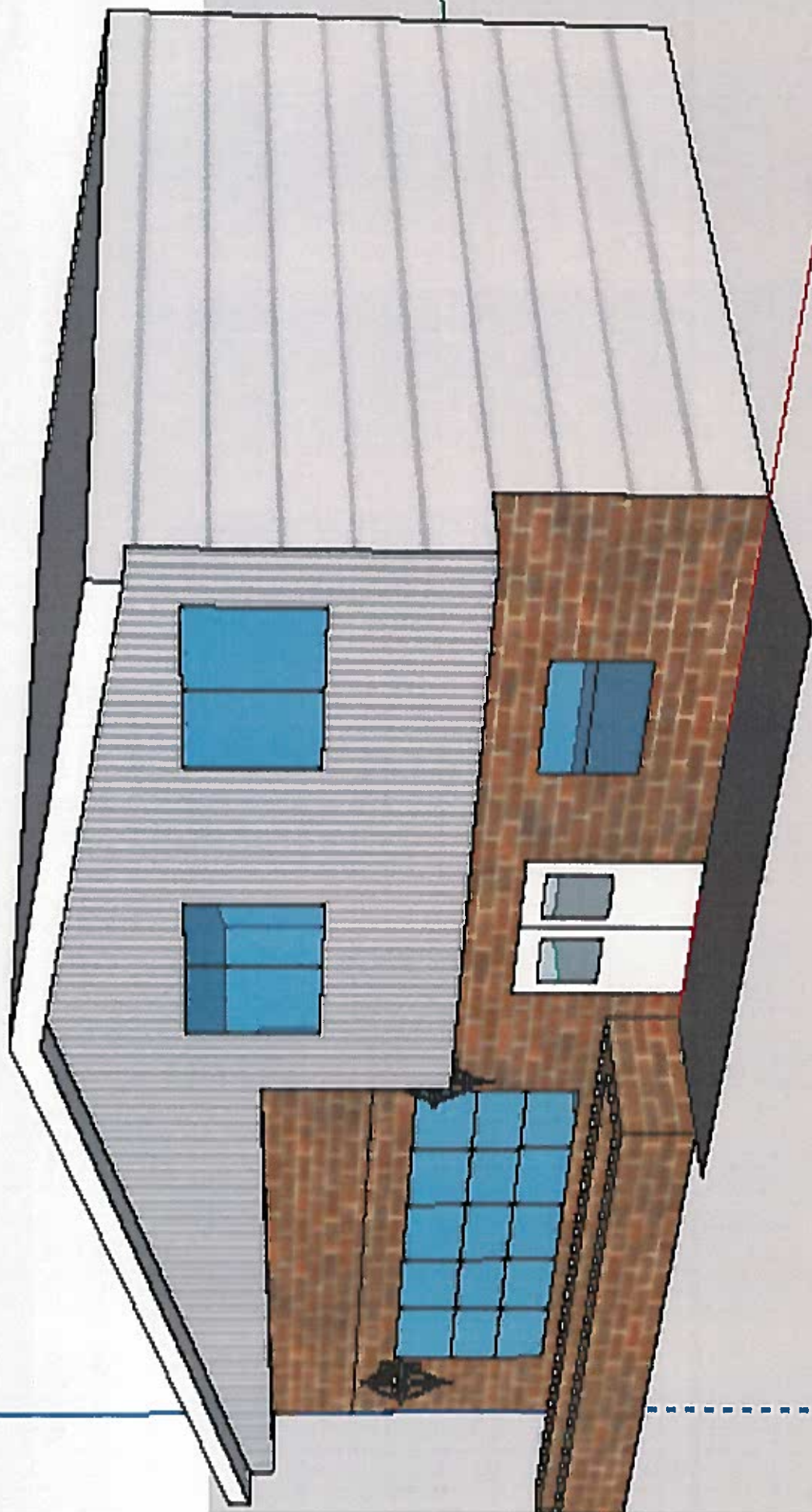
Proposed w/ Porch

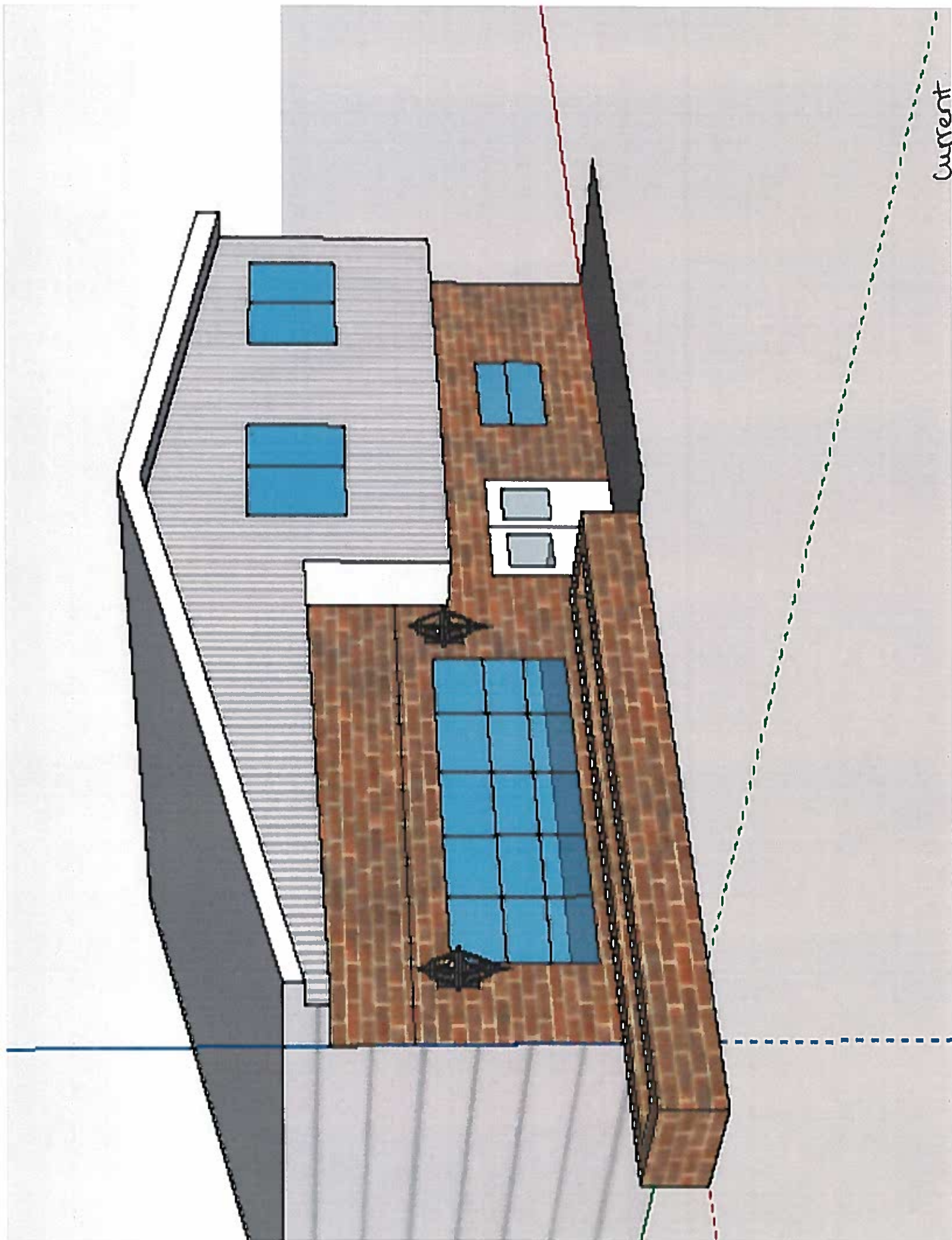


Proposed w/ porch

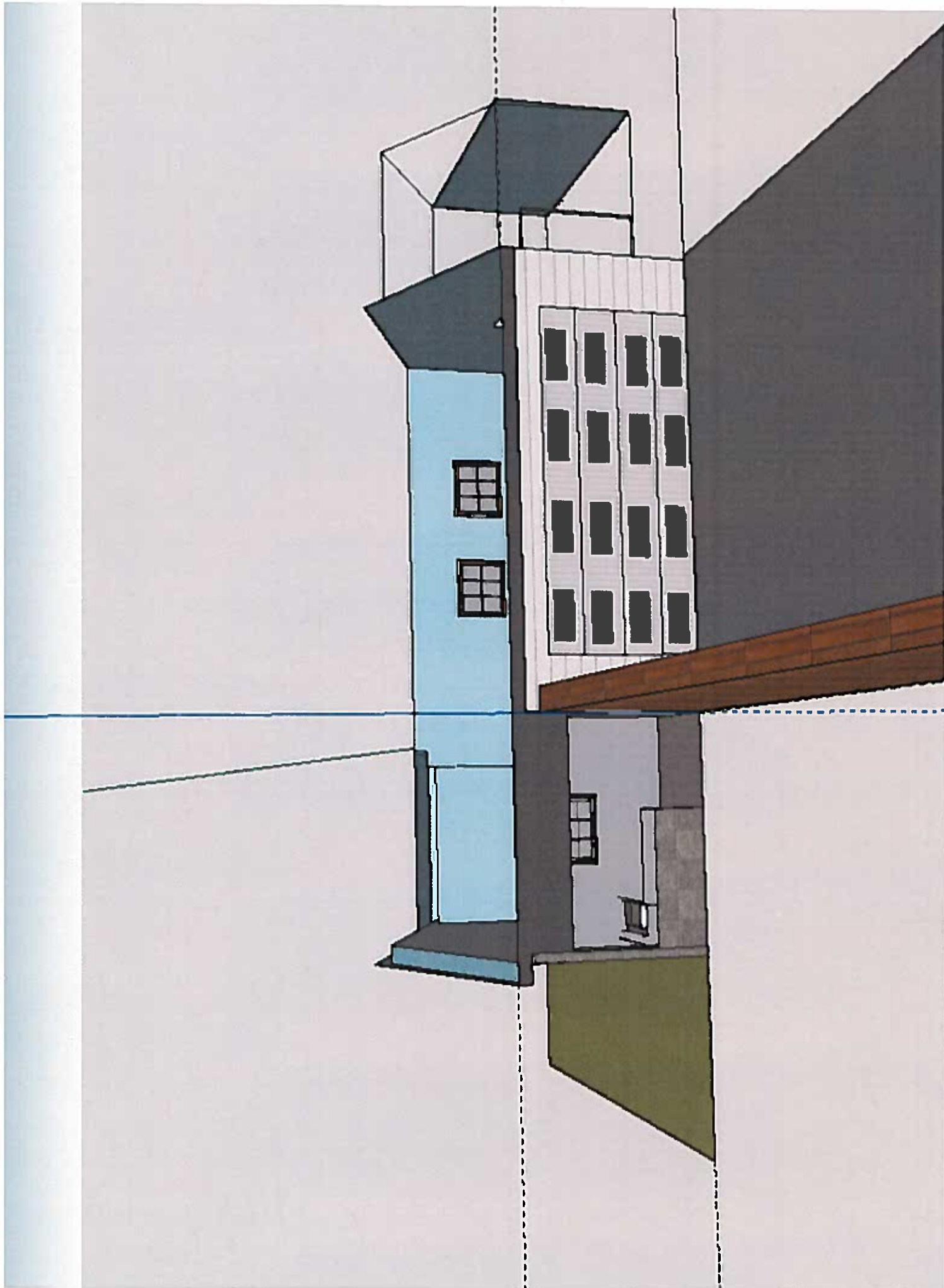


Proposed w/ Road

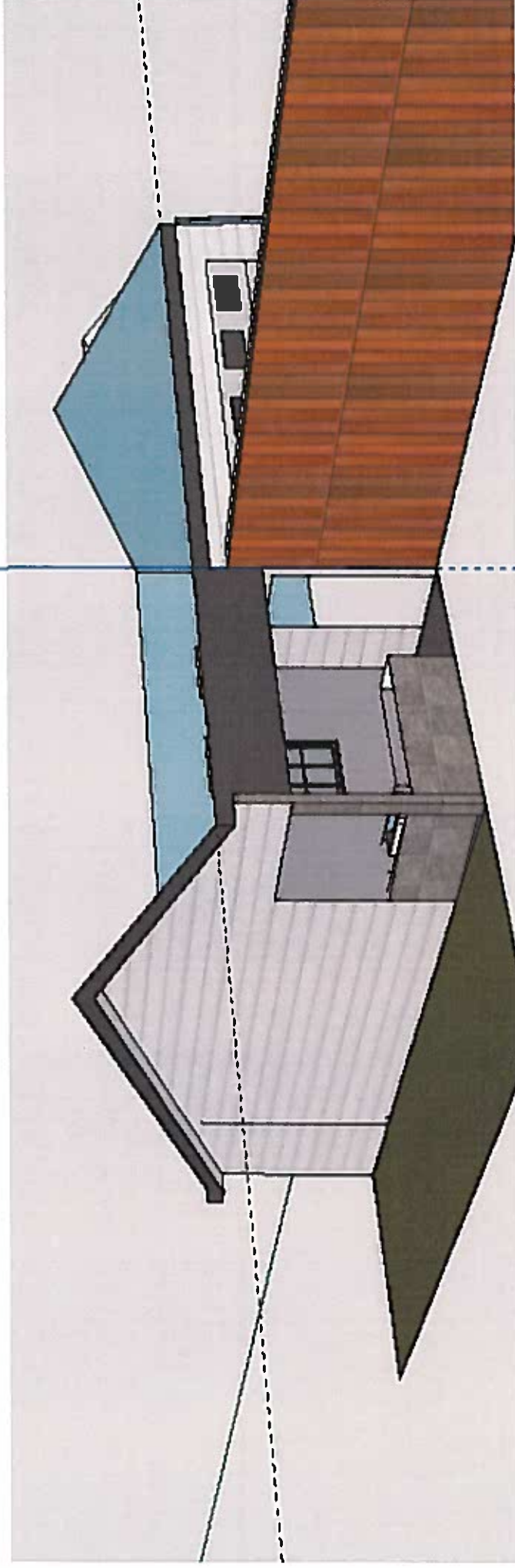






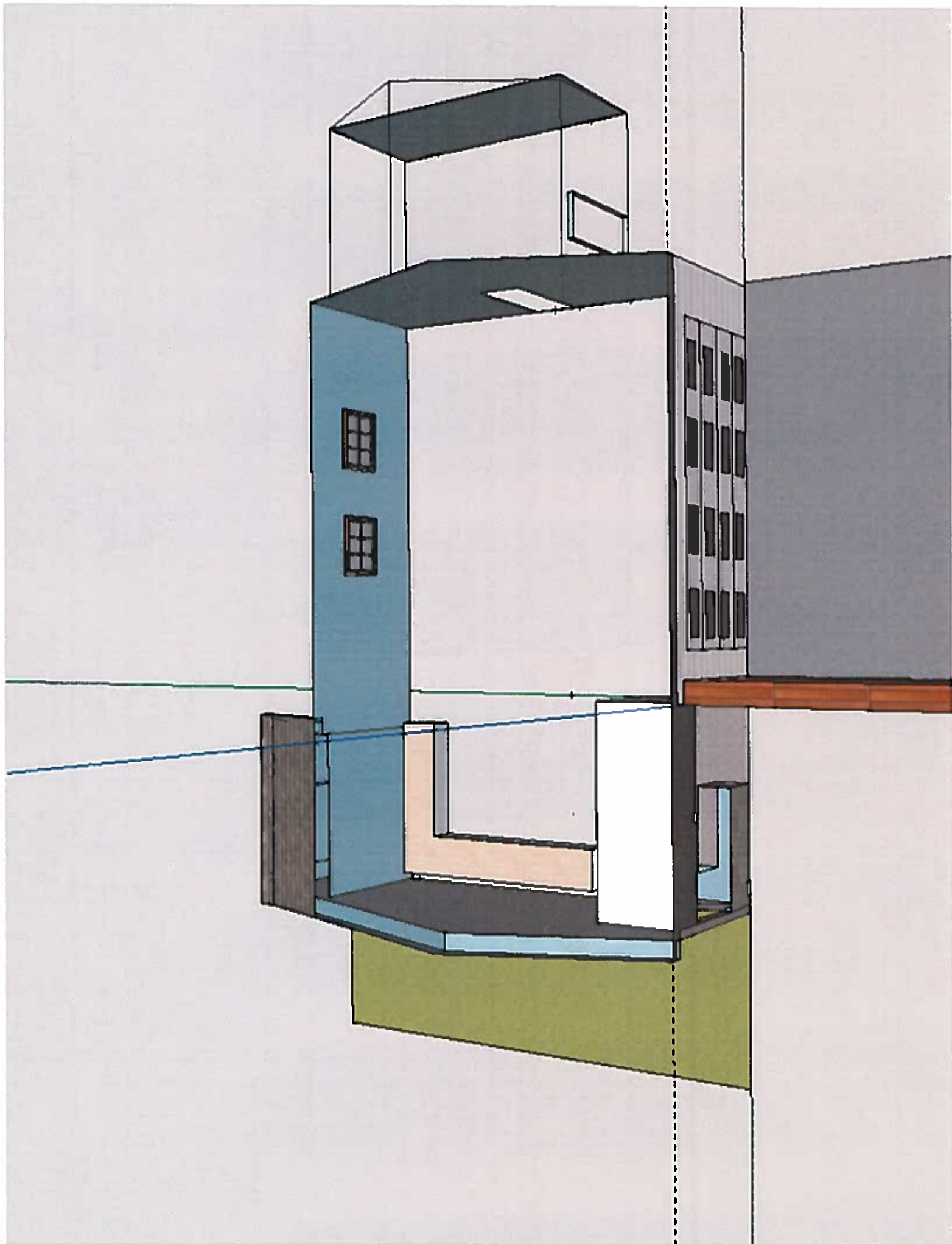


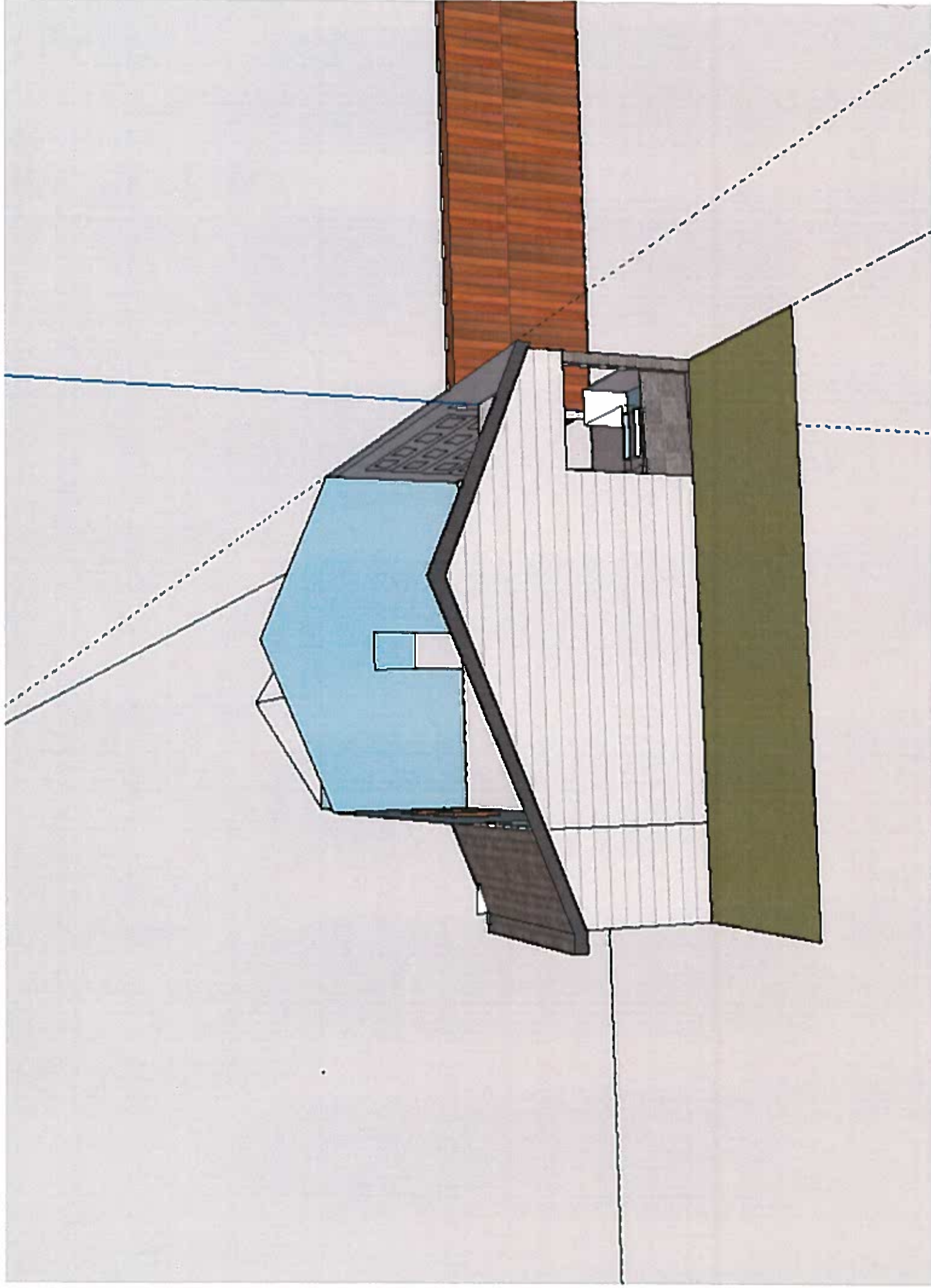
Psst, we've updated how some tools work. [Learn more](#)



suspend gravity.

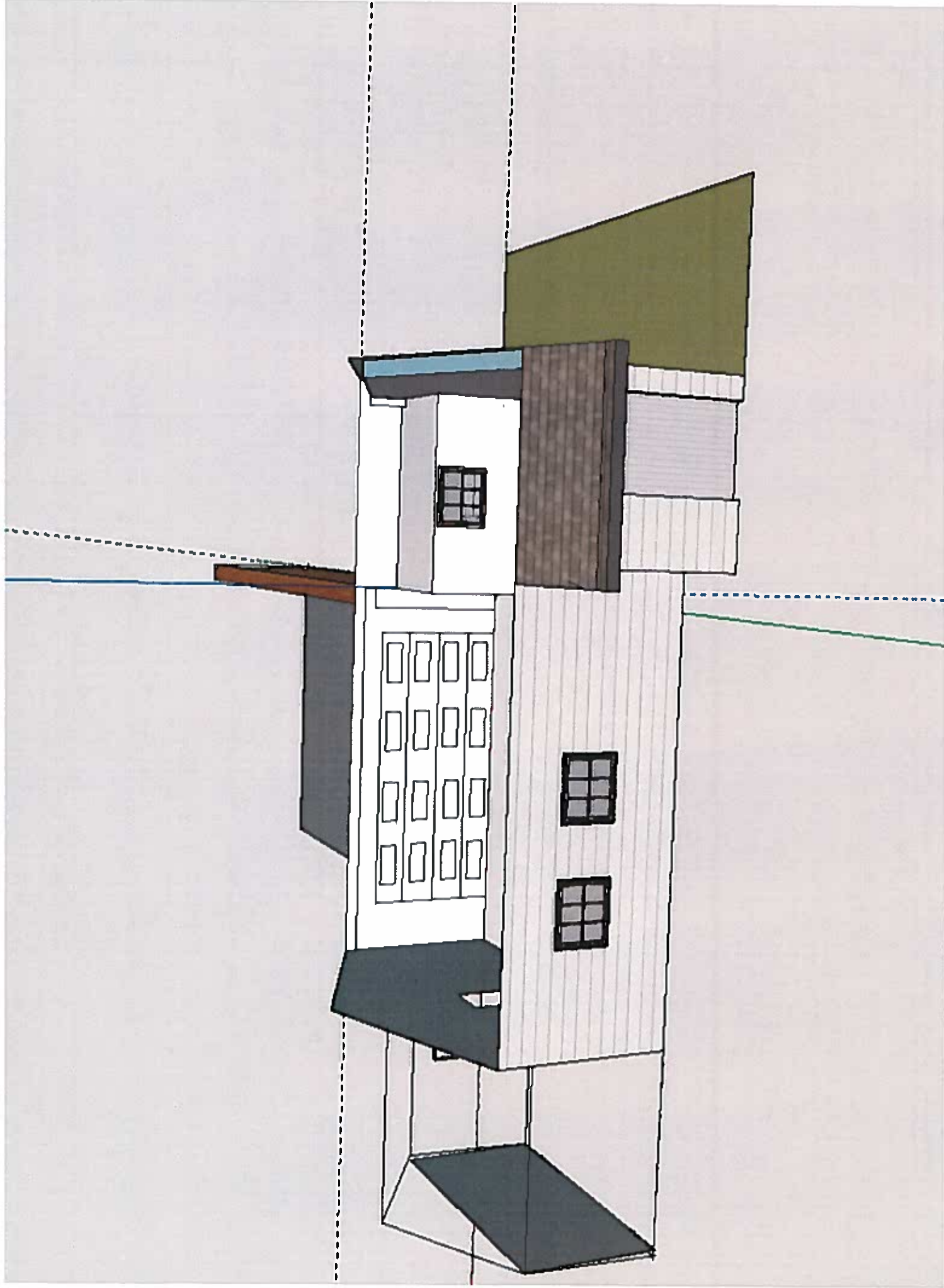
M.

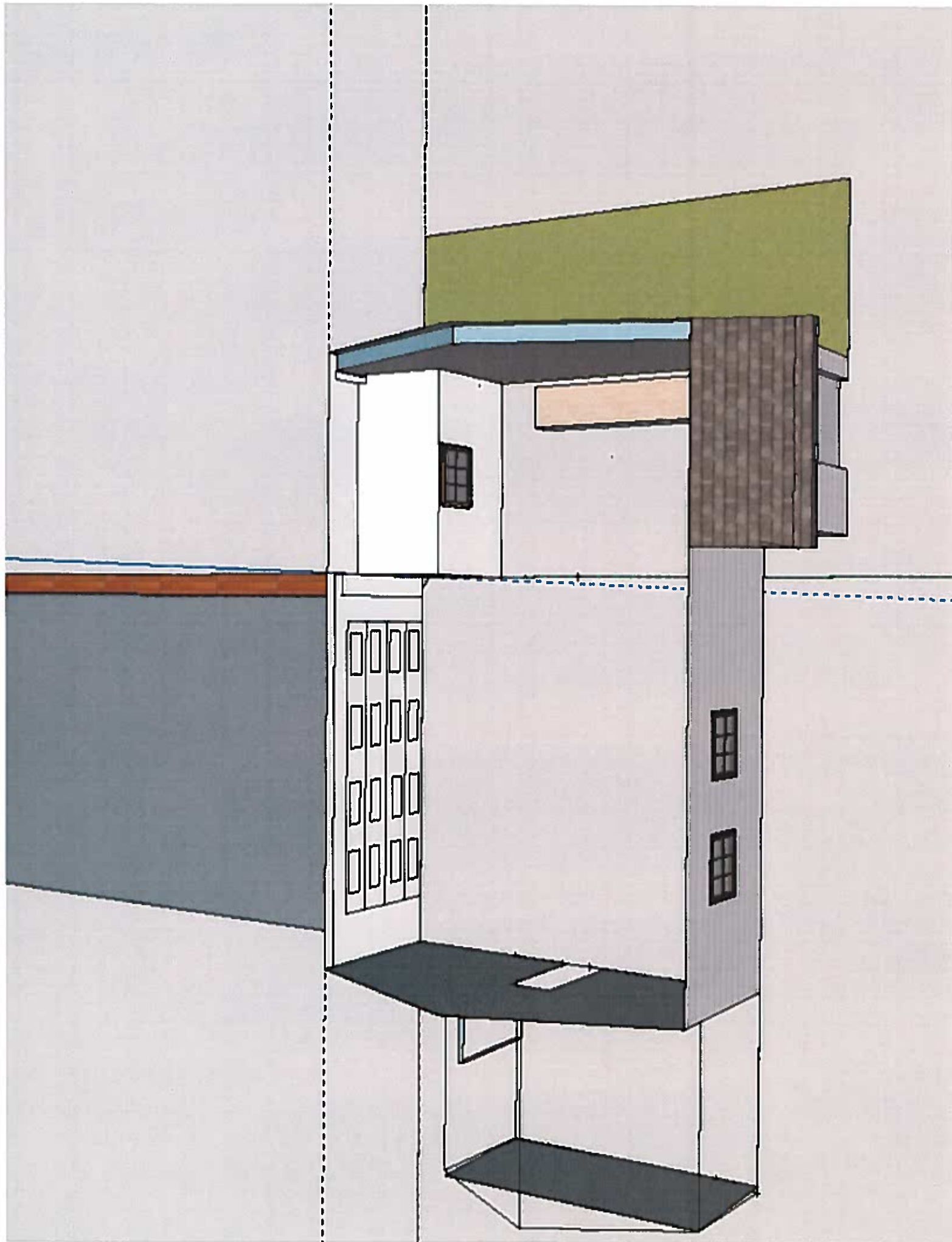


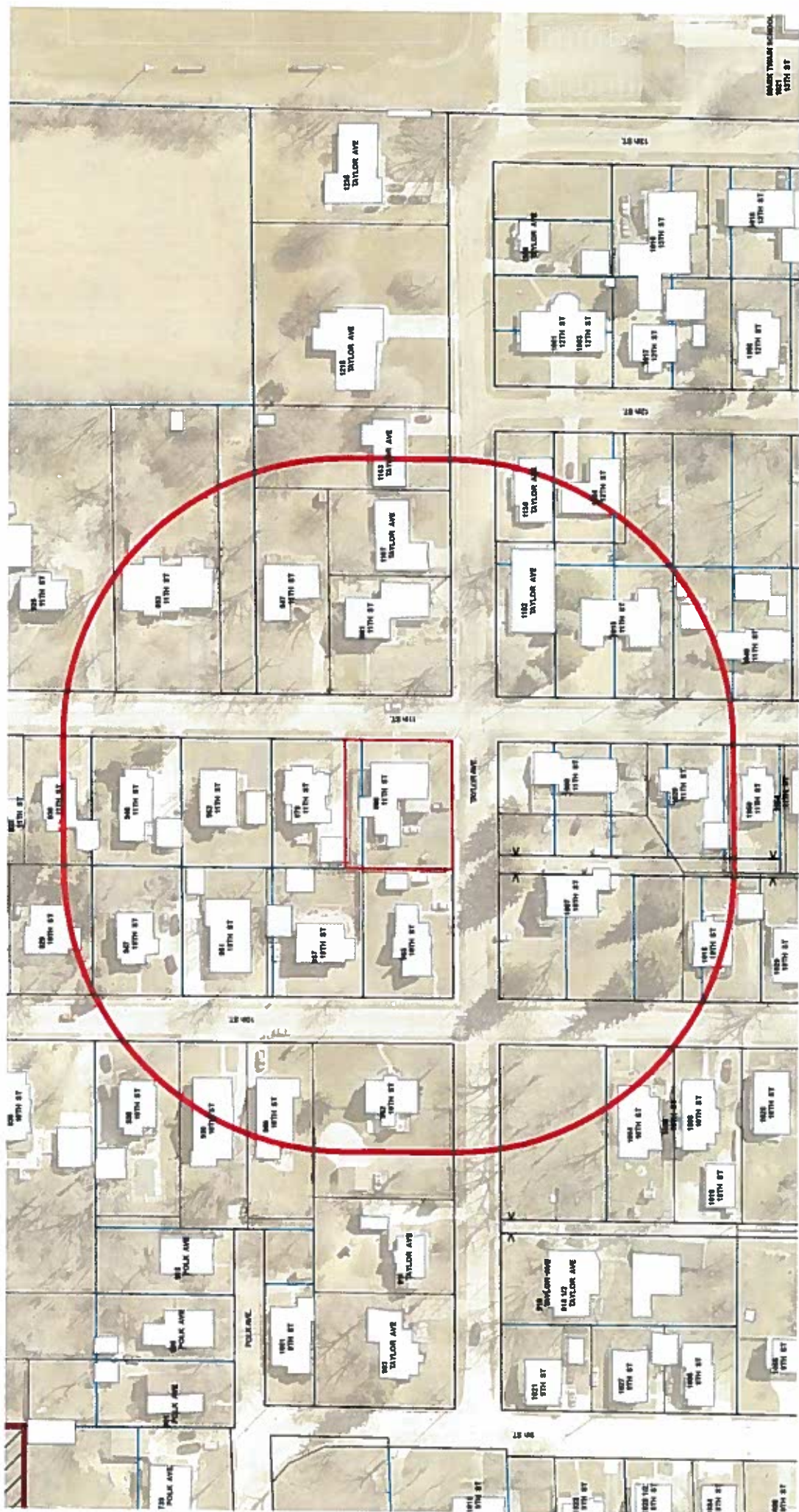


suspend gravity.

Me







City of Charleston - City Planner

To: City of Charleston - City Clerk
Subject: RE: Christopher & Amanda Dukeman

From: Rachel Drake [REDACTED]
Sent: Friday, February 04, 2022 11:23 AM
To: City of Charleston - City Clerk <CityClerk@co.coles.il.us>
Subject: Christopher & Amanda Dukeman

City Clerk Deborah Muller
Charleston, IL. 61920

RE: petition for variances
Christopher & Amanda Dukeman
990 11th St.
Charleston, IL. 61920

We, Rachel & Michael Drake, are neighbors to the north (970 11th St) of the Dukeman's. We would like to voice our support in their request for their rear and front yard setbacks. In no way are the improvements they wish to do to their home going to bother us or detract from the property.

Please consider their request and feel free to contact us with any questions.

Sincerely,
Michael W & Rachel E Drake
[REDACTED]