

SANGAMON COUNTY, ILLINOIS

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ORDINANCE  
NUMBER 24-35

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**AN ORDINANCE AUTHORIZING A VARIANCE TO INCREASE THE HEIGHT OF A  
STRUCTURE ABOVE THE ALLOWABLE HEIGHT OF 17 FEET  
AT 9979 PALM ROAD**

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DAVE KIMSEY, Village President  
DAN HOLDEN, Village Clerk

KRISTEN CHIARO  
MEREDITH FERGUSON  
JOHN FLETCHER  
BRETT GERGER  
TIM NICE  
CARL TRY  
Village Trustees

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

Chatham  
on October 22, 2024

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



**ORDINANCE NO. 24-35**

**AN ORDINANCE AUTHORIZING A VARIANCE TO INCREASE THE HEIGHT OF A  
STRUCTURE ABOVE THE ALLOWABLE HEIGHT OF 17 FEET  
AT 9979 PALM ROAD**

**WHEREAS**, the Village of Chatham, Sangamon County, State of Illinois, is a duly organized and existing Village created under the provisions of the laws of the State of Illinois; and,

**WHEREAS**, Cindy Davis (“Owner”) is the buyer and beneficial owner under a purchase and sale agreement for the real property with PIN 29-16.0-400-025 and legally described in the Annexation Agreement attached as **Exhibit 1** to this Ordinance (hereinafter “Unincorporated Parcel”); and,

**WHEREAS**, Owner sought to amend the zoning of the Unincorporated Parcel from P-1 to B-2 and also sought to vary the Village Code which requires accessory structures have a height of 17 feet or less; and

**WHEREAS**, Section 158.114 and 158.115 of the Village Code provide that zoning in connection with an Annexation Agreement shall be determined by the Village Board after a hearing is conducted before the Planning Commission in accordance with Section 158.114 of the Village Code; and,

**WHEREAS**, Section 158.114 provides that where zoning is being considered by the Planning Commission pursuant to an Annexation Agreement, the Planning Commission shall also consider the variations requested along with the zoning issue; and

**WHEREAS**, on October 3, 2024, the Planning Commission held a public hearing and voted unanimously in favor of recommending to approve the zoning request and to approve the variance allowing an accessory structure with a height of 20 feet; and,



**WHEREAS**, the Village Board of Trustees and the President of the Village of Chatham believe it is in the best interests of the Village to grant the variance to allow an accessory structure with a heights of 20 feet.

**NOW THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Chatham, Sangamon County, Illinois, as follows:

**Section 1.** Recitals. The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

**Section 2.** Description of the Property. The Unincorporated Parcel has a parcel identification number of 29-16.0-400-025 and is legally described in **Exhibit 1** to this Ordinance.

**Section 3.** Public Hearing. A public hearing was advertised on September 12, 2024 in the Chatham Clarion and held by the Planning Commission on October 3, 2024, at which time the Planning Commission unanimously recommended approval of the variance allowing an accessory structure with a height of 20 feet.

**Section 4.** Variance. The variations requested in the Petition for Zoning Variance to the Zoning Code, outlined herein, and recommended at the October 3, 2024, Planning Commission meeting, is hereby granted as follows:

- A. A variance allowing construction of an accessory structure with a maximum height above 17 feet not to exceed 20 feet.

**Section 5.** Severability. In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

**Section 6.** Repeal and Savings Clause. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall




affect any rights, action, or causes of action which shall have accrued to the Village of Chatham prior to the effective date of this Ordinance.

**Section 7. Effective Date.** This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

|                   | AYE | NAY | ABSTAIN | ABSENT |
|-------------------|-----|-----|---------|--------|
| KRISTEN CHIARO    | ✓   |     |         |        |
| MEREDITH FERGUSON | ✓   |     |         |        |
| JOHN FLETCHER     | ✓   |     |         |        |
| BRETT GERGER      | ✓   |     |         |        |
| TIM NICE          | ✓   |     |         |        |
| CARL TRY          | ✓   |     |         |        |
|                   |     |     |         |        |
| DAVE KIMSEY       |     |     |         |        |
|                   |     |     |         |        |
| TOTAL             | 6   | 0   | 0       | 0      |

**APPROVED** by the President of the Village of Chatham, Illinois this 22nd day of October, 2024.

  
 Dave Kimsey, Village President

Attest:  
  
 Dan Holden, Village Clerk



**EXHIBIT 1**  
**ANNEXATION AGREEMENT**





\* 2 0 1 1 R 0 1 0 2 9 \*

2011R01029

01/07/2011 03:56PM

REC FEE: 35.00

TOTAL: \$35.00

PAGES: 10

LAVERNE

JOSHUA A. LANGFELDER  
SANGAMON COUNTY RECORDER

*This Space for Recorder*

Ordinance No. 10- 69

**AN ORDINANCE APPROVING AN ANNEXATION AGREEMENT  
WITH L. KENT HILL**

WHEREAS, on 12-14-10, 2010, pursuant to notice published as prescribed by statute, the corporate authorities of the Village of Chatham conducted a public hearing regarding an annexation agreement with L. Kent Hill a copy of which is attached hereto.

*NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CHATHAM, SANGAMON COUNTY, ILLINOIS, AS FOLLOWS:*

**SECTION 1:** That certain Annexation Agreement attached hereto by and between the Village of Chatham and the L. Kent Hill is hereby approved.

**SECTION 2:** The President is authorized and directed to execute said agreement on behalf of the Village, and the proper officers of the Village are authorized to carry out said annexation agreement according to its terms.

**SECTION 3:** This Ordinance is effective immediately.

PASSED THIS 14 DAY OF DEC, 2010



Thomas S. Gray

Thomas S. Gray, President  
Village of Chatham

ATTEST:

Pat Schad

Pat Schad, Village Clerk



PASSED: 12-14-10

APPROVED: 12-14-10

AYES: 6 HERRMAN BOYLE  
REYNOLDS KAUNATH SCHATTEMAN

NAYS: 0

ABSENT: 0



**ORDINANCE CERTIFICATE**

STATE OF ILLINOIS                    )  
  ) SS  
COUNTY OF SANGAMON            )

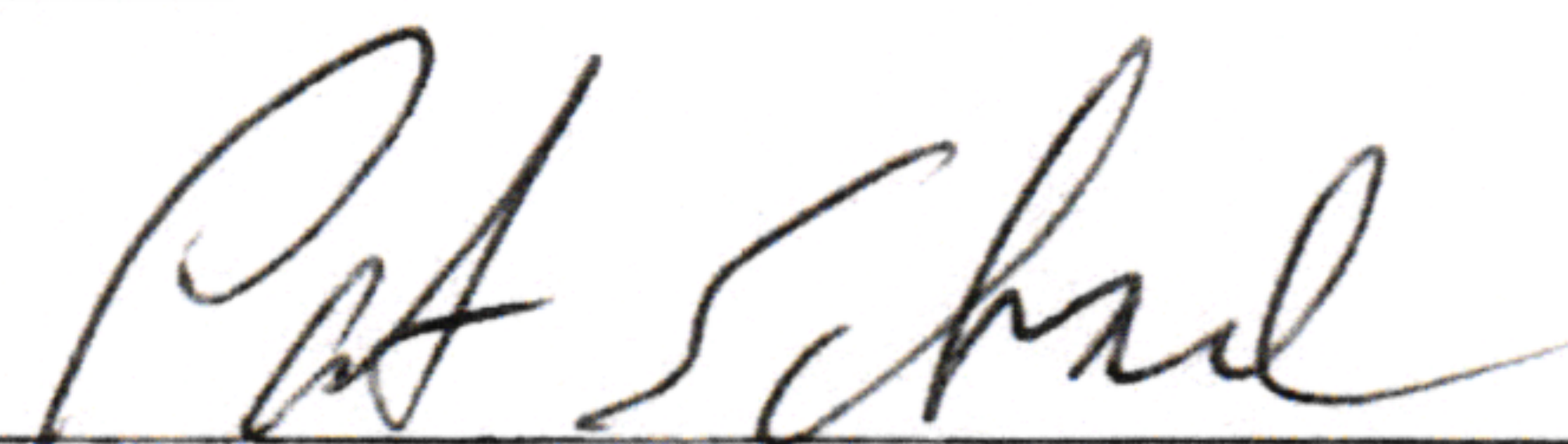
I, the undersigned, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Chatham, Sangamon County, Illinois.

I do further certify that the ordinance attached hereto is a full, true, and exact copy of Ordinance No. 10- 69, adopted by the President and Board of Trustees of said Village on the 14 day of DEC, 2010, said Ordinance being entitled:

**AN ORDINANCE APPROVING AN ANNEXATION AGREEMENT  
WITH L. KENT HILL**

I do further certify that prior to the making of this certificate, the said Ordinance was spread at length upon the permanent records of said Village, where it now appears and remains.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Village this 14 day of DEC, 2010.

  
\_\_\_\_\_  
Village Clerk





*This Space for Recorder*

### ANNEXATION AGREEMENT

THIS AGREEMENT is made by L. Kent Hill, and the Village of Chatham, Illinois (the "Village"), an Illinois municipal corporation, all of Sangamon County, Illinois, and is effective this 14 day of Dec, 2010.

WHEREAS, L. Kent Hill is the record Owners of property legally described as follows:

Part of the Southeast Quarter of Section 16, Township 14 North, Range 5 West of the Third Principal Meridian in Sangamon County, Illinois: described as follows: commencing at the Southwest corner of the Southeast Quarter of the aforementioned Section 16, thence East along the Section Line 519.42 feet to the true point of beginning, thence North 417.42 feet, thence East 1773.33 feet, thence South Parallel to the West right of way line of FAI.55 Service Road (Palm Road) 270.00 feet, thence East 325 feet to said West Right of Way Line, thence South 148.04 feet to the Section Line, thence West 2096.51 feet to the true point of beginning

WHEREAS, the Property is located in unincorporated Sangamon County, Illinois, and is contiguous to the corporate limits of the Village;

WHEREAS, Owner wishes to annex the Property to the Village and obtain an initial zoning upon annexation of P-1;

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. Owner has petitioned to annex the Property conditional upon this Agreement; a copy of the petition is attached hereto as Exhibit A
2. Such annexation is be expressly conditioned and contingent upon the simultaneous zoning classification of the Property as P-1. Any ordinance annexing the Property



or any part thereof without simultaneous initial zoning classification of P-1 shall be void unless this Agreement has been amended as hereafter provided. Prior to executing this Agreement, this zoning has been considered by the appropriate administrative bodies of the Village.

3. The Village shall, during the term of this agreement and so long as the Property remains unimproved farm ground, rebate the Village's share of property taxes extended with respect to the Property upon the annual application of Owner accompanied by proof of payment of such taxes

4. Owners wish to receive an Electric rate not to exceed Two cents per kilowatt hour above the Village Rate to its customers for the same service.

5. Owners wish to receive the inside Village rate for Water Service.

6. The Village agrees to reimburse the owner the amount of \$4,500 for the oil and chip of his driveway after receiving an invoice and with Village Board approval

7. This Agreement shall not be construed as a limitation on the Village's right to adopt or amend ordinances of general applicability, including the zoning and subdivision ordinances, or the applicability of such ordinances to the Property. However, in the event of a conflict between the Village ordinances and this Agreement, this Agreement shall prevail.

8. This Agreement is binding upon the parties hereto, their respective heirs, executors, personal representatives, corporate authorities, administrators, successors and assigns. This Agreement and all provisions herein shall be a covenant running with the land legally described herein. This Agreement shall be effective for twenty years from the date of execution.

9. This Agreement shall only be amended by writing, signed by the parties and approved by the Village by ordinance. After execution of this agreement, changes in zoning or variances requested and granted pursuant to Village Ordinances shall not require formal



amendment of this Agreement.

10. The Village shall enact such ordinances, execute such documents, and issue such permits and certificates as shall be required by this Agreement and any ordinance adopting it.

11. The Village shall, at its expense, record this Agreement with the Sangamon County Recorder of Deeds within 30 days of its execution.

12. If the performance of any covenant to be performed hereunder by any party is delayed as a result of circumstances which are beyond the reasonable control of such party, the time for such performance shall be extended by the amount of time of such delay.

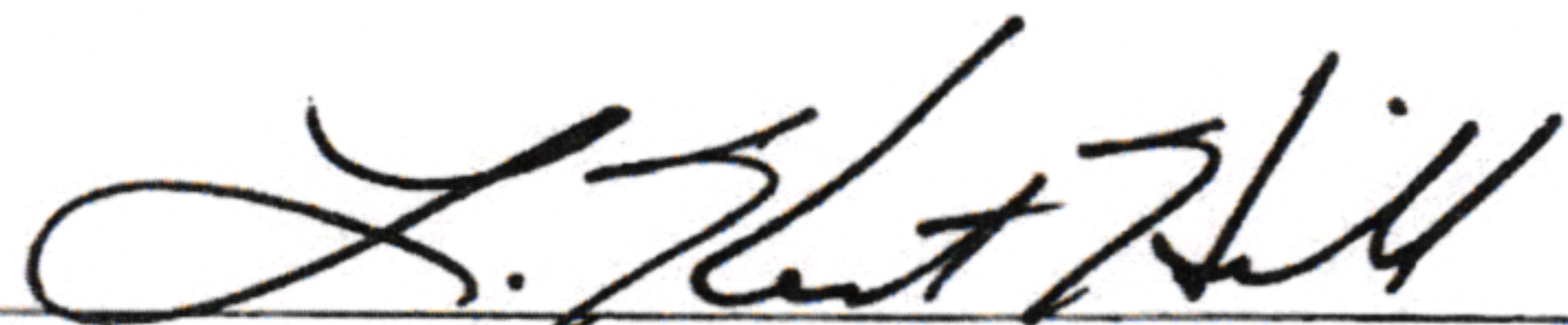
13. In the event of litigation brought by any other governmental entity involving questions of jurisdiction over the Property, the Village shall at its expense retain counsel to represent the interests of Owners. The parties anticipate that counsel for the Village and Owners shall be the same person. However, Owners may retain separate counsel at their expense to represent their interests.

IN WITNESS WHEREOF, the parties have executed this Agreement on this 14 day of DEC, 2010.

L. KENT HILL

By: \_\_\_\_\_

Owner





VILLAGE OF CHATHAM, ILLINOIS

BY: Thomas J Gray  
President

Attest: Pat Schaefer  
Village Clerk





PETITION FOR ANNEXATION

L, Kent Hill hereby petitions the Village of Chatham, Sangamon County, Illinois, pursuant to Section 7-1-8 of the Illinois Municipal Code, to annex within its corporate limits certain real estate, the legal description of which is as follows:

Part of the Southeast Quarter of Section 16, Township 14 North, Range 5 West of the Third Principal Meridian in Sangamon County, Illinois: described as follows: commencing at the Southwest corner of the Southeast Quarter of the aforementioned Section 16, thence East along the Section Line 519.42 feet to the true point of beginning, thence North 417.42 feet, thence East 1773.33 feet, thence South Parallel to the West right of way line of FAI.55 Service Road (Palm Road) 270.00 feet, thence East 325 feet to said West Right of Way Line, thence South 148.04 feet to the Section Line, thence West 2096.51 feet to the true point of beginning situated in Sangamon County, Illinois

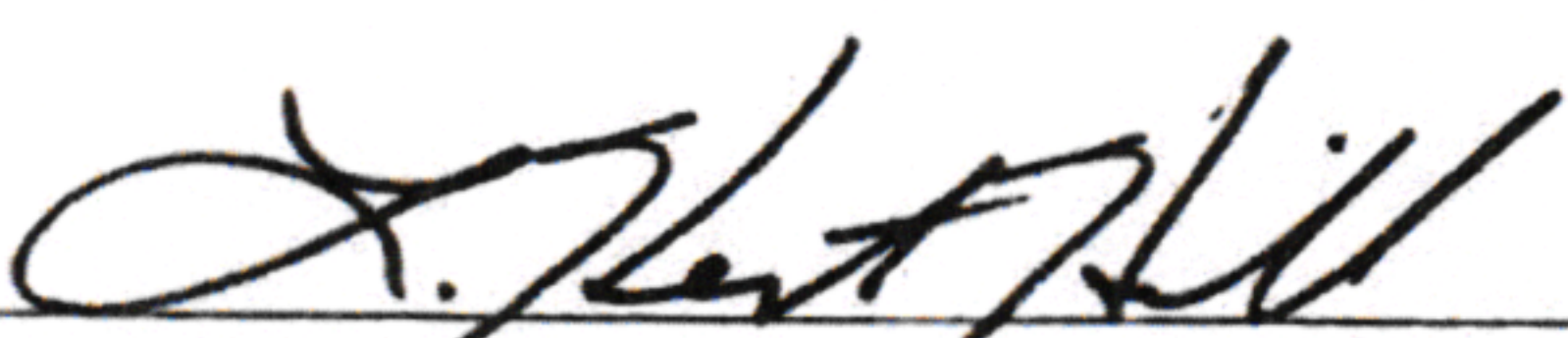
and a plat of which is attached hereto. (Sangamon County tax id no. 29-16.0-400-025

Petitioner hereby states as follows:

1. The above-described territory is contiguous to the Village of Chatham.
2. The above-described territory is not within the corporate limits of any other municipality.
3. The Petitioner is the sole Owner of record of the property, and no electors reside therein.

WHEREFORE, Petitioner hereby requests that the above-described real estate be annexed to the Village of Chatham, Sangamon County, Illinois.

L. KENT HILL

By:   
Petitioner



STATE OF ILLINOIS            )  
  )  
COUNTY OF SANGAMON        )

VERIFICATION

L. Kent Hill being duly sworn on his oath, deposes and states that he is the owner and that he has reviewed the foregoing Petition for Annexation, and the statements therein made are true and correct.

*L. Kent Hill*  
L. Kent Hill

SUBSCRIBED AND SWORN TO before me

this 14<sup>th</sup> day of December, 2010.

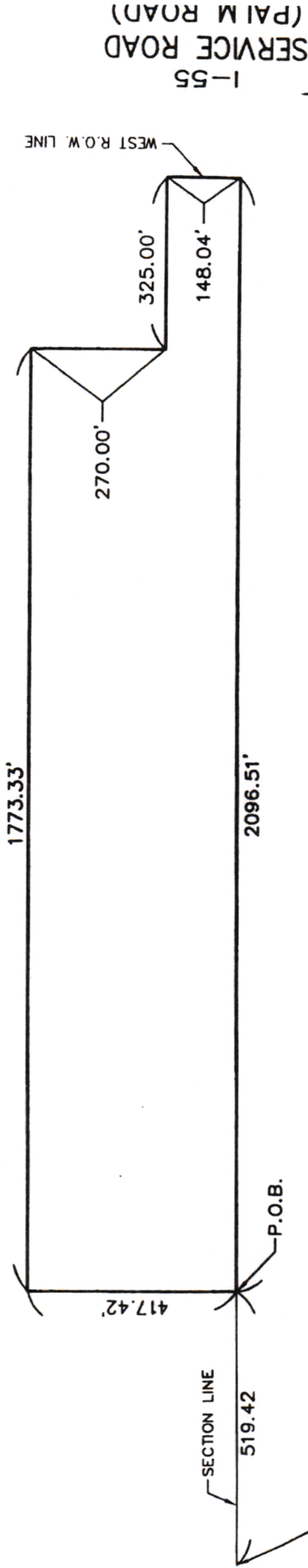
*Jill A. Butler*  
Notary Public





**PLAT OF ANNEXATION  
TO THE VILLAGE OF CHATHAM**

OWNER: L KENT HILL  
TAX I.D. NO.: 29-16-400-025  
BASIS OF BEARING: ASSUMED MERIDIAN  
*Ball Twp*



S.W. COR., S.E. 1/4,  
SEC. 16, T.14N.,  
R.5W., 3RD P.M.

**LEGAL DESCRIPTION**

PART OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 14 NORTH, RANGE 5 WEST OF THE THIRD PRINCIPAL MERIDIAN IN SANGAMON COUNTY, ILLINOIS; DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE AFORMENTIONED SECTION 16, THENCE EAST ALONG THE SECTION LINE 519.42 FEET TO THE TRUE POINT OF BEGINNING, THENCE NORTH 417.42 FEET, THENCE EAST 1773.33 FEET, THENCE SOUTH PARALLEL TO THE WEST RIGHT OF WAY LINE OF FAI.55 SERVICE ROAD (PALM ROAD) 270.00 FEET, THENCE EAST 325 FEET TO SAID WEST RIGHT OF WAY LINE, THENCE SOUTH 148.04 FEET TO THE SECTION LINE, THENCE WEST 2096.51 FEET TO THE TRUE POINT OF BEGINNING.



EXPIRES: 11/30/10

THE ABOVE DESCRIBED PLAT CORRECTLY REPRESENTS THE PARCEL OF LAND TO BE ANNEXED INTO THE VILLAGE OF CHATHAM, ILLINOIS.

*Richard Tonellato*  
ILLINOIS PROFESSIONAL LAND SURVEYOR # 2590

10.25.10  
DATE SIGNED

| DATE | BY |
|------|----|
|      |    |
|      |    |
|      |    |
|      |    |
|      |    |



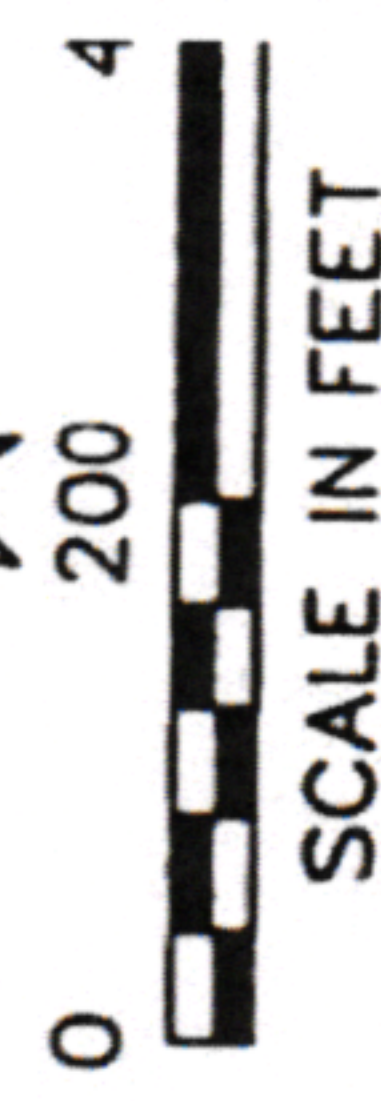
**GREENE & BRADFORD, INC.**  
OF SPRINGFIELD

CONSULTING ENGINEERS  
3501 CONSTITUTION DRIVE  
SPRINGFIELD, ILLINOIS 62711

(217) 793-8844, (217) 793-6227 FAX

PROFESSIONAL LAND SURVEYING FIRM NO. 048-000098

|                   |                 |
|-------------------|-----------------|
| DATE              | 10/22           |
| DRAWN             | COI             |
| PROJ. NO.         | 08-             |
| FIELD BOOK        |                 |
| COMPUTER FILE NO. | 08127-AP-Kent.g |
| PLOT SCALE        | 1" =            |



PLEASE RETURN TO:  
PAT SCHARP  
836 OXFORD  
CHATHAM IL. 62629



RECORDING - RESEARCH

NAME: VILLAGE OF  
ADDRESS: CHATHAM 116 E  
CITY/STATE: MULBERRY  
Recorder's Office  
PHONE: CHATHAM ILL.  
217-920-3429

**RECEIVED**  
JAN 07 2011

ORD 10-16-60  
10-68  
10-69 CHARGE

STAFF INITIAL: LH DATE: 1-7-11  
JOSHUA A. LANGFELDER, RECORDER