

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE APPROVING A FRONT YARD SETBACK VARIATION FROM 30 FEET TO 15 FEET WITH RESPECT TO THE REAL PROPERTY LOCATED AT THE NORTHEAST CORNER OF THE CHANEY-MONGE SCHOOL PROPERTY LOCATED AT 400 ELSIE AVENUE IN THE CITY OF CREST HILL (APPLICATION OF CHANEY-MONGE SCHOOL DISTRICT 88)**

**WHEREAS**, Chaney-Monge School District 88 has submitted to the City of Crest Hill plans for a new 4,765 square foot building addition to the school to be located along the east side of the existing school building adjacent to North Center Street; and

**WHEREAS**, during the review of said plans, the City determined that the School District's property extends to the center line of North Center Street and was never dedicated to the City of Crest Hill as public right-of-way; and

**WHEREAS**, the proposed building as designed would conform to the 30-foot front-yard setback requirement in Sections 6.6-1(B) and Table 1 of the City of Crest Hill Zoning Ordinance; and

**WHEREAS**, the City of Crest Hill desires a dedication of that portion of N. Center Street which abuts the School District property as public right-of-way; and

**WHEREAS**, Chaney-Monge School District 88 has voluntarily agreed to dedicate that portion of N. Center Street which abuts the School District property as public right-of-way, pursuant to the Plat of Dedication attached hereto as Exhibit "A", upon certain conditions, one of which being that the City grant a front-yard setback variance from 30 feet to 15 feet so the School District's new building addition remains conforming with the City of Crest Hill Zoning Ordinance; and

**WHEREAS**, the Illinois Municipal Code, 65 ILCS 5/11-13-5 (the "Code") authorizes the corporate authorities to "vary their application in harmony with their general purpose and intent and in accordance with general or specific rules therein contained in cases where there are practical difficulties or particular hardship in the way of carrying out the strict letter of any of those regulations relating to the use, construction, or alteration of buildings or structures or the use of land;" and

**WHEREAS**, the Code states that a variation shall be permitted only upon the finding of certain requirements listed in the Code; and

**WHEREAS**, the City of Crest Hill ("City") has enacted said requirements in Section 12.6-2 of the Crest Hill Zoning Ordinance; and

**WHEREAS**, the Chaney-Monge School District 88 ("Owner") has filed an application requesting approval of a front-yard setback variation from the Crest Hill Zoning Ordinance, specifically Sections 6.6-1(B), Table 1, to accommodate the dedication of that certain portion of

Center Street to the City of Crest Hill pursuant to Exhibit “A”, said real property located at the northeast corner of the Chaney-Monge School District 88 school building located at 400 Elsie Avenue in Crest Hill, Illinois PIN 11-04-33-107-011-0000, (the “Property”), with proper notice thereof given; and

**WHEREAS**; the Crest Hill Plan Commission, by a formal vote taken on September 12, 2024 recommended approval of the application upon making the following findings, and after holding a public hearing on September 12, 2024, with proper notice thereof given, as more fully detailed in the attached Findings and Decision Exhibit “B,” based upon the evidence presented:

- A. The variation is in harmony with the general purpose and intent of the Zoning Ordinance; and
- B. The plight of the owner is due to unique circumstances and thus strict enforcement of the Zoning Ordinance would result in practical difficulties or impose exceptional hardships due to the special and unusual conditions that are not generally found on other properties in the same zoning district; and
- C. The Property cannot yield a reasonable return if permitted to be used only under the conditions allowed by the Zoning Ordinance; and
- D. The variation, if granted, will not alter the essential character of the locality, and will not be a substantial detriment to adjacent Property; and

**WHEREAS**, the City Council has examined the September 12, 2024, Findings and Decision of the Plan Commission and has considered the presentations and arguments of the applicant in an open meeting regularly scheduled; and

**WHEREAS**, the City Council finds that it is in the best interests of the City that the recommendation of the Plan Commission be adopted and that the application for the variation be granted.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Crest Hill, Will County, Illinois, as follows:

**SECTION 1:** The Preambles of this Ordinance are incorporated herein by reference.

**SECTION 2:** That the City Council hereby adopts and ratifies the findings and decision of the Plan Commission, attached hereto as “Exhibit B” and incorporated by reference herein, as the finding and decision of the City Council in relation to the application requesting a variation from the Crest Hill Zoning Ordinance, specifically Section 6.6-1(B) and Table 1 for a reduction of the required front-yard setback from 30 feet to 15 feet along North Center Street at the Chaney-Monge School District 88 building located at 400 Elsie Avenue in Crest Hill, Illinois PIN 11-04-33-107-011-0000.

Territory Described. See attached legal description “Exhibit “C.”

Conditioned upon the following:

1). Execution and Recording of the Plat of Dedication attached hereto as Exhibit “A.”

**SECTION 3:** The following variation is hereby granted to the Owner of the property located at located at 400 Elsie Avenue (PIN 11-04-33-107-011-0000) in the City of Crest Hill, subject to the above referenced condition:

Variation from the front-yard setback requirement of Section 6.6-1(B) and Table 1 of the Zoning Ordinance from 30 feet to 15 feet.

**SECTION 4:** This Ordinance shall become effective only upon the execution and recording of the Plat of Dedication attached hereto as Exhibit “A”.

**SECTION 5:** This Ordinance shall take effect upon its passage according to law.

***[Left Intentionally Blank]***

PASSED THIS 7<sup>TH</sup> DAY OF OCTOBER 2024

	Aye	Nay	Absent	Abstain
Aldерwoman Jennifer Methvin	_____	_____	_____	_____
Alderman Scott Dyke	_____	_____	_____	_____
Aldерwoman Claudia Gazal	_____	_____	_____	_____
Alderman Darrell Jefferson	_____	_____	_____	_____
Aldерperson Tina Oberlin	_____	_____	_____	_____
Alderman Mark Cipiti	_____	_____	_____	_____
Alderman Nate Albert	_____	_____	_____	_____
Alderman Joe Kubal	_____	_____	_____	_____
Mayor Ray Soliman	_____	_____	_____	_____

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Christine Vershay-Hall, City Clerk

APPROVED THIS 7<sup>TH</sup> DAY OF OCTOBER 2024.

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Raymond R Soliman, Mayor

ATTEST:

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Christine Vershay-Hall, City Clerk



Exhibit "B"

BEFORE THE PLAN COMMISSION  
OF THE CITY OF CREST HILL, ILLINOIS

IN RE: )  
 )  
The application of Chaney-Monge School ) No. V-24-4-9-1  
District 88 For A Front-Yard Setback )  
Variation from 30 feet to 15 feet )  
 )

**FINDINGS AND DECISION OF THE  
PLAN COMMISSION AS TO CASE NO. V-24-4-9-1  
THE APPLICATION OF CHANEY-MONGE SCHOOL DISTRICT 88 FOR A FRONT-YARD  
SETBACK VARIATION ALONG N. CENTER STREET ON THE SCHOOL DISTRICT  
PROPERTY LOCATED AT 400 ELSIE AVENUE IN THE CITY OF CREST HILL, ILLINOIS**

THIS APPLICATION, coming before for a decision by the Plan Commission, and the Plan Commission having heard the evidence in support and opposition to the application at a regularly scheduled meeting held on September 12, 2024, being fully advised in the premises, THE COMMISSION DOES MAKE THE FOLLOWING FINDINGS:

A. That the applicant, Chaney-Monge School District 88 is the owner of the real estate described in the Application;

B. That the application seeks a variation of the required front-yard setback along North Center Street from 30 feet to 15 feet to accommodate the dedication of a portion of the school district property as public right-of-way and to make conforming the proposed 4,795 square foot addition to be constructed on the northeast corner of the existing school building in Crest Hill, Illinois (the "Property");

C. That the Property is zoned R-1 with a special use for a public school;

D. That the application seeks approval of a variation from the Crest Hill Zoning Ordinance, specifically Section 6.6-1(B) and Table 1 for a reduction of the required front-yard setback from 30 feet to 15 feet along North Center Street at the Chaney-Monge School District 88 building located at 400 Elsie Avenue in Crest Hill, Illinois PIN 11-04-33-107-011-0000;

E. That by virtue of the Owner's dedication of a portion of North Center Street to the City of Crest Hill as public right-of-way, the construction of the proposed addition would not be allowed by the Zoning Ordinance;

F. That the application for the variation was properly submitted and notice of the application and the public hearing were properly made;

G. That no interested parties filed their appearances herein;

H. That the public hearing was opened and called to order on September 12, 2024, the applicant and City Staff presented evidence and arguments in support of the application on September 12, 2024. The Public Hearing was duly transcribed by a certified shorthand reporter of the State of Illinois;

I. That the rules adopted by the Plan Commission for the conduct of Public Hearings by the Plan Commission were duly followed and observed;

J. That the proposed variation, as considered under section 12.6 of the Zoning Ordinance, meets the standards for the granting of variations under section 12.6-2 as the proposed use meets all the criteria set forth in subsections 12.6-2(1)-(8).

**THEREFORE, IT IS THE DECISION OF THE PLAN COMMISSION OF THE CITY OF CREST HILL, ILLINOIS, BASED UPON THE EVIDENCE HEARD BY SAME AND ARGUMENTS AND SUGGESTIONS HEARD AT THE PUBLIC HEARING, AND HAVING DULY CONSIDERED THE MANDATES AND STANDARDS AS SET FORTH IN THE CITY OF CREST HILL, ILLINOIS ZONING ORDINANCE FOR THE GRANTING OF VARIANCES, AS FOLLOWS:**

1. The following requested variation is hereby granted to the Owner of the property located at located at 400 Elsie Avenue (PIN 11-04-33-107-011-0000) in the City of Crest Hill, subject to the above referenced condition:

Variation from the front-yard setback requirement of Section 6.6-1(B) and Table 1 of the Zoning Ordinance from 30 feet to 15 feet, conditioned the following:

- Execution and Recording of the Plat of Dedication attached hereto as Exhibit “A.”

2. It is therefore the recommendation of the City of Crest Hill Plan Commission that the application for the variation be granted.

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Adopted by the Plan Commission of the City of Crest Hill, Illinois, this 12<sup>th</sup> Day of September 2024 upon the following voice vote:

	Aye	Nay	Absent	Abstain
Commissioner Bill Thomas	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Commissioner Ken Carroll	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Commissioner Cheryl Slabozeski	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Commissioner Angelo Deserio	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Commissioner Jeff Peterson	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Commissioner John Stanton	<u>          </u>	<u>          </u>	<u>X</u>	<u>          </u>
Commissioner Marty Flynn	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>

Approved:

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Bill Thomas, Chairman

Attest:

Christine Vershay-Hall, City Clerk



Exhibit "C"  
Legal Description

THAT PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 33,  
TOWNSHIP 36 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED  
AS FOLLOWS; THE NORTH 122 FEET OF THE SOUTH 284 FEET OF THE EAST 482.99 FEET OF  
SAID EAST HALF OF THE NORTHWEST QUARTER OF SECTION 33, AS SHOWN ON ZIVALY  
RANCH ACRES SUBDIVISION UNIT #2, RECORDED AS DOCUMENT NUMBER 981113;  
TOGETHER WITH LOTS 15, 16, 17, 18, 19 AND 20 IN ZIVALY'S RANCH ACRES SUBDIVISION  
UNIT #1, RECORDED AS DOCUMENT NUMBER 900137, ALL IN WILL COUNTY, ILLINOIS

PIN NO; 11-04-33-107-011-0000