

ORDINANCE NO. _____

**AN ORDINANCE APPROVING A VARIATION TO THE CREST HILL ZONING ORDINANCE
WITH RESPECT TO CERTAIN REAL PROPERTY
(APPLICATION OF ROBERT BANNON 2441 Durness Court)**

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, Robert Bannon (“Owner”) has filed an application requesting approval of a variation from Section 8.3-6 of the Crest Hill Zoning Ordinance, specifically a reduction of the required rear yard setback for an accessory structure from ten (10) feet to 6 (six) inches to permit construction of an accessory structure, specifically a shed (“application”) on certain property within the City Limits of the City of Crest Hill, Will County, Illinois, PIN:11-04-30-401-011-0000, the common address of which property is: 2441 Durness Court, Crest Hill, Illinois (the “Property”), with proper notice thereof given; and

WHEREAS; the Crest Hill Plan Commission, by a formal vote taken on January 11, 2023, recommended approval of the Petition upon making the following findings, and after holding a public hearing, 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 January 11, 2023, 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 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 Petition requesting a variance from Section 8.3-6 of the Crest Hill Zoning Ordinance, specifically a reduction of the required rear yard setback for an accessory structure from ten (10) feet to 6 (six) inches to permit the construction of an accessory structure, specifically a shed (“application”) for property located at 2411 Durness Court, with PIN 11-04-30-401-011-0000, withing the City of Crest Hill, as legally described as follows:

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

Conditioned upon the reviewed plans, public testimony, and findings of fact, and no portion of the shed may be placed in a public utility or drainage easement.

SECTION 3: A variation is hereby granted to Section 8.3-6 of the Crest Hill Zoning Ordinance to authorize the reduction of the required rear yard setback for an accessory structure from ten (10) feet to 6 (six) inches to permit the construction of an accessory structure, specifically a shed, on the property located at 2411 Durness Court, Crest Hill, Illinois with PIN 11-04-30-401-011-0000

SECTION 4: This Ordinance shall take effect upon its passage according to law.

[Left Intentionally Blank]

PASSED THIS 6th DAY OF MARCH, 2023

	Aye	Nay	Absent	Abstain
Alderman John Vershay	_____	_____	_____	_____
Alderman Scott Dyke	_____	_____	_____	_____
Alderwoman Claudia Gazal	_____	_____	_____	_____
Alderman Mark Cipiti	_____	_____	_____	_____
Alderperson Tina Oberlin	_____	_____	_____	_____
Alderman Darrell Jefferson	_____	_____	_____	_____
Alderman Nate Albert	_____	_____	_____	_____
Alderman Joe Kubal	_____	_____	_____	_____
Mayor Ray Soliman	_____	_____	_____	_____

Christine Vershay-Hall, City Clerk

APPROVED THIS 6th DAY OF MARCH, 2023.

Raymond R Soliman, Mayor

ATTEST:

Christine Vershay-Hall, City Clerk

“Exhibit A”

LOT 6 N HILLVIEW ESTATES UNIT ONE, A SUB OF PRT OF THE W1/2 OF THE SE1/4 OF SEC 30, T36N-R10E. in Will County Illinois.

PERMANENT INDEX NO: 11-04-30-401-011-0000.

“Exhibit B”

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

IN RE:)
)
The application of Robert Bannon) No. V-23-1-1-1
)
For a variation.)

**FINDINGS AND DECISION OF THE
PLAN COMMISSION AS TO CASE NO. V-23-1-1-1
THE APPLICATION ROBERT BANNON
FOR A VARIATION AT 2411 DURNESSE COURT**

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 January 11, 2023, being fully advised in the premises, THE COMMISSION DOES MAKE THE FOLLOWING FINDINGS:

A. That the applicant, Robert Bannon, is the owner of the real estate described in the application;

B. That the application seeks a variation for the property described in the application, commonly known as 2411 Durness Court, Crest Hill, Illinois (the “Property”);

C. That the Property is zoned R-1;

D. That the application seeks approval of a variation from Section 8.3-6 of the Crest Hill Zoning Ordinance to permit the reduction of the required rear yard setback for an accessory structure from ten (10) feet to six (6) inches to permit the construction of an accessory structure, specifically a shed, on property located at 2411 Durness Court, Crest Hill, Illinois with PIN 11-04-30-401-011-0000.

E. That the proposed use is not allowed on the property as currently zoned;

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 called into order, the applicant allowed to present its evidence and arguments in support of its application;

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 a variation under section 12.6-2 as the proposed use meets all of 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. That the application of Robert Bannon for a variance reducing the required rear yard setback for an accessory structure from ten (10) feet to six (6) inches to permit the construction of an accessory structure, specifically a shed, on the property located at 2411 Durness Court, Crest Hill, Illinois, PIN 11-04-30-401-011-0000 was approved and is supported by the evidence adduced;

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

Adopted by the Plan Commission of the City of Crest Hill, Illinois, this 11th Day of January 2023 upon the following voice vote:

	Aye	Nay	Absent	Abstain
Commissioner Bill Thomas	_____	_____	_____	_____
Commissioner Ken Carroll	_____	_____	_____	_____
Commissioner Cheryl Slabozeski	_____	_____	_____	_____
Commissioner Angelo Deserio	_____	_____	_____	_____
Commissioner Jan Plettau	_____	_____	_____	_____
Commissioner Jeff Peterson	_____	_____	_____	_____
Commissioner John Stanton	_____	_____	_____	_____

Approved:

Bill Thomas, Chairman

Attest:

Christine Vershay-Hall, City Clerk