

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

**AN ORDINANCE APPROVING A VARIATION TO THE CREST HILL SIGN CODE WITH  
RESPECT TO CERTAIN REAL PROPERTY  
(APPLICATION OF BROWNS CHICKEN 16111 WEBER ROAD)**

**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 in Section 12.6-2 of the Zoning Ordinance, a process and procedure for seeking variances of the land use provisions of the Zoning Ordinance, and pursuant to past practice and policy, the City has utilized that same process and procedure for consideration of variations to the City’s Sign Code; and

**WHEREAS**, Tim Kennefick (“the Petitioner”) has filed an application requesting a variation from the Sign Code regarding the installation of an electronic message center sign for Browns Chicken (“Petition”) for certain property within the City Limits of the City of Crest Hill, Will County, Illinois, PIN: 11-04-20-105-015-0000, the common address of which property is: 16111 Weber Road, 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 application upon making the following findings, after holding a public hearing, with proper notice thereof given, as more fully detailed in the attached “Exhibit B,” based upon the evidence presented:

- A. The variation is in harmony with the general purpose and intent of the Zoning Ordinance and Sign Code; and
- B. The plight of the owner is due to unique circumstances and thus strict enforcement of the Zoning Ordinance and Sign Code 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 Sign Code; 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 Petitioner 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 the Variance 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 Findings and Decision of the City Council in relation to the application requesting a variation from the Zoning Ordinance and Sign Code regarding the installation of an electronic message center sign for Browns Chicken (“Petition”) for certain property within the City Limits of the City of Crest Hill, Will County, Illinois, PIN: 11-04-20-105-015-0000 the common address of which property is 16111 Weber Road, Crest Hill, Illinois, as to the real estate hereinafter described:

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

Conditioned upon the reviewed plans, public testimony, and findings of fact, and installation of landscaping at the base of the sign.

**SECTION 3:** A variation is hereby granted to the Crest Hill Zoning Ordinance and Sign Code regarding the installation of an electronic message center sign on the existing monument sign, PIN 11-04-20-105-015-0000, the property located at 16111 Weber Road, Crest Hill, Illinois.

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

*[Left Intentionally Blank]*

PASSED THIS 6<sup>th</sup> DAY OF MARCH, 2023

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

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Christine Vershay-Hall, City Clerk

APPROVED THIS 6th DAY OF MARCH, 2023.

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Raymond R Soliman, Mayor

ATTEST:

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Christine Vershay-Hall, City Clerk

“Exhibit A”

LOT 2 IN CRESTLAKE COMMERCIAL SUB, BEING A SUB OF PRT OF THE NW1/4 OF SEC 20,  
T36N-R10E.IN WILL COUNTY ILLINOIS.

PERMANENT INDEX NO: 11-04-20-105-015-0000.

“Exhibit B”

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

IN RE:	)	
	)	
The application of Tim Kennefick	)	No. V-23-2-1-2
(Brown’s Chicken)	)	
	)	
For a variation.	)	

**FINDINGS AND DECISION OF THE  
PLAN COMMISSION AS TO CASE NO. V-23-2-1-2  
THE APPLICATION TIM KENNEFICK  
FOR A SIGN CODE VARIATION AT 16111 WEBER ROAD**

THIS APPLICATION, coming before the Crest Hill 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, Tim Kennefick is a tenant 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 16111 Weber Road, Crest Hill, Illinois (the “Property”);
- C. That the Property is zoned B-3;
- D. That the application seeks approval of a variation from the requirements of Section 15.12.080 of the Sign Code, through Section 12.6 of the Crest Hill Zoning Ordinance in conjunction with the installation of an electronic message center sign for Browns Chicken (“Application”) for certain property within the City Limits of the City of Crest Hill, Will County, Illinois, PIN: 11-04-20-105-015-0000, the property located at 16111 Weber Road, Crest Hill, Illinois.
- 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 code, 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 Tim Kennefick, Brown Chicken, for variation from the Crest Hill Sign Code regarding the installation of an electronic message center sign for Browns Chicken ("Application") for certain property within the City Limits of the City of Crest Hill, Will County, Illinois, PIN: 11-04-20-105-015-0000, for the property located at 16111 Weber Road, Crest Hill, Illinois, 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 2022 upon the following roll call 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:

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Bill Thomas, Chairman

Attest:

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Christine Vershay-Hall, City Clerk