

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

**AN ORDINANCE APPROVING A FENCE SETBACK VARIATION TO THE CREST HILL ZONING ORDINANCE WITH RESPECT TO CERTAIN REAL PROPERTY  
(APPLICATION OF AB SHUTTLE – 2378 PLAINFIELD RD.)**

**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**, AB Shuttle (the “Owner”), along with Amitoj Singh Mehta (collectively the “Applicant”) has filed an application requesting approval of a variation from Section 8.3-9.1 of the Crest Hill Zoning Ordinance, specifically a reduction of the required minimum front and corner side yard setback for fence in the form of a row of 22 protective bollards (“application”) for property located at 2378 Plainfield Rd., with PIN 11-04-31-101-001-0000, within the City of Crest Hill, (the “Property”), with proper notice thereof given; and

**WHEREAS**; the Crest Hill Plan Commission, by a formal vote taken on June 27, 2024 recommended approval of the application upon making the following findings, 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 June 27, 2024, Findings and Decision of the Plan Commission and has considered the presentations and arguments of the Owner 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 application requesting a variance from Section 8.3-9.1 of the Crest Hill Zoning Ordinance, specifically a reduction of the required minimum setbacks for fences (“application”) for property located at 2378 Plainfield Rd., with PIN 11-04-31-101-001-0000, withing the City of Crest Hill, as legally described as follows:

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

**SECTION 3:** A variation is hereby granted to Section 8.3-9.1 of the Crest Hill Zoning Ordinance to authorize the reduction of the required minimum front and corner yard setbacks for fences for property located at 2378 Plainfield Rd., with PIN 11-04-31-101-001-0000 that would allow the Applicant to install a row of 22 protective bollards along the Caton Farm Road Property Line as reflected in attached Exhibit C.

**SECTION 4:** This Ordinance shall become effective only upon the attachment of a fully executed Exhibit “D” within 60 days of the passage of this Ordinance. In the event that Exhibit “D” is not executed within 60 days, this Ordinance shall have no force and effect, and shall be subject to repeal by the City Council without further notice or hearing due to the Owner or Applicant.

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

***[Left Intentionally Blank]***

PASSED THIS 15<sup>th</sup> DAY OF JULY, 2024

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

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Christine Vershay-Hall, City Clerk

APPROVED THIS 15<sup>th</sup> DAY OF JULY, 2024.

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Raymond R Soliman, Mayor

ATTEST:

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Christine Vershay-Hall, City Clerk

“Exhibit A”

PERMANENT INDEX NO: 11-04-31-101-001-0000

LEGAL DESCRIPTION

LOTS 357 AND 358, IN RICHLAND, A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 31, IN TOWNSHIP 36 NORTH, AND IN RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAY THEREOF RECORDED APRIL 26, 1926 AS DOCUMENT NO. 392933 IN PLAT BOOK 16, PAGE 60, SITUATED IN WILL COUNTY, ILLINOIS

“Exhibit B”

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

IN RE: )  
 )  
The application of AB Shuttle ) No. V-24-2-6-1  
 )  
For a variation. )

**FINDINGS AND DECISION OF THE  
PLAN COMMISSION AS TO CASE NO. V-24-2-6-1  
THE APPLICATION AB SHUTTLE  
FOR A VARIATION AT 2378 PLAINFIELD RD.**

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 June 27, 2024, being fully advised in the premises, THE COMMISSION DOES MAKE THE FOLLOWING FINDINGS:

- A. That the applicant, AB Shuttle, 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 2378 Plainfield Rd. in Crest Hill, Illinois (the “Property”);
- C. That the Property is zoned B-2;
- D. That the application seeks approval of a variation from Section 8.3-9.1 of the Crest Hill Zoning Ordinance to permit the reduction of the required minimum setbacks for fences (“application”) for property located at 2378 Plainfield Rd., with PIN 11-04-31-101-001-0000.
- 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 opened and called to order on June 27, 2024, the applicant presented evidence and arguments in support of its application on June 27, 2024.
- 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 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 AB Shuttle for a variance for the reduction of the required minimum setbacks for fences (“application”) for property located at 2378 Plainfield Rd., with PIN 11-04-31-101-001-0000 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.

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Adopted by the Plan Commission of the City of Crest Hill, Illinois, this 27th Day of June 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 Jan Plettau	<u>      </u>	<u>          </u>	<u>  X  </u>	<u>          </u>
Commissioner Jeff Peterson	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Commissioner John Stanton	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>

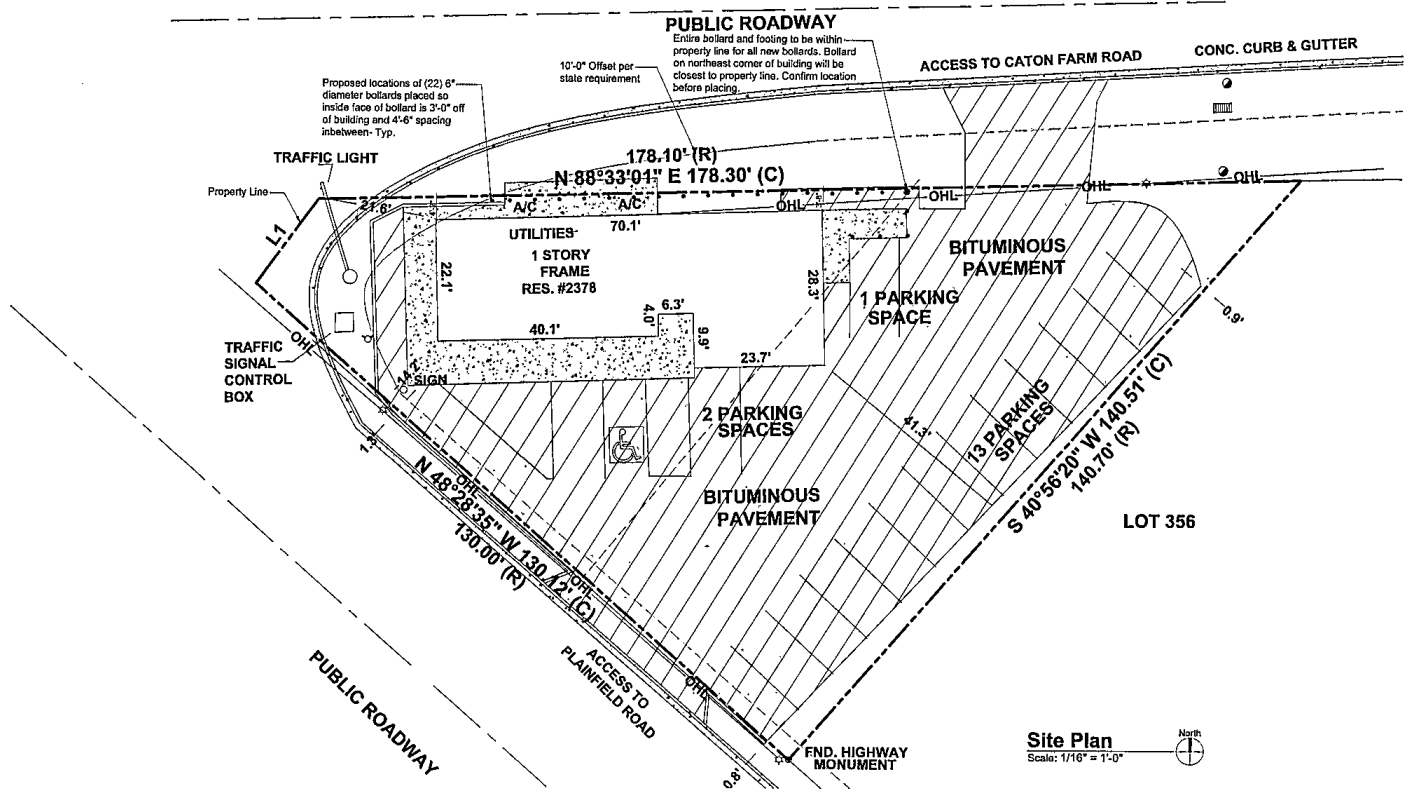
Approved:

Bill Thomas, Chairman

Attest:

Christine Vershay-Hall, City Clerk

# “Exhibit C”



Site Plan  
Scale: 1/16" = 1'-0"

3/22/24

This drawing indicates the general scope of the building in terms of its layout. Contractors shall field verify any critical dimensions prior to construction. This drawing has been prepared by Cembury, Ltd. Architecture/Design, 105 Revere Dr., Suite G, Northbrook, Illinois 60062 Tel. (847) 715-3531.

**BOLLARD LOCATIONS**  
**2378 PLAINFIELD RD,**  
**CREST HILL, ILLINOIS**