

ORDINANCE NO. _____

**AN ORDINANCE APPROVING MULTIPLE VARIATIONS TO THE CREST HILL
ZONING ORDINANCE WITH RESPECT TO CERTAIN REAL PROPERTY
(APPLICATION OF SCOTT MCFEDRIES-1940 SYBIL DRIVE) IN THE CITY OF
CREST HILL**

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, Scott McFedries (“Owner”) has filed an application requesting approval of a multiple variations from the Crest Hill Zoning Ordinance, specifically Sections 6.6-1(B), Table 1, 8.3-5, 8.3-6(a), and 8.3-9.2(b) for a reduction of the required side and rear yard setbacks for a 24’ diameter above ground swimming pool, encroachment of said swimming pool into the 5’ utility easement along the rear property line, reduction of the rear property line setback for the 10’ x 13’ storage shed (accessory structure) and the encroachment of said accessory structure into the 5’ public utility easement, reduction of the required side property line setback of the wooden deck, reduction of the side and rear property line setbacks for the brick paver patio and encroachment of said patio into the 5’ public utility easement, and a variance to exceed the maximum lot coverage by 8 percent at the property located at 1940 Sybil Drive in Crest Hill, Illinois PIN 11-04-31-303-003-0000, (the “Property”), with proper notice thereof given; and

WHEREAS; the Crest Hill Plan Commission, by a formal vote taken on August 8, 2024 recommended approval of the application upon making the following findings, and after holding a public hearings on August 8, 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 August 8, 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 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 variations from the Crest Hill Zoning Ordinance, specifically Sections 6.6-1(B), Table 1, 8.3-5, 8.3-6(a), and 8.3-9.2(b) for a reduction of the required side and rear yard setbacks for a 24' diameter above ground swimming pool, encroachment of said swimming pool into the 5' utility easement along the rear property line, reduction of the rear property line setback for the 10' x 13' storage shed (accessory structure) and the encroachment of said accessory structure into the 5' public utility easement, reduction of the required side property line setback of the wooden deck, reduction of the side and rear property line setbacks for the brick paver patio and encroachment of said patio into the 5' public utility easement, and a variance to exceed the maximum lot coverage by 8 percent at the property located at 1940 Sybil Drive in Crest Hill, Illinois PIN 11-04-31-303-003-0000.

Territory Described. See attached legal description "Exhibit A."

Conditioned upon the following:

- 1). That the Owner(s) acknowledge that the accessory structures (above ground pool, storage shed, wooden deck and paver patio) are located in a stormwater and public utility easement and that if the City or another authorized utility company needs to access, maintain, install, or repair any utilities within the easement area, and understand that the accessory structures may be impacted and may be required to be moved and that all costs of work done in the easement area shall be solely the responsibility of the owner(s) and not the responsibility of the City or the utility company.

2). The Owner(s) will obtain all required building permits for all accessory structures that will be allowed to remain on the property and will pay all fees and fines associated with the building permits.

3). The variances approved herein pertain only to the existing structures listed. Any new construction must conform to all current ordinances.

SECTION 3: The following variations are hereby granted to the Owner(s) for the property located at 1940 Sybil Drive (PIN 11-04-31-303-003-0000) in the City of Crest Hill, subject to the above referenced conditions:

Variation of the side property line setback required by Section 8.3-9.2(b) of the Zoning Code from 10' to 2.4' for the 24' diameter above ground swimming pool;

Variation of the rear property line setback required by Section 8.3-9.2(b) of the Zoning Code from 10' to 2.7' for the 24' diameter above ground swimming pool;

Variation from Section 8.3-5 of the Zoning Code to allow a 2.3' encroachment of the 24' diameter above ground swimming pool into the 5' public utility and drainage easement along the rear property line;

Variation of the rear property line setback required by Section 8.3-6(a) of the Zoning Code from 10' to 3.2' for the 10' x 13' storage shed (accessory structure);

Variation from Section 8.3-5 of the Zoning Code to allow a 1.8' encroachment of the 10' x 13' storage shed (accessory structure) into the 5' public utility and drainage easement along the rear property line;

Variation of the side property line setback required by Section 8.3-5 from 4' to 0' for the wooden deck(s). It is noted by the City Council and acknowledged by the Owner(s) that said wooden deck(s) encroach onto the adjoining neighbor's property and that while the current owner of the property has issued a written consent to the encroachment, any future disputes over the encroachment will be a private matter for which the City will not be responsible in any way;

Variation from the side property line setback required by Section 8.3-5 of the Zoning Code from 4' to 0' for the brick paver patio;

Variation from the rear property line setback required by Section 8.3-5 of the Zoning Code from 4' to 0' for the brick paver patio;

Variation from the maximum lot coverage requirement of Section 6.6-1(B) and Table 1 of the Zoning Code from 50 percent to 58 percent.

SECTION 4: This Ordinance shall become effective only upon the attachment of a fully executed Exhibit "C" within 60 days of the passage of this Ordinance. In the event that Exhibit "C" 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.

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PASSED THIS 3rd DAY OF SEPTEMBER, 2024

	Aye	Nay	Absent	Abstain
Alderwoman Jennifer Methvin	<div></div>	<div></div>	<div></div>	<div></div>
Alderman Scott Dyke	<div></div>	<div></div>	<div></div>	<div></div>
Alderwoman Claudia Gazal	<div></div>	<div></div>	<div></div>	<div></div>
Alderman Mark Cipiti	<div></div>	<div></div>	<div></div>	<div></div>
Alderperson Tina Oberlin	<div></div>	<div></div>	<div></div>	<div></div>
Alderman Darrell Jefferson	<div></div>	<div></div>	<div></div>	<div></div>
Alderman Nate Albert	<div></div>	<div></div>	<div></div>	<div></div>
Alderman Joe Kubal	<div></div>	<div></div>	<div></div>	<div></div>
Mayor Ray Soliman	<div></div>	<div></div>	<div></div>	<div></div>

Christine Vershay-Hall, City Clerk

APPROVED THIS 3rd DAY OF SEPTEMBER, 2024.

Raymond R Soliman, Mayor

ATTEST:

Christine Vershay-Hall, City Clerk

“Exhibit A”

PERMANENT INDEX NO: 11-04-31-303-003-0000

LEGAL DESCRIPTION

LOT 63, PHASE 1 WHISPERING MEADOWS SUBDIVISION BEING A SUBDIVISION OF PART OF THE WEST HALF OF SECTION 31, TOWNSHIP 36 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 20, 1990 AS DOCUMENT NO. R90-028128, IN WILL COUNTY, ILLINOIS.

“Exhibit B”

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

IN RE:)
)
The application of Scott McFedries) No. V-24-3-8-1
)
For Multiple Variations.)

**FINDINGS AND DECISION OF THE
PLAN COMMISSION AS TO CASE NO. V-24-3-8-1
THE APPLICATION OF SCOTT MCFEDRIES
FOR VARIATION AT 1940 SYBIL DRIVE**

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 August 8, 2024, being fully advised in the premises, THE COMMISSION DOES MAKE THE FOLLOWING FINDINGS:

A. That the applicant, Scott McFedries, is the owner of the real estate described in the Application;

B. That the application seeks multiple variations for the property described in the application, commonly known as 1940 Sybil Drive in Crest Hill, Illinois (the “Property”);

C. That the Property is zoned R-1;

D. That the application seeks approval of a multiple variations, specifically Sections 6.6-1(B), Table 1, 8.3-5, 8.3-6(a), and 8.3-9.2(b) for a reduction of the required side and rear yard setbacks for a 24’ diameter above ground swimming pool, encroachment of said swimming pool into the 5’ utility easement along the rear property line, reduction of the rear property line setback for the 10’ x 13’ storage shed (accessory structure) and the encroachment of said accessory structure into the 5’ public utility easement, reduction of the required side property line setback of the wooden deck, reduction of the side and rear property line setbacks for the brick paver patio and encroachment of said patio into the 5’ public utility easement, and a variance to exceed the maximum lot coverage by 8 percent at the property located at 1940 Sybil Drive in Crest Hill, Illinois PIN 11-04-31-303-003-0000, (the “Property”), with proper notice thereof given; and

E. That the proposed uses are not allowed on the property as currently zoned;

F. That the application for the variations 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 August 8, 2024, the applicant presented evidence and arguments in support of his application on August 8, 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 variations, as considered under section 12.6 of the Zoning Ordinance, meet 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. That the application of Scott McFedries for the following variances is hereby approved and is supported by the evidence adduced, subject to the conditions noted herein, as follows:

Variation of the side property line setback required by Section 8.3-9.2(b) of the Zoning Code from 10' to 2.4' for the 24' diameter above ground swimming pool;

Variation of the rear property line setback required by Section 8.3-9.2(b) of the Zoning Code from 10' to 2.7' for the 24' diameter above ground swimming pool;

Variation from Section 8.3-5 of the Zoning Code to allow a 2.3' encroachment of the 24' diameter above ground swimming pool into the 5' public utility and drainage easement along the rear property line;

Variation of the rear property line setback required by Section 8.3-6(a) of the Zoning Code from 10' to 3.2' for the 10' x 13' storage shed (accessory structure);

Variation from Section 8.3-5 of the Zoning Code to allow a 1.8' encroachment of the 10' x 13' storage shed (accessory structure) into the 5' public utility and drainage easement along the rear property line;

Variation of the side property line setback required by Section 8.3-5 from 4' to 0' for the wooden deck(s). It is noted by the City Council and acknowledged by the Owner(s) that said wooden deck(s) encroach onto the adjoining neighbor's property and that while the current owner

of the property has issued a written consent to the encroachment, any future disputes over the encroachment will be a private matter for which the City will not be responsible in any way;

Variation from the side property line setback required by Section 8.3-5 of the Zoning Code from 4' to 0' for the brick paver patio;

Variation from the rear property line setback required by Section 8.3-5 of the Zoning Code from 4' to 0' for the brick paver patio;

Variation from the maximum lot coverage requirement of Section 6.6-1(B) and Table 1 of the Zoning Code from 50 percent to 58 percent.

Conditions

- That the Owner(s) acknowledge that the accessory structures (above ground pool, storage shed, wooden deck and paver patio) are located in a stormwater and public utility easement and that if the City or another authorized utility company needs to access, maintain, install, or repair any utilities within the easement area, and understand that the accessory structures may be impacted and may be required to be moved and that all costs of work done in the easement area shall be solely the responsibility of the owner(s) and not the responsibility of the City or the utility company.
- The Owner(s) will obtain all required building permits for all accessory structures that will be allowed to remain on the property and will pay all fees and fines associated with the building permits.
- The variances approved herein pertain only to the existing structures listed. Any new construction must conform to all current ordinances.

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

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Adopted by the Plan Commission of the City of Crest Hill, Illinois, this 8th Day of August, 2024 upon the following voice vote:

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

Approved:

Bill Thomas, Chairman

Attest:

Christine Vershay-Hall, City Clerk

Exhibit "C"

UNCONDITIONAL AGREEMENT AND CONSENT

TO: The City of Crest Hill, Illinois ("City"):

WHEREAS, SCOTT MCFEDRIES and ELLEN MCFEDRIES (the "**Owners**") are the owners of that certain real property commonly known 1940 Sybil Drive, with PIN 04-31-303-003-0000, within the City of Crest Hill, (the "**Property**"), and have sought multiple setback, encroachment and lot coverage variations for a pool, deck, patio and shed located on the Property; and

WHEREAS, Ordinance No. _____, approved and passed by the Crest Hill City Council on September 3, 2024, (the "**Ordinance**"), approved said Variations for the lot coverage, rear and side yard setbacks, and encroachments of the pool, shed and patio on a public utility and drainage easement; and

WHEREAS, Section 4 of the Ordinance provides, among other things, that the Ordinance shall not take effect, and subject to repeal unless and until the Owners have executed, within 60 days following the passage of the Ordinance, this Exhibit "C", their Unconditional Agreement and Consent to accept and abide by all of the terms, conditions, and limitations set forth in the Ordinance.

NOW, THEREFORE, the Owners do hereby agree, and covenant as follows:

1. The Owners hereby unconditionally agree to, accept, consent to, and will abide by all terms, conditions, limitations, restrictions, and provisions of the Ordinance.
2. The Owners acknowledge that all required public notices and hearings have been properly given and held with respect to the application process and passage of the Ordinance, understand and have considered the possibility of revocation of the Ordinance as a result of violation of its terms or failure to abide by the conditions set forth in the Ordinance, and agree, covenant, and warrant that they will not challenge any such revocation on the basis of any procedural infirmity or a denial of any procedural right, provided that notice of the City's intent to Repeal or Revoke the Ordinance is provided to the Owners as required by Section 4 of the Ordinance.
3. The Owners acknowledge and agree that the City shall not be in any way liable for any damages or injuries that may be sustained as a result of the City's granting of the setback and encroachment variations or its passage of the Ordinance, and that the City's approvals do not, and will not, in any way be deemed to insure the Owners against damage or injury of any kind at any time.
4. The Owners hereby agree to release, defend, indemnify and hold harmless the City of Crest Hill, its corporate authorities, elected and appointed officials, officers, employees, agents, representatives, and attorneys from any and all claims that may, at any time, be asserted against them in connection with (a) the City's review and approval of any plans and issuance of any permits, (b) the City's passage of the Ordinance, and (c) the maintenance and use of the Property as authorized by the Ordinance.

[Signature page to follow]

SCOTT MCFEDRIES

ELLEN MCFEDRIES

SUBSCRIBED and **SWORN** to before me
this _____ day of _____, 2024.

Notary Public