

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

**AN ORDINANCE APPROVING A VARIATION TO THE CREST HILL ZONING ORDINANCE  
WITH RESPECT TO CERTAIN REAL PROPERTY  
(APPLICATION OF DAINIUS KASPERAVICIUS 2001 NOONAN)**

**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**, Dainius Kasperavicius (“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 side and rear yard setbacks for an accessory structure and encroachment into a public utility drainage easement to permit an accessory structure, specifically a shed (“application”) for property located at 2001 Noonan, with PIN 11-04-31-124-005-0000, 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 March 14, 2024 recommended approval of the application upon making the following findings, and after holding public hearings on February 8, 2024 and March 14, 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 March 14, 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 a variance from Section 8.3-6 of the Crest Hill Zoning Ordinance, specifically a reduction of the required side and rear yard setbacks for an accessory structure and encroachment into a public utility drainage easement to permit of an accessory structure, specifically a shed (“application”) for property located at 2001 Noonan, with PIN 11-04-31-124-005-0000, 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

1. The applicant acknowledges this accessory structure is located in a stormwater and public utility easement and that the installation of the accessory structure at this location is at his own risk.
2. If the City or another authorized utility company needs to access, maintain, install, or repair any utilities within the easement area, it is understood that the accessory structure may be impacted and may be required to be moved. Any and all restoration costs of work done in the easement area shall be solely the responsibility of the Owner and not the responsibility of the City or the utility company.

**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 side and rear yard setbacks for an accessory structure and encroachment into a public utility drainage easement to permit of an accessory structure, specifically a shed for property located at 2001 Noonan, with PIN 11-04-31-124-005-0000.

**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 1<sup>th</sup> DAY OF APRIL, 2024

	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	_____	_____	_____	_____

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Christine Vershay-Hall, City Clerk

APPROVED THIS 1<sup>th</sup> DAY OF APRIL, 2024.

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Raymond R Soliman, Mayor

ATTEST:

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Christine Vershay-Hall, City Clerk

“Exhibit A”

PERMANENT INDEX NO: 11-04-31-124-005-0000

LEGAL DESCRIPTION

LOT 1 IN CREST ACRES UNIT 3, A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 36 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 28, 1988 AS DOCUMENT R88-051849, IN WILL COUNTY, ILLINOIS.

“Exhibit B”

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

IN RE: )  
 )  
The application of Dainius Kasperavicius ) No. V-24-1-2-1  
 )  
For a variation. )

**FINDINGS AND DECISION OF THE  
PLAN COMMISSION AS TO CASE NO. V-24-1-2-1  
THE APPLICATION DAINIUS KASPERAVICIUS  
FOR A VARIATION AT 2001 NOONAN**

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 March 14, 2024, being fully advised in the premises, THE COMMISSION DOES MAKE THE FOLLOWING FINDINGS:

A. That the applicant, Dainius Kasperavicius, 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 2001 Noonan in 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 side and rear yard setbacks for an accessory structure and encroachment into a public utility drainage easement to permit of an accessory structure, specifically a shed (“application”) for property located at 2001 Noonan, with PIN 11-04-31-124-005-0000.

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 February 8, 2024, the applicant presented evidence and arguments in support of its application on February 8, 2024 and again at the continued public hearing on March 14, 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 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 Dainius Kasperavicius for a variance for the reduction of the required side and rear yard setbacks for an accessory structure and encroachment into a public utility drainage easement to permit of an accessory structure, specifically a shed (“application”) for property located at 2001 Noonan, with PIN 11-04-31-124-005-0000 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 14th Day of March 2024  
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

**EXHIBIT “C”**  
**UNCONDITIONAL AGREEMENT AND CONSENT**

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

**WHEREAS, DAINIUS KASPERAVICIUS** (the "**Owner**") is the owner of that certain real property commonly known 2001 Noonan, with PIN 11-04-31-124-005-0000, within the City of Crest Hill, (the "Property"), and has sought a setback and encroachment variation for a shed located on the Property; and

**WHEREAS**, Ordinance No. \_\_\_\_\_, approved and passed by the Crest Hill City Council on April 1, 2024, ("the **Ordinance**"), approved a Variation for the rear and side yard setbacks and the encroachment of the shed on a public utility 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 Owner has executed, within 60 days following the passage of the Ordinance, this Exhibit “C”, its Unconditional Agreement and Consent to accept and abide by all of the terms, conditions, and limitations set forth in the Ordinance.

**NOW, THEREFORE**, the Owner does hereby agree, and covenant as follows:

1. The Owner hereby unconditionally agrees to, accept, consent to, and will abide by all terms, conditions, limitations, restrictions, and provisions of the Ordinance.
2. The Owner acknowledges that all required public notices and hearings have been properly given and held with respect to the application process and passage of the Ordinance, understands and has 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 agrees, covenants and warrants that it 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 Owner as required by Section 4 of the Ordinance.
3. The Owner acknowledges and agrees 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 Sign Variance 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 Owner against damage or injury of any kind at any time.
4. The Owner hereby agrees 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]*



**DAINIUS KASPERAVICIUS**

By: \_\_\_\_\_

Its: \_\_\_\_\_

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

\_\_\_\_\_  
Notary Public