

VILLAGE OF CHAPIN

ORDINANCE NO. 2009-1

**AN ORDINANCE GRANTING A VARIANCE FOR A BUILDING
SETBACK FOR 519 CHAPIN STREET, CHAPIN, IL**

FOR THE

VILLAGE OF CHAPIN, MORGAN COUNTY, ILLINOIS

ADOPTED BY THE

PRESIDENT AND BOARD OF TRUSTEES

OF THE

VILLAGE OF CHAPIN, MORGAN COUNTY, ILLINOIS

THIS 11 DAY OF Feb, 2009

ORDINANCE NO. 2009-1

**AN ORDINANCE GRANTING A VARIANCE FOR A BUILDING SETBACK
FOR 519 CHAPIN STREET, CHAPIN, IL
FOR THE VILLAGE OF CHAPIN,
MORGAN COUNTY, ILLINOIS**

WHEREAS, Ordinance No. 2003-1 of the Village of Chapin, Morgan County, Illinois, provides in part that, "all residences, commercial buildings, or principal structures shall be at least fifteen (15) feet from any lot line, twenty-five (25) feet from any building on any adjacent lot, and its front at least twenty-five (25) feet but no more than forty (40) feet from any public right of way";

WHEREAS, Ordinance No. 2003-1 prohibits the multiple residences being located on one lot;

WHEREAS, pursuant to Ordinance No. 2003-1, James and Bonnie Criss have heretofore filed with the Village of Chapin a petition requesting a variation to the building setback lines for Lots 38 and 39 of Chapin Addition and commonly known as 519 Chapin Street. In particular, James and Bonnie Criss are requesting that they be allowed (a) to construct a new residence, which front will be more than forty feet (40') from Chapin Street, and (b) that they be allowed to remain in their current home located on said property while their new residence is being constructed;

WHEREAS, the Corporate Authorities of the Village of Chapin held a public hearing on said petition on January 14, 2009, after publishing notice of said hearing in the *Jacksonville Journal Courier*,

WHEREAS, the Corporate Authorities of the Village of Chapin made specific findings of fact, a copy of which, marked as **Appendix A**, is attached hereto and incorporated herein by this reference; and

WHEREAS, the corporate authorities of the Village of Chapin find that the petition for variation filed by James and Bonnie Criss should be granted subject to certain terms and conditions.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CHAPIN, MORGAN COUNTY, ILLINOIS, AS FOLLOWS:

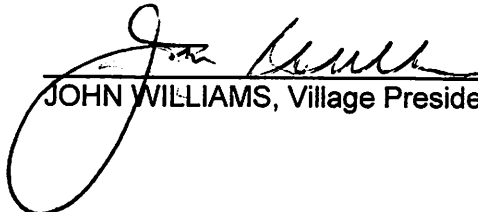
Section 1. The above findings and averments, including, but not limited to, the findings of fact attached hereto as **Appendix A**, are hereby adopted and incorporated into this Ordinance as if they had been restated herein verbatim.

Section 2. The petition by James and Bonnie Criss for a variance of the building setback lines for Lots 38 and 39 of Chapin Addition, commonly known as 519 Chapin Street, is granted and they are granted leave to construct their new residence at 519 Chapin Street with the front portion of the building being seventy-seven feet (77') from the public right-of-way known as Chapin Street. Further, James and Bonnie Criss are allowed to keep their existing home on 519 Chapin Street for up to twelve months following the date their new home on the premises becomes habitable. Under no circumstances shall James and Bonnie Criss be allowed to keep the current residence on the property for more than twelve months following the date on which their new residence becomes habitable. The granting of this variance is conditioned on James and Bonnie Criss entering into an agreement with the Village whereby they bind themselves to be personally responsible for all costs, fees and expenses incurred by the Village (including costs of all contractors, engineers and attorneys) in having to demolish and remove the current residence on the property in the event they fail or refuse to remove the home as set forth herein.

Section 3. This variance shall be valid for not more than six (6) months from the date this Ordinance is passed and approved by the President and Board of Trustees of the Village of Chapin.

Section 4. This Ordinance shall be in full force and effect upon its passage and approval as provided by law.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Chapin,
Illinois, at a meeting of the Board of Trustees this 11 day of Feb 2009.



JOHN WILLIAMS, Village President

(SEAL)

ATTEST:



MIKKA DINSMORE, Village Clerk

AYES: 6

NAYES: 0


ABSENT: 0

STATE OF ILLINOIS)
) SS.
COUNTY OF MORGAN)

CERTIFICATION

I, MIKKA DINSMORE, the Village Clerk of the Village of Chapin, Morgan County, Illinois, do hereby certify that attached copy of Ordinance No. 2009-1 is a true and correct copy of the Ordinance passed by the President and Board of Trustees of the Village of Chapin, Morgan County, Illinois, at a meeting of said Village Board held on the 11 day of Feb, 2009, all as the original of the same remains in the official records of my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Village of Chapin, Illinois this 11 day of Feb, 2009.


MIKKA DINSMORE, Village Clerk

VILLAGE OF CHAPIN, MORGAN COUNTY, ILLINOIS

FINDINGS OF FACT AND DECISION ON PETITION FOR VARIANCE FOR 519 CHAPIN STREET FILED BY JAMES AND BONNIE CRIS

On January 14, 2009, at 7:00 p.m., a public hearing was held before the President and Board of Trustees of the Village of Chapin, Illinois, for the purpose of hearing arguments and evidence on a petition for variance filed by James and Bonnie Criss (Crisses). Crisses have filed a petition for variance to the building setback lines for 519 Chapin Street (Lots 38 and 39), Chapin, Illinois. The Crisses also request that they be allowed to keep their existing home on the property for up to twelve months after their new home becomes habitable. During the hearing, the corporate authorities heard evidence and comments from Crisses regarding the proposed variations. Crisses explained to the corporate authorities that they intend to construct a new residence at 519 Chapin Street, which would front Chapin Street. The front of the residence, however, will be located seventy-seven feet (77') from the public right-of-way known as Chapin Street. Village Ordinance 2003-1 requires that the front of the residence is to be no more than forty feet (40') from any public right-of-way.

The Crisses are requesting a variance relating to Ordinance No. 2003-1, which provides, in part, that, "all residences, commercial buildings or principal structures shall be at least 15 feet from any lot line, 25 feet from any building on any adjacent lot, and its front at least 25 feet but no more than 40 feet from any public right of way." Specifically, they request that the 40 feet maximum setback

requirement be waived so they can construct their residence with the front being seventy-seven feet (77) from the public right-of way known as Chapin Street.

After reviewing the matter and hearing comments from the Crisses, it is the decision of the corporate authorities of the Village of Chapin to grant the variance. In particular, the corporate authorities find as follows:

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by Ordinance 2003-1. By granting the variation, the land in question will be used productively and will enhance the Village of Chapin as a whole.

2. The plight of the Crisses is due to unique circumstances.

3. The variance will not alter the essential character of the neighborhood or the Village of Chapin.

4. The granting of this variance will not violate the general spirit and intent of Ordinance No. 2003-1.

5. The construction of the residence will enhance the neighborhood where it will be located and, in general, benefit the Village of Chapin.

Currently, there is an existing home located at 519 Chapin. In order to be in compliance with Village Ordinance 2003-1, this residence must be removed once the Crisses have constructed their new home. Accordingly, as a condition for granting the requested variance the Crisses shall remove the existing residence within twelve (12) months of the date the new home becomes habitable. Crisses shall notify the Corporate Authorities when the new home

becomes habitable. As a further condition for granting the variances, the Village and Crisses shall enter into an agreement relating to the Crisses obligations relating to the removal of the existing home as described herein.

The Corporate authorities of the Village of Chapin hereby find that a variance should be given to James and Bonnie Criss, subject to the conditions set forth herein, to construct a residence at 519 Chapin Street with a seventy-seven feet (77') frontal setback from the public right-of-way known as Chapin Street, Chapin, Illinois.

Approved this 11 day of Feb 2009, by the President and Board of Trustees of the Village of Chapin, Morgan County, Illinois.



John Williams, Village President

ATTEST:



Mikka Dinsmore, Village Clerk