

VILLAGE OF CHAPIN

ORDINANCE NO. 2006-1

**AN ORDINANCE GRANTING A VARIATION FOR A BUILDING
SETBACK FOR 513 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 8th DAY OF FEBRUARY, 2006

ORDINANCE NO. 2006-1

**AN ORDINANCE GRANTING A VARIATION FOR A BUILDING SETBACK
FOR 513 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, pursuant to Ordinance No. 2003-1, Jay Miller has heretofore filed with the Village of Chapin a petition requesting a variation to the building setback lines for Lots 41 & 42 and commonly known as 513 Chapin Street. In particular, Jay Miller is requesting that he be allowed to construct a permanent garage, which will be temporarily used as a residence, three (3) feet from the south lot line of 513 Chapin Street;

WHEREAS, the Corporate Authorities of the Village of Chapin held a public hearing on said petition on January 27, 2006, 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 Jay Miller should be granted.

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

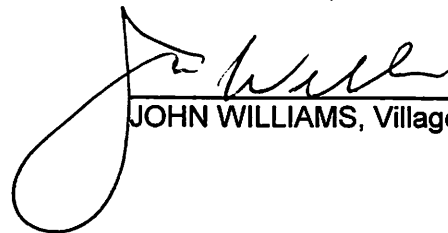
Section 1. The above findings and averments, including, but not limited to, the findings of fact attached hereto as **Appendix A**, are hereby adopted and incorporated into this Ordinance as if they had been restated herein verbatim.

Section 2. The petition by Jay Miller for variation of the building setback lines for Lots 41 & 42, commonly known as 513 Chapin Street, is granted. Specifically, Jay Miller is hereby granted leave to construct a garage at 513 Chapin Street with the rear portion of the building being three (3) feet from the south property line.

Section 3. This variation, commencing January 27, 2006, 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 8th day of February 2006.



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 2006-1 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 8th day of February, 2006, 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 8 day of February, 2006.



MIKKA DINSMORE, Village Clerk

VILLAGE OF CHAPIN, MORGAN COUNTY, ILLINOIS

**FINDINGS OF FACT AND DECISION ON PETITION FOR VARIATION
FOR 513 CHAPIN STREET FILED BY JAY MILLER**

On January 27, 2006, at 6:00 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 variation filed by Jay Miller. Jay Miller has filed a petition for variation to the building setback lines for 513 Chapin Street (Lots 41 & 42), Chapin, Illinois. During the hearing, the corporate authorities heard evidence and comments from Jay Miller regarding the proposed variation. Mr. Miller explained to the corporate authorities that he intends to construct a garage on the south end of 513 Chapin Street, which will be used temporarily as a residence. It is his intention to construct the garage and then begin construction of a home on the north end of 513 Chapin Street. Jay Miller represented to the corporate authorities that the south end of the proposed garage would be three (3) feet from the property line. Mr. Miller stated that within five (5) years of completing the garage, he would commence construction of the home to be located on the north end of the property.

Village President John Williams stated that he had spoken with those residents who own land adjacent to 513 Chapin Street and none of the individuals objected to Mr. Miller's proposed construction.

Mr. Miller is 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

Appendix A

any adjacent lot, and its front at least 25 feet but no more than 40 feet from any public right of way." Specifically, he requests that the 15 feet lot line setback requirement be waived in this case so he can construct his garage, which would be three (3) feet from his south lot line.

After reviewing the matter and hearing comments from Jay Miller, 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 Jay Miller is due to unique circumstances.

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

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

5. The proposed garage constitutes a temporary "other principal structure" as defined in Ordinance 2003-1. The corporate authorities find that once Mr. Miller completes construction of the residence on the north half of 513 Chapin Street, the garage will cease being a residence or a commercial building and, therefore, will no longer be an "other principal structure" under Ordinance 2003-1.

6. The construction of the garage will enhance the

neighborhood where it will be located and, in general, benefit to the Village of Chapin.

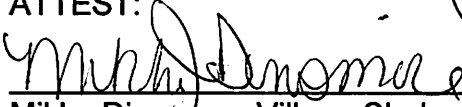
The Corporate authorities of the Village of Chapin hereby find that a variance should be given to Jay Miller to construct a garage with a three (3) foot setback from the south property line of Lots 41 & 42 commonly known as 513 Chapin Street, Chapin, Illinois.

Approved this 8th day of February 2006, by the President and Board of Trustees of the Village of Chapin, Morgan County, Illinois.



John Williams, Village President

ATTEST:



Mikka Dinsmore, Village Clerk