

VILLAGE OF CHAPIN
ORDINANCE NO. 2008-1

AN ORDINANCE GRANTING A VARIANCE FOR A BUILDING
SETBACK FOR 815 CONGRESS 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 28th DAY OF MARCH, 2008

ORDINANCE NO. 2008-1

**AN ORDINANCE GRANTING A VARIANCE FOR A BUILDING SETBACK
FOR 815 CONGRESS 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, Andrew and Mercey Bishop have heretofore filed with the Village of Chapin a petition requesting a variation to the building setback lines for Lots 16, 17 & 18 of Chapin Addition and commonly known as 815 Congress Street. In particular, Andrew and Mercey Bishop are requesting that they be allowed to construct a residence, which will be more than forty feet (40') from Congress Street. Currently, there is a mobile home on the premises, which must be removed after the Bishops new residence is constructed on the site.

WHEREAS, the Corporate Authorities of the Village of Chapin held a public hearing on said petition on March 28, 2008, 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 Andrew and Mercey Bishop 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

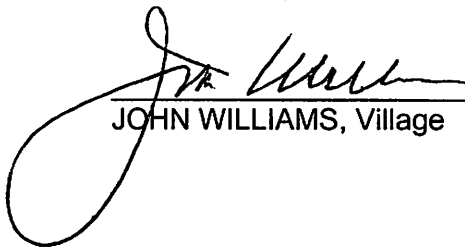
if they had been restated herein verbatim.

Section 2. The petition by Andrew and Mercey Bishop for a variance of the building setback lines for Lots 16, 17 & 18 of Chapin Addition, commonly known as 815 Congress Street, is granted and they are granted leave to construct their residence at 815 Congress Street with the front portion of the building being fifty-eight feet (58') from the public right-of-way known as Congress Street. The granting of this variance is conditioned on the Bishops removing the existing mobile home from the premises within six (6) months of the date of this Ordinance.

Section 3. This variance, commencing March 28, 2008, 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 28th day of March 2008.



JOHN WILLIAMS, Village President

(SEAL)

ATTEST:


MIKKA DINSMORE, Village Clerk

AYES: 6
NAYES: 0
ABSENT:

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 2008-1 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 28th day of March, 2008, 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 28 day of March, 2008.


MIKKA DINSMORE, Village Clerk

VILLAGE OF CHAPIN, MORGAN COUNTY, ILLINOIS

**FINDINGS OF FACT AND DECISION ON PETITION FOR VARIANCE
FOR 815 CONGRESS STREET FILED BY ANDREW AND MERCEY BISHOP**

On March 28, 2008, 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 Andrew and Mercey Bishop (Bishops). Bishops have filed a petition for variance to the building setback lines for 815 Congress Street (Lots 16, 17 & 18), Chapin, Illinois. During the hearing, the corporate authorities heard evidence and comments from Bishops regarding the proposed variation. Bishops explained to the corporate authorities that they intend to construct a residence at 815 Congress Street, which would front Congress Street. The front of the residence, however, will be located fifty-eight feet (58') from the public right-of-way known as Congress 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 Bishops 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 fifty-eight feet (58') from the public right-of way known as Congress Street.

After reviewing the matter and hearing comments from the Bishops, 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 Bishops 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 mobile home located at 815 Congress. In order to be in compliance with Village ordinances, this mobile home must be removed once the Bishops have constructed their new home. Accordingly, as a condition for granting the requested variance the Bishops shall remove the existing mobile home within six (6) months of the date the variance is granted.

The Corporate authorities of the Village of Chapin hereby find that a variance should be given to Andrew and Mercey Bishop, subject to the conditions set forth herein, to construct a residence at 815 Congress Street with a fifty-eight


foot (58') frontal setback from the public right-of-way known as Congress Street, Chapin, Illinois.

Approved this 28th day of March 2008, by the President and Board of Trustees of the Village of Chapin, Morgan County, Illinois.



John Williams, Village President

ATTEST:



Mikka Dinsmore, Village Clerk

NOTICE OF PUBLIC HEARING

Pursuant to Ordinance No. 2003-1, notice is hereby given that a public hearing will be held by the Board of Trustees of the Village of Chapin, Illinois, at Village Hall, 510 Everett Street, Chapin, Illinois, at 7:00 p.m. on March 28, 2008. The hearing is being held to consider Andrew and Mercey Bishop's application for a variance of the Village's set back requirements for 815 Congress Street, Chapin, Illinois.

Dated this 13th day of March 2008.

Mikka Dinsmore
Chapin Village Clerk