

VILLAGE OF CHAPIN  
ORDINANCE NO. 2014-6

AN ORDINANCE GRANTING A VARIANCE FOR 120 EAST SUPERIOR STREET  
FOR THE  
VILLAGE OF CHAPIN, MORGAN COUNTY, ILLINOIS

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ADOPTED BY THE  
PRESIDENT AND BOARD OF TRUSTEES  
OF THE  
VILLAGE OF CHAPIN, MORGAN COUNTY, ILLINOIS

THIS 13 DAY OF August, 2014

ORDINANCE NO. 2014-6

**AN ORDINANCE GRANTING A VARIANCE FOR 120 EAST SUPERIOR STREET  
FOR THE VILLAGE OF CHAPIN,  
MORGAN COUNTY, ILLINOIS**

**WHEREAS**, Ordinance No. 2003-1 of the Village of Chapin, Morgan County, Illinois, requires all residences, commercial buildings, or principal structures to be at least fifteen (15) feet from any lot line, twenty-five (25) feet from a building on any adjacent lot, and shall be located on a lot having a minimum of 10,000 square feet;

**WHEREAS**, pursuant to Ordinance No. 2003-1, Lance and Tracy Leetham have heretofore filed with the Village of Chapin a request for (1) a variance of the Village's requirement that residences be at least 15 feet from any lot line; (2) a variance of the Village's requirement that residences be at least 25 feet from a building on an adjacent lot; and (3) a variance of the Village's minimum lot size requirement, with regards to 120 East Superior Street, Chapin, Illinois;

**WHEREAS**, the Corporate Authorities of the Village of Chapin held a public hearing on said petition on August 13, 2014, after publishing notice of said hearing in *The Source*;

**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 request for variation filed by Lance and Tracy Leetham 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 request by Lance and Tracy Leetham for a variance as to 120 East Superior Street is granted. Specifically, they are granted leave to construct their residence at 120

East Superior Street with the east side of the building being fourteen feet (14') from the lot line and twenty-one feet (21') from a building located on the immediately adjacent property, In addition, Lance and Terry Leetham are granted leave to construct their residence on the above-referenced property which consists of approximately 9,240 square feet.

**Section 3.** This variance, commencing August 13,, 2014, 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 13 day of August 2014.

  
\_\_\_\_\_  
Ken Drake, Village President

(SEAL)

ATTEST:

  
\_\_\_\_\_  
Rhea Drake, Village Clerk

AYES: 6

NAYES: 0

ABSENT: 0

STATE OF ILLINOIS     )  
                                  ) SS.  
COUNTY OF MORGAN    )

CERTIFICATION

I, Rhea Drake, the Village Clerk of the Village of Chapin, Morgan County, Illinois, do hereby certify that attached copy of Ordinance No. 2014-6 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 13 day of August, 2014, 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 13 day of August, 2014.

  
\_\_\_\_\_  
Rhea Drake, Village Clerk

**VILLAGE OF CHAPIN, MORGAN COUNTY, ILLINOIS**

**FINDINGS OF FACT AND DECISION ON PETITION FOR VARIATION  
FOR 120 EAST SUPERIOR STREET FILED BY LANCE AND TRACY  
LEETHAM**

On August 13, 2014, at 6:30 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 Lance and Tracy Leetham. The Leethams filed a request for variation to the building setback requirements and the minimum lot size requirement for 120 East Superior Street, Chapin, Illinois. During the hearing, the corporate authorities heard evidence and comments from the Leethams regarding the proposed variation. It is their intention to construct a residence on the property.

The Leethams are requesting a variance from some of the requirements of 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 and 25 feet from any building on any adjacent lot, Ordinance No. 2003-1 also provides that a residence may only be constructed on lots having a minimum of 10,000 square feet. The Leethams are requesting that they be granted a variance to permit them to construct a residence that is (a) 14' from the east lot line; (b) 21' from a building located to the east on an adjacent lot; and (c) on a lot containing approximately 9,240 square feet.

The lot known as 120 East Superior Street, as platted, contains approximately 9,240 square feet, some 760' below the minimum required by the ordinance. This would be a minor variance and would not alter the essential

character of the neighborhood. The size of the lot was not caused by the petitioners and their plight is unique. The requested reductions in the setback requirements are not excessive and the construction of a residence consistent with the requested variances should not interfere with the rights of adjacent landowners to use and enjoy their properties. The construction of a residence on the property is consistent with the neighborhood. If the Leethams are not granted a variance, they will be unable to use the lot in any meaningful way.

After reviewing the matter and hearing comments from the Leethams, 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:

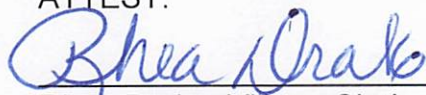
1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by Ordinance 2003-1. By granting the variation, the land in question will be used productively and will enhance the Village of Chapin as a whole.
2. The plight of the Leethams is due 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 construction of the residence will enhance the neighborhood where it will be located and, in general, benefit the Village of Chapin.

The corporate authorities of the Village of Chapin hereby find that a variance should be given to Lance and Tracy Leetham to construct a residence that is (a) 14' from the east lot line; (b) 21' from a building located to the east on an adjacent lot; and (c) on a lot containing approximately 9,240 square feet, on a lot commonly known as 120 East Superior Street, Chapin, Illinois.

Approved this 13th day of August 2014, by the President and Board of Trustees of the Village of Chapin, Morgan County, Illinois.

  
Ken Drake, Village President

ATTEST:

  
Rhea Drake, Village Clerk