

VILLAGE OF MT. ZION
MACON COUNTY, ILLINOIS

Ordinance No.
2021-20

AN ORDINANCE PERMITTING A VARIANCE FOR CERTAIN PROPERTY LOCATED AT
340 BROADWAY STREET WITHIN THE VILLAGE OF MT. ZION,
MACON COUNTY, ILLINOIS

CERTIFICATE

State of Illinois)
)
)
County of Macon)

I, Dawn Reynolds, duly appointed Village Clerk of the Village of Mt. Zion, Macon County, State of Illinois, and as such, custodian of all Village records, do hereby certify that the attached Ordinance No. 2021-20, is a true and correct copy of AN APPROVED ORDINANCE OF THE VILLAGE OF MT. ZION, MACON COUNTY, ILLINOIS that was adopted by the Mt. Zion Village Board on October 18, 2021.

In witness whereof, I hereby set my hand and affix the seal of the Village of Mt. Zion on this 18th day of October 2021.

Seal



Dawn Reynolds, Village Clerk

ORDINANCE NO. 2021-20

**AN ORDINANCE PERMITTING A VARIANCE FOR CERTAIN PROPERTY LOCATED AT
340 BROADWAY STREET, MT. ZION, ILLINOIS**

WHEREAS, On the 5th day of October 2021 the Mt. Zion Planning Commission & Zoning Board of Appeals, upon notice held a public hearing on the petition for a Variance for Mt. Zion Township for property located at 340 Broadway Street within the corporate limits of Mt. Zion, Illinois and legally described below in connection with a Petition for Variance to encroach 12-feet on the 20-foot rear yard setback to construct an office addition; and

The North Forty-one (41) feet of Lot One (1) in Block Three (3) of S.K. Smith's resurvey of the Village of Mt. Zion. Also a part of the East one-half of the Southeast Quarter of Section Four (4) in Township Fifteen (15) North, Range Three (3) East of the Third (3rd) P.M., commencing at the Northwest corner of Lot One (1) in Block Three (3) of S.K. Smith's resurvey of Lots in the Village of Mt. Zion, see Book Number Twenty (20) page Sixteen (16), Recorder's Office, thence North Thirty-two and three-quarters (32 ¾) degrees East, Fifty-one (51) feet along a certain alley-way, thence South Fifty-seven and one-quarter (57 ¼) degrees East, One Hundred Twenty-three (123) feet, thence South Thirty-two and three-quarters degrees West, Fifty-one (51) feet to the Northeast corner of said Lot One (1), thence North Fifty-seven and one-quarter (57 ¼) degrees West, One Hundred Twenty-three (123) feet along said Lot to the place of beginning. Except that part dedicated for right of way purposes as shown by the Right of Way Plat recorded in Book 2235, page 859 of the records in the Recorder's Office of Macon County, Illinois.

WHEREAS, public notice of the aforesaid meeting of the Mt. Zion Planning Commission and Zoning Board of Appeals was duly given as required by law; and

WHEREAS, Section 150.130-150.134 permits the Village Board to approve variations from the Zoning Code; and

WHEREAS, the Village of Mt. Zion Board of Trustees has received and considered the summary findings of the Mt. Zion Planning Commission and Zoning Board of Appeals and the recommendation of approval by the Zoning Administrator, and the Village Board of Trustees

believes that sufficient circumstances exist to warrant the granting of such variation, and that the granting of such variation is in the best interest of the Village.

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MT. ZION, MACON COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: The foregoing recitals shall be and are hereby incorporated into and made part of this Ordinance as if fully set forth in this Section 1.

SECTION 2: Findings of Fact

- A. Special Circumstances Not Found Elsewhere.** The property has a unique condition, one not typically found in the same zoning district, relating to the width, depth or shape of the lot, its topography, or other exceptional circumstances not created by an owner or the application.
- B. Unnecessary Hardship.** The strict application of the Zoning Ordinance and setback requirement would result in practical difficulties, as distinguished from a mere inconvenience, which would deprive the owner of the reasonable use of the property.
- C. Preserves Rights Conferred By The Village.** It is likely that the use and value of real estate adjacent to the subject site will not be affected in a substantially adverse manner by allowing the requested variance.
- D. Necessary For Use Of The Property.** Office buildings are allowed in all commercial zones.
- E. Consistency With Local Area And Comprehensive Plan.** Granting the variance is consistent with principles provided in the Comprehensive Plan. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.
- F. Minimum Variance Recommended.** The petitioner may construct an office addition no closer than eight (8) feet to the rear property line.

SECTION 3: The Mt. Zion Planning Commission and Zoning Board of Appeals recommended to the Village Board of Trustees the approval of the requested variance to allow an encroachment of twelve (12) feet on the twenty (20) foot setback for the erection of an office addition at 340 Broadway Street.

SECTION 4: The variance is hereby granted to Mt. Zion Township to allow for the construction of an office addition within eight (8) feet of the rear property line as described by the applicant and as attached in Exhibit A.

SECTION 6: The variance granted herein are contingent and subject to the following conditions:

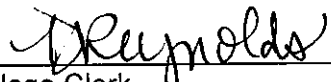
A. The office addition shall be constructed in a manner consistent with Exhibit A.

SECTION 7: This variance is hereby granted and is made subject to the applicable provisions and regulations of the Zoning and Building Codes as contained in the Code of Ordinances.

SECTION 8: This Ordinance shall be in full force and effect from and after its passage, approval, and publications as required by law.

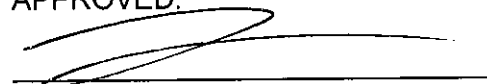
PASSED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MT. ZION, MACON COUNTY, ILLINOIS, ON THE 18th DAY OF OCTOBER 2021.

KERNAN	<u>YEA</u>	MOSE	<u>ABSENT</u>
RITCHIE	<u>YEA</u>	SIUDYLA	<u>YEA</u>
FRITZSCHE	<u>YEA</u>	SCALES	<u>YEA</u>



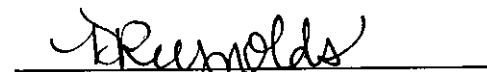
Village Clerk

APPROVED:



Village President

ATTEST:



Village Clerk