

VILLAGE OF HECKER, ILLINOIS  
ORDINANCE NO. 25-01 *failed*

**AN ORDINANCE GRANTING A SETBACK VARIANCE  
FOR 141 N. ORCHARD LANE**

- WHEREAS, the Village of Hecker (“Village”), Monroe and St. Clair Counties, Illinois is a duly created, organized and validly existing municipality of the State of Illinois under the 1970 Illinois Constitution and the laws of the State of Illinois, including particularly the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto; and
- WHEREAS, the Village is authorized by 65 ILCS 5/11-13-5 to vary the application of the zoning requirements in harmony with their general purpose and intent and in accordance with general or specific rules therein contained in cases where there are practical difficulties or particular hardship in the way of carrying out the strict letter of any of the those regulations relating to the use, construction, or alteration of buildings or structures or the use of land; and
- WHEREAS, Kevin and Heather Jany are the owners of property located at 141 N. Orchard Lane, Hecker, Illinois (“Property”); and
- WHEREAS, the Zoning Administrator denied the owners’ request for a building permit for a carport next to the north side of their home because they would not meet the 5 foot side lot line requirement; and
- WHEREAS, the Applicants submitted an application for a setback variance (“Application”) for the Property, requesting that they be exempt from the side and rear building line setback requirements that any construction must be a minimum of 5 feet from the side yard property line and allow their carport posts to be approximately 2 feet from the side yard property; and
- WHEREAS, the Zoning Board of Appeals held a hearing on February 17, 2025, regarding the Jany’s variance setback request. The Zoning Board agreed that the variance request did not meet the five (5) standards for a variance as listed in 40-10-21, A through E; and
- WHEREAS, pursuant to Section 40-10-22, the Zoning Board of Appeals submitted its advisory report to the Village Board with its recommendation for denying the variance request; and
- WHEREAS, the Village Board of Trustees (“Village Board”) is required to act on every proposed variance at their next regularly scheduled meeting, pursuant to Section 40-10-23 of the Zoning Code; and

WHEREAS, the Village Board finds, pursuant to Section 40-10-21 of the Zoning Code, that (1) the property in question cannot yield a reasonable return if the district regulations are strictly applied; (2) the plight of the applicant is due to peculiar circumstances not of their own making; (3) the variance, if granted, will not be detrimental to the public health, safety, and welfare; (4) the peculiar circumstances engendering the variance request are not applicable to other property within the district, and therefore, that a variance would be a more appropriate remedy than an amendment (rezoning); and (5) the variance, if granted, will not alter the essential character of the area where the premises in question are located, nor materially frustrate implementation of this Municipality's comprehensive plan. (See 65 ILCS 5/11-13-4); and

WHEREAS, the Village Board now desires to grant the variance to the Applicants to allow their carport to be built approximately 2 feet from the side yard property line.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Board of Trustees of the Village of Hecker, as follows:

1. That the preceding recitations in the upper part of this Ordinance are realleged, restated and adopted as paragraph one ("1") of this Ordinance.
2. That a setback variance is granted to the Applicants allowing their carport to be built approximately 2 feet from the side yard property line.
3. This ordinance shall take full force and effect immediately upon passage by the Corporate Authorities.

PASSED and APPROVED this 11<sup>th</sup> day of March, 2025.

	AYE	NAY	ABSENT	
Arnie Eckart	<u>✓</u>	_____	_____	
Rich Happel	_____	_____	_____	<i>Abstain</i>
Aaron Eckart	_____	<u>✓</u>	_____	
Jim Mueth	_____	_____	<u>✓</u>	
Douglas Van Buren	_____	<u>✓</u>	_____	
Gary Wittenauer	_____	<u>✓</u>	_____	

  
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 Charles Kujawski, Village President

ATTEST:

Annette Schreder  
Annette Schreder, Village Clerk

