

ORDINANCE NUMBER: 2018-03

AN ORDINANCE OF THE VILLAGE OF HINCKLEY, ILLINOIS APPROVING A VARIANCE FROM THE REQUIRED BACK YARD PLACEMENT OF SOLAR PANELS TO ALLOW FOR PLACEMENT OF SOLAR PANELS IN THE SIDE YARD

WHEREAS, the Village of Hinckley, Illinois ("Village") has adopted a Zoning Code; and

WHEREAS, the Village has received an application for a variance from the required back yard placement of solar panels to allow for placement of solar panels in the side yard for the property located at 530 East McKinley Avenue, Hinckley, Illinois, in the Incorporated Residential (IR) zoning classification and with PIN No. 15-14-183-005 (the "Property"); and

WHEREAS, the said application for the zoning variance was considered by the Village Zoning Board of Appeals ("ZBA") at a duly noticed public hearing conducted on March 19, 2018; and

WHEREAS, the ZBA gave a positive recommendation with regards to said application upon making the findings of fact attached hereto as Exhibit A and incorporated herein.

NOW THEREFORE, be it ordained by the President and Board of Trustees of the Village of Hinckley, Illinois as follows:

1. The above recitals are incorporated herein and made a part hereof.
2. That a variance from the required back yard placement of solar panels to allow for placement of solar panels in the side yard is hereby granted for the Property located at 530 East McKinley Avenue, Hinckley, Illinois, with PIN No. 15-14-183-005 and legally described in Exhibit B, attached hereto and incorporated herein.
3. Except as amended in this Ordinance, all other provisions and terms of Village Code of Ordinances shall remain in full force and effect as previously enacted except that those ordinances, or parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.
4. This Ordinance shall be in full force and effect after its approval, passage and publication in pamphlet form as required by law.

PASSED UPON MOTION BY Trustee Riborgiate

SECONDED BY Trustee Clark

BY ROLL CALL VOTE THIS 26th DAY OF March, 2018

AS FOLLOWS:

VOTING "AYE": Clark, Riforgiate, Diedrich, Constant

VOTING "NAY": Nier

ABSENT, ABSTAIN, OTHER Sellers - Absent

APPROVED March 26, 2018

ATTEST:

Elizabeth Klein
VILLAGE CLERK

[Signature]
VILLAGE PRESIDENT

EXHIBIT A- FINDINGS OF FACT

1. Strict enforcement of this title would result in practical difficulties or impose exceptional hardships due to special and unusual conditions which are not generally found on other properties in the same zoning district; and

Yes, the applicant would experience practical difficulties or particular hardships if the letter of the Solar Energy Ordinance were strictly enforced. In order to locate the solar panels in the back yard and have them function properly, the applicant would have to remove or substantially trim mature trees located in the back yard thereby taking away the aesthetic benefits of having mature trees in a neighborhood. Further, the costs of removing/trimming the trees would result in a hardship for the applicant.

2. The variance is in harmony with the general purpose and intent of this title.

The general purpose of the zoning ordinance is to guide development in accordance with existing and future needs in order to protect, promote and improve the public health, safety, morals, convenience, order, appearance, prosperity and the general welfare of the citizens of the Village of Hinckley. The variance would allow for solar panels to be utilized which benefits the environment as a renewable source of energy which promotes the public health, safety and general welfare of the Village.

3. The property cannot yield a reasonable return if permitted to be used only under the conditions allowed by this title; and

While it cannot be said that the property itself cannot yield a reasonable return if the solar panels are not allowed to be located in the side yard, the panels themselves would not function properly if located in the back yard due to the amount of shade caused by the trees. This would in turn reduce the functionality and return of the solar panels.

4. The variance, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.

The variance will not alter the essential character of the neighborhood. The panels are generally low profile to the ground and there are not a large number of panels being presented to be installed. The adjacent property owners do not have any objection to the granting of the variance.

EXHIBIT B- LEGAL DESCRIPTION