

RESOLUTION NO: _____

GRANTING VARIATION TO SET-BACK REQUIREMENT

WHEREAS, there is currently pending a lawsuit captioned *Dennis A. Owens v. Pike County Board of Zoning Appeals and Fred Ruzich, Pike County Zoning Administrator*, Case No. 2018 MR 122, pending in the Circuit Court for the Eighth Judicial Circuit, Pike County, Illinois. The lawsuit challenges the enforcement of the Pike County Zoning Ordinance set-back requirements as to a shed/pole-type structure with a concrete foundation (hereinafter "Structure") on Parcel #56-022-05, owned by Dennis A. Owens, and commonly known as 495 N. Main Street, New Canton, Illinois.

WHEREAS, the County Board has determined that it is in the best interests of the County to resolve the aforementioned lawsuit.

WHEREAS, in accordance with 55 ILCS 5/5-12009, notice has been sent via certified mail to the owners of property adjoining Parcel #56-022-05, commonly known as 495 N. Main Street, New Canton, Illinois, of the County's intent to grant a variation to the set-back requirements for the Structure.

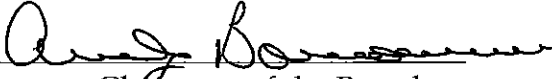
WHEREAS, the County Zoning Administrator has not received any written objection to the County's intent to grant the set-back variance for the Structure.

BE IT RESOLVED by the County Board of the County of Pike, Illinois as follows:

1. The variation to set-back requirement of the Pike County Zoning Ordinance for the Structure is approved and shall remain in effect so long as the Structure stands in its current form (as set forth more fully below), regardless of who owns the structure. The variation shall be in effect only so long as the Structure has not been damaged by any cause to the extent of seventy-five percent (75%) or more of its fair market value. If the Structure is damaged by less than seventy-five percent (75%) of its fair market value, it may be repaired or reconstructed to its specifications before the time of damage and used as before the time of damage, provided that such repairs or construction are substantially completed within twelve (12) months of the date of the damage. If such construction is not substantially completed within twelve (12) months, the set-back variation shall automatically terminate. The Structure's specifications, including, but not limited to, its footprint and dimensions may not be altered while the set-back variation referred to in this Paragraph is in effect. Any change to the Structure's specifications requires additional pre-approval in accordance with the Pike County Zoning Ordinance.

2. The Pike County Zoning Administrator is directed to issue a building permit for the Structure indicating approval of the set-back variance in accordance with this Resolution.

3. If Dennis A. Owens fails to pay the fine as required by the Settlement Agreement and Release of All Claims, the set-back variation shall be null and void.


Chairman of the Board


County Clerk

4-22-19
Dated