
ORDINANCE NO. 17-18-12

*An Ordinance Granting a Variance to Section 7.2-1
Permitted Fences for the property commonly
Known as 1524 River Terrace Drive, Johnsburg, Illinois*

AN ORDINANCE PASSED BY THE _____

PRESIDENT AND BOARD OF TRUSTEES

OF THE VILLAGE OF JOHNSBURG

AT A REGULAR MEETING ON OCTOBER 12, 2017

PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE

PRESIDENT AND BOARD OF TRUSTEES

OF THE VILLAGE OF JOHNSBURG

President

Edwin P. Hettermann

Board of Trustees

Tom Curry
Kyle Frost
Josh Hagen
Mary Lou Hutchinson
Greg Klemstein
Kevin McEvoy

Village Administrator

Claudett E. Peters

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WHEREAS, Krzysztof Lenart filed with the Village Clerk of the Village of Johnsburg, McHenry County, Illinois, a request for a variance to Section 7.2-1 Permitted Fences for the property commonly known as 1524 River Terrace Drive, Johnsburg, Illinois, PIN 10-18-251-024

WHEREAS, the applicants requests that the Planning and Zoning Commission for the Village of Johnsburg recommend that a variance be granted to Section 7.2-1 Permitted Fences to permit the placement of a fence in the front yard of property along the river. Said variance is to accommodate a wood, picket, board on board fence 4 feet in height, currently installed on the subject property.

WHEREAS, A PUBLIC HEARING was held by the Planning & Zoning Commission, after due notice in the manner provided by law; and

WHEREAS, THE PLANNING & ZONING COMMISSION, has, upon holding a hearing, made a report of said request to the Village Board; and

WHEREAS, THE VILLAGE BOARD has reviewed the minutes put forth by the Planning & Zoning Commission; and

WHEREAS, THE VILLAGE BOARD performed a first read of the request at the August 1, 2017 meeting at which time it was noted that the subject fence was already constructed and the Village had mistakenly issued a permit for its construction. Concern was raised at that meeting by a neighbor who expressed that the fence will affect his view of the river. The petitioner expressed that he constructed the fence to provide a barrier for his dog and without the fence he would need to install dense landscaping to create the desired barrier; and

WHEREAS, THE VILLAGE BOARD again heard the matter at the August 15, 2017 meeting. Concerned that the landscaping proposed as an alternative may have a greater visual impact than the fence, the Village Board encouraged the petitioner and neighbor to work together towards an amicable resolution; and

WHEREAS, THE VILLAGE BOARD met again on September 5, 2017 to take action on the request for variance. Both the petitioner and neighbor attended and expressed that a resolution had not been reached between parties. The neighbor asked that the board take action on the matter; and

WHEREAS, THE VILLAGE BOARD denied the request for variance at the September 5, 2017 meeting and offered to remove the fence panels installed in the front yard and reimburse the petitioner for the cost of said panels; and

WHEREAS, THE PETITIONER AND NEIGHBOR attended the September 19, 2017 meeting and both parties requested the board's reconsideration of the variance request. The neighbor expressed that the fence creates less of a visual impact than dense landscaping and therefore he believes the fence would be the better alternative.

WHEREAS, THE VILLAGE BOARD considered: 1) that the fence was constructed with a permit erroneously issued by the Village; 2) the owner of the subject property installed the fence as a matter of safety in an effort to contain large dogs kept on the property; 3) that due to the extenuating circumstances, the Planning and Zoning Commission recommended approval of the fence with conditions; and 4) that after the initial denial of the variance request, the opposing neighbor urgently contacted the Village to request that the Village allow the fence to remain under the conditions recommended by the Planning and Zoning Commission rather than face the alternative of more visually obstructive landscaping; and 5) to eliminate the prospect of litigation between neighbors.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the VILLAGE OF JOHNSBURG, McHenry County, Illinois, as follows:

SECTION 1: That a variance is granted to Section 7.2-1 - Permitted Fences, to permit the placement of a fence in the front yard. Said variance is to accommodate a 4 feet high wood, picket, board-on-board fence in the front yard along the side property lines of property abutting the river.

SECTION 2: That future replacement of the fence shall be done using materials that will be less visually obstructing such as wrought iron or decorative aluminum used in other locations along the river.

SECTION 3: That all requirements set forth in the Zoning Ordinance of the Village of Johnsburg, as would be required by any owner of property zoned in the same manner as the Subject Property, shall be complied with, except as otherwise provided in this Ordinance.

SECTION 4: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 5: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6: This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

Voting Aye: Trustees Klemstein, Hagen, Curry and President Hettermann
Voting Nay: Trustee Hutchinson
Absent: Trustees Frost and McEvoy
Abstain: None

APPROVED:



Village President Edwin P. Hettermann

(SEAL)

ATTEST:


Village Clerk Claudett E. Peters

Passed: October 12, 2017
Approved: October 12, 2017
Published: October 12, 2017

Prepared by:

Claudett Peters, Village Administrator
Village of Johnsburg
1515 Channel Beach Avenue
Johnsburg, IL 60051

CERTIFICATION

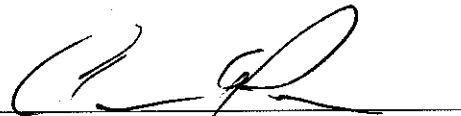
I, CLAUDETT E. PETERS, do hereby certify that I am the duly appointed, acting and qualified Clerk of the Village of Johnsburg, McHenry County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the President and Board of Trustees of said Village of Johnsburg.

I do hereby further certify that at a regular meeting of the President and Board of Trustees of the Village of Johnsburg, held on the 12th day of October 2017, the foregoing Ordinance entitled *An Ordinance Granting a Variance to Section 7.2-1 Permitted Fences for the property Commonly Known as 1524 River Terrace Drive, Johnsburg, Illinois*, was duly passed by the President and Board of Trustees of the Village of Johnsburg.

The pamphlet form of Ordinance No. 17-18-12, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the Village Hall, commencing on the 12th day of October, 2017, and continuing for at least 10 days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Village Clerk.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said Village for safekeeping, and that I am the lawful custodian and keeper of the same.

Given under my hand and the seal of the Village of Johnsburg, Illinois, this 12th day of October, 2017.



Claudett E. Peters, Village Clerk
Village of Johnsburg,
McHenry County, Illinois

(SEAL)