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**ORDINANCE NO. 17-18-31**  
*An Ordinance Granting a Variance to Section 7.2-1 Permitted Fences  
for the property commonly Known as 912 River Terrace Drive, Johnsburg, Illinois*

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AN ORDINANCE PASSED BY THE  
PRESIDENT AND BOARD OF TRUSTEES  
OF THE VILLAGE OF JOHNSBURG  
AT A SPECIAL MEETING ON JANUARY 16, 2018  
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

**ORDINANCE NO. 17-18-31**

***An Ordinance Granting a Variance to Section 7.2-1 Permitted Fences  
for the property commonly known as 912 River Terrace Drive, Johnsburg, Illinois***

WHEREAS, Christin Madro 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, of the Johnsburg Zoning Ordinance for the property commonly known as 912 River Terrace Drive, Johnsburg, Illinois, PIN 10-08-351-014.

WHEREAS, the applicant requested that the Planning and Zoning Commission for the Village of Johnsburg recommend that a variance be granted to Section 7.2-1 Permitted Fences of the Johnsburg Zoning Ordinance to permit the placement of a fence in the front yard of property along the river. Said variance is to accommodate a wood, picket fence 4 ½ feet in height, already 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, recommended that the variance be granted contingent upon the three (3) 4x8 fence panels located closest to the river being removed and replaced with decorative aluminum fencing, no greater than 4 ½ feet in height with pickets spaced a minimum of 4 inches; and

WHEREAS, THE PLANNING AND ZONING COMMISSION 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 November 21, 2017 meeting, and

WHEREAS, THE VILLAGE BOARD met again on January 16, 2018 to take action on the request for variance.

WHEREAS, THE VILLAGE BOARD has taken note that the adjacent neighbor appeared before the Village Board to testify in support of the Commission's recommendation;

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

SECTION 1: In light of the circumstances described above and subject to the above described conditions precedent being met, that a variance is granted to Section 7.2-1 - Permitted Fences, to permit the placement of a four foot high wood, picket fence in the front yard along the side property lines of property only, abutting the river.

SECTION 2: That the variance is granted contingent upon the three (3) 4x8 fence panels located closest to the river being removed and replaced with decorative aluminum fencing, no greater than 4 1/2 feet in height with pickets spaced a minimum of 4 inches; and

SECTION 3: That future replacement of the fence shall be done entirely using materials that will be less visually obstructing such as wrought iron or decorative aluminum no greater than 4 1/2 feet in height with pickets spaced a minimum of four inches.

SECTION 4: 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.

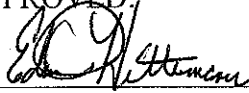
SECTION 5: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 6: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 7: 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 Curry, Hagen, Klemstein and President Hettermann  
Voting Nay: None  
Absent: Trustees Hutchinson, Frost and McEvoy  
Abstain: None

APPROVED:



(SEAL)

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Village President Edwin P. Hettermann

ATTEST:

  
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Village Clerk Claudett E. Peters

Passed: January 16, 2018  
Approved: January 16, 2018  
Published: January 16, 2018

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 16th day of January, 2018, the foregoing Ordinance entitled ***An Ordinance Granting a Variance to Section 7.2-1 Permitted Fences for the property Commonly Known as 912 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. 17-18-31, 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 16th day of January, 2018, 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 16th day of January, 2018.



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

(SEAL)