
ORDINANCE NO. 19-20-01

*An Ordinance Granting a Variance to Section 7.2-1 Permitted Fences
for the property commonly Known as 1912 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 MAY 7, 2019

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
Beth Foreman
Kyle Frost
Josh Hagen
Greg Klemstein
Kevin McEvoy

Village Administrator

Claudett E. Peters

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***An Ordinance Granting a Variance to Section 7.2-1 Permitted Fences
for the property commonly Known as 1912 River Terrace Drive, Johnsburg, Illinois***

WHEREAS, Sheryl Sudar 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 1912 River Terrace Drive, Johnsburg, Illinois; and

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 request was to accommodate a chain link fence no more than 5 feet in height; and

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 to permit the placement of a chain link fence no greater than 4 feet in height along the side property lines located in the front yard of the property which abuts the river; 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 April 16, 2019 meeting, and

WHEREAS, THE VILLAGE BOARD met again on May 7, 2019 to take action on the request for variance.

WHEREAS, THE VILLAGE BOARD has taken note that the use of chain link fencing is not consistent with the precedence established for approved fencing in the front yards of waterfront properties;

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, a variance is granted to Section 7.2-1 - Permitted Fences, to permit the placement of a fence in the front yard along both side property lines;

SECTION 2: That the variance is granted contingent upon the utilization of decorative aluminum or wrought iron fencing no greater than 4 feet in height with pickets spaced a minimum of 4 inches;

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 Foreman, McEvoy, Curry, Hagen, Frost and Klemstein
Voting Nay: None
Absent: None
Abstain: None


APPROVED:



Village President Edwin P. Hettermann

(SEAL)

ATTEST:


Village Clerk Claudett E. Peters

Passed: May 7, 2019
Approved: May 7, 2019
Published: May 7, 2019

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 7th day of May, 2019, the foregoing Ordinance entitled *An Ordinance Granting a Variance to Section 7.2-1 Permitted Fences for the property Commonly Known as 1912 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. 19-20-01, 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 7th day of May, 2019, 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 7th day of May, 2019.



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

(SEAL)