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**ORDINANCE NO. 20-21-36**  
***An Ordinance Denying a Variance to Section 10.3-4.2 Side Yard Setback***  
***of the Johnsborg Zoning Ordinance for the Property Commonly Known as***  
***5615 Amber Way, Johnsborg, Illinois 60051 (Parcel 09-01-252-006)***

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AN ORDINANCE PASSED BY THE  
PRESIDENT AND BOARD OF TRUSTEES  
OF THE VILLAGE OF JOHNSBURG  
AT A REGULAR MEETING ON MARCH 2, 2021  
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. Sofiakis

**ORDINANCE NO. 20-21-36**

***An Ordinance Denying a Variance to Section 10.3-4.2 Side Yard Setback  
of the Johnsburg Zoning Ordinance for the Property Commonly Known as  
5615 Amber Way, Johnsburg, Illinois 60051 (Parcel 09-01-252-006)***

WHEREAS, TB M Burnopp (Timothy & Margaret Burnopp) filed with the Village Clerk of the Village of Johnsburg, McHenry County, Illinois, a request for a variance to Section 10.3-4.2 Side Yard Required Setbacks of the Johnsburg Zoning Ordinance, to permit a side yard setback of approximately 10 feet, in lieu of the otherwise required 20 feet setback. Said variance is to accommodate the construction of a home remodel and garage expansion approximately 1,000 square feet for the property commonly known as 5615 Amber Way, Johnsburg, Illinois 60051 (Parcel 09-01-252-006); and

WHEREAS, the applicant requested that the Planning and Zoning Commission for the Village of Johnsburg recommend a variance to Section 10.3-4.2 Side Yard Required Setbacks of the Johnsburg Zoning Ordinance, to permit a side yard setback of approximately 10 feet, in lieu of the otherwise required 20 feet setback. Said variance is to accommodate the construction of a home remodel and garage expansion approximately 1,000 square feet for the property commonly known as 5615 Amber Way, Johnsburg, Illinois 60051 (Parcel 09-01-252-006); and

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

WHEREAS, no objections were raised by the public regarding the requested variance; and

WHEREAS, THE PLANNING & ZONING COMMISSION, has, upon holding a hearing, determined that the request did not meet the criteria set forth in Section 14.3-5 Variations, Standards of the Johnsburg Zoning Ordinance, and therefore recommended denial of the requested variance to Section 10.3-4.2 Side Yard Required Setbacks, for the property commonly known as 5615 Amber Way, Johnsburg, Illinois 60051 (Parcel 09-01-252-006); 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 met on February 16, 2021 to perform a First Read of the petitioner's request for variance and the Planning and Zoning Commission's recommendation to deny said request;

WHEREAS, THE VILLAGE BOARD noted that the variance request does not meet the criteria set forth in Section 14.3-5 Variations, Standards of the Johnsburg Zoning Ordinance; and

WHEREAS, THE VILLAGE BOARD met again on March 2, 2021 to take action on the petitioner's request and the Planning and Zoning Commissions recommendation to deny said request;

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, the variance to Section 10.3-4.2 Side Yard Required Setbacks of the Johnsburg Zoning Ordinance be denied for the property commonly known as 5615 Amber Way (Parcel 09-01-252-006).

SECTION 2: 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 3: 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 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5: 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, Frost, Hagen, Klemstein

Voting Nay: None

Absent: Trustees Curry, McEvoy

Abstain: None

(SEAL)

APPROVED:



Village President Edwin P. Hettermann

ATTEST:

  
Village Clerk Claudett Sofiakis

Passed: March 2, 2021

Approved: March 2, 2021

Published: March 2, 2021

Prepared by/Mailed to:

Vinny Lamontagna, Village Assistant Administrator

Village of Johnsburg

1515 Channel Beach Avenue

Johnsburg, IL 60051

**CERTIFICATION**

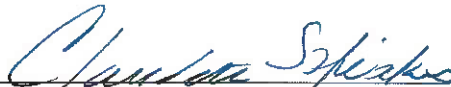
I, CLAUDETT SOFIAKIS, do hereby certify that I am the duly appointed, acting and qualified Clerk of the Village of Johnsburg, McHenry County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the President and Board of Trustees of said Village of Johnsburg.

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 2nd day of March, 2021, the foregoing Ordinance ***An Ordinance Denying a Variance to Section 10.3-4.2 Side Yard Required Setbacks of the Johnsburg Zoning Ordinance for the Property Commonly Known as 5615 Amber Way, Johnsburg, Illinois 60051 (Parcel 09-01-252-006)***, was duly passed by the President and Board of Trustees of the Village of Johnsburg.

The pamphlet form of Ordinance No. 20-21-35, 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 2nd day of February 2021, 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 2nd day of March, 2021.



Claudett Sofiakis, Village Clerk  
Village of Johnsburg,  
McHenry County, Illinois

