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**ORDINANCE NO. 21-22-02**

*An Ordinance Granting a Variance to Section 7.2-3 (D) Fences to permit the placement of a fence in the front yard on waterfront property of the Johnsborg Zoning Ordinance for property commonly known as 802 River Terrace Dr., Johnsborg, Illinois, 60051 (Parcel 10-08-352-001)*

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AN ORDINANCE PASSED BY THE  
PRESIDENT AND BOARD OF TRUSTEES  
OF THE VILLAGE OF JOHNSBURG  
AT A REGULAR MEETING ON JUNE 1, 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  
Scott Letzter

Village Administrator

Claudett Sofiakis

**ORDINANCE NO. 21-22-02**

***An Ordinance Granting a Variance to Section 7.2-3 (D) Fences to permit the placement of a fence in the front yard on waterfront property of the Johnsburg Zoning Ordinance for property commonly known as 802 River Terrace Dr., Johnsburg, Illinois, 60051 (Parcel 10-08-352-001)***

WHEREAS, Mr. Tyler Donnelly filed with the Village Clerk of the Village of Johnsburg, McHenry County, Illinois, a request for a variance be granted to 7.2-3 (D) Fences to permit the placement of a fence in the front yard on waterfront property. Said variance is to accommodate a decorative aluminum fence with no less than 3.5 inch opening and no greater than 4 inch-wide openings not to exceed 48" in height for property commonly known as 802 River Terrace Dr., Johnsburg, Illinois, 60051 (Parcel 10-08-352-001); and

WHEREAS, the applicant requested that the Planning and Zoning Commission for the Village of Johnsburg recommend that variance be granted to 7.2-3 (D) Fences to permit the placement of a fence in the front yard on waterfront property. Said variance is to accommodate a decorative aluminum fence with no less than 3.5 inch opening and no greater than 4 inch-wide openings not to exceed 48" in height for property commonly known as 802 River Terrace Dr., Johnsburg, Illinois, 60051 (Parcel 10-08-352-001); 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 regarding the variance requested; and

WHEREAS, THE PLANNING & ZONING COMMISSION, has, upon holding a hearing, determined that the petitioner's request met the criteria set forth in Section 14.3-5 Variations, Standards of the Johnsburg Zoning Ordinance, and therefore recommended that the variance be granted to Section 7.2-3 (D) Fences to permit the placement of a fence in the front yard on waterfront property. Said variance is to accommodate a decorative aluminum fence with no less than 3.5 inch opening and no greater than 4 inch-wide openings not to exceed 48" in height for property commonly known as 802 River Terrace Dr., Johnsburg, Illinois, 60051 (Parcel 10-08-352-001); 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 May 18, 2021 to perform a First Read of the request for variance and the Planning and Zoning Commission's recommendation to approve said request;

WHEREAS, THE VILLAGE BOARD noted that no objections were raised regarding the variance requested; and

WHEREAS, THE VILLAGE BOARD met again on June 1, 2021 to take action on the request for variance;

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 be granted to Section 7.2-3 (D) Fences to permit the placement of a fence in the front yard on waterfront property. Said variance is to accommodate a decorative aluminum fence with no less than 3.5 inch opening and no greater than 4 inch-wide openings not to exceed 48” in height for property commonly known as 802 River Terrace Dr., Johnsburg, Illinois, 60051 (Parcel 10-08-352-001).

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 Curry, Foreman, Frost, Hagen, Klemstein and Letzter

Voting Nay: None

Absent: None

Abstain: None



ATTEST

Village Clerk Claudett Sofiakis

APPROVED:

A handwritten signature in blue ink, appearing to read "Edwin P. Hettermann".

Village President Edwin P. Hettermann

Passed: June 1, 2021

Approved: June 1, 2021

Published: June 1, 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.

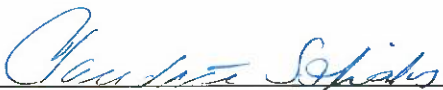
I do hereby further certify that at a regular meeting of the President and Board of Trustees of the Village of Johnsburg, held on the 1<sup>st</sup> day of June, 2021, the foregoing Ordinance *An Ordinance Granting a Variance to Section 7.2-3 (D) Fences to permit the placement of a fence in the front yard on waterfront property of the Johnsburg Zoning Ordinance for property commonly known as 802 River Terrace Dr., Johnsburg, Illinois, 60051 (Parcel 10-08-352-001)*, was duly passed by the President and Board of Trustees of the Village of Johnsburg.

The pamphlet form of Ordinance No. 21-22-02, 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 1<sup>st</sup> day of June, 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 1<sup>st</sup> day of June, 2021.



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