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PHYLLIS K. WALTERS
RECORDER-MCHENRY COUNTY, IL

2014R0030559

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RECORDING FEE 26.00

GIS FEE 15.00

ORDINANCE NO. 14-15-06

*An Ordinance Granting a Variance to Sections 7.2-1 Fences,
of the Johnsburg Zoning Ordinance, for the Property Commonly Known as 3817 N. Spring
Grove Road, Johnsburg, Illinois*

Prepared by/mail to:
Michael J. Smoron
Zukowski, Rogers, Flood & McArdle
50 N. Virginia Street
Crystal Lake, IL 60014
847-459-2500



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ORDINANCE NO. 14-15-06
*An Ordinance Granting a Variance to Section 7.2-1 Fences,
of the Johnsburg Zoning Ordinance, for the Property
Commonly Known as 3817 N. Spring Grove Road, Johnsburg, Illinois*

AN ORDINANCE PASSED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF JOHNSBURG
AT THEIR REGULAR MEETING ON JULY 15, 2014
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

John Huemann
Mary Lou Hutchinson
Rich Janusz
Greg Klemstein
Kevin McEvoy
Janice Sisk

Village Administrator

Claudett E. Peters

ORDINANCE NO. 14-15-06

***An Ordinance Granting a Variance to Section 7.2-1 Fences,
of the Johnsburg Zoning Ordinance, for the Property
Commonly Known as 3817 N. Spring Grove Road, Johnsburg, Illinois.***

WHEREAS, a petition signed by Matt Colby, has been filed with the Village Clerk of the Village of Johnsburg, McHenry County, Illinois, requesting that a variance be granted to Section 7.2-1 Fences, of the Johnsburg Zoning Ordinance, on certain territory commonly known as 3817 N. Spring Grove Road, Johnsburg, Illinois 60051 and legally described as follows:

Part of Lot 37 of the Assessor's Plat of the Northeast Quarter of the Northwest Quarter of Section 13, Township 45 North, Range 8, East of the Third Principal Meridian, described as follows: Commencing at the Southeast corner of Lot 37 in the Village of Johnsburg; thence North 8 Rods; thence West 20 Rods; thence South 8 Rods; thence East 20 Rods to the place of beginning, in McHenry County, Illinois

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 report put forth by the Planning & Zoning Commission and based upon the Commission's findings that the granting of the variance is in harmony with the general purpose and intent of the Zoning Code and that the zoning request is consistent with the primary use and zoning of the area; and

WHEREAS, THE VILLAGE BOARD has made the following findings:

1. The subject property is adjacent to property being utilized in a commercial capacity for several uses and attendant owners, employees and customers, associated with such operations; and
2. The driveway for the adjacent commercial property is situated along the shared lot line, eliminating the ability to provide an adequate landscaping buffer which is particularly problematic given that operations are conducted close to the shared property line; and
3. The commercial use on the adjacent property is intense and petitioners maintain that particulates from such commercial operations are transmitted to the subject property and adversely impacts them and their family; and
4. The hours of operations for the adjacent commercial use are extensive with vehicles frequently accessing such property late at night and in the early hours of the morning.

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 be granted to Section 7.2-1 Fences, to permit the construction of an eight (8) feet high cedar, privacy fence to be placed along the north property line beginning behind the established front yard setback line and continuing west to the rear property line. Said fence is being pursued to provide screening from the adjacent commercial use.

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 Janusz, McEvoy, Huemann, Sisk and Klemstein
Voting Nay: None
Absent: Trustee Hutchinson
Abstain: None

APPROVED:



Village President Edwin P. Hettermann


Village Clerk Claudett E. Peters

Passed: July 15, 2014
Approved: July 15, 2014
Published: July 15, 2014

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

CERTIFICATION

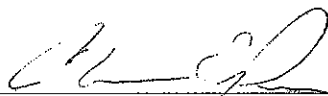
I, CLAUDETT E. PETERS, do hereby certify that I am the duly appointed, acting and qualified Clerk of the Village of Johnsburg, McHenry County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the President and Board of Trustees of said Village of Johnsburg.

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 15th day of July, 2014, the foregoing Ordinance entitled *An Ordinance Granting a Variance to Section 7.2-1 Fences, of the Johnsburg Zoning Ordinance, for Property Commonly Known as 3817 N. Spring Grove Road, Johnsburg, Illinois*, was duly passed by the President and Board of Trustees of the Village of Johnsburg.

The pamphlet form of Ordinance No. 14-15-06, 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 15th day of July, 2014, 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 15th day of July, 2014.



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

