ORDINANCE NO. 2019-03

AN ORDINANCE GRANTING A VARIANCE TO THE CODE OF ORDINANCES FOR THE VILLAGE OF CHERRY VALLEY, ILLINOIS, CHAPTER 82, SECTION 82-55 TO SECTION 82-7(f)(2) ALLOWING A SIDE YARD FENCE 38 FEET FROM THE SOUTHEAST CORNER OF THE HOUSE (1206 GRIGGS ROAD, ROCKFORD, ILLINOIS)

WHEREAS, the Board of Trustees for the Village of Cherry Valley, Illinois has been presented with a petition for a variance to Chapter 82, under Section 82-55 to Section 82-7(f)(2) requesting a side yard fence 38 feet from the Southeast corner of the house located on said property and not the rear of the house as required by Village Ordinance for the property commonly known as 1206 Griggs Road, Rockford, Illinois and legally described as PIN 12-25-353-001; and,

WHEREAS, the Planning and Zoning Commission Committee did convene on December 19, 2018, and reviewed the request of the petitioner; and,

WHEREAS, at the Planning and Zoning Commission meeting on December 19, 2018, the Committee did review the petition and documents filed and by a vote of one aye, four nays, and two absences or abstention did recommend denying the variance requested because two of the findings of fact necessary to grant a variance were not met.

NOW, WHEREFORE, be it ordained by the President and Board of Trustees for the Village of Cherry Valley, Illinois, as follows:

SECTION 1: A variance, shall and hereby is granted to Chapter 82, under Section 82-55 to Section 82-7(f)(2) allowing a side yard fence 38 feet from the Southeast corner of the house and not at the rear of the house as required by Village Ordinance as set forth on attached “Exhibit A”.

SECTION 2: This Ordinance shall be in full force and effect from and after its approval and passage by two-thirds (2/3) of all trustees of the Village and publication in pamphlet form.
PASSED UPON MOTION BY: NANCY BELT
SECONDED BY: SALLY HOLLEMBEAK
BY ROLL CALL VOTE THIS 19TH DAY OF FEBRUARY, 2019
AS FOLLOWS:
VOTING “AYE”: STEPHEN APPELL, NANCY BELT, JEFF FUSTIN,
SALLY HOLLEMBEAK, JEFF O’HARA, DAVID SCHROEDER
VOTING “NAY”: NONE
ABSENT, ABSTAIN, OTHER: NONE
ATTEST: KATHY TRIMBLE, VILLAGE CLERK
APPROVED FEBRUARY 19, 2019
JIM CLAEYSSEN, VILLAGE PRESIDENT
VARIANCE APPLICATION
Village of Cherry Valley
806 E. State Street
Cherry Valley, IL 61016

Name of applicant: NEW LIFE LUTHERAN CHURCH

Address: 1100 N LYNFORD ROAD, ROCKFORD, IL 61107

Phone number: William Bitner 815 - 986 - 9078 dwbittner@hotmail.com

If applicant is not the owner of the property, attach a signed statement from the owner that the applicant is the authorized agent of the owner of the property for which the change in zoning is requested.

Address of property: 1206 GRIGGS ROAD, ROCKFORD, IL 61108

Property tax code number: 12-25-353-001

Township: CHEBAN VALLEY

The type of variance being requested: CONSTRUCTION OF WOOD FENCE ON SIDE OF HOUSE

On separate sheet, provide the name and address of all adjoining property owners.

On separate sheet provide accurate scale drawing map of the site and any adjacent properties affected, showing, when pertinent, the contours at intervals of not more than five (5) feet, and all existing and proposed locations of street, property lines, uses, structures, driveways, pedestrian walks, off-street loading and off-street parking facilities and landscaped areas. Refer to Zoning Ordinance Section 82-55 (b) (2).

Enclose a copy of full and complete legal description for the property.

According to State Law, it is the responsibility of the applicant to provide the Village Zoning office with a soils report for the property in question. Soil reports can be obtained from the Winnebago County Soils and Water Conservation District. Applicants must furnish the soil and water district with a copy of the attached application. The District has up to thirty days from receipt of this application to issue its written opinion concerning this petition.

FEE: $75.00

*In the event that the variation is for an improvement or building that is already under construction or in existence, the fee shall be double the amount set forth.

In addition to the above noted fees, applicants are also responsible for all publication costs associated with this application. Fees will be invoiced upon receipt of the bill from the local newspaper.

All information provided is accurate. I full understand that failure to provide all information may result in delays in processing the request:

Signature of applicant

Date

Village President

Date
Date 8/22/18

Customer NEW LIFE LUTHERAN
Address 1200 GRIGGS RD.
City ROCKFORD State & Zip IL
Cross Street WATERMAN Subdivision

CHAIN-LINK
Total Footage
Height 3-1/2" - 4" - 5" - 6" - 7" - 8"
Alum/Aluminum - Galvanized - Vinyl
Gauge 11-1/2 - 11 - 9 - 8 - 6
Terminal Posts 7' - 2-1/2" - 3" - 4"
Gate Posts 2-1/2" - 3" - 4" - 6-1/2"/8'
Line Posts 1-1/2" - 2" - 2-1/2"/3"
Top Rail 1-1/2" x 1-5/8"
Tension Wire 1 -2 Strand
Walk Gate 3" - 3-1/2" - 4" - 5"
Post Spacing 6" - 8" - 10'
Double Drive Gate
Cantilever Gate
Concrete

FRAMEWORK
18 Gauge
17 Gauge
16 Gauge
SS20
SS40

OPTIONS
Dirt Removal
Fence Removal

Warranty on treated wood void if not sealed within 30 days of installation with proper documentation.

WARRANTY - ALL GATES - 90 DAYS INSTALLATION.

A 5 year limited warranty on material & workmanship.
Abnormal abuse or wind damage not covered

PERMIT BY US CUSTOMER

COST $ __________
The Purchaser agrees to pay for the above work when completed, as specified, the sum of $ __________

VISA/MASTERCARD
Terms: 50% down _____ $ ______
5% PER MONTH ON UNPAID BALANCE

NET ON COMPLETION ____ $ ______

Owner Acceptance

Sales Representative
FORM Desk Rep.

Home Phone __________
Work Phone __________
Fax Phone __________
Cell Phone 986-9076

doebittner@hotmail.com

CUSTOM WOOD FENCE
Total Footage 6' - 8' - 10'
Height 3-1/2" - 4" - 5" - 6'
Line Posts 7' - 6" - 6" - 6" - 6"
Gate Posts 4" x 4"
Framework 4" x 4" x 12" x 4'
Wolmanized Grounds
Boards 1" x 3" x 4" x 12" - 4'
Wolmanized Grounds
Walk Gate 3" - 3-1/2" - 4"
Double Gate 6" - 10" - 12"
Post spacing 6" - 8" - 10"
Concrete YES

FENCE STYLE
Dog Eared - Scallop - Arch - Flat Top

Board by Board
Board Space
Shadow Box
Options

NOTES: (Slight Call by July 30)
ADD $250 FOR DIAMETAL REMOVAL (FROM POST HOLES)

Customer agrees to pay any and all costs of litigation, including reasonable attorneys fees and costs, should Deck Fence be required to engage legal services for the collection of any outstanding balance. Customer further agrees and consents that the Seventeenth Judicial Circuit, Winnebago County, Illinois shall be the appropriate venue and jurisdiction of any litigation commenced regarding the performance or payment required under this
VARIANCE REQUEST
1206 GRIGGS ROAD

NOMINAL DIMENSIONS

1206 GRIGGS

DECK 10' x 13' 1/2'

PROPOSED FENCE

NEAREST HOUSE

50'

38'

17'

30'

48'
General Parcel Information

Parcel Number Alternate Parcel Number
12-25-353-001 189C310

Legal Description
PLAT NO 1 OLD ORCHARD SUB BNG PT E1/2 SEC 26 & PT W1/2 SEC 26 ALL 44-2 LOT 10

Address
1208 GRIGGS RD

Property Use
Exempt Prop 1 Fam Res (9031)

Owner Name and Address
NEW LIFE LUTHERAN CHURCH,
1208 GRIGGS RD
ROCKFORD IL 61108

- Proposed Wood Fence

6 ft. high combination shadow box and picket, dog ear design, 68 ft shadow box SW corner, 6 inch nominal boards.

West setback – Griggs: approx 53 feet

North setback – Waterman: approx 37 feet, same as building

East setback – Mill: 20 feet, edge of utility easement

South property line – inside property line.
September 10, 2018

Village of Cherry Valley
806 E. State Street
Cherry Valley, Illinois 61016

New Life Lutheran Church has submitted a permit application for the construction of a wood fence on the residential property at 1206 Griggs Road. It is my understanding that a variance will be needed to construct a portion of the fence on the south side of the property (defined as side yard). This is to request such.

The fence is desired because of safety reasons as our current Pastor has three small children. The property fronts three streets, one a major traffic route and another is a main entrance to the Old Orchard Subdivision. The topography, corner lot restrictions and utility easements all present challenges for construction on the lot. The lot is addressed and the driveway is off of Griggs Road. However the front door faces Waterman Street and the traditional rear entrance faces south. The patio door, kitchen window, family room windows, deck, sand box and swing set are on south side of the home. A fenced area limited to the east side of the building (defined as rear yard) would not encompass the family activity area. In addition a privacy fence could not be provided between this activity area and the immediate neighbor’s patio.

The Old Orchard Home Owners Association has not approved the project citing non-compliance with the Village zoning regulations. I am hopeful that this “catch 22” does not veto consideration of a variance.

Your consideration of this matter is much appreciated.

[Signature]

William Bittner
815-986-9078
dbbittner@hotmail.com

New Life Evangelical Lutheran Church
1100 N. Lyford Road
Rockford, IL 61107