ORDINANCE NO. 2019-04

AN ORDINANCE GRANTING VARIANCES TO THE CODE OF ORDINANCES FOR THE VILLAGE OF CHERRY VALLEY, ILLINOIS, UNDER SECTION 82-55 TO CHAPTER 82, SECTION 82-10(a)(1) TO ALLOW A 5'4" SIDE YARD SETBACK ON THE NORTH PROPERTY LINE AND TO SECTION 82-10(b)(1) WHICH WOULD ALLOW THE OVERHANG INCLUDING THE RAIN GUTTER TO EXTEND 17" INTO THE SIDE YARD SETBACK ON THE NORTH PROPERTY LINE (2823 SWANSON PARKWAY, ROCKFORD, ILLINOIS)

WHEREAS, the Board of Trustees for the Village of Cherry Valley, Illinois has been presented with an application for variances to Chapter 82, Sections 82-10(a)(1) to allow for a 5'4" side yard setback on the north property line, and under Section 82-10(b)(1) to allow an overhang including the rain gutter to extend 17" into the side yard setback on the north property line of the property commonly known at 2823 Swanson Parkway, Rockford, Illinois, and legally described as PIN: 16-03-251-003; and,

WHEREAS, the Planning and Zoning Commission Committee did convene on February 20, 2019 and reviewed the two (2) requests of the petitioner; and,

WHEREAS, at the Planning and Zoning Commission meeting on February 20, 2019, the Committee did review the application and documents filed and took evidence and by a vote of zero ayes, five nays, and two absences or abstentions did recommend denying the variances requested because the finding of facts necessary to grant the variances 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, Section 82-10(a)(1) to allow a 5'4" side yard setback along the north property line in the location of the current nonconforming accessory building.
SECTION 2: A variance shall and hereby is granted to Chapter 82, Section 82-10(b)(1) which would allow an overhang including the rain gutter to extend 17" into the side yard setback along the north property line in the location of the current nonconforming accessory building.

SECTION 3: The variances proposed to be granted in Sections 1 and 2 are specifically conditioned upon the full timely compliance with the following:

a. The Petitioner must comply with all other Village ordinances except for the variances granted herein.

b. All siding must be removed on the North side of the building and the East end and South side must remain open. The shed portion (12’ x 16’) on the west end of the structure can remain closed in but the north side and west end must have windows of at least 3’ x 3’ added to make those areas more eye appealing.

c. The siding on the shed section must be changed to vinyl siding or the current metal siding can be prepped and painted but in either case the color must closely match the house. Also agreeable is that the owner can put a white-spindled railing around the gazebo portion of the structure that matches the porch railing on the front of the home.

d. The reflective nature of the metal roof must be corrected by either coating it with a glare reducing material or replacing it with shingles that match the owner’s house.

e. The property owner must agree that no plumbing of any kind will be installed at any time in the open or closed areas of the structure and the gazebo section will only be used as an open-air recreation area and the shed area will only be used for storage.

f. All conditions listed above must be completed no later than September 1, 2019.
g. The final accessory building must be constructed in substantial conformity to the drawing which is attached hereto as “Exhibit A”.

SECTION 4: This Ordinance shall be in full force and effect from and after its approval, passage by two-thirds of all Trustees of the Village, and publication in pamphlet form.

PASSED UPON MOTION BY: NANCY BELT
SECONDED BY: JEFF O’HARA

BY ROLL CALL VOTE THIS 1ST DAY OF APRIL, 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: APRIL 1, 2019

JIM E. CLAEYSSEN, VILLAGE PRESIDENT