ORDINANCE NO. 2019-20

AN ORDINANCE GRANTING A VARIANCE UNDER SECTION 82-55 TO SECTION 82-448(f) AND SECTION 82-7(g) OF THE CODE OF ORDINANCES FOR THE VILLAGE OF CHERRY VALLEY, ILLINOIS TO ALLOW FOR A CONDITIONAL PARKING SPACE ON THE SOUTH SIDE YARD SETBACK (2921 SWANSON PARKWAY, ROCKFORD, ILLINOIS)

WHEREAS, the owner of 2921 Swanson Parkway, Rockford, Illinois did construct a blacktop parking space on the south side yard setback; and

WHEREAS, upon discovery that the parking space was constructed the property owner was advised that he should obtain a variance from the Village of Cherry Valley, Illinois; and

WHEREAS, the owner did file for a variance under Section 82-55 to Sections 82-448(f) and 82-7(g) and presented this request for the variance to the Planning and Zoning Commission on October 23, 2019; and

WHEREAS, the Planning and Zoning Commission did review the necessary findings that are required under Section 82-55 and determined that the owner of the property did not meet all of the requisite findings to allow for the variance; and

WHEREAS, after reviewing the different findings of fact that are required and having discussion with the members of the Planning and Zoning Commission it was determined to recommend denial of the variance as requested to the Board of Trustees for the Village of Cherry Valley, Illinois; and

WHEREAS, on October 28, 2019, at a Committee of the Whole Meeting the Village Trustees did discuss the requested variance and agreed to grant the variance on the condition that the impervious surface that was located in the south side yard setback area would be removed when the current owner Dung Nguyen sold the property to another party; and

WHEREAS, the Committee of the Whole then recommended sending the variance with the condition to the Board of Trustees for its review and to take action on the requested variance.

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 under Section 82-55 to Section 82-448(f) and 82-7(g) to allow a conditional parking space on the south side yard setback for the property commonly known as 2921 Swanson Parkway, Rockford, Illinois, with the condition that upon the sale of said property by the owner Dung Nguyen that this impervious parking space will be removed prior to the sale from the south side yard setback area in the area indicated on attached Exhibit “A” (PIN 16-03-251-009).
SECTION 2: This Ordinance shall be in full force and effect from and after its approval and passage, and publication in pamphlet form by two-thirds (2/3rd) of all Trustees of the Village.

PASSED UPON MOTION BY: NANCY BELT

SECONDED BY: JEFF O'HARA

BY ROLL CALL VOTE THIS 4TH DAY OF NOVEMBER, 2019

AS FOLLOWS:

VOTING “AYE”: NANCY BELT, JEFF FUSTIN, SALLY HOLLEMBEAK, JEFF O'HARA, DAVID SCHROEDER

VOTING “NAY”: NONE

ABSENT, ABSTAIN, OTHER: NONE

ATTEST:

KATHY TRIMBLE, VILLAGE CLERK

APPROVED: NOVEMBER 4, 2019

JIM E. CLAEYSSEN, VILLAGE PRESIDENT