
THE VILLAGE OF SHERMAN
SANGAMON COUNTY, ILLINOIS

ORDINANCE NUMBER 22-09

AN ORDINANCE AUTHORIZING A VARIANCE FROM THE SIDE YARD SETBACK
REQUIREMENTS FOR THE PROPERTY PARCEL #06-25.0-404-001 LOCATED AT 27
KINGWSAY DRIVE, SHERMAN, ILLINOIS 62684

TREVOR J. CLATFELTER President

SEAN BULL, Village Clerk

MICHAEL STRATTON, Deputy Village Clerk

PAM GRAY
BRET HAHN
BRIAN LONG
KIM ROCKFORD
KEVIN SCHULTZ
JAY TIMM
Village Trustees

ORDINANCE NO. 22-09

AN ORDINANCE AUTHORIZING A VARIANCE FROM THE SIDE YARD SETBACK REQUIREMENTS FOR THE PROPERTY PARCEL #06-25.0-25.0-404-001 LOCATED IN SHERMAN, ILLINOIS

WHEREAS, the Village of Sherman, Sangamon County, State of Illinois, is a duly organized and existing Village created under the provisions of the laws of the State of Illinois, and is now operating under the provisions of the Illinois Municipal Code and further is operating as a home-rule municipality pursuant to and with all powers under Article VII, Section 6, of the Constitution of the State of Illinois; and

WHEREAS, an application for a variance from section 10-7-2 of the Village of Sherman Zoning Code ("Zoning Code") was requested for a variance to the side yard setback requirements of Section 10-7-2 of the Zoning Code for Lot 27 in Lynndale Subdivision (PIN 06-25.0-404-100), specifically request a variance of 10 feet for the construction of a two door garage and driveway; and

WHEREAS, Section 10-3-4 permits the Village Board to approve variations from the Zoning Code when in harmony with the general purpose and intent of the Zoning Code and pursuant to the standards set forth therein; and

WHEREAS, the Village Engineer has examined the application and concurs that the terms of the variance should be granted, and has confirmed that conclusion in the letter to the Village attached hereto and confirmed by Corporate Counsel and

WHEREAS, the Village Board of Trustees and the President of the Village of Sherman believe it is in the best interests of the Village to grant the requested variance.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Sherman, Sangamon County, Illinois, as follows:

Section 1. Recitals. The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

Section 2. Findings of Fact. Regarding the need for the variation requested by Petitioner, the Board of Trustees find as follows:

- a. **Economic Hardship.** Due to the unique size, shape and location of the lot, the strict application of the regulations set forth in the Zoning Code would result in an unnecessary and undue hardship, thereby creating an economic hardship.
- b. **Special Circumstances Not Found Elsewhere.** The variance is necessary solely as a result of the location of the lot and is unique to the property.
- c. **Not Alter Local Character.** The lot is located in an R-1 District and the variance will not alter or impact the local character of the area.
- d. **Relief Requested.** The relief requested is the minimum necessary.
- e. **Additional Concerns.** This variance will not cause additional threat to the public, will not create a nuisance, and will not cause additional public expense.

Section 3. Description of the Property. The property is located at 27 Kingsway in the Village of Sherman within an R-1 District. The property is legally described as follows:

Lot 27 of Lynndale Subdivision

Section 5. Variance. The variations requested in the Variance Application to Section 10-7-2 of the Zoning Code, outlined herein, and recommended by the Village Engineer is hereby granted as follows:

A variance is granted from the side yard/corner setback requirements of Section 10-7-2 & 3 providing for 10 feet setback approval for purposes of building a two car garage and driveway..

Section 6. Severability. In the event a court of competent jurisdiction finds this ordinance or any provision hereof to be invalid or unenforceable as applied, such finding shall

not affect the validity of the remaining provisions of this ordinance and the application thereof to the greatest extent permitted by law.

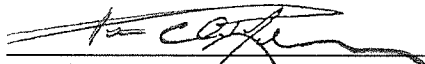
Section 7. Repeal and Savings Cause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or causes of action which shall have accrued to the Village of Sherman prior to the effective date of this ordinance.

Section 8. Effectiveness. This ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.

SO ORDAINED this 21st day of June, 2022, at Sherman, Sangamon County, Illinois.



VILLAGE OF SHERMAN



President Trevor J. Clatfelter

Attest: 

Clerk

	YES	NO	ABSENT	PRESENT
GRAY	✓			
HAHN	✓			
LONG	✓			
ROCKFORD	✓			
SCHULTZ	✓			
FIMM Bull				
CLATFELTER				
TOTAL	6	0	0	0

STATE OF ILLINOIS

COUNTY OF SANGAMON

The undersigned do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Sherman, Sangamon County, Illinois.

I do further certify that the ordinance attached hereto is a full, true and exact copy of Ordinance Number 2022-09, adopted by the President and Board of Trustees of said Village on the 2^{1st} day of June 2022, said Ordinance being entitled:

AN ORDINANCE AUTHORIZING A VARIANCE FROM THE SIDE YARD SETBACK REQUIREMENTS FOR THE PROPERTY PARCEL #06-25.0-25.0-404-001 LOCATED IN SHERMAN, ILLINOIS

I do further certify that prior to the making of this certificate, the said Ordinance was spread at length upon the permanent records of said Village, where it now appears and remains.

IN WITNESS WHEREOF, I hereunto set my signature and affix the official seal of said Village this 21st Day of June 2022



A handwritten signature in black ink, appearing to be "V. Cant", written over a horizontal line.



K U H N & T R E L L O

CONSULTING ENGINEERS

A Limited Liability Company

109 N. 7th Street, 3rd Floor
Springfield, IL 62702
Phone: 217-679-0044

May 26, 2022

Village of Sherman Zoning Board of Appeals
401 St. Johns Street
Sherman, Illinois 62684

Attn: Chairman Keith Bull

SUBJECT: 27 Kingsway Drive Variance
Side yard setback

Dear Chairman:

The Village Engineer has no objection to relaxing the minimum side yard requirement as determined by 10-7-2 Yards: 3 Corner Lots, and 4 Yard Dimensions.

If you have any questions or need any further information, please contact me at (217) 679-0044 or @ktengr.com.

Respectfully,

Kevin Kuhn, P.E.
Village Engineer

CC:
File

DONALD M. CRAVEN, P.C.

COUNSELORS AT LAW

1005 North Seventh Street
Springfield, Illinois 62702
Telephone: (217) 544-1777
Facsimile: (217) 544-0713
www.cravenlawoffice.com

Donald M. Craven

James C. Craven
(1925-2015)

Congress shall make no law ...
abridging the freedom
of speech, or of the press.
—*The First Amendment*

May 31, 2022

Mike Stratton
Village of Sheram
Village Administrator

Via email

Re: Zoning 27 Kingsway Drive

Dear Mike:

I have reviewed this Petition, and the statements from the neighbors, and the opinion of Engineer Kuhn. I concur that this meets the requirements for a variance, and am persuaded by the consents from the neighbors.

Sincerely,
/s/ DMC

Donald M. Craven