
THE VILLAGE OF SHERMAN
SANGAMON COUNTY, ILLINOIS

ORDINANCE NUMBER 2018- 12

**AN ORDINANCE AUTHORIZING A CHANGE TO THE ZONING MAP AND
VARIANCES FROM SIDE AND FRONT YARD SETBACK REQUIREMENTS FOR
THE PROPERTY PARCEL AT 06-35-400-017, SHERMAN, ILLINOIS**

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KIM ROCKFORD
KEVIN SCHULTZ
JAY TIMM
Village Trustees

Published in pamphlet form by authority of the President and Board of Trustees
of the Village of Sherman on November 13, 2018.

Ordinance No. 2018- 12

AN ORDINANCE AUTHORIZING A CHANGE TO THE ZONING MAP AND VARIANCES FROM SIDE AND FRONT YARD SETBACK REQUIREMENTS FOR THE PROPERTY PARCEL AT 06-35-400-017, 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, on or around August 13, 2018, an application for rezoning and variance from section 10-3-4 and 10-3-5 of the Village of Sherman Zoning Code (“Zoning Code”) was filed by the Rail Golf, LLC requesting to rezone the parcel from B-2 to R-2 on the current Village Zoning Map under 10-3-5 and request for variances to reduce side yard set back down to 20 ft, reduce front yard set back down to 20ft and reduce the front yard set back down to 90 ft as allowed under 10-3-4 of the Village of Sherman Ordinances for the parcel 06-35.0-400-017 situated in the Village of Sherman, Illinois.

WHEREAS, a notice of the public hearing was published in the Sun Times on October 25, 2018 and a hearing was held by the Sherman Zoning Board of Appeals on Monday, November 12, 2018, and

WHEREAS, the Zoning Board of Appeals met on November 12, 2018 and recommended the Village Boar approve the zoning change and the variance requests to the Zoning Code by a vote of 6 ayes to 0 naves; and

WHEREAS, Section 10-3-4 and Section 10-3-5 permits the Village Board Zoning map changes and 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 herein; and

WHEREAS, the Village Board of Trustees and the President of the Village of Sherman believe it in the best interest 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 part of this Ordinance as if fully set forth in this Section 1.

Section 2. Finding of Fact. Regarding the need for all of the variations requested by Petitioner, the Board of Trustees find as follows:

- A. **Economic Hardship.** Due to the unique size, shape and location of the parcel, this 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 parcel and is unique to the property.
- C. **Not Alter Local Character.** The parcel is currently located in B-2 District and change to R-2 would better fit the local character and use of the parcel as witnessed by same/similar development in the area.
- D. **Relief Requested.** The relief requested is the minimum necessary.
- E. **Additional Concerns.** The variance will not cause addition threat to the public, will not create a nuisance and will not cause additional public expense.

Section 3. Description of Property. The property is located in the Village of Sherman and is legally described as follows:

PT SW 1/4 (EX RD ROW TAKEN BY DOC #199R55510) (PT TRACT 2) 35-17-5
Parcel Number 06-35.0-400-017

Section 4. Public Hearing. A public hearing was advertised on October 25, 2018, in the Sun Times and held by the Zoning Board of Appeals on November 12, 2018 at which time the Zoning Board of Appeals recommended approval of the zoning and variance requests by a vote of 6 ayes to 0 naves.

Section 5. Zoning & Variances. The zoning and variations requested in the application of the Zoning Code, outlined herein, and recommended at the November 12, 2018 Zoning Board of Appeals meeting is hereby granted as follows:

- A. Rezoning of parcel from its current B2 classification to that of R2 Classification as allowed under 10-3-5 of the Village of Sherman Ordinances.
- B. A variance to reduce the side yard set back down to 20 ft as allowed under section 10-3-4 of the Village of Sherman Ordinances;
- C. A variance to reduce the front yard set back down to 20ft as allowed under section 10-3-4 of the Village of Sherman Ordinances.
- D. A variance to the front yard set back to 90 ft as allowed under section 10-3-4 of the Village of Sherman Ordinances.

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 Clause. 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.

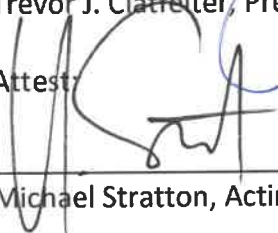
SO ORDAINED this 13th day of November 2018, at Sherman, Sangamon County, Illinois.

	YES	NO	ABSENT	PRESENT
GRAY	✓			
HAHN	✓			
LONG	✓			
ROCKFORD			✓	
SCHULTZ	✓			
TIMM	✓			
CLATFELTER				
TOTALS:	5-0			

VILLAGE OF SHERMAN, IL



Trevor J. Clatfelter, President

Attest:


Michael Stratton, Acting Clerk

ORDINANCE CERTIFICATE

STATE OF ILLINOIS)
) SS.
COUNTY OF SANGAMON)

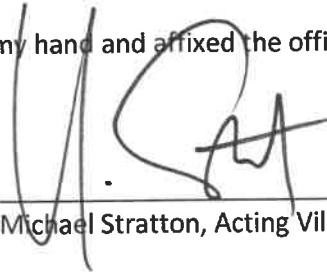
I, the undersigned, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Sherman, Sangamon County, Illinois.

I do further certify that the ordinance attached hereto is a full, true, and exact copy of Ordinance No. 2018-12, adopted by the President and Board of Trustees of said Village on the 13th day of November 2018, said Ordinance being entitled:

AN ORDINANCE AUTHORIZING A CHANGE TO THE ZONING MAP AND VARIANCES FROM SIDE AND FRONT YARD SETBACK REQUIREMENTS FOR THE PROPERTY PARCEL AT 06-35-400-017, 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 have hereunto set my hand and affixed the official seal of said Village this 13th day of November 2018.



Michael Stratton, Acting Village Clerk