
THE VILLAGE OF SHERMAN
SANGAMON COUNTY, ILLINOIS

ORDINANCE NUMBER 20-01

**AN ORDINANCE AUTHORIZING A VARIANCE FROM THE FRONT YARD SETBACK
REQUIREMENTS FOR THE PROPERTY PARCEL #06-25.0-451-052 LOCATE IN
SHERMAN, ILLINOIS**

TREVOR J. CLATFELTER President

MICHAEL STRATTON, "Acting" Village Clerk

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

Published in pamphlet form by authority of the President
and Board of Trustees of the Village of Sherman on January 21, 2020

ORDINANCE NO. 20-01

**AN ORDINANCE AUTHORIZING A VARIANCE FROM THE FRONT YARD
SETBACK REQUIREMENTS FOR THE PROPERTY PARCEL #06-25.0-451-052
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 front yard setback requirements of Section 10-7-2 of the Zoning Code for Lot 6 Quail Pointe Subdivision ((PIN 06-25.0-451- 052), specifically requesting the Village to allow a front setback requirement of 27.33 feet; and

WHEREAS, this application deals with a duplex residence, already constructed by JJ2 Properties, which cannot be moved from its current location;

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, (See attached letter and plat) 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-2 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 339-341 Pintail Drive in the Village of Sherman within an R-2 District. The property is legally described as follows:

Lot 6 of the Quail Pointe Subdivision 300

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 30 foot front yard setback requirements of Section 10-7-2, making the new front yard setback requirement for this property 27.33 feet.

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 January 2020, at Sherman, Sangamon County, Illinois.



VILLAGE OF SHERMAN

T. Clatfelter
 Trevor J. Clatfelter, President

Attest:
M. Stratton
 Michael Stratton, Acting Clerk

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

STATE OF ILLINOIS)
)
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 Number 2020-01, adopted by the President and Board of Trustees of said Village on the 21st Day of January 2020. said Ordinance being entitled:

**AN ORDINANCE AUTHORIZING A VARIANCE FROM THE FRONT YARD
SETBACK REQUIREMENTS FOR THE PROPERTY PARCEL #06-25.0-451-052
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 hereby set my hand and affix the official seal of said Village this 21st day of January 2020.



Acting Village Clerk



K U H N & T R E L L O

C O N S U L T I N G E N G I N E E R S

A Limited Liability Company

*109 N. 7th Street, 3rd Floor
Springfield, IL 62701
Phone: 217-679-0044*

January 20, 2020

Village Board
Village of Sherman
401 St. John Drive
Sherman, Illinois 62684

SUBJECT: Zoning Variance
 Lot 6, Quail Pointe Subdivision
 06-25-451-052

Village Board:

Kuhn & Trello has reviewed the plat of survey on parcel 06-25-451-052. The existing structure encroaches on the 30-foot front yard setback by 2.67 feet. We find no issues under general engineering practices or public safety concerns that would prohibit a relaxation of the zoning ordinance to bring this structure into compliance.

As such, we have no objection to a variance of 10-7-2 "Yards" of the Village of Sherman Ordinance to allow a reduction in the R-2 Depth of Minimum Front Yard from 30 feet to 27.33 feet.

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

Respectfully,

Kevin Kuhn, P.E.
Village Engineer

CC: File