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THE VILLAGE OF SHERMAN  
SANGAMON COUNTY, ILLINOIS

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ORDINANCE NUMBER 22-10

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AN ORDINANCE AUTHORIZING A CHANGE IN ZONING CLASSIFICATION FROM  
AG TO R-1 FOR THE PROPERTY PARCEL #06-36.0-400-040 LOCATED AT 1309  
ARLINGTON CHASE, SHERMAN, ILLINOIS 62684

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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., 22-10**

**AN ORDINANCE AUTHORIZING A CHANGE IN ZONING CLASSIFICATION FROM AG TO R-1 FOR THE PROPERTY PARCEL #06-36.0-400-040 LOCATED AT 1309 ARLINGTON CHASE, SHERMAN, ILLINOIS 62684**

**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 petition under section 10-3-5 Amendments of the Village of Sherman Zoning Code ("Zoning Code") was requested for a change in the zoning map from AG to R-1 for the property known as 1309 Arlington Chase, Sherman, IL (PIN 06-36.0-40-040); and

**WHEREAS**, Section 10-3-5 permits the Village Board to approve amendments to the Zoning Map 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 examined the application and concurs that the terms of the petition for zoning change should be granted, and has confirmed that conclusion in the letter to the Village attached hereto and concurred 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

**Section 2. Findings of Fact.** Regarding the petition for requesting zoning change from AG to R-1 requested by the petitioner, the Board of Trustees finds as follows:

- a. Petitioner request meets the existing uses within the general vicinity;
- b. Petitioner request meets the zoning classifications within the general area;
- c. Petitioner request is suitable for uses under existing zoning (in this case, not suited for AG); AND
- d. Petitioner requests meet the trend of development within the vicinity.

**Section 3. Description of the Property.** The property is located at 1309 Arlington Chaser in the Village of Sherman and zoned AG. The property is legally described as follows:

Parcel Number 06-36.0-400-040

**Section 5. Amendment.** The amendment requested in the application to Section 10-3-5 of the Zoning Code, outlined herein, and recommended by the Village Engineer is hereby granted as follows:

Change in zoning map from AG to R-1.

**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	✓			
<del>TIMM</del> BUK	✓			
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 2022-10, adopted by the President and Board of Trustees of said Village on the 21<sup>st</sup> day of June 2022, said Ordinance being entitled:

AN ORDINANCE AUTHORIZING A CHANGE IN ZONING CLASSIFICATION FROM AG TO R-1 FOR THE PROPERTY PARCEL #06-36.0-400-040 LOCATED AT 1309 ARLINGTON CHASE, SHERMAN, ILLINOIS 62684

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 21<sup>st</sup> Day of June 2022



A handwritten signature in black ink, appearing to be "U.S. [unclear]".



K U H N & T R E L L O

CONSULTING ENGINEERS

A Limited Liability Company

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

May 26, 2022

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

Attn: Chairman Keith Bull

SUBJECT: 1309 Arlington Chase  
Amendment to the zoning map from AG to R1

Dear Chairman:

Based on Section 10-3-5 "Amendments", of the Village of Sherman's Zoning Regulations, this specific case meets the qualification for amendment to the zoning map. More particularly, an amendment from AG to R1 meets the requirements for (a) existing uses within the general vicinity, (b) zoning classifications with the general area, (c) suitability for uses under existing zoning (in this case, not suited for AG), and (d) the trend of development within the vicinity.

The parcel in question abuts R1 and will have more generous building to land ratios than those in the immediate area, thus less density than the adjoining neighbors.

Although the neighbors have submitted concerns about the zoning amendment (property values, environmental impact, utility easements, and wildlife) only one stated concern, property values, is implied by the Village's Zoning ordinance. Since the proposed zoning fits with the existing zoning of the area, fits the trend of the single-family development in the area, and has less density than the surrounding area a negative property value impact is generally not supported. The objectioner's remedy to 'property value impact' of having the proposed property be subject to the same restrictive covenants they are bound to is most likely not within the power of the Zoning Board of Appeals, as the Village does not enforce restrictive covenants.

The environmental and utility concerns are generally dealt with at the building permit stage. However, in general, an individual is free to remove trees, plant trees, regrade their lots, and build driveways as they see fit on their personal property. Preservation of wildlife habitat is not contemplated by the ordinance.

Please note that any cost for utility extensions, whether public or private, should be solely born by the lot owner. A note to this effect will be required to be placed on the plat should the proposed project move forward.

The proposed zoning amendment meets the requirements of the ordinance. As such, the Village Engineer recommends approval.

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

Respectfully,

A handwritten signature in black ink, appearing to read 'Kevin Kuhn', written in a cursive style.

Kevin Kuhn, P.E.  
Village Engineer

CC:  
File



# DONALD M. CRAVEN, P.C.

## COUNSELORS AT LAW

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Springfield, Illinois 62702  
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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 1309 Arlington Chase

Dear Mike:

As you know, I attended the zoning board meeting on this matter, and I have reviewed the petition, the objections, and the correspondence from Engineer Kuhn.

I concur with the Engineer. This property meets the requirements for a change in zoning. The proposed use is consistent with the single family zoning in the area, and in fact, will provide larger lots than the surrounding area.

The objections are primarily focused on matters not subject to the zoning code, or are matters beyond the scope of the Village's authority. For instance, the neighbors' affinity for the tree line behind their houses, while well-intended, is simply not an objection to the proposed rezoning. Likewise, the request that the property be made subject to the subdivision covenants is beyond the control of the Village.

For these reasons, and the reasons stated by Engineer Kuhn, I concur in his recommendation.

Sincerely,  
/s/ DMC

Donald M. Craven