

**ORDINANCE NO. 2023-17**

**AN ORDINANCE GRANTING A VARIANCE UNDER SECTION 82-55 OF THE CODE OF ORDINANCES FOR THE VILLAGE OF CHERRY VALLEY, ILLINOIS TO SECTION 82-235(c)(3) CC – COMMERCIAL COMMUNITY DISTRICT TO ALLOW FOR THE INSTALLATION OF PCF CABINETS FOR AN ELECTRICAL CHARGING STATIONS WITHIN 16.75' OF THE NORTH PROPERTY LINE FOR THE PROPERTY COMMONLY KNOWN AS 2301 S. PERRYVILLE ROAD, ROCKFORD, ILLINOIS (CIRCLE K STORES – PIN: 12-34-476-022)**

WHEREAS, the Board of Trustees for the Village of Cherry Valley, Illinois has been presented with a petition for a variance under Section 82-55 to Section 82-235(c)(3) CC – Commercial Community District of the Code of Ordinances for the Village of Cherry Valley, to allow for the installation of PCF cabinets for an electrical charging stations in the North Parking Area Yard Setback for the property commonly known as 2301 S. Perryville Road, Rockford, Illinois and legally described as PIN: 12-34-476-022; and,

WHEREAS, the Planning and Zoning Commission did meet on August 16, 2023, and reviewed the request of the petitioner; and,

WHEREAS, at the Planning and Zoning Commission Meeting of August 16, 2023, after reviewing and making the necessary findings required for the issuance of a variance, the Planning and Zoning Commission did recommend the granting of the requested variance with a vote of 6-0-1 (absent); per attached Exhibit B.

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 shall and hereby is granted under Section 82-55 of the Code of Ordinances for the Village of Cherry Valley, Illinois to Section 82-235(c)(3) CC – Commercial Community District to allow the installation of PCF cabinets for an electrical charging stations in the North Parking Area Yard Setback, all in accordance with the drawings which is attached

hereto and marked as "Exhibit A" for the property commonly known as 2301 S. Perryville Road, Rockford, Illinois, PIN 12-34-476-022.

**SECTION 2:** This Ordinance shall be in full force and effect from and after its approval, passage, and publication in pamphlet form.

PASSED UPON MOTION BY: NANCY BELT

SECONDED BY: MIKE NEVILLE

BY ROLL CALL VOTE THIS 19<sup>TH</sup> DAY OF SEPTEMBER, 2023

AS FOLLOWS:

VOTING "AYE": NANCY BELT, JEFF FUSTIN, SALLY HOLLEMBEAK,  
MIKE NEVILLE, BRANDI PEARSE, CARL WEDIG

VOTING "NAY": NONE

ABSENT, ABSTAIN, OTHER: NONE

ATTEST:

APPROVED SEPTEMBER 19, 2023

  
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KATHY TRIMBLE, VILLAGE CLERK

  
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DAVID SCHROEDER, VILLAGE PRESIDENT

**Exhibit B**  
**Findings of Facts – Variance**

- a. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the chapter regulations were to be carried out;  
6-AYE 0-NAY 1-ABSENT
- b. The conditions upon which a petition for a variation is based are unique to the property for which the variation is sought and are not applicable generally to other property within the same zoning classification;  
6-AYE 0-NAY 1-ABSENT
- c. The purpose of the variation is not based exclusively upon a desire to increase the value or income potential of the property;  
6-AYE 0-NAY 1-ABSENT
- d. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;  
6-AYE 0-NAY 1-ABSENT
- e. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets or increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood; and  
6-AYE 0-NAY 1-ABSENT
- f. The proposed variance complies with the spirit and intent of restrictions imposed by this chapter.  
6-AYE 0-NAY 1-ABSENT