

**ORDINANCE NO. 2023-22**

**AN ORDINANCE GRANTING A VARIANCE UNDER CHAPTER 82 SECTION 82-55 OF THE CODE OF ORDINANCES FOR THE VILLAGE OF CHERRY VALLEY, ILLINOIS TO CHAPTER 82 SECTION 82-10(c)(3) TO ALLOW A 32 x 40 SQUARE FOOT ACCESSORY BUILDING AND NO OTHER ACCESSORY BUILDINGS FOR THE PROPERTY COMMONLY KNOWN AS 202 GROVE STREET, CHERRY VALLEY, IL (PIN-16-01-127-019)**

WHEREAS, the Board of Trustees for the Village of Cherry Valley, Illinois has been presented with a petition for a variance under Chapter 82 Section 82-55 to Chapter 82 Section 82-10(c)(3) of the Code of Ordinances for the Village of Cherry Valley, Illinois to allow a 32 x 40 square foot accessory building and no other accessory buildings for the property commonly known as 202 Grove Street, Cherry Valley, Illinois (PIN: 16-01-127-019); and,

WHEREAS, the Planning and Zoning Commission did meet on October 18, 2023, and reviewed the request of the petitioner; and,

WHEREAS, at the Planning and Zoning Commission meeting on October 18, 2023, after reviewing and approving all of the findings required for the issuance of a variance, and passing a Motion to recommend the variance as requested hereto as Exhibit A.

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 Chapter 82 Section 82-55 of the Code of Ordinances for the Village of Cherry Valley, Illinois to Chapter 82 Section 82-10(c)(3) to allow a 32 x 40 square foot accessory building and no other accessory buildings for the property commonly known as 202 Grove Street, Cherry Valley, Illinois (PIN: 16-01-127-019) said property being depicted on a map attached hereto as Exhibit B.

**SECTION 2:** This Ordinance shall be in full force and effect from and after its approval, passage by a majority vote of all the Trustees of the Village, and publication in pamphlet form.

PASSED UPON MOTION BY: NANCY BELT

SECONDED BY: MIKE NEVILLE

BY ROLL CALL VOTE THIS 7<sup>TH</sup> DAY OF NOVEMBER, 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 NOVEMBER 7, 2023

  
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KATHY TRIMBLE  
VILLAGE CLERK

  
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JEFFREY B. FUSTIN  
VILLAGE PRESIDENT PRO-TEM

## **Exhibit A**

### **VARIANCE - Findings of Facts for the property commonly known as 202 Grove Street, Cherry Valley, Illinois** **(PIN 16-01-127-019)**

After continued discussion, Attorney Stevens read the Findings of Facts (A - F) to the commissioners as follows:

- 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;  
4-AYE 2-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;  
4-AYE 2-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;  
5-AYE 1-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.  
5-AYE 1-NAY 1-ABSENT

The commissioners reviewed each of the Findings of Facts and concluded that the applicant has met all of the required findings for the variance.



EXHIBIT B

