
THE VILLAGE OF SHERMAN
SANGAMON COUNTY, ILLINOIS

ORDINANCE NUMBER 2023-04

**AN ORDINANCE AUTHORIZING A VARIANCE FROM SIDE YARD SETBACK
REQUIREMENTS FOR THE PROPERTY PARCEL #06-25.0-377-001 LOCATED AT
600 FLAGGLAND DRIVE, SHERMAN, ILLINOIS**

TREVOR J. CLATFELTER, Village President
MICHAEL STRATTON, Acting Village Clerk

SEAN BULL
PAM GRAY
BRET HAHN
BRIAN LONG
KEVIN SCHULTZ
KRISTA SHERROCK
Village Trustees

Ordinance No. 2023-04

AN ORDINANCE AUTHORIZING A VARIANCE FROM SIDE YARD SETBACK REQUIREMENTS FOR THE PROPERTY PARCEL #06-25.0-377-001 LOCATED AT 600 FLAGGLAND DRIVE, 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 March 17, 2023, an application for variance from section 10-7-2/3 of the Village of Sherman Zoning Code (“Zoning Code”) was requested for a variance to the side yard setback requirements for Lot 36 in Flagglan Parks Subdivision (PIN # 06-25.0-377-001) specifically to request a variance to 12 feet for the construction of an addition to the existing residence/primary structure; and

WHEREAS, a notice of the public hearing was published in the Sun Times on March 29, 2023, and a hearing was held by the Sherman Zoning Board of Appeals on Monday, April 17, 2023, and

WHEREAS, the Zoning Board of Appeals met on April 17, 2023 and recommended the Village Board approve the variance requests to the Zoning Code by a vote of 5 ayes to 0 naves; and

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 herein; 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 Zoning Board of Appeals attached hereto and confirmed by Corporate Counsel, and;

WHEREAS, the Village Board of Trustees and the President of the Village of Sherman believe it is in the best interest of the Village to grant the requested variance.

NOW THERFORE 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 lot is located in an R-1 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.** 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 at 600 Flagglan Drive in the Village of Sherman with an R-1 District. The property is legally described as follows:

Lot 36 of Flagglan Parks Subdivision
Parcel Number 06-25.0-377-001

Section 4. Public Hearing. A public hearing was advertised on March 29, 2023, in the Sun Times and held by the Zoning Board of Appeals on April 17, 2023 at which time the Zoning Board of Appeals recommended approval of the zoning and variance requests by a vote of 5 ayes to 0 naves.

Section 5. Variance. The variations requested in the application of the Zoning Code, outlined herein, and recommended at the April 17, 2023 Zoning Board of Appeals meeting is hereby granted as follows:

- A. A variance to reduce the side yard setback to 12 ft as allowed under section 10-7-2 et al of the Village of Sherman Ordinances for purposes of building an addition to the existing primary residence.

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.

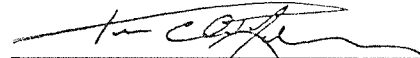
Section 8. Effectiveness. This ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.


SO ORDAINED this 18th day of April, 2023, at Sherman, Sangamon County, Illinois.

	YES	NO	ABSENT	PRESENT
BULL	✓			
GRAY	✓			
HAHN	✓			
LONG	✓			
SCHULTZ	✓			
SHERROCK	✓			
CLATFELTER				
TOTALS:	6	—	—	—



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.

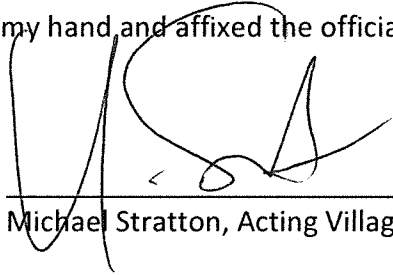
I do further certify that the ordinance attached hereto is a full, true, and exact copy of Ordinance No. 2023-04, adopted by the President and Board of Trustees of said Village on the 18TH day of APRIL, 2023 said Ordinance being entitled:

AN ORDINANCE AUTHORIZING A VARIANCE FROM SIDE YARD SETBACK REQUIREMENTS FOR THE PROPERTY PARCEL #06-25.0-377-001 LOCATED AT 600 FLAGGLAND DRIVE, 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 18TH day of APRIL 2023.





Michael Stratton, Acting Village Clerk