
THE VILLAGE OF SHERMAN
SANGAMON COUNTY, ILLINOIS

ORDINANCE NUMBER 23-10

**AN ORDINANCE AUTHORIZING A VARIANCE FROM SIDE AND FRONT YARD
SETBACK REQUIREMENTS FOR THE PROPERTY LOCATED AT 785 S FIRST
STREET, SHERMAN, ILLINOIS PARCEL #06-36.0-204-022**

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

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

Ordinance No. 2023-10

AN ORDINANCE AUTHORIZING A VARIANCE FROM SIDE AND FRONT YARD SETBACK REQUIREMENTS FOR THE PROPERTY LOCATED AT 785 S FIRST STREET, SHERMAN, ILLINOIS PARCEL #06-36.0-204-022

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 July 17, 2023, an application for ~~re-zoning~~ variance from section 10-3-4 et al of the Village of Sherman Zoning Code (“Zoning Code”) was filed by the Mr. & Mrs. Matthew & Kristina Hutten requesting a variance\ to reduce front/corner yard set back down to 1 ft for the parcel 06-36.0-204-022 situated in the Village of Sherman, Illinois for sole purpose of installing a four-foot tall fence.

WHEREAS, a notice of the public hearing was published in the Sun Times on July 20, 2023 and a hearing was held by the Sherman Zoning Board of Appeals on Monday, August 7, 2023, and

WHEREAS, the Zoning Board of Appeals met on Monday, August 7, 2023 and recommended the Village Board approve the variance requests to the Zoning Code by a vote of 4 ayes to 0 naves; and

WHEREAS, Section 10-3-4 et al permits 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 Board of Trustees and the President of the Village of Sherman believe it in the best interest 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 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.** Granting the variance as noted in this ordinance and recommended by the Zoning Board of appeals would not alter the local character of the subdivision.
- 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 in the Village of Sherman and is legally described as follows:

Addressed at 785 S First Street, Sherman, IL 62684
Parcel Number 06-36.0-204-022, Lot 74 Quail Ridge (3rd Addition)

Section 4. Public Hearing. A public hearing was advertised on July 20, 2023, in the Sun Times and held by the Zoning Board of Appeals on Monday, August 7, 2023 at which time the Zoning Board of Appeals recommended approval of the zoning and variance requests by a vote of 4 ayes to 0 naves.

Section 5. Zoning & Variances. The zoning and variations requested in the application of the Zoning Code, outlined herein, and recommended at the August 7, 2023 Zoning Board of Appeals meeting is hereby granted as follows:

- A. A variance to reduce the front yard set back down to 1ft as allowed under section 10-3-4 et al of the Village of Sherman Ordinances for the sole purpose of installing a four foot fence.

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 8th day of August, 2023, at Sherman, Sangamon County, Illinois.

| | YES | NO | ABSENT | PRESENT |
|------------|-----|----|--------|---------|
| BULL | ✓ | | | |
| GRAY | ✓ | | | |
| HAHN | ✓ | | | |
| LONG | ✓ | | | |
| SCHULTZ | ✓ | | | |
| SHERROCK | ✓ | | | |
| | | | | |
| CLATFELTER | | | | |
| | | | | |
| TOTALS: | 6 | 0 | 0 | 0 |



VILLAGE OF SHERMAN, IL


 Trevor J. Clatfelter, President

Attest:

 Michael Stratton, Acting Village 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. 2023-10, adopted by the President and Board of Trustees of said Village on the 8th day of August 2023, said Ordinance being entitled:

AN ORDINANCE AUTHORIZING A VARIANCE FROM SIDE AND FRONT YARD SETBACK REQUIREMENTS FOR THE PROPERTY LOCATED AT 785 S FIRST STREET, SHERMAN, ILLINOIS PARCEL #06-36.0-204-022

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 8th day of August 2023.



Michael Stratton, Acting Village Clerk

