

**VILLAGE OF MT. ZION
MACON COUNTY, ILLINOIS**

Ordinance No.
2017-9
PERMITTING A VARIANCE FOR CERTAIN PROPERTY LOCATED AT 155 W. MAIN STREET

CERTIFICATE

State of Illinois)
)
)
County of Macon)

I, Dawn Reynolds, duly appointed Village Clerk of the Village of Mt. Zion, Macon County, State of Illinois, and as such, custodian of all Village records, do hereby certify that the attached Ordinance No. 2017-9, is a true and correct copy of AN APPROVED ORDINANCE OF THE VILLAGE OF MT. ZION, MACON COUNTY, ILLINOIS that was adopted by the Mt. Zion Village Board on April 17, 2017.

In witness whereof, I hereby set my hand and affix the seal of the Village of Mt. Zion on this 17th day of April, 2017.



Dawn Reynolds
Dawn Reynolds, Village Clerk

ORDINANCE NO. 2017- 9

AN ORDINANCE PERMITTING A VARIANCE FOR CERTAIN PROPERTY LOCATED
AT 155 W. MAIN STREET

WHEREAS, On the 4th day of April, 2017 the Mt. Zion Planning Commission & Zoning Board of Appeals, upon notice held a public hearing on the petition for a Variance for Amber Cowger-Sheets for property located at 155 W. Main Street, Mt. Zion, Illinois and legally described below in connection with a Petition for Variance to construct a fence in the front yard and to encroach 30 feet on the required 30 foot setback; and

L 0023 B 00 Village of Mt. Zion, as per plat recorded of the Records Office of Macon County, Illinois. More commonly known as 155 W. Main Street, Mt. Zion, Illinois 62549.

WHEREAS, public notice of the aforesaid meeting of the Mt. Zion Planning Commission and Zoning Board of Appeals was duly given as required by law; and

WHEREAS, Section 150.130-150.134 permits the Village Board to approve variations from the Zoning Code; and

WHEREAS, the Village of Mt. Zion Board of Trustees has received and considered the summary findings of the Mt. Zion Planning Commission and Zoning Board of Appeals and the recommendation of the Zoning Administrator, and the Village Board of Trustees believes that sufficient circumstances exist to warrant the granting of such variation, and that the granting of such variation is in the best interest of the Village.

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MT. ZION, MACON COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: 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: Findings of Fact

- A. **Special Circumstances Not Found Elsewhere.** The property is a corner lot and has a great deal of open recreational area of the property contained within the corner side yard unlike a majority of the residential lots within the area.
- B. **Unnecessary Hardship.** Being unable to utilize such a large portion of the residential lot for recreational space would cause an unnecessary hardship since the erection of a fence would not interfere with vehicle traffic at the adjacent intersection.
- C. **Preserves Rights Conferred By The District.** The fence shall allow residential utilization of a larger portion of the property owned by the petitioner.
- D. **Necessary For Use Of The Property.** Being adjacent to North Main Street, the use of the fence within the side yard shall allow safe enjoyment of the side yard area without constant supervision of minors and/or pets.
- E. **Consistency With Local Area And Comprehensive Plan.** Granting the variance is consistent with principles provided in the Comprehensive Plan.

The use shall stay residential and vision safety within the adjacent intersection shall be maintained.

F. **Minimum Variance Recommended.** The petitioner will construct the fence no closer to N. Main Street than the west property line and no closer to W. Main Street than the front edge of the attached porch. The fence shall not be on any utility easement.

SECTION 3: The Mt. Zion Planning Commission and Zoning Board of Appeals recommended to the Village Board of Trustees the denial of the requested variance to allow a fence in the front yard and to allow a 30 foot encroachment on a 30 foot setback to place a fence on the north and west property lines at 155 W. Main Street as requested.

SECTION 4: The petitioner, Amber Cowger-Sheets, subsequently modified the variance request to be less than what was originally requested and for which a public hearing was held and is attached as Exhibit A.

SECTION 5: The variance is hereby granted to Amber Cowger-Sheets to allow for the construction of a fence as described by the applicant and as attached in Exhibit A.

SECTION 6: The variances granted herein are contingent and subject to the following conditions:

A. The fence shall be constructed in a manner consistent with Exhibit A.

SECTION 7: This variance is hereby granted and is made subject to the applicable provisions and regulations of the Zoning and Building Codes as contained in the Code of Ordinances.

SECTION 8: This Ordinance shall be in full force and effect from and after its passage, approval, and publications as required by law.

PASSED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MT. ZION, MACON COUNTY, ILLINOIS, ON THE 17th DAY OF APRIL, 2017.

MARSHALL	<u>YEA</u>
MENDENHALL	<u>YEA</u>
FRITZSCHE	<u>YEA</u>

MOSE	<u>ABSENT</u>
JOHNSON	<u>YEA</u>
SCALES	<u>YEA</u>

Reynolds
Village Clerk

APPROVED:
Mark Wells
Village President

ATTEST:
Reynolds
Village Clerk

EXHIBIT A
MODIFIED REQUEST

