



Incorporated in 1869

Village of Rochester

SANGAMON COUNTY, ILLINOIS

ORDINANCE NUMBER 20-16

**AN ORDINANCE APPROVING A REQUEST FOR VARIANCE FROM THE FENCING
SETBACK REQUIREMENTS FOR CORNER LOTS AT 2 LANCELOT DR.
ROCHESTER, IL**

JOSEPH C. SUERDIECK, Village President
LYNN LANGDON, Village Clerk

MATT BUTCHER
MARIBETH EANDI
HAROLD HENDRICKSON
JOE HILL
STACIA MUNROE
DOUG ZOBRIST
Village Trustees

Published in pamphlet form by authority of the President and Board of Trustees of the Village of
Rochester
on August 24, 2020

Sorling Northrup – 1 N. Old State Capitol Plaza, Suite 200, Springfield, IL 62701

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**AN ORDINANCE APPROVING A REQUEST FOR VARIANCE FROM THE FENCING
SETBACK REQUIREMENTS FOR CORNER LOTS AT 2 LANCELOT DR.
ROCHESTER, IL**

WHEREAS, the Village of Rochester, 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,

WHEREAS, the Illinois Municipal Code, 65 ILCS 5/11-13-3, allows for the approval of variations to the Village's zoning code; and,

WHEREAS, Matt and Brandi Beeching ("Owner") are the owners of record of certain real property commonly described as 2 Lancelot Dr. Rochester, IL (hereinafter referred to as "Property"); and,

WHEREAS, on July 17, 2020, Owner filed a Request for Variation asking the Village to change the fence setback requirements for corner lots to allow for a six foot (6') privacy fence located nine feet (9') from the Village right-of-way; and,

WHEREAS, the Village Planning and Zoning Commission held a duly noticed public hearing on the Request for Variation on August 18, 2020; and,

WHEREAS, as a result of the testimony presented at the public hearing, the Planning and Zoning Commission made the following findings:

- (a) That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the zoning district in which it is located;
- (b) That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district;
- (c) That literal interpretation of the provisions of the Village Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Village Code;

(d) That the plight of the applicant is due to unique circumstances and does not result from the actions of the applicant;

(e) That granting the variation requested will not confer on the applicant any special privilege that is denied by the Village Code to other lands, structures or buildings in the same district; and,

(f) That the variation, if granted, will not alter the essential character of the locality

WHEREAS, after the public hearing, the Planning and Zoning Commission voted unanimously to recommend granting the requested variance; and,

WHEREAS, on August 24, 2020, the Planning and Zoning Commission presented their findings to the Corporate Authorities of the Village; and,

WHEREAS, the President and Board of Trustees of the Village have found and determined that it is in the best interests of the Village that the zoning request be granted and the Property be zoned in accordance with the Request for Zoning Amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ROCHESTER, COUNTY OF SANGAMON, STATE OF ILLINOIS, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are hereby incorporated into, and made a part of, this Ordinance as findings of the Board of Trustees of the Village of Rochester.

Section 2. Description of the Property. The real property is commonly known as 2 Lancelot Dr. Rochester, IL.

Section 3. Public Hearing. A public hearing was advertised in the Rochester Times and was held by the Planning and Zoning Commission on August 18, 2020, at which time the Planning and Zoning Commission voted to recommend approval of the variance requested.

Section 4. Grant of Variance. The variance requested in the Request for Zoning Variation to change the fence setback requirements for corner lots to allow for a six foot (6') privacy fence located nine feet (9') from the Village right-of-way is hereby granted.

Section 5. Severability. In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

Section 6. 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, action, or causes of action which shall have accrued to the Village of Rochester prior to the effective date of this Ordinance.

Section 7. Effectiveness. This Ordinance is contingent upon the sale of the Property from the Diocese to Cardinal Hill. It shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law and only after Cardinal Hill becomes the title owner of the Property.

SO ORDAINED this 24th day of August, 2020, at Rochester, Sangamon County, Illinois.

	YES	NO	ABSENT	PRESENT
MATT BUTCHER			✓	

MARIBETH EANDI	✓			
HAROLD HENDRICKSON	✓			
JOE HILL			✓	
STACIA MUNROE	✓			
DOUG ZOBRIST	✓			
TOTAL	4	0	2	0

August **APPROVED** by the President of the Village of Rochester, Illinois this 24th day of August, 2020.

Joseph C. Suerdieck
 JOSEPH C. SUERDIECK, Village President

Attest:

Erica Marsl, Deputy Clerk
 LYNN LANGDON, Village Clerk