

ORDINANCE NUMBER 2022-9

AN ORDINANCE APPROVING A VARIANCE

WHEREAS, a certain parcel of real estate is located within the corporate limits of the Village of Roseville, Illinois, (“Village”) is, and has always been, used for agricultural purposes, and

WHEREAS, Village of Roseville Illinois Zoning Ordinance (“Zoning Ordinance”) prohibits the Village’s zoning regulations to impose restrictions with respect to land used for agricultural purposes (Municipal Code, Subsection 101-4 (B)), and

WHEREAS, the Zoning Ordinance authorizes any private petitioner to apply for an amendment to the Zoning Ordinance (Municipal Code Subsection 10-1-6 (A), and

WHEREAS, Brad Wainman has submitted a request for a variance to allow the continued agricultural use of the subject property, and

WHEREAS, said request was presented to the Village Zoning Board of Appeals and after due publication a public hearing was held on November 28, 2022 in accordance with Section 11-13-5 of the Illinois Municipal Code, and

WHEREAS, the Village Zoning Board of Appeals unanimously recommend approval of the request to the Village Board of Trustees (“Board”), and

WHEREAS, after due and proper consideration the Board has determined the variance requested conforms with all municipal and statutory procedures, and

WHEREAS, the Board makes the finding of facts as specified on Exhibit A, which is attached and incorporated herein, now

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ROSEVILLE, ILLINOIS:

Section One. The Acting President and the Board find that all of the recitals contained in the preamble of this Ordinance are true, correct and complete and are hereby incorporated by reference hereto and made a part hereof.

Section Two. The variance requested by Brad Wainman in this matter is hereby approved to allow agricultural cultivation use in the R-1 One-Family Dwelling District. For purposes of this Ordinance, agricultural cultivation shall mean those activities relating to the planting of seeds and the harvesting of the resulting crops.

Section Three. This variance shall only apply to the property particularly described on Exhibit B, which is attached and incorporated herein.

Section Four: In the event that any provision of provisions, portion or portions, or clause or clauses of this Ordinance shall be declared invalid or unenforceable by a court of competent jurisdiction, such adjudication shall in no way affect or impair the validity or enforceability of any of the remaining provisions, portions or clauses of this Ordinance that may be given effect without such invalid or unenforceable provision or provisions, portion or portions, clause or clauses.

Section Five: That all ordinances, resolutions, motions or parts thereof, conflicting with any of the provisions of this Ordinance, are hereby repealed to the extent of the conflict.

Section Six. The Village Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This ordinance shall be in full force and effect thirty (30) from and after its passage and approval in accordance with law.

Roll Call Vote	Yea	Nea
Wise	<u>X</u>	_____
Kirby	_____	_____
Taflinger	_____	_____
<u>Dacz</u>	<u>X</u>	_____
Alexander	<u>X</u>	_____
McCulloh	<u>X</u>	_____

ADOPTED: December 5, 2022

Karen Hayes
 Karen Hayes, Village Clerk

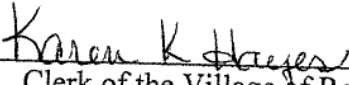
APPROVED: December 5, 2022

Morgan Wise
 Morgan Wise
 Acting President of Board of Trustees

STATE OF ILLINOIS)
) SS
COUNTY OF WARREN)

I, Karen Hayes, as Clerk of the Village of Roseville, Illinois, do hereby certify that I am the duly elected, qualified Village Clerk of said Village; that I am the official keeper of all books and records of said office and of said Village; that the foregoing is a full, true, correct and complete copy of an “**AN ORDINANCE APPROVING A VARIANCE**” which was adopted by the President and Board of Trustees of said Village at the regularly called and constituted December 5, 2022 meeting of said President and Board of Trustees; that said Ordinance was adopted by an affirmative vote of at least two-thirds of the Trustees then holding office, all of which fully appears from the official records and minutes of said Board of Trustees in my office now remaining.

IN WITNESS WHEREOF, I have hereunto affixed my hand and signature as Clerk of the Village of Roseville, Illinois, and the corporate seal of said Village, at Roseville, Illinois, December 5, 2022.



Clerk of the Village of Roseville, Illinois

(CORPORATE SEAL)



EXHIBIT A
FINDING OF FACTS

1. The special circumstances pertaining to the requested variance which create practical difficulties in carrying out the strict application of the zoning ordinance is the fact that the previous and current use is agricultural and the zoning ordinance prohibits the imposition of restrictions with respect to land used for agricultural purposes.
2. The variance requested is not the result of a situation or condition knowingly or deliberately created by Brad Wainman.
3. The variance will not alter the essential character of the neighborhood because the neighborhood is adjacent to the corporate limit and is surrounded by agricultural land.
4. The variance will not create a nuisance to the adjacent property because the adjacent property is used for agricultural purposes.
5. The variance represents generally the minimum deviation from the requirements of the Zoning ordinance necessary to accommodate the request.

EXHIBIT B
Legal Description

Commencing at a point Twenty (20) Rods North of the Center Corner of Section Thirty-one (31) in Township Nine (9) North of Range Two (2) West of the Fourth principal Meridian thence running West Eight Hundred Ninety-One (891) feet to a stone, thence North One Hundred Ninety-three and one fourth ($193 \frac{1}{4}$) feet to a stone at the southwest Corner of the Malcolm place, thence East on the Line between Malcolm and Holeman Lots Six Hundred Fifty-six (656) feet to a point thence South Eighty-six (86) feet to a point thence East Two Hundred Thirty-five (235) feet to a point, thence South One Hundred Seven and $\frac{1}{4}$ ($107 \frac{1}{4}$) feet to point of beginning.

PIN: 07-050-047-10