
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

AN ORDINANCE APPROVING A VARIANCE FOR LOT COVERAGE AT 903 4th
AVENUE, PARCEL 24-24-313-011

JOHN BEARROWS, Mayor
ROSE HUERAMO, City Clerk

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City Council

Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle
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1301 W. 22nd Street – Ste. 500 Oak Brook, Illinois 60523

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ORDINANCE NO. ____

**AN ORDINANCE APPROVING A VARIANCE FOR LOT COVERAGE AT 903 4th
AVENUE, PARCEL 24-24-313-011**

WHEREAS, Section 7 of Article VII of the 1970 Constitution of the State of Illinois provides that a municipality that is not a home rule unit shall only have the powers granted to them by law and as such the City of Rochelle, Ogle County, Illinois being a non-home rule unit pursuant to the provisions of said Section 7 of Article VII, and may exercise only the powers expressly granted by law; and

WHEREAS, the Illinois General Assembly granted non-home rule municipalities broad authority to “pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities.” 65 ILCS 5/1-2-1; and

WHEREAS, while “non-home rule municipalities have the authority to enact ordinances, such ordinances may in no event conflict with state law or prohibit what a state statute expressly permits . . . A local ordinance may impose more rigorous or definite regulations in addition to those enacted by the state legislature so long as they do not conflict with the statute.” (*Village of Wauconda v. Hutton*, 291 Ill. App. 3d 1058, 1060 (1997)); and

WHEREAS, Felipe Monroy, (“Petitioner”) is seeking a variance for lot coverage for a proposed garage and potential driveway reconfiguration for the property located at 903 4th Avenue, “Subject Property,” (the legal description of which is attached herein as Exhibit A); and

WHEREAS, The property is zoned R3, single family high density residential. Currently, the property is covered approximately 43%. The Petitioner is requesting to cover approximately 50%, which is an additional 7% lot coverage with the proposed garage and potential driveway reconfiguration, putting the lot over the allowed lot coverage by 17%; and

WHEREAS, the requested variance of lot coverage is to add onto an existing small one car garage which is not properly positioned on the lot. The garage is currently approximately 124’ x 66’ and will only be used for personal use. The small corner lot inhibits the petitioner from additional garage space without a variance of lot coverage; and

WHEREAS, pursuant to the public notice published in a newspaper of general circulation within the City as required by Sec. 110-32 of the Code of the City of Rochelle, the Planning and Zoning Commission held a public hearing on the Petition for Variances on Monday, May 6, 2024; and

WHEREAS, after holding the public hearing and reviewing the Petitioner’s request, the Planning and Zoning Commission, determined that the Petitioner has met the standards for the

variances as specified under Sec 110-29(f) of the Code of Rochelle and voted 5-0 to recommend approval of the variances; and

NOW THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of Rochelle, Ogle County, Illinois, as follows:

SECTION ONE: The foregoing recitals shall be, and are hereby, incorporated into and made a part of this Ordinance as if fully set forth in this Section One.

SECTION TWO: The City hereby grants a Variance to allow for 50% total lot coverage for the property located at 903 4th Avenue, Rochelle, Illinois.

SECTION THREE: If any provision of this Ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

SECTION FOUR: Where the conditions imposed by any provisions of this Ordinance are more restrictive than comparable provisions imposed in any other local law, ordinance, resolution, rule or regulation, the regulations of this Ordinance will govern.

SECTION FIVE The City Clerk shall publish this Ordinance in pamphlet form.

SECTION SIX: This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED THIS 13th day of May, 2024.

AYES:

NAYS:

ABSENT:

APPROVED THIS 13th day of May, 2024.

CITY MAYOR

ATTEST:

CITY CLERK

EXHIBIT A – LEGAL DESCRIPTION

THAT PART OF THE SOUTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 24, TOWNSHIP 40, NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 66 FEET WEST OF THE SOUTHWEST CORNER OF BLOCK 2 IN ROSS ADDITION, TO THE CITY OF ROCHELLE (BEING ON THE WEST LINE OF GRANT STREET), THENCE NORTH 66 FEET; THENCE WEST 123 FEET 9 INCHES; THENCE SOUTH 66 FEET AND THENCE EAST 123 FEET 9 INCHES TO THE POINT OF BEGINNING, BEING PART OF A TRACT DESCRIBED AS LOT 7 ON THE ASSESSOR'S PLAT OF SAID SOUTHWEST $\frac{1}{4}$, RECORDED IN BOOK "A" OF PLATS PAGE 256 IN OGLE COUNTY, ILLINOIS SITUATED IN THE COUNTY OF OGLE, STATE OF ILLINOIS.

PIN: 24-24-313-011

STATE OF ILLINOIS)
)
COUNTY OF OGLE) SS.

CERTIFICATE

I, _____, City Clerk of the City of Rochelle, County of Ogle and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. _____, “AN ORDINANCE APPROVING A VARIANCE FOR LOT COVERAGE AT 903 4th AVENUE, PARCEL 24-24-313-011” which was adopted by the Mayor and City Council of the City of Rochelle on May 13, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 13th day of May, 2024.

CITY CLERK