
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE APPROVING A VARIANCE FOR HEIGHT AT 851 N. 11TH STREET,
PARCEL 24-24-155-002**

JOHN BEARROWS, Mayor
ROSE HUERAMO, City Clerk

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BEN VALDIVIESO
City Council

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

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Ogle County, Illinois

ORDINANCE NO. ____

AN ORDINANCE APPROVING A VARIANCE FOR HEIGHT AT 851 N. 11TH STREET, PARCEL 24-24-155-002

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, Thomas Hartnett, (“Petitioner”) is seeking variances for lot coverage and height for a proposed garage at 851 N. 11th Street, “Subject Property,” (the legal description of which is attached herein as Exhibit A); and

WHEREAS, Petitioner’s site plan to construct a garage and attach it to the existing detached garage and driveway on the Subject Property is attached herein as Exhibit B; and

WHEREAS, the Subject Property is zoned R3, single family high density residential. Currently, the rear lot is approximately 6% covered. The Petitioner is requesting a height variance for the proposed garage. The allowed height for a residential garage is 20 feet and the Petitioner is requesting a height of 24 feet for the proposed garage, which is a variance of 4 feet over the allowed height; and

WHEREAS, the Petitioner is requesting a variance to construct a garage for personal storage and states that the large lot size and alley access will allow for this size of a garage; 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, April 1, 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 4-1 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 a height of 24 feet on the property located at 851 N. 11th Street, Rochelle, Illinois.

SECTION THREE: That the Mayor and City Council of the City of Rochelle hereby approve and accept Petitioners Site Plan, attached hereto as Exhibit B.

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

SECTION SEVEN: 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 22nd day of April, 2024.

AYES:

NAYS:

ABSENT:

APPROVED THIS 22nd day of April, 2024.

CITY MAYOR

ATTEST:

CITY CLERK

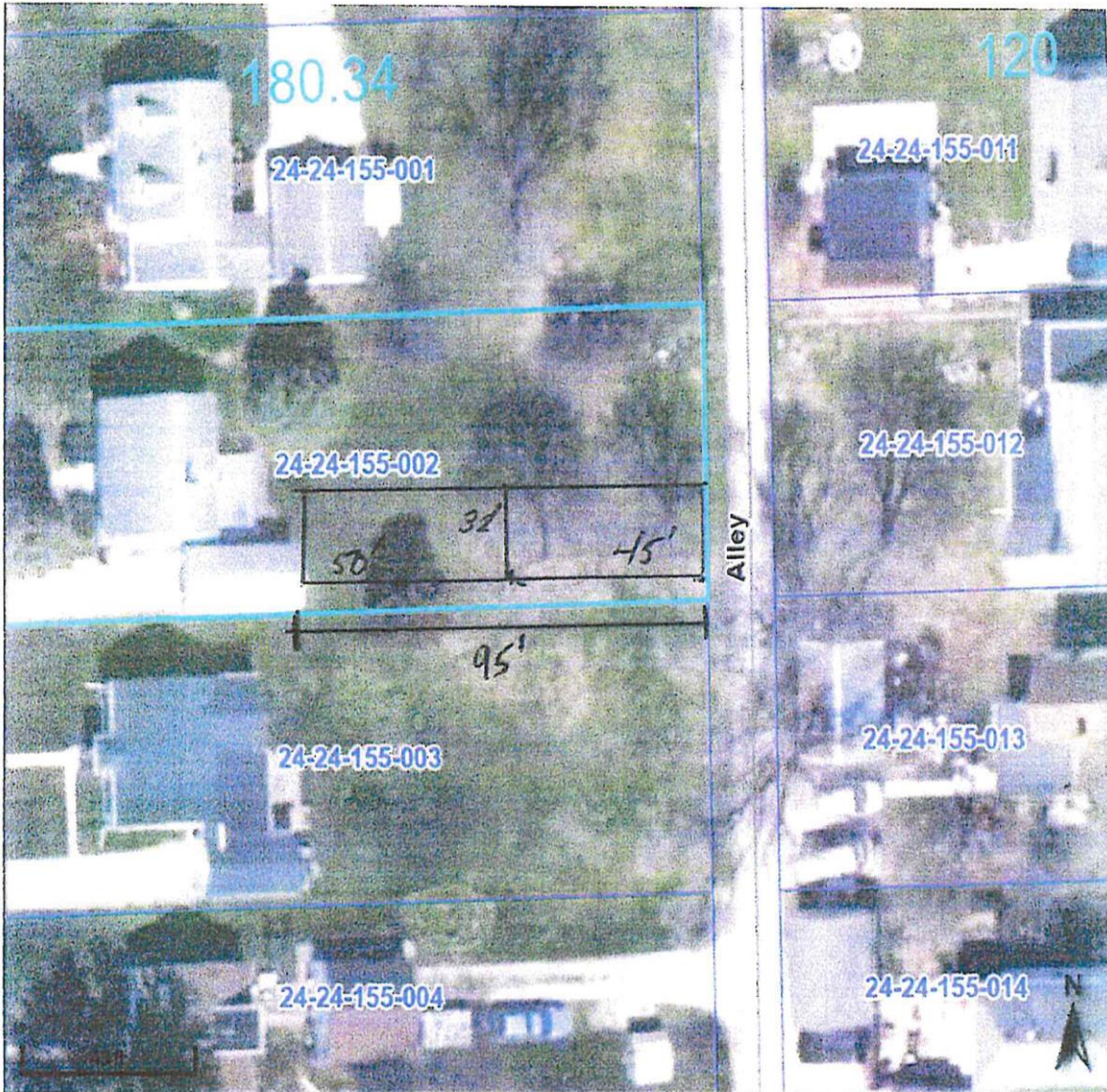
EXHIBIT A – LEGAL DESCRIPTION

Lot nine (9) in block one (1) of Stocking's fifth addition to the City of Rochelle, situated in Ogle County, State of Illinois.

PARCEL: 24-24-155-002

EXHIBIT B – SITE PLAN

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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 HEIGHT AT 851 N. 11TH STREET, PARCEL 24-24-155-002” which was adopted by the Mayor and City Council of the City of Rochelle on April 22, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 22nd day of April, 2024.

CITY CLERK