
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

AN ORDINANCE APPROVING A VARIANCE OF LOT COVERAGE FOR 315 N. 11TH
STREET, PARCEL 24-24-351-00

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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Ogle County, Illinois

ORDINANCE NO. ____

**AN ORDINANCE APPROVING A VARIANCE OF LOT COVERAGE FOR 315 N. 11TH
STREET, PARCEL 24-24-351-00**

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, Rose Ball, (“Petitioner”) is seeking a variance of lot coverage for a proposed deck and driveway at 315 11th Street, (“Subject Property,” the legal description of which is attached herein as Exhibit A); and

WHEREAS, Petitioner’s site plan for the proposed deck 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 lot is approximately 44% covered. The Petitioner is requesting a variance for the ability to cover approximately 63% of the lot for a proposed deck and driveway (which is an additional 19% in lot coverage); and

WHEREAS, the proposed variance would allow Petitioner to provide improved access for handicapped family members by installing a deck, which would be elevated above ground level and would reduce the amount of drop off from the back door to the ground level; 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 a Variance on Tuesday, September 5, 2023; 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 a variance as specified under Sec. 110-29(f) of the Code of Rochelle and voted 6-0 to recommend the approval of the variance; 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 63% total lot coverage on the property located at 315 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 11th day of September, 2023.

AYES:

NAYS:

ABSENT:

APPROVED THIS 11th day of September, 2023.

CITY MAYOR

ATTEST:

CITY CLERK

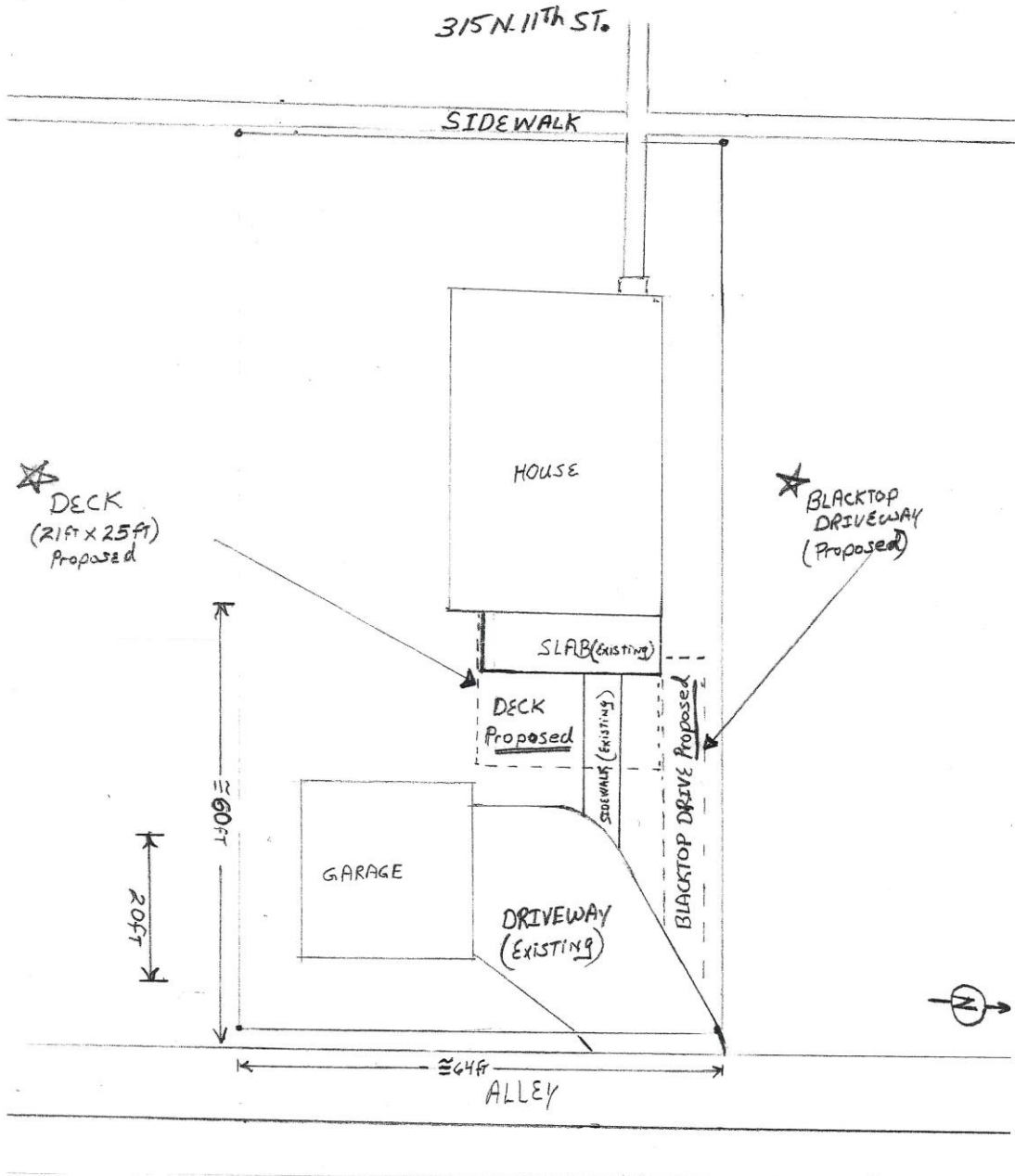
EXHIBIT A – LEGAL DESCRIPTION

PARCEL: 24-24-351-002

Lot 8 in Block 2 in GRIMES' ADDITION to the City of Rochelle; all situated in the Township of Flagg, the County of Ogle and State of Illinois.

Exhibit B – Petitioner’s Site Plan

Wong, Rose Dall
815-970-4671



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 OF LOT COVERAGE FOR 315 N. 11TH STREET, PARCEL 24-24-351-0057” which was adopted by the Mayor and City Council of the City of Rochelle on September 11, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 11th day of September, 2023.

CITY CLERK