

**ORDINANCE NO. 2016-29**

**AN ORDINANCE GRANTING A VARIANCE TO THE CODE OF ORDINANCES FOR THE VILLAGE OF CHERRY VALLEY, ILLINOIS, UNDER CHAPTER 82, SECTION 82-55 TO SECTION 82-482(3)(h)(a), WHICH REQUIRES TOWERS MUST BE SET BACK A DISTANCE EQUAL TO ONE-HALF (1/2) OF THE LENGTH OF ANY PORTION OF THE TOWER THAT IS HORIZONTAL OR PERPENDICULAR TO THE TOWER BASE LAID ON THE GROUND FROM THE TOWER BASE IN ANY DIRECTION THAT NO PART OF THE TOWER EXTENDS BEYOND THE ZONING LOT BOUNDARIES. THIS VARIANCE IS FOR THE EASTERLY AND SOUTHERLY BOUNDARIES OF THE ZONING LOT (8707 EAST STATE STREET, ROCKFORD, ILLINOIS)**

**WHEREAS**, the Board of Trustees for the Village of Cherry Valley, Illinois, has been presented with a petition for a variance for the property commonly known as 8707 East State Street, Rockford, Illinois, for the issuance of a Variance under Section 82-55 to Section 82-482(3)(h)(a) which would allow for the construction of a Wireless Tower Facility in a location which does not comply with the requirements of Section 82-482(3)(h)(a) along the easterly and southerly boundaries of the property in question; and

**WHEREAS**, this application for a variance pertaining to Wireless Tower Facility setback requirements was heard by the Planning and Zoning Commission on July 20, 2016, and said request was recommended for passage to the Board of Trustees by a vote of five (5) ayes, zero (0) nays, and two (2) absences; and

**WHEREAS**, the Planning and Development Committee did review the aforementioned Variance application on August 23, 2016, and recommended that the Variance be sent to the Village Board of Trustees for final action.

**WHEREAS**, this request for the variance for the construction of a fence is required to be brought to the Board of Trustees for final action.

**NOW, WHEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES FOR THE VILLAGE OF CHERRY VALLEY, ILLINOIS, AS FOLLOWS:**

**SECTION 1:** A Variance pursuant to Section 82-55 to Section 82-482(3)(h)(a) shall and hereby is granted to allow for the construction of a wireless tower facility in the location indicated on the attached Exhibit "A", and legally described as follows: PIN: #12-24-401-002

**SECTION 2:** This Ordinance shall be in full force and effect from and after its approval, passage and publication in pamphlet form.

PASSED UPON MOTION BY: NANCY BELT

SECONDED BY: SALLY HOLLEMBEAK

BY ROLL CALL VOTE THIS 20<sup>TH</sup> DAY OF SEPTEMBER, 2016

AS FOLLOWS:

VOTING "AYE": NANCY BELT, SALLY HOLLEMBEAK, GARY MAITLAND, DAVID SCHROEDER

VOTING "NAY": STEPHEN APPELL, JEFF FUSTIN

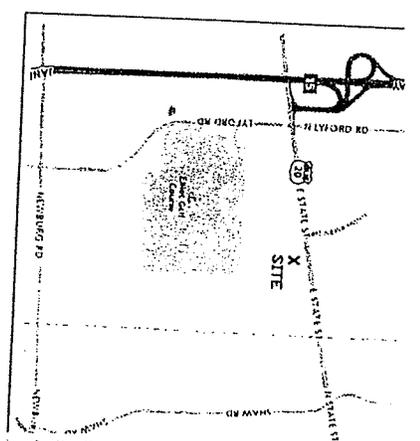
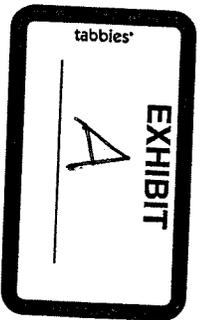
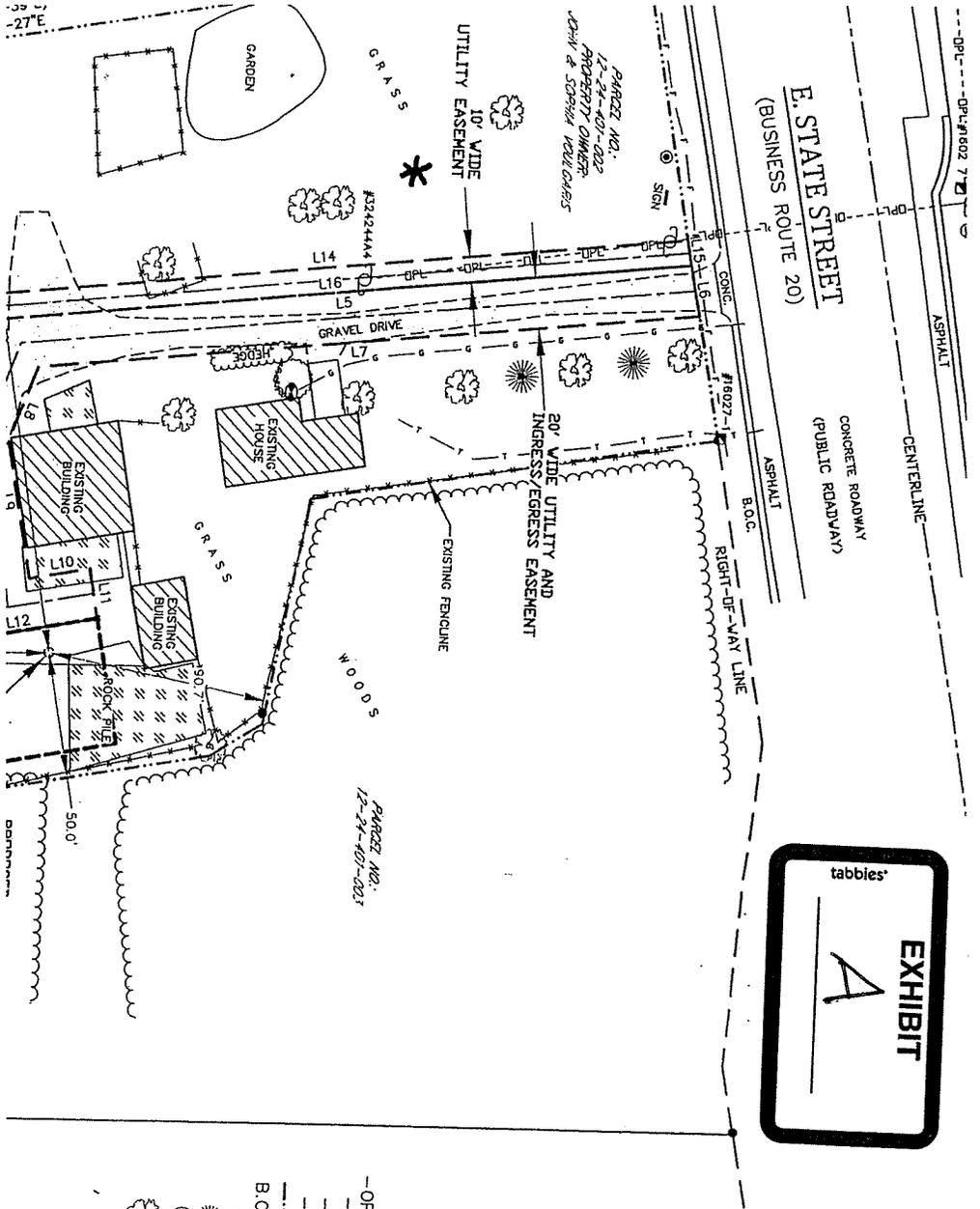
ABSENT, ABSTAIN, OTHER: NONE

ATTEST:

APPROVED: SEPTEMBER 20, 2016

  
KATHY TRIMBLE, DEPUTY CLERK

  
JIM E. CLAEYSSEN, PRESIDENT



- LEGEND**
- = 1" X 18" IRON PIPE SET
  - = 5/8" REBAR FOUND
  - ◻ = 6" NAIL SET
  - ⊙ = SANITARY MANHOLE
  - ⊚ = TELEPHONE MANHOLE
  - ⊛ = TELEPHONE PEDESTAL
  - ⊜ = GAS METER
  - ⊝ = METAL POST
  - ⊞ = EXISTING POWER POLE
  - ⊟ = OVERHEAD ELECTRIC
  - ⊠ = BURIED ELECTRIC
  - ⊡ = BURIED GAS
  - ⊢ = BURIED FIBER OPTIC
  - ⊣ = BURIED TELEPHONE
  - ⊤ = PROPERTY LINE
  - ⊥ = BACK OF CURB
  - ⊦ = EXISTING PINE TREE
  - ⊧ = EXISTING SPRUCE TREE
  - ⊨ = EXISTING CEDAR TREE
  - ⊩ = EXISTING TREE

CALL JULIE  
1600 892-0123  
DR #11

TO THE ILLINOIS STATE  
STEM (NAD 83/2011)  
WEST LINE OF LOT 2,  
AST PLAT, WHICH  
V (N00-45-21"W)