

**ORDINANCE NO. 2025-09-03**

**AN ORDINANCE ACCEPTING FINDINGS OF FACT AND RECOMMENDATIONS OF THE ZONING HEARING OFFICER TO APPROVE AN APPLICATION FOR A ZONING VARIANCE REQUESTED BY JENNINGS CARTER**

**WHEREAS**, a public hearing was held at the Grantfork Village Hall, 203 Rock St., Highland, Illinois on July 28, 2025 before the Grantfork Zoning Hearing Officer, and notice of said hearing was duly given to all individuals entitled to notice, as well as by publication of the hearing in local newspaper and posting of the notice of hearing at Village Hall; and

**WHEREAS**, an application was presented by Jennings Carter, related to property located at 4524 Navajo Drive, Highland, Illinois, parcel ID 022180404401003. requesting a zoning variance from Grantfork Revised Code Section 40-3-17(A)(1), seeking a variance from Grantfork's height restrictions imposed upon accessory structures due to the location of said proposed outbuilding being constructed on a sloped lot; and

**WHEREAS**, certain members of the public appeared at the zoning hearing and advised the zoning hearing officer the proposed outbuilding on the lot would be the second outbuilding for the lot at issue, and the covenants and restrictions applicable to their subdivision in which the proposed variance was sought limited properties to one outbuilding; and

**WHEREAS**, at the conclusion of the hearing on the above request for zoning variance, the Zoning Hearing Officer issued findings of fact and his recommendation that the zoning text variance be granted, as noted in the findings of fact and accompanying memorandum attached hereto as Exhibit A.

**NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GRANTFORK, ILLINOIS, AS FOLLOWS:**

**SECTION ONE:** The above recitals are hereby set forth in this section as findings of fact.

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**SECTION TWO:** That the request for a zoning variance be granted as requested by the applicant and as recommended in Exhibit A.

**SECTION THREE:** Nothing herein shall in any way be deemed to constitute an official position of the Village of Grantfork on: the validity or enforceability of the private covenants and restrictions recorded against any properties within the subdivision at issue; the legal ability of any property owners located within the subdivision at issue to privately enforce those covenants and restrictions; or the potential for civil enforcement of the covenants and restrictions at issue to prevent the development of the property at issue as proposed herein.

**SECTION FOUR:** This Ordinance shall be in effect upon its passage, approval and publication as provided for by law.

**PASSED** this 2 day of September, 2025.

Roll Call Vote:

VOTING AYE:

Ron Wilhaber

Wendy Reinacher-Heilig

Katie Scott

Sydney Thole

VOTING NAY:

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ABSENT:

Carla Crawford

Nancy Schoen

**APPROVED** by the President of the Village of Grantfork, Illinois this 2 day of

September, 2025.

Lucas Haller  
Lucas Haller, Village President

ATTESTED, Filed in my office,  
and published in pamphlet form  
This 2nd day of Sept., 2025.

Theresa Levora  
Theresa Levora, Village Clerk

Exhibit A

Village of Grantfork

VARIANCE REQUEST  
FINDINGS OF HEARING OFFICER

Preliminary Findings

On June 9, 2025, the applicant, Jennings Carter, properly filed a Zoning Variance Request with the Village of Grantfork's Clerk. The application is found to be in proper form and all necessary fees have been paid. The requests touches and concerns property located at the address 4524 Navajo Drive, Highland (within the Village of Grantfork), Illinois. The Parcel ID Number associated with this property is 022180404401003.

On July 28, 2025, a public hearing was held to consider the application/request. Proper notice was given, and all requirements of the Illinois Open Meetings Act were satisfied. All necessary parties were properly notified by the City via USPS certified mail and by publication. In attendance were the Hearing Officer Jack Daugherty, Village Clerk, Theresa Levora, the applicant, and numerous members of the public who live adjacent to or nearby the subject property.

Evidence Considered

The evidence considered in the matter was:

- 1) The application for the variance.
- 2) The input from the applicant.
- 3) The input from his neighbors.

The facts collected and considered at the hearing are that Mr. Carter would like two (2) outbuildings on his property for the purpose of storing various items including, but not limited to, cars, motorcycles, and lawn care equipment. These structures comply with the definition of "accessory use" as defined in 40-3-16 of the Village of Grantfork's zoning code.

The issue is the height of the structures. Section 40-3-17 (A)(1) limits the height of outbuildings to 15 feet. The structures in question are on sloped terrain such that the portions of the buildings located upslope comply with the ordinance. Due to the height of the piers/pilings to support the building, the total height of each structure exceeds the height allowed by code.

Initially the public comments indicated vague opposition and suspicion regarding the structures. Mr. Carter presented his intended use and assuaged all concerns. Specifically, Mr. Carter made clear that the structures were not being used for any business purpose. Additionally, he assuaged all concerns regarding the aesthetics/appearance of the structures and surrounding areas.

The main complicating factor is that all properties located in the subdivision in which the property is located are subject to a restrictive covenant limiting properties to only a single outbuilding. It was explained that the restrictive covenant is more of a contract matter between the property owners who are subject to the restrictive covenant. The Village of Grantfork has



no opinion with respect to the enforcement of the covenant. Nothing contained in this finding of fact may be used to, in any way, indicate that the restrictive covenant is no longer enforceable.

The application is limited to the zoning variance to the set-back issue

Findings

Pursuant to the evidence presented the following findings are made:

- 1) The Application is in proper order.
- 2) All necessary parties were given proper notice of the hearing.
- 3) The hearing complied with the Illinois Open Meetings act in all respects.
- 4) Public comment was available for members of the public. Numerous members of the public participated in public comments. The opportunity for public comment remained open throughout the meeting.
- 5) The proposed zoning variance represents a reasonable use of property.
- 6) The improvements in the property will certainly raise its assessed value and will benefit the Village by increasing revenue to the village.
- 7) The benefits of allowing the variance outweigh any countervailing interest in denying the variance requested.
- 8) The application for the variance should be granted.

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J. Daugherty  
Hearing Officer  
Village of Grantfork