

ORDINANCE NO. 2026-14

AN ORDINANCE GRANTING A VARIANCE FROM SECTION 154.020 OF THE VILLAGE CODE TO PERMIT THE CONSTRUCTION OF AN EIGHT-FOOT (8') FENCE AT PROPERTY LOCATED AT 209 N. 6TH STREET, 205 N. 6TH STREET, AND 510 NORTH STREET KIRKLAND, ILLINOIS

WHEREAS, Mark Thurlby, Scott Erickson, and Chris Cooper ("Applicant") the owner of certain real property commonly known as 209 N. 6th Street, 205 N. 6th Street, and 510 North Street, Kirkland, Illinois (the "Property"); and

WHEREAS, Section 154.020 of the Village Code limits the height of residential fences to six (6) feet; and

WHEREAS, the Applicant submitted an application requesting a variance from Section 154.020 of the Village Code to permit the construction of an eight-foot (8') fence on the Property; and

WHEREAS, the Applicant has represented that a significant grade differential exists between the Property and the adjoining property, such that strict application of the six-foot fence height limitation would substantially reduce the privacy and screening ordinarily provided by a six-foot fence on level ground; and

WHEREAS, the Village of Kirkland Planning and Zoning Commission conducted a duly noticed public hearing on July 13, 2026, at which interested persons were afforded an opportunity to present testimony and evidence regarding the requested variance; and

WHEREAS, following the public hearing, the Planning and Zoning Commission adopted Findings of Fact supporting the requested variance and recommended that the President and Board of Trustees approve the requested variance; and

WHEREAS, pursuant to the authority granted by the Illinois Municipal Code (65 ILCS 5/11-13-1 *et seq.*) and the Village Code, the President and Board of Trustees are authorized to grant variances from the strict application of the Village's zoning regulations where the applicable standards have been satisfied; and

WHEREAS, the President and Board of Trustees have reviewed the application, the record of the proceedings before the Planning and Zoning Commission, the Findings of Fact adopted by the Planning and Zoning Commission, and the Commission's recommendation, and find that the requested variance satisfies the standards governing variances under the Village Code, represents the minimum relief necessary to alleviate the practical difficulties associated with the Property, and is consistent with the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Kirkland, DeKalb County, Illinois, as follows:

SECTION 1.

Recitals; Adoption of Findings of Fact.

The foregoing recitals are hereby incorporated into and made a part of this Ordinance as though fully set forth herein.

The President and Board of Trustees further find that the Findings of Fact adopted by the Planning and Zoning Commission on July 13, 2026, are supported by the evidence presented at the public hearing, are consistent with the standards governing variances under the Village Code, and are hereby approved, adopted, and incorporated herein by reference as the Findings of Fact of the President and Board of Trustees.

SECTION 2.

Grant of Variance.

Based upon the Findings of Fact adopted by the Planning and Zoning Commission, as adopted herein by the President and Board of Trustees, the President and Board of Trustees hereby grant a variance from Section 154.020 of the Village Code to permit the construction and maintenance of an eight-foot (8') fence, substantially in accordance with the plans submitted by the Applicant.

SECTION 3.

Conditions of Approval.

The variance granted herein is expressly conditioned upon the following:

1. The fence shall be constructed substantially in accordance with the plans submitted with the variance application and approved by the Village.
2. The maximum height of the fence shall not exceed eight (8) feet.
3. This variance authorizes relief solely from the maximum fence height established by Section 154.020 of the Village Code. Except as expressly modified herein, the fence shall comply with all other applicable provisions of the Village Code, including, without limitation, those governing location, setbacks, visibility at intersections, maintenance, construction standards, and permitting.
4. The Applicant shall obtain all permits required by the Village prior to commencement of construction.
5. Failure to comply with any condition contained in this Ordinance shall constitute a violation of this approval and may result in enforcement proceedings or other remedies authorized by law.

SECTION 4.

Severability.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5.

Repealer.

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed only to the extent of such conflict.

SECTION 6.

Effective Date.

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 20 day of July, 2026, by a roll call vote as follows:

Ayes	Nays	Absent	Abstain	
Trustee John Michener		<u>X</u>		
Trustee Sarah Ziegler		<u>X</u>		
Trustee Daniel Chambers			<u>X</u>	
Trustee Jessica Fruit		<u>X</u>		
Trustee Erik Marshall		<u>X</u>		
Trustee Brian Benes			<u>X</u>	
President Ryan Block				

APPROVED THIS 20 DAY OF July, 2026



Village President Ryan Block

(SEAL)

ATTEST: 
Village Clerk Leslie Scidmore

Published: _____



CERTIFICATION

I, LESLIE SCIDMORE, do hereby certify that I am the Clerk of the Village of Kirkland, DeKalb County, Illinois, and that as Clerk, I am the keeper of the records and minutes and proceedings of the President and Board of Trustees of said Village of Kirkland.

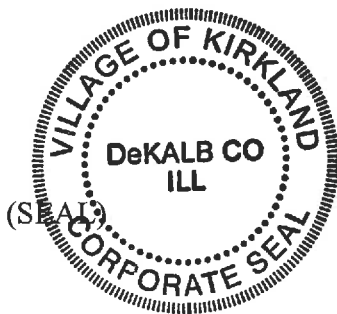
I do further certify that at a regular meeting of the President and Board of Trustees of the Village of Kirkland, held on the 20 day of July, 2026, the foregoing Ordinance entitled **AN ORDINANCE GRANTING A VARIANCE FROM SECTION 154.020 OF THE VILLAGE CODE TO PERMIT THE CONSTRUCTION OF AN EIGHT-FOOT (8') FENCE AT PROPERTY LOCATED AT 209 N. 6TH STREET, 205 N. 6TH STREET, AND 510 NORTH STREET KIRKLAND, ILLINOIS**

, was duly passed by the President and Board of Trustees of the Village of Kirkland.

The pamphlet form of Ordinance No. 2026- 14, including the Ordinance was prepared, and a copy of such Ordinance was available in the Village Hall, commencing on the 20 day of July 2026, and continuing for at least 10 days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Village Clerk.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said Village for safekeeping, and that I am the lawful custodian and keeper of the same.

Given under my hand and seal of the Village of Kirkland, this 20 day of July, 2026.



Leslie Scidmore, Village Clerk
Village of Kirkland
DeKalb County, Illinois