

Ordinance No. 15-49

**AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, ILLINOIS,
GRANTING A HEIGHT AND BUILDING SEPARATION VARIANCE FOR THE
DETACHED GARAGE ON THE PROPERTY AT
442 LAKESHORE DRIVE, EAST DUNDEE, ILLINOIS**

WHEREAS, the Village of East Dundee, Kane and Cook Counties, Illinois (the “Village”) is a duly organized and validly existing home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State; and,

WHEREAS, pursuant to Section 157.207(B)(3) the President and Board of Trustees of the Village (the “Corporate Authorities”) may provide for and allow variances to provide relief from the requirements of the East Dundee Zoning Ordinance (the “Zoning Ordinance”) when there are practical difficulties or a particular hardship with the strict compliance with the Zoning Ordinance; and,

WHEREAS, An application was filed by Daniel and Julie O’Leary (the “Applicant”), requesting a variance from Section 157.085(D) and the definition of *BUILDING HEIGHT* in Section 157.003 to allow the height of a detached garage as an accessory structure from “more than one story, nor exceed 15 feet in height” to the height of the detached garage as constructed and from Section 157.085(B) and Section 157.003, definition of *ACCESSORY BUILDING*, to reduce the separation between the detached garage and the attached garage that is part of the principal building from 10 feet to the existing dimension of the separation between the detached garage and attached garage that is part of the principal building with respect to the real property described in Section 1 herein (the “Subject Property”); and

WHEREAS, the detached garage and attached garage to the principal building pursuant to the definition of *GARAGE, PRIVATE*, shall each be, “limited to three parking spaces for single-family dwellings” and as both garages having only two parking spaces are not in violation of that definition; and,

WHEREAS, notice of a public hearing on said application was published in a newspaper having general circulation within the Village, all as required by the State statutes and the ordinances of the Village; and,

WHEREAS, pursuant to said notice, the Planning and Zoning Commission of the Village conducted a public hearing on December 10, 2015, on said application in accordance with the State statutes and the ordinances of the Village; and,

WHEREAS, the Planning and Zoning Commission made the required written Findings of Fact finding that the variations met the standards in Section 157.207(C) of the Zoning Ordinance and,

WHEREAS, the Corporate Authorities of the Village of East Dundee have received and considered the recommendation of the Planning and Zoning Commission.

NOW, THEREFORE, BE IT ORDAINED, by the President and Board of Trustees of the Village of East Dundee, Kane and Cook Counties, Illinois, as follows:

Section 1: That this Ordinance shall apply to the Subject Property legally described as:

Estate 1 and 2 in Block 18 of Lakewood Lodge Estates, being a subdivision of part of the west half of Section 23, Township 42 north, Range 8 east of the Third Principal Meridian, according to the Plat thereof recorded March 29, 1928 in book 26 of plats, page 10 as document 305798 and the west half of vacated part of Greenwood Avenue, lying north of the north right-of-way line of Lake Shore Road extended easterly to the east right-of-way line of Greenwood Avenue as recorded September 10, 1955 as Document 790357, Book 1761, page 370, in the Village of East Dundee, Kane County Illinois,

PIN: 03-23-178-019 and 03-23-178-020,
commonly known as 442 Lakeshore Drive, East Dundee, Illinois.

Section 2: That subject to the conditions set forth in Section 3 hereof, variations pursuant to Section 157.207(B)(3) of the Zoning Ordinance are hereby granted for the Subject Property:

- A. from Section 157.085(D) and Section 157.003 of the Zoning Ordinance to allow the existing height of the existing detached garage to be higher than 15 feet in height and considered one story and
- B. from Section 157.085(B) and Section 157.003 of the Zoning Ordinance to allow the existing separation between the detached garage and attached garage as part of the principal building to be less than 10 feet.

Section 3: That the variation shall be subject to the following condition:

The detached garage on the Subject Property shall not be increased in height nor shall the distance between it and the attached garage as part of the principal structure be reduced, to less than the dimensions that existed on the effective date of this ordinance.

Section 4: That ordinances or parts of ordinances in conflict with the provisions hereof, are hereby repealed to the extent of such conflict.

Section 5: That 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 14th day of December, 2015.

AYES: Trustees Gorman, Lynam, Skillicorn, Selep, Wood and Hall

NAYS: Ø

ABSENT: Ø

Approved this 14th day of December, 2015.

[Signature]
Village President

Attest:
[Signature]
Village Clerk

Published in pamphlet form:

December 15, 2015