

Ordinance No. 16-19

**AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, ILLINOIS,
GRANTING A REAR YARD VARIANCE FOR THE PROPERTY AT
469 EAST MAIN STREET**

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 Spring Hill Auto Body Inc. (the “Applicant”), requesting a variance from Section 157.053(G)(4) to reduce the rear yard from 20 feet to 4.82 feet to allow for the construction of a 35 foot building addition on the real property described in Section 1 herein (the “Subject Property”); 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 ordinances of the Village; and,

WHEREAS, pursuant to said notice, the Planning and Zoning Commission of the Village conducted a public hearing on May 12, 2016, on said application in accordance with the ordinances of the Village; and,

WHEREAS, the Planning and Zoning Commission made the required written

Findings of Fact finding that the variation did meet the standards in Section 157.207(C) of the Zoning Ordinance and recommended that the variance be approved; 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:

Lot 7 in Block 3 of Fox River Bluff Unit No. 1, in the Village of East Dundee, Kane County Illinois,
PIN: 03-23-453-021,
commonly known as 469 East Main Street, East Dundee, Illinois.

Section 2: That subject to the conditions set forth in Section 3 a variation pursuant to Section 157.207(D)(1) of the Zoning Ordinance to allow the rear yard to be reduced from 20 feet to 4.82 feet is hereby granted for the Subject Property.

Section 3: That the variation shall be constructed, operated and maintained in accordance with the following plans, diagrams and conditions:

- A. The site plan prepared by Fred A. Dreger & Company dated October 1984 showing the variance for the construction of the building expansion attached hereto and made a part hereof as Exhibit A.

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 6th day of June, 2016.

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

NAYS: Ø

ABSENT: Ø

Approved this 6th day of June, 2016.

[Signature]
Village President

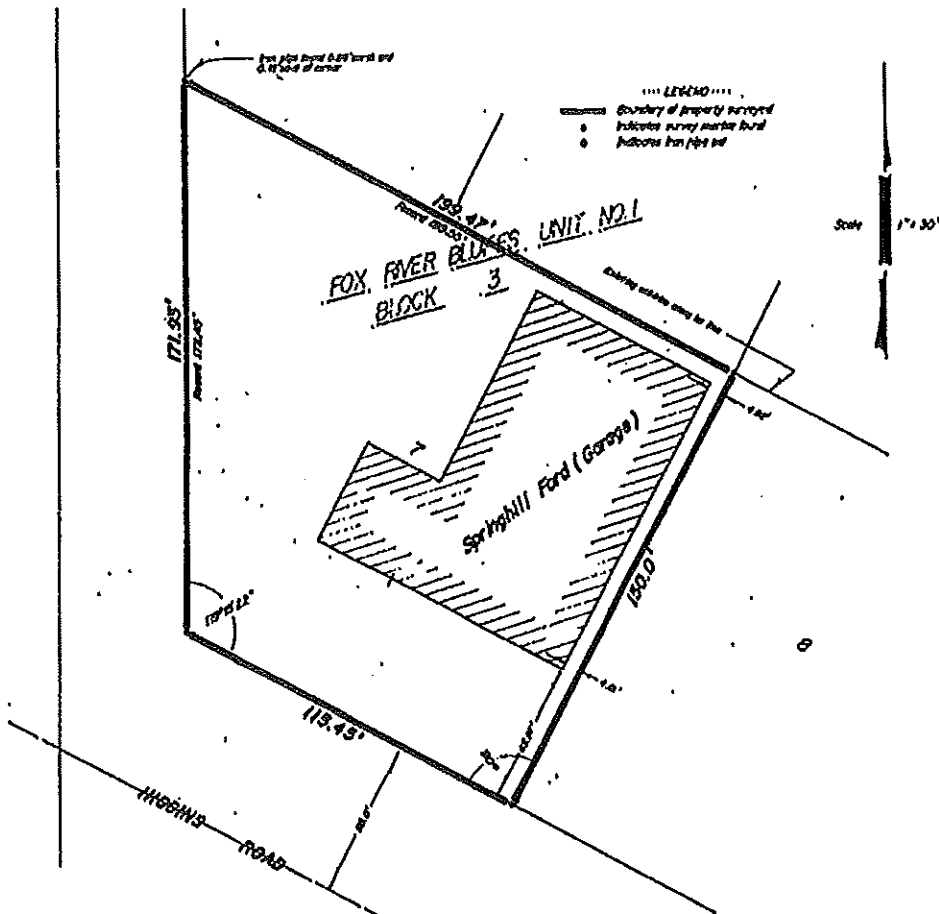
Attest: [Signature]
Deputy Village Clerk

Published in pamphlet form:

June 7, 2016

PLAT AND CERTIFICATE OF SURVEY

LOT 7 IN BLOCK 3 OF FOX RIVER BLUFF UNIT NO. 1, A SUBDIVISION OF PART OF SECTIONS 23 AND 26, TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE VILLAGE OF EAST DUNDEE, KANE COUNTY, ILLINOIS.



STATE OF ILLINOIS } ss
 COUNTY OF DEKALB } ss

THIS IS TO CERTIFY THAT THE ATTACHED PLAT IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY I HAVE MADE OF PROPERTY HEREON DESCRIBED, ALL DISTANCES SHOWN IN FEET AND DECIMALS THEREOF.

WITNESS MY HAND AND SEAL AT DEKALB, ILLINOIS, THIS 30th DAY OF OCTOBER, 1984.

William E. Hanna
 WILLIAM E. HANNA
 ILLINOIS REGISTERED LAND SURVEYOR NO 1941

FOR: Atty. Gary Smith
 JOB NO. W.E.S. 1264



Findings of Fact

Subject Property: 469 E. Main Street, East Dundee, Illinois 60118.

Current Zoning Status: B-3

Current Use Status: Automotive Business

Requested Action: Requesting a variance to 469 E. Main Street, East Dundee Illinois. The requested variance is from section 157.053 (G)(4) for a variance from the required 20 foot rear yard requirement to allow for a 4.82 foot rear yard setback which would allow a 35 foot extension to the existing building along the back line.

Surrounding Land Use and Zoning: B-3

Trend of Development In Area: Business on frontage and sides but residential behind

Findings: The request conforms to the Village's Comprehensive Plan and the zoning is consistent with the area.


Suitability of Present Zoning:
Yes


Conformance to the Land Use Plan:
Yes

Recommendation:
Based on the information contained in the application, the testimony and evidence presented at the public hearing, and the findings outlined herein, the Planning and Zoning Commission hereby approves the findings of fact by a vote of 7 ayes to 0 nay and to approve the request for application for a variance to 469 E. Main Street, East Dundee Illinois. The requested variance is from section 157.053 (G)(4) for a variance from the required 20 foot rear yard requirement to allow for a 4.82 foot rear yard setback which would allow a 35 foot extension to the existing building along the back line.

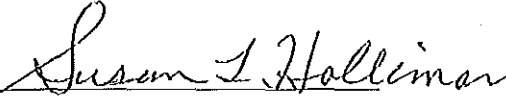
May 12, 2016



Chairman Brewer


Member


Member


Member


Member


Member


Member

Member

Member

Findings

The Planning and Zoning Commission has made the following findings regarding the variation request:

- 1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zoning district; No**

The property can have a reasonable return as a commercial property similar to other properties along Route 72

- 2. The plight of the owner is due to unique circumstances; Yes**

The widening of Route 72 pushed the building of additions towards the rear of the property

- 3. The variation, if granted, will not alter the essential character of the locality; No**

It will alter the character of the neighborhood by having an additional structure along the back lot line

For the purpose of supplementing the above standards, the Planning and Zoning Commission, in making its decision whenever they are practical difficulties or particular hardship, shall also take into consideration the extent to which the following facts favorable to the applicant, have been established by the evidence that:

- 1. The particular physical surroundings, shape or topographical conditions of the specific property involved would bring a particular hardship upon the owner as distinguished from a mere inconvenience if the regulations were strictly enforced; Yes**

Current conditions cannot continue to support a viable business.

- 2. The conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification; Yes**
- 3. The purpose of the variation is not based exclusively upon a desire to make more money out of the property; No**
- 4. The alleged difficulty or hardship has not been created by any person presently having an interest in the property; Yes**
- 5. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; Yes**

It would be consistent with the current setback line of the existing building.

- 6. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the danger of fire or otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood. No**