

**ORDINANCE NUMBER 16-34**

**ORDINANCE GRANTING A SPECIAL USE PERMIT  
TO ALLOW FOR THE OPERATION AS A MOTOR VEHICLE DEALER  
OF USED AUTOMOBILES AT  
164 DUNDEE AVENUE, EAST DUNDEE, ILLINOIS  
(NEODINA PROPERTY)**

**WHEREAS**, the Village of East Dundee (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 157.224(D)(2), the President and Board of Trustees of the Village (the “Corporate Authorities”) may grant or deny any application for a special use permit after receiving the recommendations of the Planning and Zoning Commission, including the stipulations of additional conditions and guarantees, when they are deemed necessary for the protection of the public interest; and

**WHEREAS**, an application was filed by Xavier Neodina (the “Applicant”), requesting a special use permit pursuant to Section 157.050(F)(1) to allow for the operation as a motor vehicle dealer of used automobiles in conjunction with the existing repair services with respect to the real property described in Exhibit A; and

**WHEREAS**, notice of a public hearing on said application was published in a newspaper having general circulation within the Village, 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 December 9, 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, as set forth in the attached Exhibit B; 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 that:

*Section 1.* The recitals listed above are incorporated into this Ordinance as if fully set forth in Section 1.

*Section 2.* A Special Use Permit is hereby granted to allow for the operation as a motor vehicle dealer of used automobiles for the Subject Property subject to the limitation(s) specified in Section 3 of this Ordinance.

*Section 3.* The approval granted pursuant to Section 2 of this Ordinance shall be and is hereby expressly subject to and contingent upon each of the following terms, conditions, and restrictions:

1. The Special Use Permit cannot be transferred and shall be limited to the present owner Xavier Neodina (currently dba Benzworx Autohaus).
2. Expansion or modification of the existing building shall terminate the special use permit and require a new special use permit application and approval.
3. Test driving on residential streets shall be prohibited.
4. Vehicle loading and unloading on Dundee Avenue shall be prohibited.
5. All parking must occur in designated parking areas only. No storage is allowed on adjacent streets, grass, public right-of-way, or off-site.

6. The number of automobiles for sale at any given time shall be limited to fifteen (15) automobiles.
7. Damaged, wrecked or vehicles in varying degrees of disrepair are not to be stored outside.
8. A solid 8' fence shall be installed and maintained along the eastern property line.
9. Outside lighting, except lighting directly attached to the building, shall be prohibited between the hours of 6 a.m. and 9 p.m.
10. A security camera system shall be required for the outside vehicle storage area.

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

*Section 5.* This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

**ADOPTED** this 19<sup>th</sup> day of Dec, 2016 pursuant to a roll call vote as follows:

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

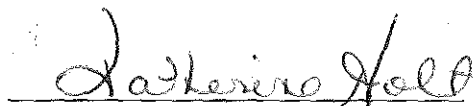
NAYS: Trustee Lynam

ABSENT: Ø

**APPROVED** by me this 19<sup>th</sup> day of Dec, 2016.

  
Village President

*Attest:*

  
Village Clerk

## **EXHIBIT A**

### **Legal Description of Subject Property**

#### **Legal Description:**

Part of the Southwest Quarter of Section 24, Township 42 North, Range 8 East of the Third Principal Meridian, described as follows: Commencing at the Southwest corner of said Southwest Quarter; thence North along the West Line of said Quarter Section 1333.25 feet; thence East parallel with the South Line of said Quarter Section to the Easterly line of State Route No. 25 for a Place of Beginning; thence Northerly along said Easterly line 160.3 feet to the Southwest corner of a tract of land conveyed to John J. James and others by Deed dated August 28, 1956 and recorded September 13, 1956 in Book 1810, page 539, as Document No. 816784; thence East 150 feet; thence Southerly parallel with the Easterly line of said State Route No. 25 to a line drawn East, parallel with the South Line of said Quarter Section, from the Place of Beginning; thence West along said parallel line 150 feet to the Place of Beginning, in the Village of East Dundee, Kane County, Illinois.

**PIN:** 03-24-302-017

**Commonly know as:** 164 Dundee Avenue, East Dundee, Illinois

**Zoning District:** B-2 Community Business District

**Village of East Dundee  
Memorandum**


**To:** Village President and Board of Trustees  
Robert Skurla, Village Administrator

**CC:** Jim Kelly, Building Inspector

**From:** Jennifer Johnsen, Deputy Village Administrator

**Subject:** 164 Dundee Avenue – Special Use Permit

**Date:** December 8, 2016



**Background:**

Xavier Neodina, owner of 164 Dundee and operator of Benzworx Autohaus, has submitted a zoning application for a special use permit in order to sell used automobiles in conjunction with the existing repair services being offered at that location. Mr. Neodina has been the owner/operator since July 2016. The property is located in the B-2 Community Business District. As shown on the attached aerial map, the property is adjacent to both commercial and residential land uses and is located along a major thoroughfare.

In order to consider a special use permit for 164 Dundee Road, the Planning and Zoning Commission considered the following standards. The attached application from Mr. Neodina which includes the special use permit application, plat of survey, photos of the existing building, and public notice includes the petitioner's response to these standards.

1. The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
2. The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
3. Adequate utilities, access roads, drainage or necessary facilities have been or will be provided.
4. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

Due to the usual nature of the operation of special uses that may give rise to unique problems with respect to their impact upon neighboring property or public facilities, the Village may stipulate conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the use as deemed necessary for the protection of the public interest.

**Plan Commission Recommendation:**

On December 8, 2016, a public hearing was held and the Planning and Zoning Commission approved a motion to recommend approval of the special use permit subject to the following conditions:

1. The Special Use Permit cannot be transferred and shall be limited to the present owner Xavier Neodina (currently dba Benzworx Autohaus).

2. Expansion or modification of the existing building shall terminate the special use permit and require a new special use permit application and approval.
3. Test driving on residential streets shall be prohibited.
4. Vehicle loading and unloading on Dundee Avenue shall be prohibited.
5. All parking must occur in designated parking areas only. No storage is allowed on adjacent streets, grass, public right-of-way, or off-site.
6. The number of automobiles for sale at any given time shall be limited to fifteen (15) automobiles.
7. Damaged, wrecked or vehicles in varying degrees of disrepair are not to be stored outside.
8. A solid 8' fence shall be installed and maintained along the eastern property line.
9. Outside lighting, except lighting located directly on the building, shall be prohibited between the hours of 6 a.m. and 9 p.m.
10. A security camera system shall be required for vehicles stored outside.

Attached, please find an ordinance incorporating these conditions as well as the Findings of Fact from the Planning and Zoning Commission.

**Action Requested:** Discussion and consideration of an Ordinance Granting a Special Use Permit to Allow for the Operation as a Motor Vehicle Dealer of Used Automobiles at 164 Dundee Avenue, East Dundee, Illinois

**Attachments:**

1. Special Use Permit Application
2. Plat of Survey
3. Photos of 164 Dundee
4. Public Notice
5. Aerial Map
6. Special Use Ordinance

## VILLAGE OF EAST DUNDEE



**APPLICATION FOR DEVELOPMENT APPROVAL:  
SPECIAL USE, REZONING AND VARIANCE REVIEW AND APPROVAL**

This form is to be used for all special use applications (except Planned Developments) to be heard by the Village of East Dundee. To complete the form properly, please review the accompanying *Village of East Dundee Instruction Manual for Application for Development Review*. Failure to complete this form properly will delay its consideration.

**PART I. GENERAL INFORMATION****A. Project Information**

1. Project/Owner Name: Xavier Neodina
2. Project Location: 164 Dundee Ave. East Dundee IL 60118
3. Brief Project Description: Auto Repair / Used Car Dealer
4. Project Property Legal Description: 164 Dundee Ave. East Dundee IL 60118
5. Project Property Size in Acres and Square Feet: 1/2 Acre (24,027 sq.ft.)
6. Current Zoning Status: B2
7. Current Use Status: B2
8. Surrounding Land Use Zoning: B2, B3, R5, R1
9. Parcel Index Numbers of Property: 03-24-302-017

**B. Owner Information**

1. Signature: [Signature]
2. Name: Xavier Neodina
3. Address: 1475 Rebecca Dr. #322 Hoffman Estates IL 60169
4. Phone Number: 8473610368 Fax: 8475515058 Email: xavier@benzwork.com

**C. Billing Information** (Name and address all bills should be sent to)

1. Name/Company: Benzwork Autohaus
2. Address: 164 Dundee Ave. East Dundee IL 60118
3. Phone Number: 8478440349 Fax: 8475515058 Email: xavier@benzwork.com

### PART III. JUSTIFICATION OF THE PROPOSED SPECIAL USE

Please answer all questions but be concise and brief in your answers. If additional pages are needed to complete your answers, please be sure to include the appropriate and complete question number for each response. Applicants are encouraged to refer to drawings or other application materials as necessary to add clarity to their answers. Applicants are also encouraged to refer to Special Use Criteria Section 157.224(C)(2) or Variances, Section 157.207(C) or Rezoning.

IF YOU ARE APPLYING FOR A REZONING PLEASE WRITE A PARAGRAPH ON WHAT THE CURRENT ZONING IS AND WHY YOU ARE REQUESTING A REZONING

FOR A SPECIAL USE COMPLETE THE FOLLOWING, FOR VARIANCES ONLY SKIP TO PAGE #4:

1. Will the Special Use be injurious to the enjoyment of other property in the immediate vicinity for the purposes already permitted, nor will the special use substantially diminish and impair property values within the neighborhood?

No

2. Will the establishment of the Special Use impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district?

No

3. Have or will adequate utilities, access roads, drainage or necessary facilities be provided for?

Yes

4. Have or will adequate measures be taken to provide ingress and egress to minimize traffic congestion in the public streets?

Yes

5. How is the proposed special use in harmony with the purposes, goals, objectives, policies and standards of the Village of East Dundee Comprehensive Plan, the Zoning Ordinance, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice, by the Village?

Not requesting a zoning change, This complies with current zoning. Future land use plan is general use.



VILLAGE OF EAST DUNDEE



APPLICATION AGREEMENT  
TO PAY COSTS INCURRED AND HOLD THE VILLAGE HARMLESS

The Undersigned applicant acknowledges that the Village of East Dundee may seek advice and counsel from professional sources outside the employee staff of the Village of East Dundee in consideration of the application submitted to the Village of East Dundee by the applicant, including the services as those provided by the Village Staff, Village Attorney, Village Engineer, Planner and Fire Protection District.

The applicant further acknowledges that testimony of all witness at Public Hearings may be recorded before a court reporter and that full transcripts of the proceedings may be prepared and retained by the Village of East Dundee as part of the official record concerning the said applicant and the applicant's costs.

As an express condition in making the said application and the consideration thereof by the Village of East Dundee, the undersigned, both personally and on behalf of the applicant, agrees to hold the Village harmless and agrees to pay forthwith the costs and expenses that may be incurred by the Village of East Dundee for such professional services, including the costs and expenses of recording and transcribing any testimony at Public Hearings in connection with the said application.

The owner hereby authorizes, support and consents to this request for variation, and further authorizes, agrees and consents to allow the temporary installation and display by the Village of East Dundee of Public Notice (signage) upon the subject property.

The applicant, having read this application and fully understanding the purpose thereof, declares that the proceeding statement made are true and that the information provided herein is complete to the best of the applicant's knowledge and belief.

Xavier Neddina Benzworx Inc. 11/09/16  
Individually and for the Applicant Date

164 Dundee Ave. East Dundee IL 60118 (847) 8440349  
Address Phone Number

Project Description: Dealer - used cars / Auto Repair

VILLAGE OF EAST DUNDEE



Affidavit of Ownership & Control

I (We), Xavier Neodina do hereby certify or affirm that I am the owner(s), contract purchasers, or beneficiary(s) of the title holding trust for the aforesaid described property and hereby make application of such.

Signature: Xavier Neodina

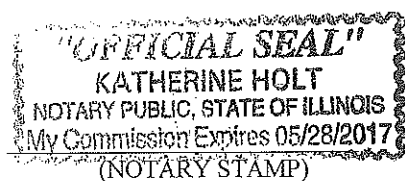
Owner: Xavier Neodina

Address: 164 Dundee Ave.  
East Dundee, IL 60118

Phone: 847 8440349

SUBSCRIBED AND SWORN TO before me this  
9th day of November, 2014.

Katherine Holt  
(NOTARY SIGNATURE)



VILLAGE OF EAST DUNDEE




**Affidavit & Disclosure Agreement**

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To cover the Village expenses relating to applications for site plans, Subdivisions, Annexations, Zoning Amendments, Special Uses, Variations and the like:

Applications shall deposit the sum required based on the type and extent of the applicants project. Any bills received by the village and any costs incurred by the Village related to the project will be billed to the applicant. Upon payment of all bills to the Village the applicant will receive their deposit back.

Signature: 

Print Name: Xavier Neodina

Project Address: 164 Dundee Ave. East Dundee IL 60118

# ALTA/NSPS LAND TITLE SURVEY

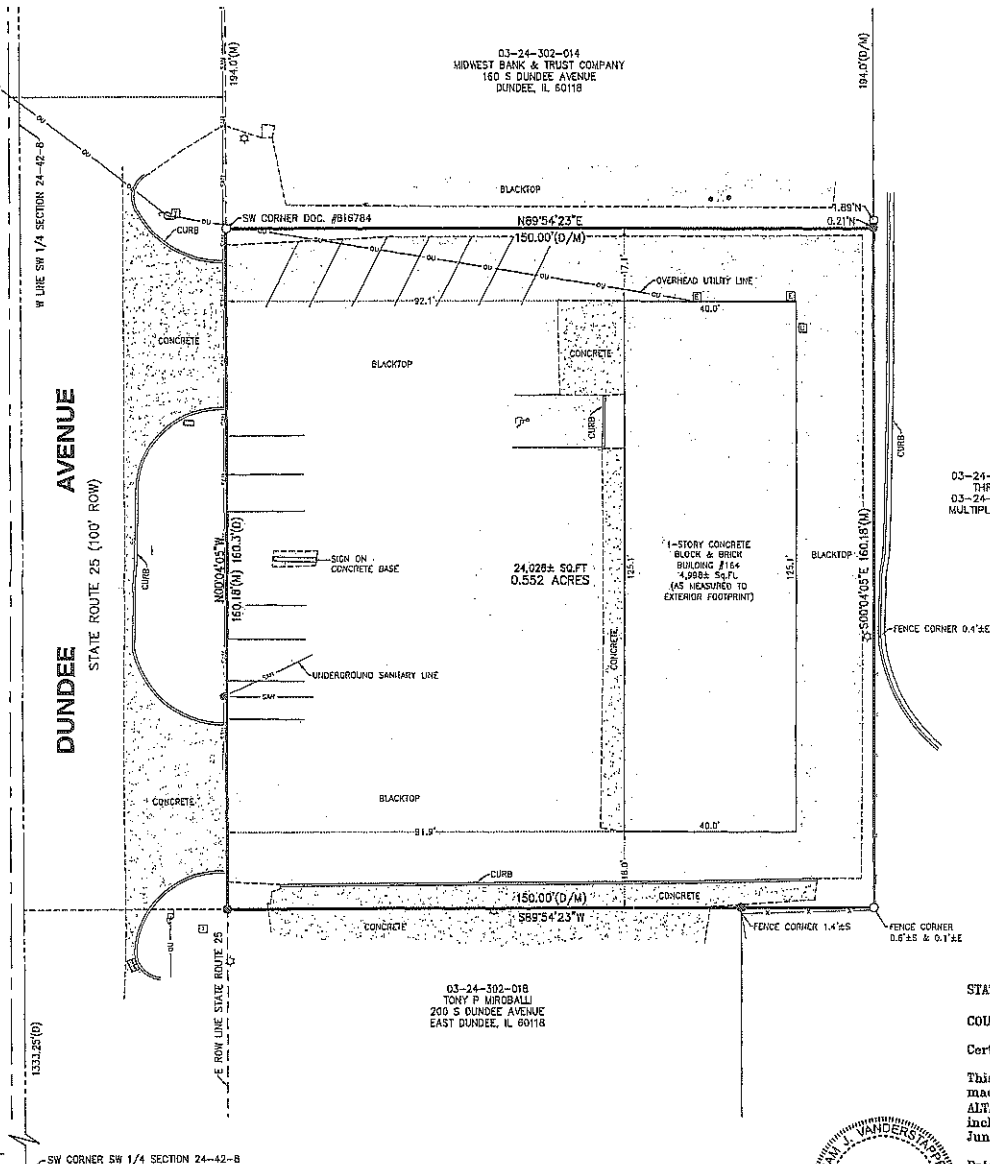
## LEGAL DESCRIPTION

Part of the Southwest Quarter of Section 24, Township 42 North, Range 8 East of the Third Principal Meridian, described as follows: Commencing at the Southwest corner of said Southwest Quarter, thence North along the West Line of said Quarter Section 1333.25 feet; thence East parallel with the South Line of said Quarter Section to the Easterly line of State Route No. 25 for a Place of Beginning; thence Northerly along said Easterly line 160.3 feet to the Southwest corner of a tract of land conveyed to John J. James and others by Deed dated August 28, 1956 and recorded September 13, 1956 in Book 1810, page 539, as Document No. 816784; thence East 150 feet; thence Southerly parallel with the Easterly line of said State Route No. 25 to a line drawn East, parallel with the South Line of said Quarter Section, from the Place of Beginning; thence West along said parallel line 150 feet to the Place of Beginning, in the Village of East Dundee, Kane County, Illinois.

LEGEND	
•	BOLLARD
⊠	ELECTRIC METER
⊙	FOUND IRON BAR
○	FOUND IRON PIPE
⊕	GAS METER
⊗	HANDICAPPED
⊞	INLET
☆	LIGHT
✉	MAILBOX
⊙	SANITARY MANHOLE
⊠	SIGN
⊠	TELEPHONE RISER
⊠	UTILITY POLE
(M)	MEASURED
(R)	RECORD



CLIENT: SCHEFLOW & RYDELL  
DRAWN BY: DAM CHECKED BY: WJV  
SCALE: 1"=20' SEC. 24 T. 42 R. 08 E.  
BASIS OF BEARING: ASSUMED  
P.I.N.: 03-24-302-017  
JOB NO. 160413 I.D. ALT  
FIELDWORK COMP.: 6/20/16 BK. PG.  
ALL DISTANCES SHOWN IN FEET AND DECIMALS REF: 10367  
PARTS THEREOF CORRECTED TO 60° F.



## SURVEYOR'S NOTES

- The legal description and utility easements shown hereon have been provided by Chicago Title Insurance Company, Commitment policy #1410-008491727-CL dated 05/03/2011. The title information shown hereon is exclusively that provided to the Surveyor by the Title Insurer or the client. The Surveyor does not warrant the exact location of the Utility Easements shown hereon, but does state that they are located as accurately as possible from the information provided.
- Based on Flood Insurance Rate Map, Panel No. 17089C0157H, dated 08/03/2009, the subject property lies within Zone "X", areas determined to be outside the 0.2% annual chance floodplain.
- Distances are marked in feet and decimal places thereof, no dimension shall be assumed by scale measurement hereon. Distances and/or bearings shown with a "D" in parenthesis (D) are record or deed values, not field measured.
- Compare this plot, legal description and all survey monuments before building, and immediately report any discrepancies to the surveyor.
- The location of the property lines shown on the face of this plat are based on the legal description contained in the title commitment and shown hereon. This information has been furnished by the client and compared to record deeds to check for gaps and/or overlaps. However, this survey may not reflect historical matters of title and ownership that have not been disclosed by the title commitment.
- Only the improvements which were visible from above ground at time of survey and through a normal search and walk through of the site are shown on the face of this plat. Lawn sprinkler systems, if any, are not shown on this survey.
- Manholes, inlets and other utility rims or grates shown hereon are from field location of such, and only represent such utility improvements which are visible from above ground survey at the time of survey, through a normal search and walk through of the site. The labeling of these manholes (sanitary, water, etc) are based solely on the "stamped" markings on the rim. No underground observations have been made to verify the actual use or existence of underground utilities.
- Surface indications of utilities on the surveyed parcel have been shown. Underground and offsite observations have not been made to determine the extent of utilities serving or existing on the property, public and/or private records have not been searched to provide additional information. Overhead wires and poles (if any) have been shown, however their function and dimensions have not been shown.
- This survey may not reflect all utilities or improvements, if such items are hidden by landscaping, or are covered by such items as dumpsters or trailers or when the site was covered with snow. At the time of survey, the site was not covered by snow.
- Restrictions that may be found in local buildings and/or zoning codes have not been shown. Height and bulk restrictions (if any) have not been shown. Only those setback restrictions shown on the recorded subdivision plat or in the title commitment have been shown.

STATE OF ILLINOIS )  
COUNTY OF McHENRY ) S.S.

Certified to:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 3, 4, 7a, 8 & 20 of Table A thereof. The field work was completed on June 21st, 2016.

Dated this 22nd day of June, A.D., 2016.  
VANDERSTAPPEN LAND SURVEYING INC.  
Design Firm No. 164-002792



*William J. Vanderstappen* (seal)  
WILLIAM J. VANDERSTAPPEN, 035-002709  
PROFESSIONAL LAND SURVEYOR











State of Illinois                     )  
County of Kane                     )       SS  
Village of East Dundee           )

**NOTICE OF PUBLIC HEARING**

Notice is hereby given that the Planning and Zoning Commission of the Village of East Dundee will hold a public hearing on December 8, 2016 at 7:00 P.M. at the East Dundee Village Hall Annex, 120 Barrington Avenue, East Dundee, Illinois, to consider the request for a special use to operate as a motor vehicle dealer of used automobiles.

Property Legal Description: Part of the Southwest Quarter of Section 24, Township 42 North, Range 8 East of the Third Principal Meridian, described as follows: Commencing at the Southwest corner of said Southwest Quarter; thence North along the West Line of said Quarter Section 1333.25 feet; thence East parallel with the South Line of said Quarter Section to the Easterly line of State Route No. 25 for a Place of Beginning; thence Northerly along said Easterly line 160.3 feet to the Southwest corner of a tract of land conveyed to John J. James and others by Deed dated August 28, 1956 and recorded September 13, 1956 in Book 1810, page 539, as Document No. 816784; thence East 150 feet; thence Southerly parallel with the Easterly line of said State Route No. 25 to a line drawn East, parallel with the South Line of said Quarter Section, from the Place of Beginning; thence West along said parallel line 150 feet to the Place of Beginning, in the Village of East Dundee, Kane County, Illinois.

PIN: 03-24-302-017

This property is commonly known as 164 Dundee Avenue, East Dundee, IL 60118

All interested persons will be given an opportunity to be heard.





EXHIBIT B

**VILLAGE OF EAST DUNDEE, ILLINOIS**  
**Findings of Fact – Special Use**

Property Location: 164 Dundee Avenue, East Dundee, Illinois

Special Use requested: A special use permit to operate as a motor vehicle dealer of used automobiles –Village Code Section 157.050 (F)(1)

Hearing date: December 8, 2016

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

1. **The use is not injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood; Circle one; Yes/No/Not Applicable(N.A.), Explain:**

Yes

2. **The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district; Yes/No/N.A.**

Yes

3. **Adequate utilities, access roads, drainage or necessary facilities have been or will be provided; Yes/No/N.A.**

Yes

4. **Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; Yes/No/N.A.**

Yes

Based on the information contained in the application and the testimony and evidence presented at the public hearing, the Planning and Zoning Commission voted on the approval of these findings of fact and the requested special use(s) resulting in the following vote:

  6   ayes   0   nays   0   absent   0   abstain

subject to the following conditions:

1. The Special Use Permit cannot be transferred and shall be limited to the present owner Xavier Neodina (currently dba Benzworx Autohaus).
2. Expansion or modification of the existing building shall terminate the special use permit and require a new special use permit application and approval.
3. Test driving on residential streets shall be prohibited.
4. Vehicle loading and unloading on Dundee Avenue shall be prohibited.
5. All parking must occur in designated parking areas only. No storage is allowed on adjacent streets, grass, public right-of-way, or off-site.
6. The number of automobiles for sale at any given time shall be limited to fifteen (15) automobiles.
7. Damaged, wrecked or vehicles in varying degrees of disrepair are not to be stored outside.
8. A solid 8' fence shall be installed and maintained along the eastern property line.
9. Outside lighting, except lighting located directly on the building, shall be prohibited between the hours of 6 a.m. and 9 p.m.
10. A security camera system shall be required for vehicles stored outside.

Date:

12/8/16 James D. Brueckner  
Planning and Zoning Commission Chairman