

ORDINANCE NUMBER 21-24

AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, APPROVING A VARIATION REQUIRING THAT A SIDE YARD ABUTTING A STREET IS NOT TO BE LESS THAN 30 FEET IN DEPTH TO ALLOW FOR THE SIDE YARD TO BE ONE (1) FOOT IN DEPTH IN THE R-2 SINGLE FAMILY DISTRICT FOR THE PROPERTY LOCATED AT 511 BARRINGTON AVENUE, EAST DUNDEE, ILLINOIS WITH THE RECOMMENDED CONDITIONS

WHEREAS, the Village of East Dundee ("Village") is a home rule unit of local government pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, and has the authority to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the Applicant is the homeowner of the property located at 511 Barrington Avenue, East Dundee, Illinois, legally described in Section 2 below ("Subject Property"); and

WHEREAS, the Applicant filed an application with the Village seeking a variation from Section 157.033(B)(6)(b)2 of the Zoning Chapter of the East Dundee Village Code requiring that a side yard abutting a street is not to be less than 30 feet in depth to allow for the side yard to be one (1) foot in depth of the Subject Property as depicted and described in the application; and

WHEREAS, pursuant to Section 157.207 of the Village of East Dundee Zoning Ordinance ("Zoning Ordinance") and the Village's home rule authority, the Village President and Board of Trustees of the Village ("Corporate Authorities") may provide for and allow variations to the requirements of the Zoning Ordinance when there are practical difficulties or a particular hardship with the strict compliance with the Zoning Ordinance; and

WHEREAS, notice of a public hearing on the Application before the Village's Planning and Zoning Commission was duly given and a public hearing was held on the Application on May 13, 2021; and

WHEREAS, the Planning and Zoning Commission reviewed the standards set forth in Section 157.207 of the Zoning Ordinance for a variation and recommended approval of the variation, subject to the conditions in Section 3 below, which recommendation and related findings of fact are incorporated herein; and

WHEREAS, the Corporate Authorities have reviewed the Planning and Zoning Commission's findings of fact and recommendations on the Application, and hereby approve the proposed variation on the Property, subject to the conditions in Section 3 below;

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: Incorporation. That each Whereas paragraph above is incorporated by reference into this Section 1 and made a part hereof as material and operative provisions of this Ordinance.

SECTION 2: Variation. The Corporate Authorities hereby approve the Application and grant a variation for the Property legally described as:

Tract 1: Lot 3 (Except that part taken for public roadway, more fully described in dedication recorded as document 90K53477) in Fred H. Marwig's subdivision, a subdivision of part of the west half of the northwest quarter of section 23, township 42 North, Range 8, East of the third principal meridian, in the Village of East Dundee, Kane County, Illinois.

Tract 2: Parcel one in the Trebes Barrington Avenue subdivision, according to the plat thereof recorded October 10, 1990 as document number 90K53478, in the Village of East Dundee, Kane County, Illinois

commonly known as 511 Barrington Avenue, East Dundee, Illinois (P.I.N. 03-23-182-029, 03-23-182-030), subject to the conditions in Section 3 below.

SECTION 3: Conditions of Approval. That the variation permit granted herein shall be constructed, operated and maintained in accordance with any plans and diagrams submitted as part of the Application, and shall be subject to the following terms and conditions:

1. The Petitioner shall only erect a four (4) foot high wrought iron, decorative non-privacy fence as depicted.
2. The Petitioner shall not erect any other structure and/or building, which without such variance would not be permitted by Village Code, within the 30-foot setback that would be otherwise required for the side/front yard.

SECTION 4: Severability. That if any Section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such Section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 5: Repeal. That all ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

SECTION 6: Effect. That this Ordinance shall be in full force and effect forthwith upon its adoption, approval and publication in pamphlet form as provided by law.

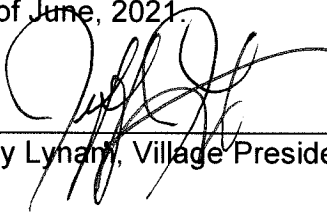
PASSED this 7th day of June, 2021 pursuant to a roll call vote as follows:

AYES: Trustees Mahony, Andresen, Kunze, Brittin, Saviano
and Treiben

NAYES: Ø

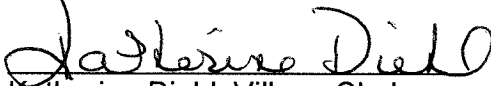
ABSENT: Ø

APPROVED by me this 7th day of June, 2021.



Jeffrey Lynah, Village President

ATTEST:



Katherine Diehl, Village Clerk

Published in pamphlet form this 7th day of June, 2021, under the authority of the Village President and Board of Trustees.

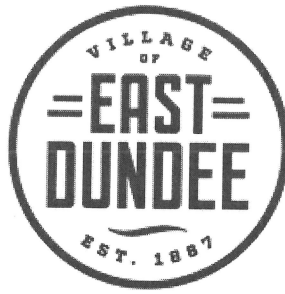
Recorded in the Village records on June 9, 2021.

The Applicant acknowledges hereby the reasonableness of the above and foregoing terms and conditions in the Ordinance, and hereby accepts the same.

By: 

Applicant

Date: June 9, 2021



P&Z File # _____

**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: Dan Hahn Kelley Stover
2. Project Location: 511 Barrington Ave, East Dundee
3. Brief Project Description: Fence Installation
4. Project Property Legal Description: 4 ft. fence on a residential lot
5. Project Property Size in Acres and Square Feet: 264 sq. feet
6. Current Zoning Status: Residential
7. Current Use Status: Residence
8. Surrounding Land Use Zoning: Residential
9. Zoning District Being Requested (if applicable): _____
10. Parcel Index Numbers of Property: 03-23-182-029 and 03-23-182-030

B. Owner Information

1. Signature: [Signature]
2. Name: Dan Hahn Kelley Stover
3. Address: 511 Barrington Ave, East Dundee
4. Phone Number: 848-342-0110 Fax: 630-267-1064 Email: DanHahn314@gmail.com
KS8992@gmail.com

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

1. Name/Company: Same as above
2. Address: _____
3. Phone Number: _____ Fax: _____ Email: _____

IF YOU ARE APPLYING FOR A VARIANCE COMPLETE THE FOLLOWING:

1. From which specific standard of the Village Code is a Variance requested (include Code section number)?

Code 151.006, Section 5 (a) - Location, Design and Construction

2. For this site, what does the Code require?

A split rail, wrought iron or picket fence, not to exceed 3 feet, when the yard is considered the front yard, which our backyard is due to us being on a corner lot

3. What is proposed?

We are looking to put up a 4 foot wrought iron, decorative fence, in backyard. We are on a corner lot and according to your regulations, that has to abide by the front yard rules.

4. What unique circumstances have caused the need for a variance?

We need at least a 4 foot fence to keep our dogs and small children contained. A 3 foot fence would not be tall enough to achieve that.

5. What specific mitigation measures will be used to ensure that the essential character of the area will not be altered? (Suitability of Present Area)

The fence is of a material which you are able to see through so it doesn't cause visibility issues with the corner traffic. It is decorative, neat and more than 12 inches off the sidewalk. It is also more than 254 feet from the main street corner, side street leads to a court.

6. Specifically, how do the particular physical surroundings, shape, or topographical condition of the property result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations are carried out?

Not a hardship, it is a safety feature for
our ~~pets~~ pets and small children at the house

7. Specifically, what conditions are present on the property that would not be applicable generally to other property within the same zoning classification? (Suitability of Zoning)

We are more than 250 ft. from corner of
the main Street; Side Street leads to a Court.
The fence would not impede anybody's vision
coming from either Street involved.

8. Other than financial return, what other purposes is the variance request based on?

To keep pets and small children contained. We
need at least a 4 ft. fence to keep our pets
and children in the yard. The fence request is
decorative and wouldn't detract from the beauty
of the neighborhood, and you can see through it.

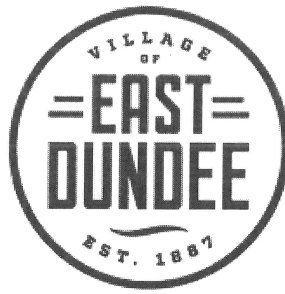
9. Has the alleged difficulty been created by any person presently having an interest in the property?

n/a

10. Please give an explanation for any questions answered YES .

- a. Will the granting of the variation be detrimental to the public welfare? (Circle)
b. Injurious to surround properties? (Circle)
c. Impair an adequate supply of light and air to adjacent property? (Circle)
d. Endanger public health and safety? (Circle)
e. Substantially diminish property values within the neighborhood? (Circle)
f. Conformance to the Land Use Plan? (Circle) **NA**

<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO
<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO
<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO
<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO
<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO
<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO



**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.

Donna Kelley Stolt 4-17-17
Individually and for the Applicant Date

511 Barrington Ave. E. Dundee 847-544-0110-Dan
Address Phone Number
630-267-1016-Kelley

Project Description: Variance - 3-ft. fence to 4 ft. fence installation



Affidavit of Ownership & Control

I (We), Don Hamphelley Storer 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: Don Hamphelley Storer

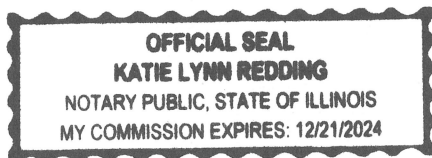
Owner: Don Hamphelley Storer

Address: 511 Barrington Ave.
East Dundee, IL 60118

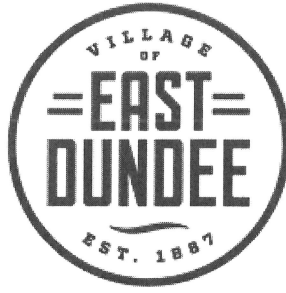
Phone: 630-267-1016 Kelley
847-542-0110 Don

SUBSCRIBED AND SWORN TO before me this
17 day of April, 2021.

Katie L Redding
(NOTARY SIGNATURE)




(NOTARY STAMP)



Affidavit & Disclosure Agreement

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: Don Hampton Kelley Stover

Project Address: 511 Barton Ave, East Dundee

189.93' Rec.
189.60M.

Tract 1:
LOT 3

Part of Lot 3
taken for Roadway

UTILITY EASEMENT
Tract 2: Parcel 1

~~PART DEDICATED FOR STREET~~

CONCRETE

ASPHALT
DRIVEWAY

1½ STORY
BRICK & FRAME
w/basement
#511

WOOD
DECK

BRICK AREA

OPTION 1 = 264'



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 May 13, 2021 at 7:00 P.M. via teleconference call by authorization of Gov. Pritzker waiving a portion of the Illinois Open Meetings Act to allow local governments to hold "remote" meetings to help control the spread of COVID-19.

1. A request for a variance from Section 151.006(5)(a) of the Building Code of the East Dundee Village Code allowing for a non-privacy fence in the front yard up to a maximum height of three (3) feet.

Property Legal Description:

Tract 1: Lot 3 (Except that part taken for public roadway, more fully described in dedication recorded as document 90K53477) in Fred H. Marwig's subdivision, a subdivision of part of the west half of the northwest quarter of section 23, township 42 North, Range 8, East of the third principal meridian, in the Village of East Dundee, Kane County, Illinois. Tract 2: Parcel one in the Trebes Barrington Avenue subdivision, according to the plat thereof recorded October 10, 1990 as document number 90K53478, in the Village of East Dundee, Kane County, Illinois.

PINS: 03-23-182-029, 03-23-182-030

Common Address: 511 Barrington Avenue,
East Dundee, IL 60118

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

Published in Daily Herald April 28, 2021 (4562747)

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

**Fox Valley
Daily Herald**

Corporation organized and existing under and by virtue of the laws of the State of Illinois, DOES HEREBY CERTIFY that it is the publisher of the **Fox Valley DAILY HERALD**. That said **Fox Valley DAILY HERALD** is a secular newspaper, published in Elgin and has been circulated daily in the Village(s) of:

Aurora, Batavia, Burlington, Carpentersville, East Dundee, Elgin,
Elburn, Geneva, Gilberts, Hampshire, Montgomery, North Aurora,
Sleepy Hollow, Saint Charles, South Elgin, Sugar Grove, Wayne,
West Dundee

County(ies) of Kane

and State of Illinois, continuously for more than one year prior to the date of the first publication of the notice hereinafter referred to and is of general circulation throughout said Village(s), County(ies) and State.

I further certify that the Fox Valley DAILY HERALD is a newspaper as defined in "an Act to revise the law in relation to notices" as amended in 1992 Illinois Compiled Statutes, Chapter 715, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a true copy, was published 04/28/2021 in said Fox Valley DAILY HERALD.

IN WITNESS WHEREOF, the undersigned, the said PADDOCK PUBLICATIONS, Inc., has caused this certificate to be signed by, this authorized agent, at Arlington Heights, Illinois.

PADDOCK PUBLICATIONS, INC.
DAILY HERALD NEWSPAPERS

BY

Danula Baltz
Designee of the Publisher and Officer of the Daily Herald

Control # 4562747



Planning and Zoning Commission Meeting

Findings of Fact – Variance

Property Location: 511 Barrington Avenue

Variance requested: Variance from Section 157.033(B)(6)(b)2. of the Zoning Chapter of the East Dundee Village Code requiring that a side yard abutting a street is not to be less than 30 feet in depth to allow for the side yard to be one (1) foot in depth, with the recommended conditions.

Hearing date: May 13, 2021

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; Circle one; Yes/No/Not Applicable(N.A.), Explain:**
- 2. The plight of the owner is due to unique circumstances; Yes/No/N.A. and**
- 3. The variation, if granted, will not alter the essential character of the locality. Yes/No/N.A.**

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/No/N.A.**

2. The conditions upon which the petition for variation is based would be applicable generally to other property within the same zoning classification; Yes/No/N.A.
3. The purpose of the variation is not based exclusively upon a desire to make more money out of the property; Yes/No/N.A.
4. The alleged difficulty or hardship has not been created by any person presently having an interest in the property; Yes/No/N.A.
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/No/N.A.
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. Yes/No/N.A.

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 variation(s) resulting in the following vote:

6 ayes 0 nays 2 absent abstain 1 Vacant

Date: _____
Planning and Zoning Commission Chairman