

**ORDINANCE NUMBER 12- 81**

**ORDINANCE APPROVING VARIANCES FROM TITLE XV: LAND USAGE, CHAPTER 157: ZONING, SECTIONS 157.052(I)(2) AND CHAPTER 158: MINIMUM LANDSCAPING, SCREENING AND TREE PRESERVATION STANDARDS, SECTION 158.04(D)(2)(a)(1) TO REMOVE EXISTING LANDSCAPE AREAS TO PROVIDE AN ADDITIONAL PARKING SPACE AND A LANE FOR A PUMPING STATION WITHIN THE LANDSCAPE SETBACK AREA FOR PROPERTY AT 305 EAST MAIN STREET, EAST DUNDEE, ILLINOIS**

**WHEREAS**, the Village of East Dundee is a home rule unit of local government under and pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, has the authority to exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals, and welfare; and

**WHEREAS**, application has been made by Jayesh Pastakia owner/principal under Petition No. P/Z \_\_\_\_\_ requesting a variance from Section 157.052(I)(2) and Section 158.04(D)(2)(a)(1) to allow for the removal of existing landscape areas to provide for an additional parking space and lane for an additional pumping station within what is currently the landscape setback area on property commonly known as 305 East Main Street, East Dundee, Illinois; and

**WHEREAS**, the Planning and Zoning Commission (hereinafter the "Commission") of the Village of East Dundee, pursuant to notice and pursuant to the Village of East Dundee Code of Ordinances, Chapter 156.05(B)(3) held a hearing on October 18, 2012, on Petition No. P/Z \_\_\_\_\_; and

**WHEREAS**, pursuant to said hearing, the Commission approved the Petition by a vote of 6 ayes, 0 naves and 3 absent.

**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 One.** The corporate authorities do hereby incorporate the foregoing WHEREAS clauses into this ordinance as though fully set forth herein, thereby making the findings as hereinabove set forth.

**Section Two.** That Findings of Fact and recommendation of the Commission is hereby approved and adopted.

**Section Three.** That the application for variances under Petition No. P/Z \_\_\_\_\_ from Section 157.052(I)(2) and 158.04(D)(2)(a)(1) to remove existing landscape areas to provide for an additional parking space and lane for an additional pumping station within the landscape setback area for property commonly known as 305 East Main Street, East Dundee, Illinois is hereby granted

**Section Four. Severability.** 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 Five. Repeal.** All ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

**Section Six. Publication.** This ordinance shall be in full force and effect forthwith upon its adoption, approval and publication in pamphlet form as provided by law.

Adopted this 5 day of November, 2012, pursuant to a roll call vote as follows:

AYES:  
Trustees Lynam, Miller, Skellicorn and President Bartels

NAYES:  
0

ABSENT:  
Trustees Gorman, Ruffolo and VanStenbridge

Approved by me this 5 day of November, ~~2008~~ <sup>2012</sup>.

Jerald Bartels  
Jerald Bartels, President

Published in pamphlet form this 5 day of November, 2012, under the authority of the President and Board of Trustees.

**ATTEST:**

*Heather Maientzsch*  
~~Jennifer Rehberg~~, Village Clerk  
*Heather Maientzsch Deputy*

Recorded in the Village Records on November 5, 2012.

VILLAGE OF EAST DUNDEE



FINDINGS OF FACT  
(FACTS RELATED TO PETITION)

**Petition:** Jayesh Pastakia

**Subject Property:** 305 East Main Street, East Dundee, Illinois 60118.

**Current Zoning Status:** B-2

**Current Use Status:** Gas Station

**Requested Action:** Requesting variances to Sections 157.052(I)(2) and 158.04(D)(2)(a)(1) to remove existing landscape areas to provide for an additional parking space and lane for additional pumping station within the landscape setback area.

**Surrounding Land Use and Zoning:** B-2 and B-1

**Trend of Development In Area:** Businesses

**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 recommends approval of the following by a vote of \_\_\_ ayes to \_\_\_ nay.

To approve the request for variances to sections 157.052(I)(2) and 158.04(D)(2)(a)(1) to remove existing landscape areas to provide for an additional parking space and lane for additional pumping station on the property commonly known as 305 East Main Street, East Dundee, Illinois 60118.

*To have the Applicant work together with the Village Building and engineering departments to provide pedestrian safety measures between the additional pumping lane and the sidewalk along River St.*

October 18, 2012

David Swanson

Chairman Swanson

[Signature] 10/19/12

Member

Quen Bornstein

Member

[Signature]

Member

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Member

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Member

Member

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Member

Member