

Ordinance No. 18-16

**AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, ILLINOIS, APPROVING A VARIANCE FROM THE ZONING CHAPTER OF THE VILLAGE OF EAST DUNDEE VILLAGE CODE REQUIRING THE FRONT YARD SETBACK FOR LOT 2 IN RESUBDIVISION OF LOT 5 TERRA BUSINESS PARK**

**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 157.066(A)(6)(a) of the Village of East Dundee Zoning Chapter (the "Zoning Code"), and the Village's home rule authority, the President and Board of Trustees of the Village (collectively the "Corporate Authorities") may provide for and allow variances when there are practical difficulties or a particular hardship with the strict compliance with the Zoning Code; and,

**WHEREAS**, an application was filed by Joe Palumbo, owner of Pal Land, LLC, and Chris Starke, of WT Group (collectively the "Applicant"), requesting a variance for Lot 2 of the Terra Business Park (the "Subject Property"), legally described in Section 2 below, to encroach into the required 40 foot front yard setback for development of a retail building on the Subject Property; and,

**WHEREAS**, Section 157.066(A)(6)(a) of the Zoning Code requires a front yard setback to be not less than 40 feet in depth in the M-1 Limited Manufacturing District where the Subject Property is located; and,

**WHEREAS**, the proposed building setback does not meet the required 40 foot front yard setback per the Village Code or the Planned Unit Development (the "PUD") in place for the Subject Property; and,

**WHEREAS**, the Subject Property is a corner lot adjacent to Patricia Lane, which is an interior roadway within the Terra Business Park; and,

**WHEREAS**, the front yard of the Subject Property functions as the retail building's side yard, and the PUD allows for a side yard setback of 20 feet; and,

**WHEREAS**, notice of a public hearing before the Planning and Zoning Commission on the request for a variation was duly published in a newspaper of general circulation in the Village and a hearing held June 14, 2018; and,

**WHEREAS**, the Planning and Zoning Commission reviewed the standards set forth in Section 157.207(C) of the Zoning Code and adopted findings of fact; and,

**WHEREAS**, the Corporate Authorities have reviewed the Planning and Zoning Commission's findings of fact and recommendations, and hereby approve the variance request

from Section 157.066(A)(6)(a) of the Zoning Code requiring the front yard setback to be not less than 40 feet in depth in the M-1 Limited Manufacturing District, to allow for a front yard setback of 22 feet for the building on the Subject Property

**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:** The above recitals are incorporated and made a part of this Ordinance.

**Section 2:** The Corporate Authorities hereby approve the variation requested for the Subject Property legally described as:

BEING A RESUBDIVISION OF PART OF LOT 5 IN TERRA BUSINESS PARK BEING A RESUBDIVISION OF TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN IN THE VILLAGE OF EAST DUNDEE, IN KANE COUNTY, ILLINOIS

commonly known as 1011 E. Main Street, East Dundee, Illinois (PIN 03-25-126-004), and the front yard setback requirement in Section 157.066(A)(6)(a) of the Zoning Code is hereby varied and reduced from 40 feet to 22 feet for the building on the Subject Property.

**Section 3:** This Ordinance shall be in full force and effect upon its passage, approval, and publication as provided by law.

Adopted this 9<sup>th</sup> day of July, 2018

AYES: Trustees Lynam, Selep, Wood, Hall and Andresen  
NAYS: 0

ABSENT: Trustee Mahony

Approved this 12<sup>th</sup> day of July, 2018

[Signature]  
Village President

Attest:

[Signature]  
Village Clerk