

Ordinance No. 17-33

**AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, ILLINOIS,  
GRANTING A VARIANCE TO SUBDIVISION PLAT REQUIREMENTS AND  
THE WIDTH OF RIGHT-OF-WAYS FOR THE SUBDIVISION OF  
PART OF LOT 5 OF THE 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 155.006 of the Village Code 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 Subdivision Chapter (the "Subdivision Code") when there are practical difficulties or a particular hardship with the strict compliance with the Subdivision Code; and,

**WHEREAS**, An application was filed by Joseph Palumbo (the "Applicant"), requesting a variance for the Subject Property described in Section 2 from;

- A. Section 155.026(A) of the Subdivision Code that requires that the preliminary subdivision plan show the topographic conditions within 200 feet of the subdivision by not showing such information; and
- B. Section 155.045(D) that requires all street right-of-ways to be eighty feet in width by having right-of-ways of sixty feet in width that are the same as other street right-of-ways in the Terra Business Park; 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 June 8, 2017 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 variances 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:** The above recitals are incorporated herein and made a part of this Ordinance.

**Section 2:** That this Ordinance shall apply to the Subject Property legally described as:

A subdivision of part of Lot 5 in terra Business Park subdivision being a subdivision of part of Section 24 and 25, Township 42 north, Range 8 east of the Third Meridian in Kane County, Illinois (PINs: 03-25-126-002 and 03-24-378-004).

**Section 3:** That a variation from Section 155.026(A) of the Subdivision Code to not require the showing of the topographic conditions within 200 feet of the Subject Property is granted and a variation from Section 155.045(D) to allow right-of-ways to be sixty six feet in width is granted for the Subject Property.

**Section 4:** 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 19<sup>th</sup> day of June, 2017

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

NAYS: Ø

ABSENT: Trustee Mahony

Approved this 19<sup>th</sup> day of June, 2017

[Signature]  
Village President

Attest: [Signature]  
Village Clerk

Published in pamphlet form:

June 20, 2017