

**ORDINANCE NUMBER 08 - 45**

**ORDINANCE APPROVING A VARIATION FOR THE  
PROPERTY COMMONLY KNOWN AS  
315 BARRINGTON AVE., 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 Daniel Scully ("Owner") under Petition No. P/Z 07-10-01 requesting a variance from Section 157.051(G)(3) of the rear yard set back from 20 feet to 0 feet for the property commonly known as 315 Barrington Ave., 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 December 13, 2007, on Petition No. P/Z 07-10-01; and

**WHEREAS**, pursuant to said hearing, the Commission approved the Petition by a vote of 6 ayes, 0 nays and 1 absent contingent upon the demolition be performed according to the plans submitted, including a dumpster enclosure and at least two off-street parking locations for the apartments.

**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.** That the recommendation of the Commission is hereby approved and adopted.

**Section Two.** That the application for variances under Petition No. P/Z 07-10-01 from the rear yard set back of Section 157.034(G)(3) from 20 feet to 0 feet for a tract presently in the B-1 zoning district, which is commonly known as 315 Barrington Ave., East Dundee, Illinois, is hereby

granted contingent upon the demolition be performed according to the plans submitted, including a dumpster enclosure and at least two off-street parking locations for the apartments.

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 Repeal.** All ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

**Section Five. 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 4<sup>th</sup> day of Aug, 2008, pursuant to a roll call vote as follows:

AYES: Carlino, Lynam, Cichowski, Mahoney,  
Pres. O'Leary

NAYES: \_\_\_\_\_

ABSENT: Ruffalo, Gorman

Approved by me this 4<sup>th</sup> day of Aug, 2008.

Daniel O'Leary  
DANIEL O'LEARY, President

Published in pamphlet form this 6<sup>th</sup> day of Aug, 2008, under the authority of the President and Board of Trustees.

ATTEST:

Susan Norton  
SUSAN NORTON, Village Clerk

Recorded in the Village Records on Aug 6, 2008.

