

**ORDINANCE NUMBER 04 - 38**

**ORDINANCE GRANTING A ZONING  
VARIATION FOR THE PROPERTY  
COMMONLY KNOWN AS 311 ELGIN AVENUE,  
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**, the Planning and Zoning Commission (herein the "Commission") of the Village of East Dundee, pursuant to notice and pursuant to the East Dundee Code of Ordinances, Chapter 156.05(B)(3) held a hearing on October 7, 2004, on Petition No. P/Z-04-10-01 requesting a zoning variation for the property commonly known as 311 Elgin Avenue, East Dundee, Illinois, for the following:

**Variation sought:**

To allow a variation to encroach into the required 40' rear (north) yard 26.28'.

**WHEREAS**, pursuant to said hearing, the Commission approved the Petition and adopted specific Findings of Fact concerning the application of standards and for this subject property by a vote of 9 ayes, 0 naves, and 0 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.** That the Findings of Fact of the Commission are hereby approved and adopted and that the variation approved by the Commission

pursuant to Petition No. P/Z 04-10-01 for a zoning variation to allow a variation to encroach into the required 40' rear (north) yard 26.28' be granted for the property commonly known as 311 Elgin Avenue, East Dundee, Illinois.

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 Repeal.** All ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

**Section Four. 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 15<sup>th</sup> day of November, 2004, pursuant to a roll call vote as follows:

AYES: Zaeschke, Ruffalo, Bartels, Schack, Van Ostenbridge, Scarpelli, President Ahrens  
NAYES: None  
ABSENT: None

Approved by me this 15<sup>th</sup> day of November, 2004.

Roger Ahrens  
ROGER AHRENS, President

Published in pamphlet form this 2<sup>nd</sup> day of November, 2004, under the authority of the President and Board of Trustees.

**ATTEST:**

Jane E. Theis  
JANE THEIS, Village Clerk

Recorded in the Village Records on November 2<sup>nd</sup>, 2004.  
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