

ORDINANCE NUMBER 14 - 34

**ORDINANCE APPROVING A VARIATION FOR FENCE HEIGHT
AND LOCATION FOR THE PROPERTY AT
412 FALLBROOK DRIVE, 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 Michael and Elizabeth Wulf (the "Owners") requesting variations from Section 151.006(B)(5)(a) 2 and 3 to allow for the fence to be setback nineteen (19) feet from the sidewalk instead of the required building line setback of 25 feet and a variance to Village Code Section 157.087(A)(1)(c) to allow for a five (5) foot high fence in the side yard on a corner lot rather than the allowed three (3) foot fence, at 412 Fallbrook Drive, East Dundee Illinois; and,

WHEREAS, Notice of a public hearing on said application was published and pursuant to said notice the Planning and Zoning Commission of the Village conducted a public hearing on October 9, 2014, on said application in accordance with the State statutes and the ordinances of the Village; and,

WHEREAS, the Planning and Zoning Commission determined that the variations did not meet the standards in Sections 157.207(C)(1) of the East Dundee Zoning Chapter (the "Zoning Ordinance") and recommended that the variances be denied; and,

WHEREAS, the Corporate Authorities 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: That this Ordinance shall apply to the Subject Property commonly known as 412 Fallbrook Drive, East Dundee, Illinois and legally described as:

Lot 19 in the Reserve Unit 1, in the Village of East Dundee, Kane County Illinois.

Section 2: That subject to the conditions set forth in Section 3, variations are hereby granted for the Subject Property for:

- A. A variance from Section 151.006(B)(5)(a) 2 and 3 to allow for the fence to be setback nineteen (19) feet from the sidewalk instead of the required building line setback of 25 feet, and
- B. A variance from Section 157.087(A)(1)(c) to allow for a five (5) foot high fence in the side yard on a corner lot rather than the allowed three (3) foot fence.

Section 3: That the fence shall be constructed and maintained in accordance with the diagram showing the location and height of the fence attached hereto and made a part hereof as Exhibit A.

Section 4: That ordinances or parts of ordinances in conflict with the provisions hereof, are hereby repealed to the extent of such conflict.

Section 5: 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 3rd day of November, 2014.

AYES: Trustees Lynam, Skillicorn and Selep

NAYES: Ø

ABSENT: Trustees Ruffulo and Wood

ABSTAIN: Trustee Gorman
Approved this 3rd day of November, 2014.

[Signature]
Village President

Attest:
[Signature]

Published in pamphlet form:

November 4, 2014