

Ordinance No. 17-04

**AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, KANE AND COOK COUNTIES,
ILLINOIS, GRANTING A VARIANCE TO THE SUBDIVISION CHAPTER AND APPROVING
THE FINAL PLAT OF SUBDIVISION
PAL GROUP INDUSTRIAL PARK**

WHEREAS, the Village of East Dundee (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, Pal Group, Inc. (the "Developer") has filed an application for final plat of subdivision approval for the property legally described in Section 3 and located on Rock Road Drive, East Dundee, Illinois, (the "Subject Property") zoned M-1 Limited Manufacturing and is seeking a variation from the Subdivision Chapter; and,

WHEREAS, pursuant to Section 155.006 the President and Board of Trustees of the Village (the "Corporate Authorities") may provide for and allow a variance to provide relief from the requirements of the Subdivision Chapter when there are practical difficulties or a peculiar hardship with the strict compliance with the Subdivision Chapter; and,

WHEREAS, an application was filed by the Developer, requesting a variance from Section 155.046(C) requiring full street frontage for all new lots as applicable to the new lots proposed in the final plat of subdivision; and,

WHEREAS, notice of a public hearing on said application for the variance 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 January 12, 2017, on said application for the variance in accordance with the ordinances of the Village; and,

WHEREAS, the Planning and Zoning Commission made the required written Findings of Fact, as set forth in the attached Exhibit B, finding that the variation did meet the standards in Section 157.207(C) of the Zoning Ordinance and recommended that the variance be approved; and,

WHEREAS, the Corporate Authorities of the Village of East Dundee have received and considered the recommendation as to the variation by the Planning and Zoning Commission.

WHEREAS, the Corporate Authorities have reviewed the standards set forth in Section 155.029 of the Subdivision Chapter and find that said subdivision meets those standards.

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 a variation from Section 155.046(C) is hereby granted for the Subject Property as described on the *FINAL PLAT OF SUBDIVISION PAL GROUP INDUSTRIAL PARK* attached hereto and made a part hereof as Exhibit A.

Section 3: That the President and Board of Trustees hereby approve and authorize the execution of the *FINAL PLAT OF SUBDIVISION PAL GROUP INDUSTRIAL PARK* prepared by FEHR GRAHAM dated last revised December 8, 2016, attached hereto and made a part hereof by reference as Exhibit B, for the resubdivision of the Subject Property, legally described on Exhibit B with Property Index Number being a part of **03-25-200-056**.

Section 4: This Ordinance shall be in full force and effect upon its passage, approval, and publication as provided by law.

ADOPTED this 6th day of Feb, 2017 pursuant to a roll call vote as follows:

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

NAYS: Ø

ABSENT: Ø

APPROVED by me this 6th day of Feb, 2017

[Signature]
Village President

Attest: [Signature]
Village Clerk

Published in pamphlet form:

February 9, 2017

EXHIBIT B

VILLAGE OF EAST DUNDEE, ILLINOIS

Findings of Fact – Variance

Property Location: 563 Rock Road, East Dundee, Illinois

Variance(s) requested: A variance to Section 155.045 (C) requiring that all lots shall have full frontage abutting a publicly dedicated street.

Hearing date: January 12, 2017

The Planning and Zoning Commission has made the following findings regarding the variation request:

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zoning district; Circle one; Yes/No/Not Applicable(N.A.), Explain:

Yes

2. The plight of the owner is due to unique circumstances; Yes/No/N.A. and:

Yes

3. The variation, if granted, will not alter the essential character of the locality. Yes/No/N.A.

Yes

For the purpose of supplementing the above standards, the Planning and Zoning Commission, in making its decision whenever they are practical difficulties or particular hardship, shall also take into consideration the extent to which the following facts favorable to the applicant, have been established by the evidence that:

1. The particular physical surroundings, shape or topographical conditions of the specific property involved would bring a particular hardship upon the owner as distinguished from a mere inconvenience if the regulations were strictly enforced; Yes/No/N.A.

Yes

2. The conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification; Yes/No/N.A.

Yes

3. The purpose of the variation is not based exclusively upon a desire to make more money out of the property; Yes/No/N.A.

Yes

4. The alleged difficulty or hardship has not been created by any person presently having an interest in the property; Yes/No/N.A.

Yes

5. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; Yes/No/N.A.

Yes

6. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the danger of fire or otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood. Yes/No/N.A.

Yes

Based on the information contained in the application and the testimony and evidence presented at the public hearing, the Planning and Zoning Commission voted on the approval of these findings of fact and the requested variation(s) resulting in the following vote:

6 ayes 0 nays 3 absent 0 abstain

Date: 1/23/17

J. A. Brown
Planning and Zoning Commission Chairman