

ORDINANCE NUMBER 04 - 39

**ORDINANCE GRANTING A ZONING
VARIATION FOR THE PROPERTY
COMMONLY KNOWN AS 202 NORTH STREET,
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-04-10-03 requesting a zoning variation for the property commonly known as 202 North Street, East Dundee, Illinois, for the following:

Variations sought:

1. To allow the existing structure to encroach 23.25' into the required front yard setback on the west (Second Street) side and 21' into the required front yard setback on the north (North Street) side.
2. To construct a one story addition that encroaches 22.5' into the required front yard setback on the west (Second Street) side.
3. A variation allowing a floor area ratio not to exceed 0.4.

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 nays, 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 04-10-03 for a zoning variation to allow the existing structure to encroach 23.25' into the required front yard setback on the west (Second Street) side and 21' into the required front yard setback on the north (North Street) side; to construct a one story addition that encroaches 22.5' into the required front yard setback on the west (Second Street) side; and a variation allowing a floor area ratio not to exceed 0.4 be granted for the property commonly known as 202 North Street, 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 15th day of November, 2004, pursuant to a roll call vote as follows:

AYES: Zaeske, Ruffalo, Bartels, Schack, VanOstenbridge, Scarpelli, President Ahrens.

NAYES: None

ABSENT: None

Approved by me this 15th day of November, 2004.

Roger Ahrens
ROGER AHRENS, President

Published in pamphlet form this 22nd 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 22nd, 2004.

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