

ORDINANCE NUMBER 10 - 01

**ORDINANCE APPROVING VARIATIONS FOR THE
PROPERTY COMMONLY KNOWN AS
314 JOHNSON 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, application has been made by Wiley and Bonnie Emberton (“Owners”) requesting requests variations from Section 157.085(B) for side and rear yard setbacks from the required side yard setback of 3 feet to 1 foot and of the required rear yard setback of 5 feet to 3.5 feet for a tract presently in the R-3 zoning district under Petition No. P/Z 09-12-01, for the property commonly known as 314 Johnson Street, 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 157.085(B) held a hearing on December 10, 2009, on Petition No. P/Z 09-12-01; and

WHEREAS, pursuant to said hearing, the Commission approved the Petition by a vote of 6 ayes, 0 nays and 3 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 recommendation of the Commission is hereby approved and adopted.

Section Two. That the application for variances under Petition No. P/Z 09-12-01 from the front yard set back of Section 157.085(B) for side and rear yard setbacks from the required side yard setback of 3 feet to 1 foot and of the required rear yard setback of 5 feet to 3.5 feet for a tract

presently in the R-3 zoning district, which is commonly known as 314 Johnson Street, East Dundee, Illinois, is hereby granted.

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 All ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.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 4th day of January, 2010, pursuant to a roll call vote as follows:

AYES: 6 - Trustees Gorman, Ruffalo, Lynam, Cichowski, VanOstenbridge & Miller

NAYES: 0

ABSENT: 1 - President Bartels

Approved by me this 4th day of January, 2010.

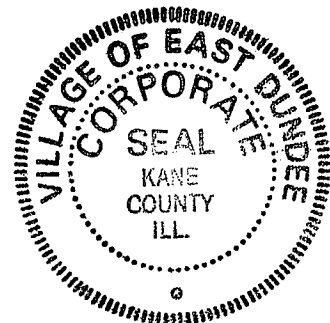
Michael Ruffalo
JERALD BARTELS, President *Acting President*

Published in pamphlet form this 5th day of January, 2010, under the authority of the President and Board of Trustees.

ATTEST:

Jennifer Rehberg
JENNIFER REHBERG, Village Clerk

Recorded in the Village Records on January 5th, 2010.



State of Illinois)
County of Kane) SS
Village of East Dundee)

NOTICE OF PUBLIC HEARING

TAKE NOTICE that on the 10th Day of December, 2009, at the hour of 7:00 P.M., or as soon hereafter as the matter may be heard, the Planning and Zoning Commission of the Village of East Dundee will conduct a public hearing at the East Dundee Village Hall Annex, 120 Barrington Avenue, East Dundee, Illinois, upon the application by Wiley and Bonnie Emberton for a rear and side yard set back variance to re-build the pre-existing three car garage, with the addition of a one car garage to the existing two car detached garage. They are requesting a variance to the side and rear yard setbacks at 314 Johnson St.

The application, P/Z #09-12-01, by Wiley and Bonnie Emberton, requests a variation of section 157.085(B) for side and rear yard setbacks. The request is for a variance of the required side yard setback of 3ft to 1 ft and a variance of the required rear yard setback of 5 ft to 3.5 ft.

The subject property, which is located within the corporate limits of the Village of East Dundee, is legally described as follows:

The westerly 60.0 feet of the northerly half of Lot 2 in Block 11 of the original town of Dundee, on the East side of Fox River, in the Village of East Dundee, Kane County, Illinois.

A copy of the application for a variance is on file with the Village Clerk of the Village of East Dundee and is available for public inspection at the Village of East Dundee Village Hall during normal business hours. Members of the public are invited to attend the public hearing, at which time an opportunity will be given to address the members of the Planning and Zoning Commission.

This Notice is given pursuant to Chapter 65 5/11-13-14 of the Illinois Compiled Statutes and the provisions of Article XII of the Village of East Dundee Zoning Ordinance.

By order of the Planning and Zoning Commission of the Village of East Dundee.

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Order of the Planning
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the Village of East Dundee.
Published in Daily Herald
November 24, 2009
(4189329)N

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

Daily Herald

Corporation organized and existing under and by virtue of the laws of the State of Illinois, DOES HEREBY CERTIFY that it is the publisher of the DAILY HERALD. That said DAILY HERALD is a secular newspaper and has been circulated daily in the Village(s) of Algonquin, Antioch, Arlington Heights, Aurora, Barrington, Barrington Hills, Lake Barrington, North Barrington, South Barrington, Bartlett, Batavia, Buffalo Grove, Burlington, Campton Hills, Carpentersville, Cary, Deer Park, Des Plaines, South Elgin, East Dundee, Elburn, Elgin, Elk Grove Village, Fox Lake, Fox River Grove, Geneva, Gilberts, Grayslake, Green Oaks, Gurnee, Hainesville, Hampshire, Hanover Park, Hawthorn Woods, Hoffman Estates, Huntley, Inverness, Island Lake, Kildeer, Lake Villa, Lake in the Hills, Lake Zurich, Libertyville, Lincolnshire, Lindenhurst, Long Grove, Mt. Prospect, Mundelein, Palatine, Prospect Heights, Rolling Meadows, Round Lake, Round Lake Beach, Round Lake Heights, Round Lake park, Schaumburg, Sleepy Hollow, St. Charles, Streamwood, Tower Lakes, Vernon Hills, Volo, Wauconda, Wheeling, West Dundee, Wildwood

County(ies) of Cook, Kane, Lake, McHenry

and State of Illinois, continuously for more than one year prior to the date of the first publication of the notice hereinafter referred to and is of general circulation throughout said Village(s), County(ies) and State.

I further certify that the DAILY HERALD is a newspaper as defined in "an Act to revise the law in relation to notices" as amended in 1992 Illinois Compiled Statutes, Chapter 7150, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a true copy, was published November 24, 2009 in said DAILY HERALD.

IN WITNESS WHEREOF, the undersigned, the said PADDOCK PUBLICATIONS, Inc., has caused this certificate to be signed by, this authorized agent, at Arlington Heights, Illinois.

PADDOCK PUBLICATIONS, INC.
DAILY HERALD NEWSPAPERS

BY Wesley Bratonic
Authorized Agent

Control # 4189329

VILLAGE OF EAST DUNDEE



APPLICATION FOR DEVELOPMENT APPROVAL:
SPECIAL USE, REZONING AND VARIANCE REVIEW AND APPROVAL

This form is to be used for all special use applications (except Planned Developments) to be heard by the Village of East Dundee. To complete the form properly, please review the accompanying *Village of East Dundee Instruction Manual for Application for Development Review*. Failure to complete this form properly will delay its consideration.

PART I. GENERAL INFORMATION

A. Project Information

1. Project/Owner Name: Mr. & Mrs. Wiley and Bonnie Emberton
2. Project Location: 314 JOHNSON STREET, EAST DUNDEE, IL 60118
3. Brief Project Description: 440 Sq. FT. addition TO EXISTING TWO CAR DETACHED GARAGE. (ORIGINALLY A PRE-EXISTING THREE CAR GARAGE)
4. Project Property Legal Description: THE WESTERLY 60.0 FT. OF THE NORTHERLY HALF OF LOT 2 IN Block 11 OF THE ORIGINAL TOWN OF DUNDEE, ON THE EAST Side OF FOX RIVER IN THE VILLAGE OF EAST DUNDEE, KANE COUNTY, ILLINOIS
5. Project Property Size in Acres and Square Feet: 60' x 60'

B. Owner Information

1. Signature: [Signature]
2. Name: BONNIE L. EMBERTON & WILEY D. EMBERTON
3. Address: 304 JOHNSON ST., EAST DUNDEE, IL 60118
4. Phone Number: 847-426-5827 Fax: _____ Email: blemberton@netzero.net

C. Billing Information (Name and address all bills should be sent to)

1. Name/Company: WILEY & BONNIE EMBERTON
2. Address: 304 JOHNSON ST.
3. Phone Number: 847-426-5827 Fax: _____ Email: blemberton@netzero.net

Official Use Only		
App Date _____	PC Date(s) _____	Zoning District _____
Com Date _____	CA Date _____	Comp Plan _____
PC Approved _____	Approved with conditions _____	Denied _____
CA Approved _____	Approved with conditions _____	Denied _____

PART II. APPLICATION REQUIREMENTS

The following table provides the type and quantity of materials required to be submitted with a special use application. The number associated with each material corresponds with the number used in Part I of the *Village of East Dundee Instruction Manual for Application for Development Approval* where each material is described in greater detail.

Please note that when two quantities of drawings are required (such as 5/15), the first number indicates the number of full-size drawings to be submitted (at a scale of at least 1" = 20' and no larger than 30" x 42") and the second number indicates the number of reduced (11"x17") copies to be submitted. At least one of the original full-size drawings should be signed and sealed by the preparer. For ease of distribution, please collate into packets all of the materials where multiple copies are required. Packet contents should be assembled in order, except for drawings which should all be collated together at the back of the packet.

The required materials and number of copies shown below are the minimum necessary to submit a complete application. Village staff, consultants, review agencies, commissions, and boards may require additional materials and/or copies as necessary to fully evaluate the proposed project.

Official Use Only

Item # ^(a)	Application Material	Initial Application		Revisions		Second Set of Revisions	
		# Copies Required	# Copies Received	# Copies Required	# Copies Received	# Copies Required	# Copies Received
1.	Completed Development Application AND a) Agreement to Pay Costs Incurred and Hold the Village Harmless b) Affidavit of Ownership & Control c) Affidavit & Disclosure d) Findings of Fact	1					
2.	Project Narrative	20					
3.	Basic Application Fee	X					
4.	Property Owners within 250 feet	X					
7.	Survey / Legal Description	5/15					
9.	Photographs of Existing Property and Area	20					
11.	Site Plan	5/15					
12.	Building Elevations	5/15					
13.	Floor Plans	5/15					
14.	Roof Plan	5/15					
15.	Color Rendering	20					
17.	Landscape Plan	20					
20.	Simple Drainage Plan	1/12					
23.	Utility Impact Report ^(b)	20					
24.	Utility Improvement Plan ^{(b)(c)}	5/15					
25.	Traffic Study ^(b)	12					

^(a) Please see *Village of East Dundee Instruction Manual* for complete description of item.

^(b) Applies only to projects with more than 15,000 sq. ft. of commercial/industrial floor area or more than 25 residential units.

^(c) Applies only to projects proposing to remove or construct public utilities.

IF YOU ARE APPLYING FOR A VARIANCE COMPLETE THE FOLLOWING:

1. From which specific standard of the Village Code is a Variance requested (include Code section number)?

Section 157.085 accessory buildings & uses (B).

2. For this site, what does the Code require?

Side yard set back 3 FT. AND 5 FT FOR THE REAR YARD.

3. What is proposed?

Side yard within 12" OF LOT LINE
CONCRETE FOUNDATIONS WILL BE USED AS EXISTS.

4. What unique circumstances have caused the need for a variance?

THE PRE-EXISTING 3RD CAR BAY DETERIORATED AND IS BEING REPLACED

5. What specific mitigation measures will be used to ensure that the essential character of the area will not be altered?

PRINCIPLE STRUCTURE HAS BEEN RESIDED AND NEW WINDOWS, GARAGE WILL MATCH PRINCIPLE STRUCTURE.

6. Specifically, how do the particular physical surroundings, shape, or topographical condition of the property result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations are carried out?

R-3 zoning minimum lot size is 7200 sq. ft.
314 Johnson St. Lot size is 60' x 60'

7. Specifically, what conditions are present on the property that would not be applicable generally to other property within the same zoning classification?

Reduced lot size.

8. Other than financial return, what other purposes is the variance request based on?

Improve condition of the property.

9. Has the alleged difficulty been created by any person presently having an interest in the property?

No

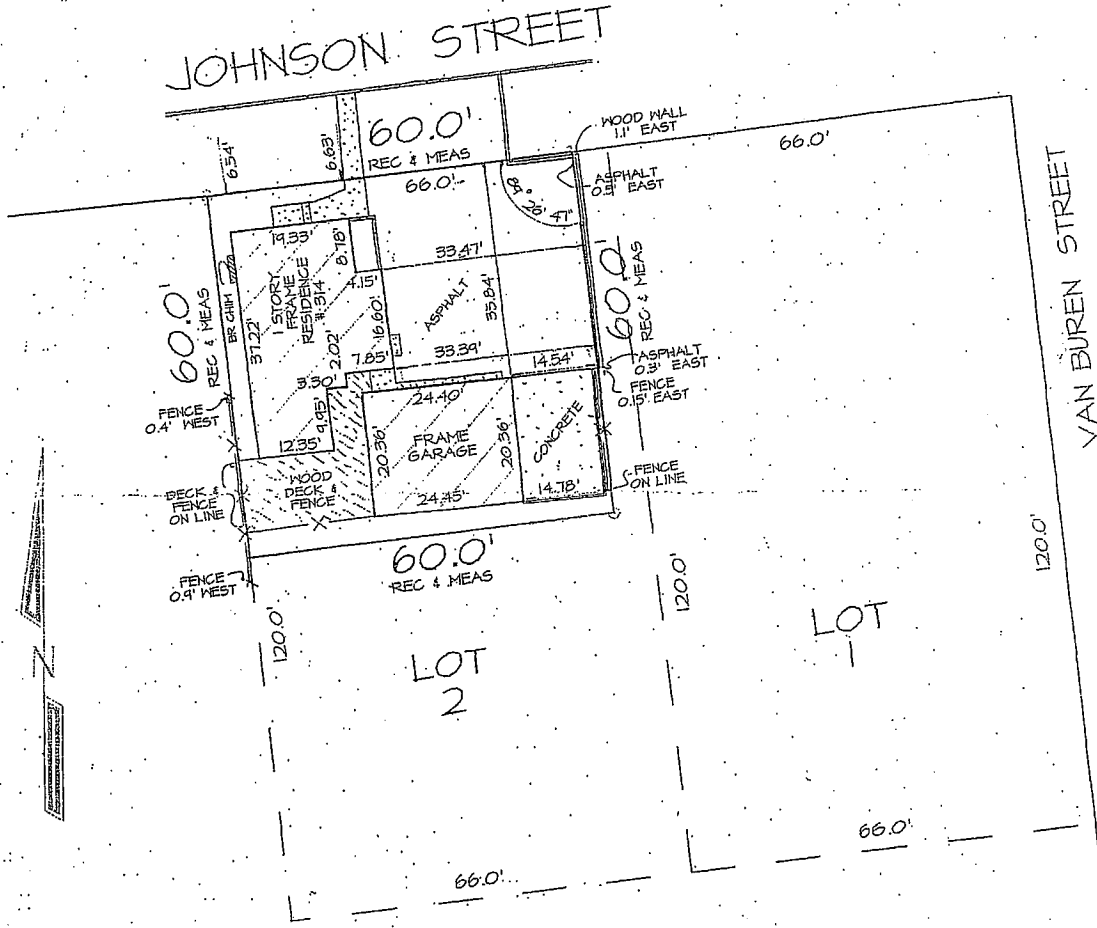
10. Please give an explanation for any questions answered YES.

- a. Will the granting of the variation be detrimental to the public welfare? (Circle) YES NO
- b. Injurious to surround properties? (Circle) YES NO
- c. Impair an adequate supply of light and air to adjacent property? (Circle) YES NO
- d. Endanger public health and safety? (Circle) YES NO
- e. Substantially diminish property values within the neighborhood? (Circle) YES NO

SCALE 1"=20'

Plat of Survey

OF PROPERTY DESCRIBED AS: THE WESTERLY 60.0 FEET OF THE NORTHERLY HALF OF LOT 2 IN BLOCK 11 OF THE ORIGINAL TOWN OF DUNDEE, ON THE EAST SIDE OF FOX RIVER, IN THE VILLAGE OF EAST DUNDEE, KANE COUNTY, ILLINOIS.



Order No. 29048

Ordered By: Raymond R. Geimer
Attorney at Law

Property Address: 314 Johnson Street
East Dundee, IL

DISTANCES ARE GIVEN IN FEET AND
DECIMAL PARTS THEREOF

- INDICATES IRON STAKE FOUND
- INDICATES IRON STAKE SET
- X—X—X— INDICATES FENCING
- ▨ INDICATES CONCRETE

PLAT NOT VALID WITHOUT EMBOSSED SEAL

STATE OF ILLINOIS
COUNTY OF KANE

SS JUNE 27 2009

This is to certify that this plat and the survey on which it is based was made under my direction.
This professional service conforms to the current Illinois minimum standards for a boundary survey.

(Signature)
 Michael J. Morrissy, P.L.S. No. 2943 My License expires in November 2010

Any discrepancy in measurements should be promptly reported to surveyor for explanation or correction.

MJM CONSULTING, INC.
 40W580 ATCHISON DRIVE
 HAMPSHIRE, IL 60140-9005
 TEL. (847) 888-8293