

**ORDINANCE 17-01**

**AN ORDINANCE GRANTING A VARIATION FROM THE WEST DUNDEE ZONING ORDINANCE REDUCING THE TOTAL LINEAR FEET OF SIDE YARD SETBACKS TO LESS THAN THE TWENTY FEET REQUIRED BY THE R-1 ZONING DISTRICT FOR RESIDENTIAL PROPERTY LOCATED AT  
1411 KAREN DRIVE IN THE VILLAGE OF WEST DUNDEE, ILLINOIS**

WHEREAS, The Village of West Dundee, Kane County, Illinois, is a home rule municipality as contemplated under Article VII, Section 6 of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the Village's home rule powers and functions as granted in the Constitution of the State of Illinois; and

WHEREAS, The Village of West Dundee has been requested by a petition signed by Mr. Thomas Drake of The Drake Group for a variation from the West Dundee Zoning Ordinance in order to allow the total of side yard setbacks to be less than the required 20'; and

WHEREAS, a Public Hearing was held by the West Dundee Planning and Zoning Commission on December 19, 2016, after due notice in the manner provided by law; and

WHEREAS, the West Dundee Planning and Zoning Commission, after deliberation, has made a report and recommended the granting of said zoning variation from the West Dundee Zoning Ordinance; and

WHEREAS, the Village Board has considered the findings of fact, based upon the evidence presented at the public hearing and presented to the West Dundee Planning and Zoning Commission by the petitioner.

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES, VILLAGE OF WEST DUNDEE, KANE COUNTY, ILLINOIS, as follows:

Section 1: That a variation from Section 10-4D-2(B)(2) of the West Dundee Municipal Code be and is hereby granted allowing relief from the total side yard setback provision of the R-1 District on the following described parcel of property:

LOT 3 IN MILLER RIDGE SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 11, 2002 AS DOCUMENT 2002K165081, IN KANE COUNTY, ILLINOIS (said property commonly known as 1411 Karen Drive, West Dundee, IL).

Section 2: That all requirements set forth in the Zoning Ordinance of the Village of West Dundee, as would be required by any owner of property zoned in the same manner as the Subject Property shall be complied with, except as otherwise provided in this Ordinance.

Section 3: The findings and recommendations of the West Dundee Planning and Zoning Commission on the question of granting the variation for the Subject Property at 1411 Karen Drive are hereby accepted and the variation is granted subject to the following conditions for approval:

1. Compliance with documents including plat of survey and elevation drawings as submitted with the Planning and Zoning Application; and,
2. Compliance with all other applicable Village codes and ordinances.

Section 4: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

Section 5: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

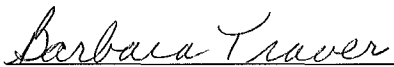
Section 6: That this Ordinance shall be in full force and effect upon its passage, approval, and publication in pamphlet form which publication is hereby authorized as provided by law.

AYES: Trustees Price, Hanley, Yuscka, Wilbrandt and Kembitzky

NAYS: None

ABSENT: Trustee Pflanz

ATTEST:



Barbara Traver  
Village Clerk



Christopher Nelson  
Village President

Passed: January 23, 2017

Approved: January 23, 2017

Published: January 24, 2017

Prepared by:

Village of West Dundee – Community Development Department  
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