

ORDINANCE 14-06
AN ORDINANCE GRANTING VARIATION FROM
THE CROSS CONNECTION ORDINANCE OF
THE VILLAGE OF WEST DUNDEE
FOR PROPERTY KNOWN AS 444-447 CAVALIER COURT

WHEREAS, the Village of West Dundee, Kane County, Illinois is a home rule municipality pursuant to 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, West Dundee's Cross Connection Ordinance is set forth in Section 8-7 of its Municipal Code; and

WHEREAS, a petition has been filed with the Village Clerk requesting a variation from the provisions for Section 8-7-7 (D) for the property described in Exhibit A and commonly known as 444-447 Cavalier Court hereto; and

WHEREAS, the variation requested seeks relief from the Cross Connection Ordinance requirement for a double check valve or a double detector check valve assembly for an existing fire safety system connected to the potable water supply; and

WHEREAS, a public hearing was held by the West Dundee Board of Appeals on April 7, 2014 after due notice as required by Section 9-1G-1 (C) (3) ; and

WHEREAS, the West Dundee Board of Appeals, after deliberation, has made a report and recommended the granting of the petitioners' request; and

WHEREAS, the Village Board has considered the findings of fact, based upon the evidence presented to the West Dundee Board of Appeals;

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

Section 1: That the provisions of the Preamble herein above set forth are hereby incorporated herein by reference.

Section 2: That a variation from the provisions of Village of West Dundee Municipal Code Sections 8-7-7 D is hereby granted for the property described in Exhibit A hereto.

Section 3: That the findings of fact of the Board of Appeals on the issuance of the variations are hereby accepted. A copy of said findings is attached hereto, labeled Exhibit B and hereby made a part hereof.

Section 4: The variation granted in Section 1 of this Ordinance is subject to the following conditions:

- A. The backflow protection will be brought into compliance with the IL State Plumbing Code as detailed in the scope of services provided by Ability Plumbing & Heating dated November 18, 2013 and the plan review comment notes provided by B and F Technical Codes Services dated November 20, 2013 as attached and labeled Exhibit C.
- B. The variation would be limited to only the existing fire suppression system in the boiler/laundry room and would not apply to any other existing or current backflow devices or future backflow devices that may be required due to future improvement or requirements on the property.

Section 5: That all requirements set forth in the Municipal and Building Code of the Village of West Dundee, as would be required by any owner of property shall be complied with, except as otherwise provided in this Ordinance.

Section 6: 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 7: All ordinance or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 8: That this Ordinance shall be in full force and effect upon its passage and approval, as provided by law.

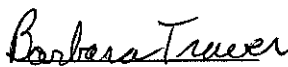
PASSED by the Board of Trustees of the Village of West Dundee, Kane County, Illinois and approved by the President of said Village this 21st day of April, 2014.

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

NAYS:

ABSENT: Trustee Hanley

ATTEST:


Barbara Traver
Village Clerk

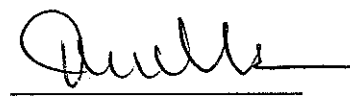

Christopher Nelson
Village President

EXHIBIT A

Legal Description

OF LOT 34 IN OLD WORLD SUBDIVISION BEING A SUBDIVISION OF PART OF SECTION 22 AND 27 TOWNSHIP 42 NORTH RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED IN THE RECORDERS OFFICE OF KANE COUNTY ON FEBRUARY 14, 1966 AS DOCUMENT NO 1063720 BEING SITUATED IN THE VILLAGE OF WEST DUNDEE, KANE COUNTY, ILLINOIS.

EXHIBIT B

I. Standards:

- a. The plight of the owner was not created by the owner and is due to unique circumstances causing hardship to the owner.**

The plight of the owner, being the deficiencies of the fire suppression system, was not created by any of the individual owners of the condominium units. It is a unique circumstance as the system is not required by ordinance that is causing hardship.

- b. The alleged difficulty or hardship has not been created by any person presently having an interest in the property or any person through whom the applicant claims title**

We are uncertain when the system was installed as a permit for the system was not issued. The system was not included on the original plans on file for the property from 1973. The Village has not issued any permits for this type of improvement.

- c. The granting of the variation will not be substantially detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;**

The granting of the variation will allow the fire suppression system in the boiler room to remain in use. If the variation is not granted we have been told that it is likely that the system will be removed. The variation will allow the boiler room area of the buildings to be protected by fire sprinklers which offers an additional safety precaution. The property will be upgraded to comply with the IL State Plumbing Code and this improvement along with the retention of the sprinklers will be to the benefit of the public welfare and advantageous to other properties or improvements in the neighborhood as the risk for significant fire damage will be minimized.

- d. The proposed variation will not otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.**

The purpose of residential fire suppression systems is to save lives of residents and firefighters. This additional safety feature was put into place above and beyond the present requirements for the structure as a nonconforming building. Although residential fire suppression systems enhance the ability of our emergency services personnel to save

lives. Retention of the system will enhance the public welfare and be a benefit to the value of property within the neighborhood.

EXHIBIT C
1 of 2

Ability Plumbing & Heating Inc.
38W780 Brindlewood Ln
Elgin, IL 60124
(847) 888-4110

To whom it may concern,

The following information is our intention of work to be done, to be in compliance with the State Plumbing code, to request a variance of W. Dundee Cross Connection Control ordinance.

Backflow Protection at 444 and 447 Cavalier Ct. W. Dundee.

- 1) Remove sprinkler line from backflow preventer. Repipe from main copper to laundry room tub in 3/4 L copper and tie-in to 1/2 laundry line. (Note: The system shall be looped with no dead ends, to allow circulation to prevent the stagnation of water in the line.)
- 2) Only 2 sprinkler heads in Boiler room. One in front boiler and one on backside of boiler.
- 3) Only one sprinkler head in Laundry room.
- 4) Note: All of piping in the building is galvanized pipe, as are all the buildings in the neighborhood.

David F Teas, President
Ability Plumbing & Heating

MISCELLANEOUS PLAN REVIEW

EXHIBIT C
2 of 2

Municipality: Village of West Dundee

Owner/Occupant: Rage Management

Site address: 444 & 447 Cavalier Court

Applicants name: _____

Applicant's telephone: _____

Type of review: Back Flow / Variance

Municipal Permit Number: _____

Other dept/consultant approval: _____

N/A

Comply

Not Comply

Comply with Notes

Comments: Plumbing inspector shall field verify:

Section 890.1130.d)
1. All four requirements shall be met without any deviation of the installation.

2. The system shall not have any non-potable connections.

3. The proper transition fitting shall be installed from galvanized to copper material.

Plan Reviewer: Bob DelPrincipe

Date: 11-20-13

TIME
13:50-14:00