

ORDINANCE 2021-31

AN ORDINANCE GRANTING VARIATIONS FROM ZONING REGULATIONS PERTAINING TO FRONT YARD/SETBACK AND REQUIRED PARKING FOR PROPERTY LOCATED AT 315 NORTH EIGHTH STREET, WEST DUNDEE, ILLINOIS

WHEREAS, The Village of West Dundee, Kane County, Illinois (the “*Village*”) is a duly organized and validly existing home-rule municipality pursuant Article VII, Section 6(a) of the Constitution of the State of Illinois; and,

WHEREAS, The Village of West Dundee received a petition from DTS Properties, owner of the property commonly known as 315 North Eighth Street, West Dundee (the “*Subject Property*”) and zoned B-3 Business-Service District, requesting variations from the West Dundee Zoning Ordinance to allow construction of a 2,689 square foot addition to an existing one-story commercial building for beauty salon suites; and,

WHEREAS, the Subject Property is legally described as:

PARCEL 1: THAT PART OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE SOUTH LINE OF KANE STREET 30.0 FEET WEST OF THE NORTH AND SOUTH QUARTER SECTION LINE EXTENDING THROUGH THE CENTER OF SAID SECTION 22; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID KANE STREET, 144.19 FEET TO THE EASTERLY LINE OF THE PUBLIC HIGHWAY COMMONLY CALLED “HIGHWAY 22”; THENCE SOUTHEASTERLY ALONG SAID EASTERLY LINE OF SAID HIGHWAY TO A POINT 150.0 FEET DUE SOUTH OF SOUTH LINE OF SAID KANE STREET, THENCE EASTERLY 51.09 FEET TO A POINT 30 FEET WEST OF SAID QUARTER SECTION LINE AND 150.0 FEET SOUTH OF THE SOUTH LINE OF SAID KANE STREET; THENCE NORTHERLY TO, THE POINT OF BEGINNING IN THE TOWNSHIP OF DUNDEE, KANE COUNTY, ILLINOIS. *PARCEL 2:* THAT PART OF SECTION 22, TOWNSHIP 42 NORTH RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE NORTH LINE OF GENEVA STREET IN THE VILLAGE OF WEST DUNDEE, 151.5 FEET WEST OF THE SOUTHEAST CORNER OF LOT 5 IN BLOCK 21 IN THE VILLAGE OF WEST DUNDEE, ON THE WEST SIDE OF THE FOX RIVER; THENCE NORTH 150 FEET TO A POINT 150.5 FEET WEST OF THE NORTHEAST CORNER OF SAID LOT 5 IN SAID BLOCK 21; THENCE WEST TO THE EASTERLY LINE OF THE PUBLIC HIGHWAY COMMONLY CALLED STATE HIGHWAY 22 (NOW STATE ROUTE 31); THENCE SOUTHEASTERLY ALONG THE EASTERLY LINE OF SAID STATE HIGHWAY TO ITS INTERSECTION WITH THE NORTH LINE OF SAID GENEVA STREET, THENCE EAST ALONG THE NORTH LINE OF GENEVA STREET TO THE PLACE OF BEGINNING, IN THE TOWNSHIP OF DUNDEE, KANE COUNTY, ILLINOIS. *PARCEL 3:* THAT PART OF THE SOUTH ½ SECTION OF 22, TOWNSHIP 42 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE SOUTH LINE OF KANE STREET, IN THE VILLAGE OF WEST DUNDEE, 30 FEET WEST OF THE NORTH AND SOUTH CENTER LINE OF SAID SECTION 22, THENCE SOUTH PARALLEL WITH SAID CENTER LINE 150 FEET, THENCE EAST 60 FEET, THENCE NORTH PARALLEL WITH SAID CENTER LINE OF SAID SECTION, 150 FEET TO THE SOUTH LINE OF KANE STREET, THENCE WEST 60 FEET TO THE PLACE OF BEGINNING, IN THE VILLAGE OF WEST DUNDEE AND TOWNSHIP OF DUNDEE, KANE COUNTY, ILLINOIS. (Property commonly known as 315 N. Eighth Street, West Dundee.)

WHEREAS, a Public Hearing was held by the West Dundee Planning and Zoning Commission on November 22, 2021 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 variations 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 the recommendation of the West Dundee Planning and Zoning Commission.

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 of twenty-four feet (24') from the thirty-foot front yard/setback regulation required by Section 10-5D-4B(1) Front Yard/Setback of the West Dundee Municipal Code be and is hereby granted.

Section 2: That a variation of 37 parking spaces from the three (3) parking space per chair regulation required by Section 10-9-1-8 Required Off Street Parking Spaces of the West Dundee Municipal Code be and is hereby granted.

Section 3: 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 4: The findings and recommendations of the West Dundee Planning and Zoning Commission on the question of granting zoning variations for front yard/setback and required parking at the Subject Property are hereby accepted and the variations are granted subject to the following conditions for approval:

1. Compliance with documents as submitted with the Planning and Zoning Application;
2. Compliance with all other applicable Village codes and ordinances; and,
3. Parking supply to include a minimum of 38 code-compliant parking spaces

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.

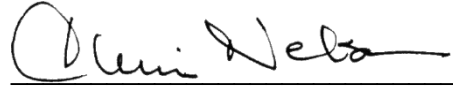
PASSED by the Board of Trustees of the Village of West Dundee, Kane County, Illinois and approved by the President of said Village this 6th day of December, 2021.

AYES: Trustees Price, Yuscka, Haley, Alopogianis, Anderley and Wilbrandt
NAYS: None
ABSENT: None

ATTEST:



Kim Tibbetts
Deputy Village Clerk



Christopher Nelson
Village President

Passed: December 6, 2021
Approved: December 6, 2021
Published: December 7, 2021

Prepared by:
Village of West Dundee
Community Development Department
100 Carrington Drive
West Dundee, IL 60118