

**ORDINANCE 12-10**

**AN ORDINANCE GRANTING A VARIANCE FROM THE  
WEST DUNDEE ZONING ORDINANCE  
FOR PROPERTY LOCATED AT  
400 North Eighth Street  
West Dundee, Illinois**

WHEREAS, THE VILLAGE OF WEST DUNDEE has been requested in a petition signed by LA Fitness International, LLC for a variance from the West Dundee Zoning Ordinance to allow for the construction of a new building with a portion of one façade encroaching into a required front yard; and

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

WHEREAS, The 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 as 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 10-5C-4B1-Yards of the West Dundee Municipal Code is hereby granted to permit the construction of a new building. The setback variation is hereby granted to allow the encroachment of the east wall of the building 19 feet into the required North Eighth Street front yard, resulting in a 36 foot front setback from the east property line and to render the resulting front setback conforming for the following described parcel of property:

PARCEL 1: LOT 4 OF SPRING HILL SOUTHEAST SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 42 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE VILLAGE OF WEST DUNDEE, KANE COUNTY, ILLINOIS  
PARCEL 2: EASEMENT FOR INGRESS AND EGRESS PURPOSES FOR THE BENEFIT OF PARCEL 1 CREATED BY DEED DOCUMENT NO. 1596454 RECORDED DECEMBER 28, 1981 ON AND OVER LOT 5 IN SPRING HILL SOUTHEAST, NOW KNOWN AS LOT 3 SPRING HILL FASHION CORNER  
P.I.N. 03-22-326-035

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 Planning and Zoning Commission on the question of granting the variation for the Subject Property are hereby accepted and the variation is granted subject to the following conditions:

1. Compliance with site plan created by Cemcon Ltd. dated November 29, 2011.
2. No additional encroachment into the required front yard except as depicted by the approved site plan.
3. Compliance with all other applicable 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.

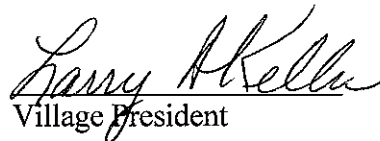
Section 6: That this Ordinance shall be in full force and effect upon its passage, approval, and publication in pamphlet form which publication is hereby authorized as provided by law.

AYES: Trustees Voss, Gillam, Osth, Price, Hanley and Yuscka

NAYS: None

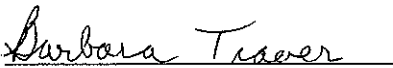
ABSENT: None

Larry Keller

  
Village President

ATTEST:

Barbara Traver

  
Village Clerk

Passed: February 20, 2012

Approved: February 20, 2012

Published: February 20, 2012

Prepared by:

Village of West Dundee

Community Development Department

100 Carrington Drive , West Dundee IL 60118