

**ORDINANCE 20-16**

**AN ORDINANCE GRANTING A VARIATION OF THE REAR YARD/SETBACK FOR AN  
ACCESSORY STRUCTURE (GAZEBO) FOR PROPERTY LOCATED AT  
202 OREGON AVENUE, 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 Mr. Daniel Wilbrandt, owner of the property commonly known as 202 Oregon Avenue, West Dundee (the "*Subject Property*") requesting a variation from the West Dundee Zoning Ordinance to allow construction of a detached accessory structure in the form of a gazebo within the three-foot (3') rear yard/setback in the R-3 Single-Family Detached Dwelling District zoning; and

WHEREAS, the Subject Property is legally described as:

THE SOUTH 100 FEET OF LOT 1 IN BLOCK 3 OF RUSSELL'S ADDITION TO WEST DUNDEE, IN THE VILLAGE OF WEST DUNDEE, KANE COUNTY, ILLINOIS (property commonly known as 202 Oregon Street, West Dundee).

WHEREAS, a Public Hearing was held by the West Dundee Planning and Zoning Commission on May 26, 2020 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 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 granting five inches (5") of relief from the three-foot rear yard/setback regulation required by Sections 10-4F-3B and 10-4D-3B – Accessory Buildings of the West Dundee Municipal Code be and is hereby granted to allow construction of an accessory structure (gazebo).

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 a zoning variation for rear yard/setback at the Subject Property are hereby accepted and the variation is granted subject to the following conditions for approval:

1. Compliance with documents 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.

PASSED by the Board of Trustees of the Village of West Dundee, Kane County, Illinois and approved by the President of said Village this 1<sup>st</sup> day of June, 2020.

AYES: Trustees Price, Hanley, Yuscka, Anderley and Kembitzky  
NAYS: None  
ABSENT: None  
ABSTAIN: Trustee Wilbrandt

ATTEST:



Barbara Traver  
Village Clerk



Christopher Nelson  
Village President

Passed: June 1, 2020  
Approved: June 1, 2020  
Published: June 2, 2020

Prepared by:  
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