

**ORDINANCE NUMBER 10 - 01**

**ORDINANCE APPROVING VARIATIONS FOR THE  
PROPERTY COMMONLY KNOWN AS  
314 JOHNSON STREET, EAST DUNDEE, ILLINOIS**

**WHEREAS**, the Village of East Dundee is a home rule unit of local government under and pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, has the authority to exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals, and welfare; and

**WHEREAS**, application has been made by Wiley and Bonnie Emberton (“Owners”) requesting requests variations from Section 157.085(B) for side and rear yard setbacks from the required side yard setback of 3 feet to 1 foot and of the required rear yard setback of 5 feet to 3.5 feet for a tract presently in the R-3 zoning district under Petition No. P/Z 09-12-01, for the property commonly known as 314 Johnson Street, East Dundee, Illinois; and

**WHEREAS**, the Planning and Zoning Commission (hereinafter the “Commission”) of the Village of East Dundee, pursuant to notice and pursuant to the Village of East Dundee Code of Ordinances, Chapter 157.085(B) held a hearing on December 10, 2009, on Petition No. P/Z 09-12-01; and

**WHEREAS**, pursuant to said hearing, the Commission approved the Petition by a vote of 6 ayes, 0 nays and 3 absent.

**NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, KANE AND COOK COUNTIES, ILLINOIS, AS FOLLOWS:**

**Section One.** That the recommendation of the Commission is hereby approved and adopted.

**Section Two.** That the application for variances under Petition No. P/Z 09-12-01 from the front yard set back of Section 157.085(B) for side and rear yard setbacks from the required side yard setback of 3 feet to 1 foot and of the required rear yard setback of 5 feet to 3.5 feet for a tract

presently in the R-3 zoning district, which is commonly known as 314 Johnson Street, East Dundee, Illinois, is hereby granted.

**Section Three. Severability.** If any section, paragraph or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance.

**Section Four. Repeal.** All ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

**Section Five. Publication.** This ordinance shall be in full force and effect forthwith upon its adoption, approval and publication in pamphlet form as provided by law.

Adopted this 4<sup>th</sup> day of January, 2010, pursuant to a roll call vote as follows:

AYES: 6 - Trustees Gorman, Ruffalo, Lynam, Cichowski, VanOstenbridget & Miller  
NAYES: 0

ABSENT: 1 - President Bartels

Approved by me this 4<sup>th</sup> day of January, 2010.

Michael Ruffalo  
JERALD BARTELS, President *Acting President*

Published in pamphlet form this 5<sup>th</sup> day of January, 2010, under the authority of the President and Board of Trustees.

ATTEST:

Jennifer Rehberg  
JENNIFER REHBERG, Village Clerk

Recorded in the Village Records on January 5<sup>th</sup>, 2010.

