

ORDINANCE NUMBER 10 - 29

**ORDINANCE GRANTING A VARIANCE FOR THE  
PROPERTY COMMONLY KNOWN AS 450-495 DUNDEE  
AVENUE, 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**, the President and Board of Trustees of the Village of East Dundee have determined that it is in the best interests of the health, safety and welfare of the residents of the Village of East Dundee that Petitions a variance of §157.051 (D)(4) to allow to reduce the required outdoor play area standard of 150 square feet per child to meet the minimum DCFS standard of 2,650 square feet for every 100 kids at 450-495 Dundee Avenue, East Dundee, Illinois 60118, be granted.

**WHEREAS**, the Planning and Zoning Commission (hereinafter the "Commission") of the Village of East Dundee, pursuant to notice and pursuant to the East Dundee Code of Ordinances, held a hearing on April 13, 2010, and continued on May 13, 2010, on Petition No. 10-04-02; and

**WHEREAS**, pursuant to said hearing, the Commission had a tie vote, causing the motion to fail, regarding the request for a variance for the property commonly known as 450-495 Dundee Avenue, Village of East Dundee, Illinois, by a vote of 4 ayes, 4 nays, and 1 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 a variance for the property commonly known as 450-495 Dundee Avenue, East Dundee, Illinois, requested pursuant to Petition No. 10-04-02 is hereby granted to allow for a reduction of the required outdoor play area standard of 150 square feet per child to meet the

minimum DCFS standard of 2,650 square feet for every 100 kids at 450-495 Dundee Avenue, East Dundee, Illinois 60118, be granted.

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 Repeal.** All ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

**Section Four. 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 17<sup>th</sup> day of May, 2010, pursuant to a roll call vote as follows:

AYES: 6-Trustees Gorman, Lynam, Miller, Cichowski, VanOstenbridge & President Bartels

NAYES: 0

ABSENT: 1- Trustee Ruffalo

Approved by me this 17<sup>th</sup> day of May, 2010.

Jerald Bartels  
JERALD BARTELS, President

Published in pamphlet form this 21<sup>st</sup> day of May, 2010, under the authority of the President and Board of Trustees.

ATTEST: Jennifer Rehberg  
JENNIFER REHBERG, Village Clerk

Recorded in the Village Records on May 21<sup>st</sup>, 2010.

