

ORDINANCE NUMBER 24 - 26

AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS GRANTING VARIATIONS FROM SECTION 156.04(C)(1) REGARDING THE NUMBER OF WALL SIGNS ALLOWED FOR EACH BUSINESS AND THE MAXIMUM SQUARE FEET ALLOWED FOR A BUSINESS ESTABLISHMENT IDENTIFICATION WALL SIGN LOCATED AT 107 WATER STREET, EAST DUNDEE, IL 60118 (PIN 03-23-318-007-0000)
LOCATED IN THE B-1 BUSINESS DISTRICT

WHEREAS, the Village of East Dundee ("**Village**") is a home rule unit of local government pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, and has the authority to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, Peter Troost Monument Company ("**Owner**") is the owner of the property located at 107 Water Street, East Dundee, Illinois 60118, legally described in Section 2 below ("**Subject Property**"); and

WHEREAS, Owner filed an application ("**Application**") with the Village seeking: (1) a variation from Section 156.04(C)(1)(a) of the Zoning Chapter of the East Dundee Village Code ("**Zoning Ordinance**") limiting the number of wall signs permitted to one sign for each business; and (2) a variation from Section 156.04(C)(1)(b) of the Zoning Ordinance which limits the maximum size of any business identification wall sign to 10 percent of the front building façade area up to a maximum of 100 square feet; and

WHEREAS, pursuant to Section 157.207 of the Zoning Ordinance, and the Village's home rule authority, the President and Board of Trustees of the Village may provide for and allow variances to the requirements of the Zoning Ordinance when there are practical difficulties or a particular hardship with the strict compliance with the Zoning Ordinance; and

WHEREAS, pursuant to Section 156.05 of the Village Code, the Village Board may hear requests for variations from the terms of the Village's Sign Code pursuant to the procedure described in Chapter 157 of the Zoning Ordinance; and

WHEREAS, the Village Board of Trustees convened and held a public hearing on July 15, 2024 to consider the Application for the requested variances; and

WHEREAS, the Village President and Board of Trustees reviewed the standards set forth in Section 157.207 of the Zoning Ordinance for variations and recommended approval of the Application, and related findings of fact; and

WHEREAS, the Village President and Board of Trustees find it to be in the best interests of the health, safety, and welfare of its residents to approve the requested variations subject to the conditions contained within Section 3 of this Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Village President and Board of Trustees of the Village of East Dundee, Cook and Kane Counties, Illinois, as follows:

SECTION 1: Incorporation. That each Whereas paragraph above is incorporated by reference into this Section 1 and made a part hereof as material and operative provisions of this Ordinance.

SECTION 2: Variation. That the Corporate Authorities hereby grant the variations as described below requested in the Application for the Subject Property, legally described as:

PIN 03-23-318-007-0000

LOT 2 (EXCEPT THE SOUTHERLY 66.67 FEET THEREOF), THE SOUTHERLY 63 FEET OF LOT 3, AS MEASURED ALONG WEST LINE OF WATER STREET, OF HAERTEL'S SUBDIVISION, IN THE VILLAGE OF EAST DUNDEE, KANE COUNTY, ILLINOIS.

Variation

A variation from 156.04(C)(1)(a) of the Zoning Chapter of the East Dundee Village Code regarding the maximum number of wall signs for each business, and a variation from Section 156.04(C)(1)(b) limiting the maximum size of any business identification wall sign to 10 percent of the front building façade area up to a maximum of 100 square feet, as described in the Application. The variation granted in this Ordinance is specific to the project as proposed in the Application and shall not apply to any other development of the Subject Property.

SECTION 3: Conditions of Approval. That the variances granted herein shall be constructed, operated and maintained in accordance with any plans and diagrams submitted as part of the Application, and shall be subject to the following terms and conditions:

1. The variances granted by this Ordinance cannot be transferred and shall expire at such time Applicant ceases operations at PIN 03-263-318-007-0000.
2. The Owner shall remove the word "Company" from the sign facing the river and also shall recenter the font.

SECTION 4: Severability. That 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 5: Repeal. That all ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

SECTION 6: Effect. That this Ordinance shall be in full force and effect forthwith upon its adoption, approval and publication in pamphlet form as provided by law.

[SIGNATURE PAGE FOLLOWS]

PASSED this 15th day of July 2024 pursuant to a roll call vote as follows:

AYES: Kunze, Mahony, Brittin, Saviano and Sauder

NAYES: Ø

ABSENT: Treiber

APPROVED by me this 15th day of July 2024.



Jeffrey Lynam, Village President

ATTEST:



Katherine Diehl, Village Clerk

Published in pamphlet form this 15th day of July 2024, under the authority of the Village President and Board of Trustees.

Recorded in the Village records on July 16th, 2024.

Date: July 15, 2024



Village Board of Trustees Meeting

Findings of Fact – Variance

Property Location: 107 Water St. – Warner and Troost Monument Company Sign Variance
Pin: 03-23-318-007

Hearing Date: July 15, 2024

Variance

Requested: A variation from Section 156.04(C)(1)(a) regarding the maximum number of wall signs for each business, and a request for a variance from Section 156.04(C)(1)(b) regarding the maximum square feet allowed for a business establishment identification wall sign.

Staff has determined the below findings of fact for the Village Board's consideration and review:

1. **The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zoning district; Yes/No/Not Applicable (N.A.):**
No
2. **The plight of the owner is due to unique circumstances; Yes/No/N.A.**
No
3. **The variation, if granted, will not alter the essential character of the locality; Yes/No/N.A.**
Yes
4. **The particular physical surroundings, shape or topographical conditions of the specific property involved would bring a particular hardship upon the owner as distinguished from a mere inconvenience if the regulations were strictly enforced; Yes/No/N.A.**
No
5. **The conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification; Yes/No/N.A.**
No
6. **The purpose of the variation is not based exclusively upon a desire to make more money out of the property; Yes/No/N.A.**
No
7. **The alleged difficulty or hardship has not been created by any person presently having an interest in the property; Yes/No/N.A.**
No

8. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; Yes/No/N.A.

Yes

9. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the danger of fire or otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood; Yes/No/N.A.

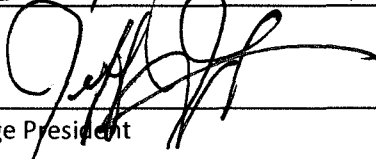
Yes

Due to the usual nature of the operation of special uses that may give rise to unique problems with respect to their impact upon neighboring property or public facilities, the Village may stipulate conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the use as deemed necessary for the protection of the public interest. In addition, the Board may require such conditions and restrictions by a variation(s) as may be necessary to comply with the standards set forth in the Village Code or reduce or minimize the injurious effect of the variation(s) upon the other property in the neighborhood.

Based on the information contained in the application and the testimony and evidence presented at the public hearing, the Village Board of Trustees voted on these findings of fact and the requested variance resulting in the following vote:

5 ayes ___ nays 1 absent ___ abstain

Date: July 15, 2024

Signature: 
Village President