

ORDINANCE NO. 0-17-02

AN ORDINANCE APPROVING A VARIANCE FOR THE PROPERTY COMMONLY KNOWN AS 3N069 CAMPTON WOODS DRIVE, CAMPTON HILLS, ILLINOIS

WHEREAS, The Ost 2005 Descendants' Trust is the owner of the property located at 3N069 Campton Woods Drive, Campton Hills, Illinois, and described in **Exhibit A** ("**Property**"); and

WHEREAS, the Property currently contains a single-family residence, and is located within a Planned Unit Development which only allows for single-family residences; and

WHEREAS, McDowell Remodeling, on behalf of the owner of the Property (collectively, "**Applicant**"), has filed an application requesting a variance from the Village of Campton Hills Zoning Ordinance ("**Zoning Ordinance**") in order to construct an accessory dwelling unit with a kitchen in the basement of the residence on the Property; and

WHEREAS, pursuant to notice duly published, the Village of Campton Hills Plan Commission/Zoning Board of Appeals ("**Plan Commission**") held a public hearing and reviewed the Applicant's variance request on March 27, 2017; and

WHEREAS, at the conclusion of the public hearing, the Plan Commission unanimously recommended approval of the variance to allow for the Applicant to construct an accessory dwelling unit with a kitchen in the basement of the residence on the Property, subject to certain conditions; and

WHEREAS, the Village Board of Trustees hereby makes the following findings of fact concerning the Applicant's variance request:

1. That there is a practical difficulty and a particular hardship upon the Property if the regulations are applied. An accessory dwelling unit with a kitchen previously existed in the basement of the residence on the Property, and the Applicant is only seeking to remodel the existing accessory dwelling unit.
2. That the granting of the requested variance will not impair an adequate supply of light and air to adjacent property. The construction of the accessory dwelling unit in the basement of the residence on the Property will have no impact on light and air to surrounding properties.
3. That the granting of the requested variance will not increase the hazard from fire and other dangers to adjacent property. The construction of the accessory dwelling unit will not pose any hazard to adjacent property.
4. That the granting of the requested variance will not diminish the value of adjacent land and buildings. The accessory dwelling unit is limited to the use of family members of the principal residence on the Property, and may not be rented out or

sold as a separate dwelling unit, thereby retaining the single-family character of the area.

5. That the granting of the requested variance will not increase the congestion or traffic hazards in the public streets and highways.
6. That the granting of the requested variance will not otherwise impair the public health, safety, comfort, morals, and general welfare.

WHEREAS, based on the findings of fact detailed above, the Village Board of Trustees has determined that the Applicant's variance request meets the standards for the approval of variances under the Zoning Ordinance, subject to the terms and conditions of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CAMPTON HILLS, KANE COUNTY, ILLINOIS, AS FOLLOWS:

Section 1. **Recitals.** The above recitals are incorporated into this Ordinance by reference.

Section 2. **Approval of Variance.** Subject to the conditions set forth in Section 3 of this Ordinance, the Village Board of Trustees hereby approves the variance from the Zoning Ordinance to allow for the construction of an accessory dwelling unit with a kitchen in the basement of the residence on the Property.

Section 3. **Conditions.** The approvals granted pursuant to Section 2 of this Ordinance shall be and are hereby expressly subject to and contingent upon each of the following terms, conditions, and restrictions, the violation of any of which shall, in the sole discretion of the President and Village Board of Trustees, invalidate the approvals granted in this Ordinance.

- A. **No Expansion of Accessory Dwelling.** The accessory dwelling unit in the basement of the residence on the Property shall not be expanded in size.
- B. **No Separate Utilities.** The accessory dwelling unit in the basement of the residence on the Property shall continue to share all utilities with the principal residence, and no separate utility reading meters for the accessory dwelling unit shall be installed.
- C. **Recordation.** This Ordinance shall be recorded with the Kane County Recorder of Deeds. All recording costs shall be borne by the Applicant.
- D. **Use Restriction.** The use of the accessory dwelling unit must remain consistent with the single-family character and single-family restrictions and regulations contained in the Zoning Ordinance, including, but not limited to, the use of the accessory dwelling unit being limited to members of the family of the principal dwelling. This approval does not allow the property to be used, sold, or rented out as a multiple-family use or multiple-family dwelling unit or units. Any breach of this condition, or any other condition of this approval, will result in revocation of this approval and require removal of the accessory dwelling unit.

- E. No Authorization of Work. This Ordinance does not authorize commencement of any work on the Property. Except as otherwise specifically provided in writing in advance by the Village, no work of any kind may be commenced on the Property pursuant to the approvals granted in this Ordinance unless and until all conditions of this Ordinance precedent to that work have been fulfilled and after all permits, approvals, and other authorizations for the work have been properly applied for, paid for, and granted in accordance with applicable law.
- F. Compliance with Laws. All applicable Village ordinances and regulations shall continue to apply to the Property, and the development and use of the Property must comply with all laws and regulations of all other federal, state, and local governments and agencies having jurisdiction.

Section 4. Severability. In the event a court of competent jurisdiction finds this Ordinance or any provision hereof to be invalid or unenforceable as applied, such finding shall not affect the validity of the remaining provisions of this Ordinance and the application thereof to the greatest extent permitted by law.

Section 5. Repeal and Saving Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or cause of action which shall have accrued to the Village of Campton Hills prior to the effective date of this Ordinance.

Section 6. Effective Date. This Ordinance shall be in full force and effect from after its passage, approval, and publication in the manner provided by law.

Passed this 11 day of April, 2017 by roll call vote:

	AYES	NAYES	ABSENT	ABSTAIN
Trustee Laura Andersen	<u>X</u>	_____	_____	_____
Trustee Susan George	<u>X</u>	_____	_____	_____
Trustee James McKelvie	<u>X</u>	_____	_____	_____
Trustee Mike Millette	<u>X</u>	_____	_____	_____
Trustee Michael O'Dwyer	_____	_____	<u>X</u>	_____
Trustee Michael Tyrrell	<u>X</u>	_____	_____	_____
President Harry Blecker	_____	_____	_____	_____

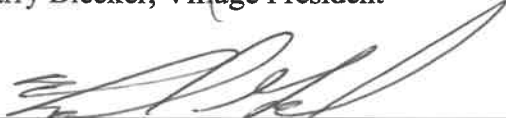
APPROVED THIS 11 DAY OF April, 2017

(SEAL)



 Harry Blecker, Village President

ATTEST:



 Nicholas Girka, Village Clerk

Exhibit A

Legal Description of the Property

LOT-35 IN CAMPTON WOODS, IN THE VILLAGE OF CAMPTON HILLS, CAMPTON
TOWNSHIP, KANE COUNTY, ILLINOIS

PIN: 08-26-351-005



2017K024262
SANDY WEGMAN
RECORDER - KANE COUNTY, IL

RECORDED: 5/12/2017 12:06 PM
REC FEE: 48.00
PAGES: 5

VILLAGE OF CAMPTON HILLS

CERTIFICATION OF ORDINANCE

I, TRACY JOHNSON, DO CERTIFY that I am the duly appointed Deputy Village Clerk of the Village of Campton Hills, Kane County, Illinois; and

I FURTHER CERTIFY that the attached copy of Ordinance No. O-17-02 is a true and correct copy of the Ordinance as duly adopted by the President and Board of Trustees of the Village of Campton Hills on the 11TH day of April, 2017 and that the Ordinance has not been amended or repealed.

IN WITNESS WHEREOF, I have hereunto affixed my hand and the Official Seal of the Village of Campton Hills, Kane County, Illinois this 17th day of April, 2017.


Tracy Johnson
Deputy Village Clerk

(SEAL)

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