

ORDINANCE NO. 18-16

AN ORDINANCE APPROVING A VARIANCE FOR THE PROPERTY COMMONLY KNOWN AS 6N251 PALOMINO DRIVE, CAMPTON HILLS, ILLINOIS

WHEREAS, Phillip Jaynes and Michelle Jaynes (collectively, "*Applicant*") are the owners of the property located at 6N251 Palomino Drive, Campton Hills, Illinois, and described in **Exhibit A** ("*Property*"); and

WHEREAS, The Property consists of approximately 5.68 acres, and is located in the E2 District-Estate Residential; and

WHEREAS, the Property currently contains a single-family residence, and previously contained two barns with a total of 2,722 square feet; and

WHEREAS, one of the barns on the property was recently destroyed by fire, and the Applicant now desires to build a larger barn at the same location, which would bring the total size of the two barns combined to 3,992 square feet; and

WHEREAS, pursuant to Ordinance No. O-09-14, on lots of 5 acres or more, detached residential accessory buildings or structures may not exceed a combined total of 2,880 square feet in total floor area under roof; and

WHEREAS, the Applicant has filed an application requesting a variance from the Village of Campton Hills Zoning Ordinance ("*Zoning Ordinance*"), as amended by Ordinance No. O-09-14, in order to increase the allowable combined total area under roof for residential accessory structures on the Property from 2,880 square feet to 3,922 square feet; 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 July 23, 2018; and

WHEREAS, at the conclusion of the public hearing, the Plan Commission unanimously recommended approval of the variance to increase the allowable combined total area under roof for residential accessory structures on the Property from 2,880 square feet to 3,922 square feet; and

WHEREAS, The Village Board of Trustees has reviewed the minutes from the Plan Commission meeting and the evidence submitted by the Applicant, and 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. **Findings.** The Village Board of Trustees has duly considered the recommendations of the Plan Commission and hereby adopts the findings attached as **Exhibit B** as the findings of the Village Board of Trustees as though fully restated in this Ordinance.

Section 3. **Approval of Variance.** Subject to the conditions set forth in Section 4 of this Ordinance, the Village Board of Trustees hereby approves the variance from the Zoning Ordinance to increase the allowable combined total area under roof for residential accessory structures on the Property from 2,880 square feet to 3,922 square feet.

Section 4. Conditions. The approval granted pursuant to Section 3 of this Ordinance shall be and is 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 approval granted in this Ordinance.

- A. **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.
- B. **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.
- C. Breezeway will not include walls.

Section 5. 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.

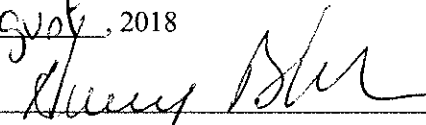
Section 6. Repeal and Saving Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or cause of action which shall have accrued to the Village of Campton Hills prior to the effective date of this Ordinance.

Section 7. 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 8TH day of August, 2018 pursuant to a roll call vote as follows:

	AYES	NAYES	ABSENT	ABSTAIN
Trustee Laura B. Andersen	_____	_____	_____X_____	_____
Trustee Susan P. George	_____X_____	_____	_____	_____
Trustee Nick Girka	_____	_____	_____X_____	_____
Trustee Mike Millette	_____X_____	_____	_____	_____
Trustee Mike O'Dwyer	_____X_____	_____	_____	_____
Trustee Michael Tyrrell	_____X_____	_____	_____	_____
President Harry Blecker	_____	_____	_____	_____

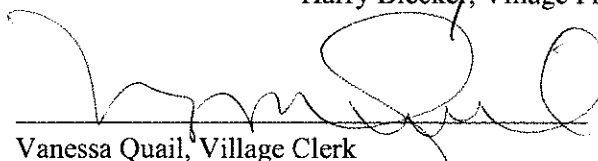
APPROVED this 8th day of August, 2018



 Harry Blecker, Village President

(SEAL)

ATTEST:



 Vanessa Quail, Village Clerk

Exhibit A
Legal Description of the Property

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 40 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE MOST SOUTHERLY SOUTHWEST CORNER OF UNIT NO. 3, CAMPTON EQUESTRIAN ESTATES, CAMPTON TOWNSHIP, KANE COUNTY, ILLINOIS; THENCE SOUTH 88 DEGREES 24 MINUTES 52 SECONDS WEST ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SOUTHWEST QUARTER 499.57 FEET TO THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 0 DEGREES 01 MINUTES 10 SECONDS EAST ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER 1317.43 FEET TO THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 88 DEGREES 08 MINUTES 47 SECONDS WEST ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER 273.77 FEET TO THE CENTER LINE OF BURLINGTON ROAD; THENCE NORTHWESTERLY ALONG SAID CENTER LINE, BEING ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 51,868.52 FEET, TANGENT TO A LINE DRAWN NORTH 49 DEGREES 52 MINUTES 18 SECONDS WEST FROM THE LAST DESCRIBED POINT 779.0 FEET TO THE SOUTHWEST CORNER OF A TRACT OF LAND CONVEYED TO RONALD S. JAYNES AND JODY K JAYNES BY DEED RECORDED AS DOCUMENT 1696696; THENCE NORTH 0 DEGREES 13 MINUTES 55 SECONDS WEST ALONG A WEST LINE OF SAID JAYNES TRACT 723.0 FEET FOR A POINT OF BEGINNING; THENCE CONTINUING NORTH 0 DEGREES 13 MINUTES 55 SECONDS WEST ALONG THE PROLONGATION OF THE LAST DESCRIBED COURSE 44.0 FEET TO A NORTHWEST CORNER OF SAID JAYNES TRACT; THENCE NORTH 86 DEGREES 46 MINUTES 05 SECONDS EAST ALONG A NORTH LINE OF SAID JAYNES TRACT 256.0 FEET TO AN ANGLE IN THE NORTH LINE OF SAID JAYNES TRACT; THENCE NORTH 1 DEGREE 40 MINUTES 55 SECONDS WEST ALONG A WEST LINE AND EXTENSION THEREOF OF SAID JAYNES TRACT 729.9 FEET TO A LINE DRAWN EAST FROM A POINT ON THE EAST LINE OF LOT 61 IN UNIT NO. 4, CAMPTON EQUESTRIAN ESTATES, CAMPTON TOWNSHIP, KANE COUNTY, ILLINOIS THAT IS 100.70 FEET SOUTH OF THE NORTHEAST CORNER OF SAID LOT 61; THENCE WEST 291.17 FEET TO SAID POINT ON THE EAST LINE OF SAID LOT 61; THENCE SOUTH ALONG THE EAST LINE OF SAID LOT 61 AND LOT 62 IN SAID UNIT NO. 4, 534.30 FEET TO THE SOUTHWEST CORNER OF SAID LOT 62; THENCE SOUTH 57 DEGREES 41MINUTES, 55 SECONDS WEST ALONG THE SOUTHEASTERLY LINE OF SAID LOT 62, 177.49 FEET TO THE MOST SOUTHERLY CORNER OF SAID LOT 62, BEING ON THE NORTHEASTERLY LINE OF PALOMINO DRIVE; THENCE SOUTH 44 DEGREES 11 MINUTES 55 SECONDS EAST ALONG THE NORTHEASTERLY LINE OF SAID PALOMINO DRIVE 70.66 FEET; THENCE SOUTHEASTERLY ALONG THE NORTHEASTERLY LINE OF SAID PALOMINO DRIVE, BEING ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 416.0 FEET TANGENT TO THE LAST DESCRIBED COURSE 162.43 FEET TO A LINE DRAWN SOUTH 68 DEGREES 10 MINUTES 24 SECONDS WEST FROM THE POINT OF BEGINNING; THENCE NORTH 68 DEGREES 10 MINUTES 24 SECONDS EAST 75.38 FEET TO THE POINT OF BEGINNING, IN CAMPTON TOWNSHIP, KANE COUNTY, ILLINOIS AND CONTAINING 5.649.

Common address: 6N251 Palomino, Campton Hills, Illinois

PIN: 08-11-301-012

EXHIBIT B

The Village of Campton Hills Zoning Ordinance requires that the Zoning Board of Appeals find that there is a practical difficulty or some particular hardship if existing regulations are applied. The Board must also consider certain factors related to the granting of a variance. As the Applicant, you should "make your case" by explaining how your request will not:

1. Impair an adequate supply of light and air to adjacent property. I HAVE
Presently only 3 neighbors who can see the barn from their property, and all
have barns of their own. There is no air or light hindrance. The covered
storage between buildings is an open breezeway.
2. Increase the hazard from fire and other dangers to adjacent property. The
new barn + covered storage will pose no threat to additional fire or
other danger to adjacent property. No other adjacent items of
neighbors are nearby.
3. Diminish the value of adjacent land and buildings. This will only give
better aesthetic appeal over aged barn that was present before.
4. Increase congestion or create traffic hazards. No additional traffic will
be generated or hazards.
5. Impair the public health, safety, comfort, morals and general welfare.
This would not impact any of the mentioned items. #