

AN ORDINANCE APPROVING A VARIANCE FOR THE PROPERTY COMMONLY KNOWN AS 6N889 HASTINGS DRIVE, CAMPTON HILLS, ILLINOIS

WHEREAS, Scott and Renee Edsall ("*Applicants*"), are the owners of the property located at 6N889 Hastings Drive, Campton Hills, Illinois, described as Lot 11 in Hastings, Unit 2, in Campton Township, Kane County, Illinois, PIN: 08-11-203-005 ("*Property*"); and

WHEREAS, the Property currently contains a single-family residence, and is located within the E-3 District-Estate, which only permits single-family residences; and

WHEREAS, the Applicants have filed an application requesting a variance from Section 9.3 of the Village of Campton Hills Zoning Ordinance ("*Zoning Ordinance*") in order to construct an accessory dwelling unit with a kitchen inside 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 Applicants' variance request on March 25, 2019; and

WHEREAS, at the conclusion of the public hearing, the Plan Commission unanimously recommended approval of the variance to allow for the Applicants to construct an accessory dwelling unit with a kitchen in 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 Applicants' variance request:

1. That there is a practical difficulty and a particular hardship upon the Property if the regulations are applied.
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 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 has determined that the Applicants' request meets the standards for 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 Section 9.3 of the Zoning Ordinance to allow for the construction of an accessory dwelling unit with a kitchen in 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 residence on the Property shall not be expanded in size.
- B. **No Separate Utilities.** The accessory dwelling unit in 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 against the Property with the Kane County Recorder of Deeds. All recording costs shall be borne by the Applicants.
- 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.

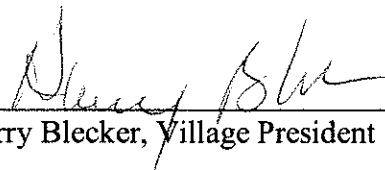
Section 5. Repeal and Saving Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or cause of action which shall have accrued to the Village of Campton Hills prior to the effective date 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 16th day of April, 2019 pursuant to a roll call vote as follows:

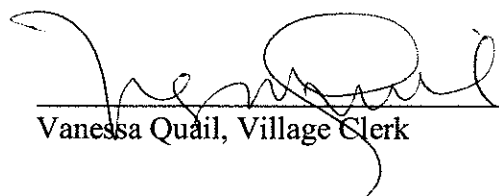
	AYES	NAYES	ABSENT	ABSTAIN
Trustee Susan P. George	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Trustee Nick Girka	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Trustee Mike Millette	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Trustee Mike O'Dwyer	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Trustee Michael Tyrrell	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Trustee Wendy White Eagle	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
President Harry Blecker	<u> </u>	<u> </u>	<u> </u>	<u> </u>

APPROVED this 16th day of April, 2019



 Harry Blecker, Village President

(SEAL)

ATTEST: 

 Vanessa Quail, Village Clerk