

AN ORDINANCE APPROVING A VARIANCE FOR THE PROPERTY COMMONLY KNOWN AS 42W271 BURLINGTON ROAD, CAMPTON HILLS, ILLINOIS

WHEREAS, Bryan Dalzell (the “*Applicant*”) is the owner of the property located at 42W271 Burlington Road, Campton Hills, Illinois, and described in **Exhibit A** (“*Property*”); and

WHEREAS, The Property consists of approximately one acre, and contains a single-family residence and detached garage; and

WHEREAS, the Applicant desires to demolish the existing detached garage and construct a new, expanded garage consisting of 1,248 square feet; and

WHEREAS, pursuant to Ordinance No. O-09-14, on residential lots of 2 acres or less, none of the detached accessory buildings or structures shall exceed a combined total of nine hundred (900) square feet in total 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 900 square feet to 1,248 square feet in order to construct the expanded garage; and

WHEREAS, pursuant to notice duly published, the Village of Campton Hills Plan Commission/Zoning Board of Appeals (“*PCZBA*”) held a public hearing and reviewed the Applicant’s variance request on May 20, 2019; and

WHEREAS, at the conclusion of the public hearing, the PCZBA recommended that the Applicant’s variance request be denied, finding that the Applicant did not establish that there was a practical difficulty or particular hardship if the existing square footage limitation under the Zoning Ordinance is applied to the Property; and

WHEREAS, the Village Board of Trustees has reviewed the minutes from the PCZBA 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 for the reasons discussed at the Village Board meeting, 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 increase the allowable combined total area under roof for residential accessory structures on the Property from 900 square feet to 1,248 square feet.

Section 3. Conditions. The approval granted pursuant to Section 2 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.

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.

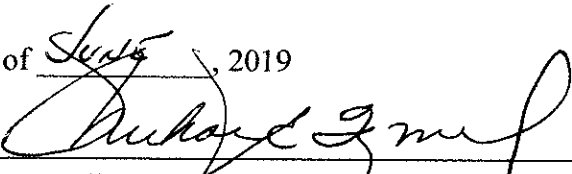
Section 5. Repeal and Saving Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or cause of action which shall have accrued to the Village of Campton Hills prior to the effective date 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 4th day of JUNE, 2019 pursuant to a roll call vote as follows:

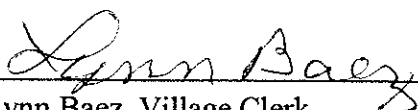
	AYES	NAYES	ABSENT	ABSTAIN
Trustee Darlene Bakk	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee Susan George	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee Nick Girka	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee Mike Millette	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee Wendy K. White Eagle	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
President Mike Tyrrell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

APPROVED this 4th day of June, 2019



 Mike Tyrrell, Village President

(SEAL)

ATTEST: 

 Lynn Baez, Village Clerk

Exhibit A

Legal Description of the Property

LOT 1 IN EVENING PRARIE SUBDIVISION UNIT NO.1, IN THE TOWNSHIP OF
CAMPTON, KANE COUNTY, ILLINOIS

Common address: 42W271 Burlington Road, Campton Hills, Illinois

PIN: 08-04-452-002