

ORDINANCE NO. 07-07

**AN ORDINANCE GRANTING A VARIANCE
FROM THE SOMONAUK VILLAGE CODE
FOR 215 W. PINE STREET, SOMONAUK
DEKALB COUNTY, ILLINOIS
(Stahl Property)**

WHEREAS, the Petitioners Janna and Daniel Stahl have requested variances from certain provisions of the Unified Development Ordinance of the Somonauk Village Code for their property located at 215 West Pine Street; and

WHEREAS, a public hearing was conducted before the Somonauk Planning & Zoning Commission on May 15, 2007; and

WHEREAS, the Planning & Zoning Commission has recommended approval of the requested variances; and

WHEREAS, the corporate authorities of the Village of Somonauk has the statutory authority pursuant to 65 ILCS 5/11-13-5 to vary the application of regulations in harmony with their general purpose and intent and in accordance with specific rules therein contained; and

WHEREAS, there are practical difficulties and particular hardships in the way of carrying out the strict letter of the “Unified Development Ordinance” of the Somonauk Village Code as it relates to the Petitioner’s Property depicted in Exhibit A (“Property”) relating to the use and construction of buildings or structures and the use of the Petitioner’s Property; and

WHEREAS, it is in the best interest of the Village of Somonauk to grant the requested variances.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND VILLAGE BOARD OF THE VILLAGE OF SOMONAUK, DeKALB and LaSALLE COUNTIES, ILLINOIS:

SECTION 1. INCORPORATION OF PREAMBLE AND EXHIBITS

The Preamble and all Exhibits to this Ordinance are incorporated herein as if fully set forth in this Section 1.

SECTION 2. VARIANCES

That the following requested variances be and the same is hereby granted, thereby permitting (per the variance application which is attached hereto as Exhibit B and incorporated by reference herein):

1. Lot depth of 82.62 feet instead of 110 feet
2. Front yard set back of 20 feet instead of 25 feet
3. Rear yard set back of 15 feet instead of 30 feet
4. Side yard accessory structure set back of 5 feet at rear yard and 5 feet at side yard

SECTION 3. SEVERABILITY

In the event any word, phrase, clause, sentence, paragraph, provision or section of this ordinance, or any part thereof, shall be held to be unconstitutional, unenforceable or void, the same shall not effect the validity or enforceability or any remaining words, phrases, clauses, sentences, paragraphs, provisions or sections of this ordinance.

SECTION 4. REPEALER

All ordinances or parts thereof which conflict with any term, condition, provision or section of this Ordinance be and the same are hereby repealed.

SECTION 5. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED this 13th day of June, 2007 with 4 members voting aye, 0 members voting nay, the President Not voting, with 1 members abstaining or passing, and said vote being:

DANIEL STAHL	<u>Abstain</u>	ROBERT HANSON	<u>Aye</u>
MERLIN MILLIGAN	<u>Absent</u>	REBECCA MORPHEY	
	<u>Aye</u>		
RICHARD MCMILLAN	<u>Aye</u>	SCOTT MERRILL	<u>Aye</u>

VILLAGE CLERK

APPROVED this 13th day of June, 2007.

VILLAGE PRESIDENT

(SEAL)
ATTEST:

VILLAGE CLERK

EXHIBIT A

Legal Description

EXHIBIT B

Variance Application