

ORDINANCE NO. 07-09

**AN ORDINANCE GRANTING A VARIANCE
FROM THE SOMONAUK VILLAGE CODE
FOR 210 N. SYCAMORE STREET, SOMONAUK
DEKALB COUNTY, ILLINOIS
(Somonauk Water Tower Property)**

WHEREAS, the Petitioner Village of Somonauk has requested variances from certain provisions of the Unified Development Ordinance of the Somonauk Village Code for their property located at 210 North Sycamore Street; and

WHEREAS, a public hearing was conducted before the Somonauk Planning & Zoning Commission on May 16, 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):

- Front yard setback along Pine Street: 17 feet
- Front yard setback along Sycamore Street: 15 feet
- Side yard setback along BNSF rail road 3.5 feet
- The water tower will extend approximately 150 feet above ground

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 5 members voting aye, 0 members voting nay, the President not voting, with 0 members abstaining or passing, and said vote being:

DANIEL STAHL Aye ROBERT HANSON Aye

MERLIN MILLIGAN Absent REBECCA MORPHEY

Aye

RICHARD MCMILLAN Aye SCOTT MERRILL Aye

VILLAGE CLERK

APPROVED this 13th day of June, 2007.

VILLAGE PRESIDENT

(SEAL)
ATTEST:

VILLAGE CLERK

EXHIBIT A

Legal Description

Lot 1 in Block 25 in the original Village of Somonauk and the East ½ of the vacated alley lying West of and adjoining said lot, according to the Plat thereof recorded in Book “A” of Plats, Page 13, on September 5, 1885, in DeKalb County, Illinois, situated in the Village of Somonauk, County of DeKalb, State of Illinois.

c.k.a: 210 North Sycamore Street, Somonauk, Illinois 60552

EXHIBIT B

Variance Application