

VILLAGE OF ARLINGTON HEIGHTS

ORDINANCE NO. 2024-_____

AN ORDINANCE GRANTING A LOT WIDTH VARIATION
(1821 N. Verde Avenue)

ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF ARLINGTON HEIGHTS
THIS ____ DAY OF _____, 2024.

Published in pamphlet form
by the authority of the
President and Board of Trustees
of the Village of Arlington Heights,
Cook County, Illinois this
_____ day of _____, 2024

Village Clerk

VILLAGE OF ARLINGTON HEIGHTS

ORDINANCE NO. _____

AN ORDINANCE GRANTING A LOT WIDTH VARIATION
(1821 N. Verde Avenue)

WHEREAS, John Van Kooten and Annie Van Kooten (together, the “*Owners*”) are the owners of record of that certain parcel of real property located in the R-3 One Family Dwelling District (“*R-3 District*”), commonly known as 1821 N. Verde Avenue, Arlington Heights, Illinois (“*Property*”), and legally described in Exhibit A attached to and, by this reference, made a part of this Ordinance; and

WHEREAS, the Owners desire to subdivide the Property into two lots, to be known as “Lot 1” and “Lot 2;” and

WHEREAS, pursuant to Section 5.1-3.2 of “The 2002 Comprehensive Amendment of the Zoning Ordinance of the Village of Arlington Heights,” as amended (“*Zoning Code*”), the minimum lot width measured at the building setback line is 75 feet; and

WHEREAS, the Owners propose that Lot 2 have a width of 68.5 feet, in violation of Section 5.1-3.2 of the Zoning Code; and

WHEREAS, pursuant to Section 12 of the Zoning Code, the Owners have applied for approval of a variation from Section 5.1-3.2 of the Zoning Code to reduce the required width of Lot 2 from 75 feet to 68.5 feet (“*Requested Relief*”); and

WHEREAS, pursuant to notice duly published in the *Daily Herald* on January 30, 2024, the Plan Commission of the Village of Arlington Heights (“*Plan Commission*”) conducted a public hearing on February 14, 2024, concerning approval of the Requested Relief; and

WHEREAS, at the conclusion of the public hearing, the Plan Commission made findings and recommended that the President and Board of Trustees grant the Requested Relief, with certain specified conditions; and

WHEREAS, the President and Board of Trustees have determined that the Requested Relief meets the required standards for a lot width variation as set forth in Section 12 of the Zoning Code; and

WHEREAS, the President and Board of Trustees have determined that it will serve and be in the best interest of the Village to grant the Requested Relief, subject to the conditions, restrictions, and provisions of this Ordinance;

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ARLINGTON HEIGHTS, COOK COUNTY, ILLINOIS, as follows:

SECTION 1. RECITALS. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

SECTION 2. GRANT OF VARIATION. Subject to, and contingent upon, the conditions, restrictions, and provisions set forth in Section 3 of this Ordinance, and in accordance with, and pursuant to, Section 12 of the Zoning Code and the home rule powers of the Village, the Village hereby grants the

Owners a variation from Section 5.1-3.2 of the Zoning Code to reduce the required width of Lot 2 from 75 feet to 68.5 feet.

SECTION 3. CONDITIONS. Notwithstanding any use or development right that may be applicable or available pursuant to the provisions of the Zoning Code, the approvals granted pursuant to Section 2 of this Ordinance are hereby expressly subject to, and contingent upon, the development, use, and maintenance of the Property in compliance with the following condition:

- A. Compliance with Regulations. Except to the extent specifically provided otherwise in this Ordinance, the use, operation, and maintenance of the Property must comply at all times with all applicable Federal, State, and Village statutes, codes, ordinances, and regulations, as the same have been or may be amended from time to time.
- B. Final Plat. No development of Lot 1 or of Lot 2 may occur until and unless a final plat of subdivision for the Property creating Lot 1 and Lot 2 has been approved by the Village and recorded in accordance with all requirements of “Municipal Code of Arlington Heights, Illinois, 1995,” as amended.

SECTION 4. RECORDATION; BINDING EFFECT. A copy of this Ordinance will be recorded on title to the Property with the Cook County Clerk’s Recording Division. This Ordinance and the privileges, obligations, and provisions contained herein inure solely to the benefit of, and are binding upon the Owners and each of their representatives, successors, and assigns.

SECTION 5. FAILURE TO COMPLY WITH CONDITIONS. Upon the failure or refusal of the Owners to comply with any or all of the conditions, restrictions, or provisions of this Ordinance, as applicable, the approvals granted in Section 2 of this Ordinance may, at the sole discretion of the Village President and Board of Trustees, by ordinance duly adopted, be revoked and become null and void; provided, however, that the Village President and Board of Trustees may not so revoke the approval granted in Section 2 of this Ordinance unless they first provide the Owners with two months advance written notice of the reasons for revocation and an opportunity to be heard at a regular meeting of the Village President and Board of Trustees. In the event of revocation, the use of the Property will be governed solely by the regulations of the R-3 District and the applicable provisions of the Village Code, as the same may, from time to time, be amended. Further, in the event of such revocation, the Village Manager and Village Attorney are hereby authorized and directed to bring such enforcement action as may be appropriate under the circumstances.

SECTION 6. AMENDMENTS. Any amendments to the approval granted in Section 2 of this Ordinance that may be requested by the Owners after the effective date of this Ordinance may be granted only pursuant to the procedures, and subject to the standards and limitations, provided in the Village Code.

SECTION 7. SEVERABILITY. If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance are to remain in full force and effect, and will be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

SECTION 8. EFFECTIVE DATE.

- A. This Ordinance will be effective only upon the occurrence of all of the following events:
 - 1. Passage by the Village President and Board of Trustees in the manner required by law; and

2. The filing by the Owners with the Village Clerk of an Unconditional Agreement and Consent, in the form of Exhibit B attached to and, by this reference, made a part of this Ordinance, to accept and abide by each and all of the terms, conditions, and limitations set forth in this Ordinance and to indemnify the Village for any claims that may arise in connection with the approval of this Ordinance.

B. In the event the Owners do not file fully executed copies of the Unconditional Agreement and Consent, as required by Section 8.A.2 of this Ordinance, within 30 days after the date of final passage of this Ordinance, the Village President and Board of Trustees will have the right, in their sole discretion, to declare this Ordinance null and void and of no force or effect.

AYES:

NAYS:

PASSED AND APPROVED THIS ___ day of _____, 2024

Village President

ATTEST:

Village Clerk

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

PARCEL 1: THAT PART OF LOT 11 IN TRENDEL-LOWE SUBDIVISION, A SUBDIVISION OF THE NORTH 659.62 FEET OF THE WEST HALF OF THE EAST HALF (EXCEPT THE WEST 221.5 FEET THEREOF) OF THE NORTHWEST

QUARTER OF SECTION 19, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF A LINE CONNECTING A POINT ON THE WEST LINE OF SAID LOT THAT IS 81.43 FEET SOUTH OF THE NORTHWEST CORNER OF SAID LOT WITH A POINT ON THE EAST LINE OF SAID LOT THAT IS 80.41 FEET SOUTH OF THE NORTHEAST CORNER OF SAID LOT, IN COOK COUNTY, ILLINOIS.

PARCEL 2: LOT 10 IN TRENDEL-LOWE SUBDIVISION, A SUBDIVISION OF THE NORTH 659.62 FEET OF THE WEST HALF OF THE EAST HALF (EXCEPT THE WEST 221.5 FEET THEREOF) OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Commonly known as: 1821 N. Verde Avenue, Arlington Heights, Illinois.

PIN's: 08-16-202-009 and 08-16-202-010

EXHIBIT B

UNCONDITIONAL AGREEMENT AND CONSENT

TO: The Village of Arlington Heights, Illinois (“*Village*”):

WHEREAS, WHEREAS, John Van Kooten and Annie Van Kooten (together, the “*Owners*”) are the owners of record of that certain parcel of real property located in the R-3 One Family Dwelling District (“*R-3 District*”), commonly known as 1821 N. Verde Avenue, Arlington Heights, Illinois (“*Property*”); and

WHEREAS, the Owners desire to subdivide the Property into two lots, to be known as “Lot 1” and “Lot 2;” and

WHEREAS, pursuant to Section 5.1-3.2 of “The 2002 Comprehensive Amendment of the Zoning Ordinance of the Village of Arlington Heights,” as amended (“*Zoning Code*”), the minimum lot width measured at the building setback line is 75 feet; and

WHEREAS, the Owners propose that Lot 2 have a width of 68.5 feet, in violation of Section 5.1-3.2 of the Zoning Code; and

WHEREAS, Ordinance No. 2024-_____, adopted by the Village President and Board of Trustees on _____, 2024 (“*Ordinance*”), grants a variation to the Owners to reduce the minimum lot width on the Property; and

WHEREAS, Section 8 of the Ordinance provides, among other things, that the Ordinance will be of no force or effect unless and until the Owners file, within 30 days following the passage of the Ordinance, their unconditional agreement and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in the Ordinance;

NOW, THEREFORE, the Owners hereby agree and covenant as follows:

1. The Owners hereby unconditionally agree to, accept, consent to, and will abide by, each and all of the terms, conditions, limitations, restrictions, and provisions of the Ordinance.

2. The Owners acknowledge that public notices and hearings have been properly given and held with respect to the adoption of the Ordinance, has considered the possibility of the revocation provided for in the Ordinance, and agrees not to challenge any such revocation on the grounds of any procedural infirmity or a denial of any procedural right.

3. The Owners acknowledge and agree that the Village is not and will not be, in any way, liable for any damages or injuries that may be sustained as a result of the Village’s granting of the variation for the Property or its adoption of the Ordinance, and that the Village’s approvals do not, and will not, in any way, be deemed to insure the Owners against damage or injury of any kind and at any time.

4. The Owners hereby agree to hold harmless and indemnify the Village, the Village’s corporate authorities, and all Village elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of such parties in connection with the Village’s adoption of the Ordinance granting the variation for the Property.

Dated: _____, 2024

ATTEST:

JOHN VAN KOOTEN

By: _____

By: _____

Its: _____

Its: _____

ATTEST:

ANNIE VAN KOOTEN

By: _____

By: _____

Its: _____

Its: _____