

**AN ORDINANCE
GRANTING A VARIATION OF THE MAXIMUM HEIGHT
ALLOWED FOR A DECK FENCE ON THE PROPERTY
AT 1909 MARIA COURT IN THE VILLAGE**

WHEREAS, the owner of certain property at 1909 Maria Court has filed a Petition for variation, requesting as an accommodation under the Americans with Disabilities Act, a variance of the requirements of §8-3A-3(B)(9)(c) of the Village Code, to allow for erection of a deck fence on a portion of the deck on the premises of more than four (4') in height; and

WHEREAS, the Sleepy Hollow Municipal Code, §8-3A-3(B)(9)(c), provides as follows:

The following "fences" are allowed, subject to obtaining a building permit therefor, and otherwise, fences, including but not limited to boundary fences, are prohibited: * * *

- c. One deck fence – provided it is located on the deck or abutting the deck and extends not more than four (4) feet above the deck.

The deck fence must be adjacent to the building, not longer than the adjacent side of the building and located behind the building setback. It shall be constructed of non-metallic or non-plastic material.

WHEREAS, after reviewing the Petition, the Village finds that is supported by adequate evidence that the owner has a disability which limits her life activities on the premises; and

WHEREAS, the Village has reviewed said Petition and the request for accommodation, together with the supporting materials submitted by Owner; and

WHEREAS, after considering the Petition and request, the Corporate Authorities have determined that the request asks for a reasonable accommodation; that the accommodation would not fundamentally alter the nature of the Zoning Regulations in the Village; and that the accommodation is reasonably necessary to allow the owner of the Subject Property to enjoy the same opportunities as other village residents without any disability.

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF SLEEPY HOLLOW, KANE COUNTY, ILLINOIS, AS FOLLOWS:

Section 1. The variance requested in the Development Application filed by Petitioner, requesting the variance as a reasonable accommodation under the

Americans with Disability Act, as Owner and occupant of the property at 1909 Maria Court in the Village, and to allow for the construction of a deck fence on the east side and on the south side of the existing deck located in the rear yard of the premises, at a height greater than the permitted height of four (4') feet, and not to exceed a height of eight (8') feet, shall be and hereby is granted subject to the conditions set forth in Section 2 below.

Section 2. The grant of variation described herein shall be and is subject to the following conditions:

A. Owner shall comply with all other applicable codes and ordinances, including obtaining and/or closing out a building permit for erection of the deck fence; allowing all required inspections to be conducted; and correcting any deficiencies noted in such inspection(s), all in accordance to Village Building Codes.

B. The fence shall not exceed eight (8') feet in height above the deck surface, and shall otherwise comply with the requirements of §8-3A-3(B)(9)(c),

C. The variance shall terminate and the deck fence shall be removed or cut down to a height which complies with the requirements of §8-3A-3(B)(9)(c), at such time as the current occupant no longer resides at or occupies the premises.

Section 3. Any motion, order, resolution, or ordinance in conflict with the provisions of this Ordinance is to the extent of such conflict hereby superseded and waived.

Section 4. If any section, subdivision, sentence or phrase of this Ordinance is for any reason held to be void, invalid, or unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance.

Section 5. This Ordinance shall take full force and effect upon its passage and approval as provided by law.

ADOPTED THIS 3RD DAY OF JANUARY, 2023.

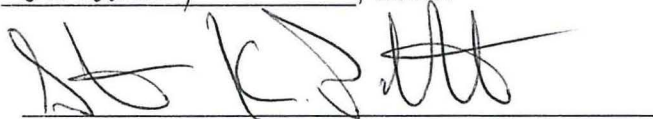
AYES: NEWEC, HARNEY, DEATLEY, THORNE

NAYS: NONE

ABSTAIN: Ø

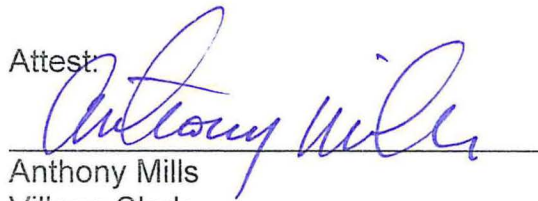
ABSENT: PIRANO

APPROVED THIS 3rd DAY OF JANUARY, 2023.

A handwritten signature in black ink, appearing to read 'Stephan Pickett', written over a horizontal line.

Stephan Pickett
Village President

Attest:

A handwritten signature in blue ink, appearing to read 'Anthony Mills', written over a horizontal line.

Anthony Mills
Village Clerk