

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

 X Resolution or Ordinance (Blue) X *Waiver of First Requested*
 X Recommendations of Boards, Commissions & Committees (Green)
_____ Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott R. Niehaus, Village Manager

DATE: October 10, 2016 (B of T) Date: October 20, 2016

TITLE: ZBA 15-12; 410 E. Prairie Avenue – Time Extension Request

SUBMITTED BY: Department of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration an Ordinance granting a time extension to Ordinance 7144 granting a variation pursuant to Title 15, Chapter 155, Section 155.407 of the Lombard Zoning Ordinance.

Staff recommends approval of this request.

The petitioner requests a waiver of first reading of the Ordinance.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____

Finance Director X _____ Date _____

Village Manager X _____ Date _____

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



MEMORANDUM

TO: Scott R. Niehaus, Village Manager

FROM: William J. Heniff, AICP, Director of Community Development *WJH*

DATE: October 20, 2016

SUBJECT: ZBA 15-12; 410 E. Prairie Avenue – Time Extension Request

The Board of Trustees approved Ordinance 7144 (ZBA 15-12) on November 5, 2015 which granted approval for a variation to reduce the required rear yard setback from thirty-five feet (35') to thirty feet (30') for Lot 2 for the property at 251 N. Grace Street (now known as 410 E. Prairie Avenue). Per the variation provisions (Section 155.103(C)(10) of the Zoning Ordinance), if construction has not begun within twelve (12) months from the date of approval, the variation granted is null and void unless an extension is granted by the Board of Trustees.

After being advised that the approved zoning relief would expire prior to their slated construction start at the end of November 2016, the petitioner has submitted the attached letter requesting an extension of the variation approval granted by the Village Board.

A copy of Ordinance 7144 is attached for your reference.

ACTION REQUESTED

Staff recommends that the Village Board approve an Ordinance extending the time period to start construction of the proposed project for an additional twelve-month period (i.e., until November 5, 2017). The petitioner is requesting a waiver of first reading of the Ordinance.

To: Jennifer Ganser

September 30, 2016

RE: Variance at 410 E Prairie Ave

From: Frank La Gambina

President; La Gambina Homes Inc.

Today (September 30, 2016) I am submitting plans for a new home to be built on the property at 410 E Prairie Ave. in Lombard. The engineering and surveying work is being completed and I expect to turn those in on October 12th. I would like to request an extension in my variance timing, as I expect to have the permit from the village around the end of October and The foundation in the ground by Thanksgiving. I know the one year deadline is looming close here and request an extension as the property is under contract with a home plan designed with that granted variance in mind.



Frank La Gambina

La Gambina Homes Inc.

ORDINANCE NO. _____

**AN ORDINANCE GRANTING A TIME EXTENSION TO
ORDINANCE 7144 GRANTING A VARIATION PURSUANT TO
TITLE 15, CHAPTER 155, SECTION 155.407 OF THE
LOMBARD ZONING ORDINANCE**

(ZBA 15-12; 410 E. Prairie Avenue)

WHEREAS, on November 5, 2015, the President and Board of Trustees of the Village of Lombard adopted Ordinance 7144 which granted approval of a variation pursuant to Title 15, Chapter 155, Section 155.407 of the Lombard Village Code to reduce the required rear yard setback from thirty-five feet (35') to thirty feet (30') for Lot 2 (410 E. Prairie Avenue), located within the R2 Single-Family Residence District; and,

WHEREAS, pursuant to Section 155.103 (C)(10) of the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois, a variation shall become null and void unless work thereon is substantially underway within twelve (12) months from the date of issuance, unless further action is taken by the Village Board; and,

WHEREAS, construction has not commenced and no building permit has been issued for the development granted by Ordinance 7144; and

WHEREAS, the Village has received a letter from the owner requesting a time extension of said Ordinance; and,

WHEREAS, the President and Board of Trustees have determined that it is in the best interests of the Village of Lombard to grant said extension.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: Ordinance 7144 is hereby further amended and extended and shall be null and void unless a building permit is obtained and the project is substantially underway within twelve (12) months of the expiration date of this Ordinance (i.e., November 5, 2017).

Ordinance No. _____
Re: ZBA 15-12 Variation – Time Extension
Page 2

SECTION 2: That all other provisions associated with Ordinance 7144 not amended by this Ordinance shall remain in full force and effect.

SECTION 3: That this Ordinance is limited and restricted to the property located at 410 E. Prairie Avenue, Lombard, Illinois and legally described as follows:

LOT 2 IN KYLE'S ACRES, BEING A RE-SUBDIVISION OF LOT 10 IN BLOCK 1 IN LOMBARD COUNTRYSIDE FARMETTES SUBDIVISION IN THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 39, NORTH RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT RECORDED OCTOBER 16, 1946 AS DOCUMENT 508901 IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-05-414-025

SECTION 4: This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Passed on first reading this ____ day of _____, 2016.

First reading waived by action of the Board of Trustees this ____ day of _____, 2016.

Passed on second reading this ____ day of _____, 2016, pursuant to a roll call vote as follows:

Ayes: _____

Nayes: _____

Absent: _____

Approved by me this ____ day of _____, 2016.

Keith Giagnorio, Village President

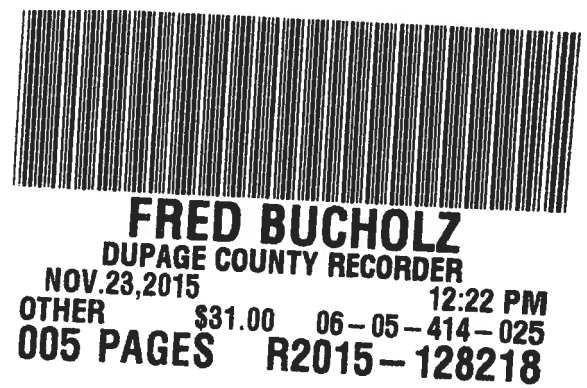
Ordinance No. _____
Re: ZBA 15-12 Variation – Time Extension
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ATTEST:

Sharon Kuderna, Village Clerk

Published in pamphlet from this _____ day of _____, 2016.

Sharon Kuderna, Village Clerk



ORDINANCE 7144

**APPROVING A VARIATION OF THE LOMBARD ZONING
ORDINANCE TITLE 15, CHAPTER 155 OF THE CODE OF
LOMBARD, ILLINOIS**

PIN: 06-05-414-025

ADDRESS: 251 N. Grace Street, Lombard, IL 60148

**Prepared by and Return To:
Village of Lombard
255 E. Wilson Avenue
Lombard, IL 60148**



I, **Janet Downer**, hereby certify that I am the duly qualified Deputy Village Clerk of the **Village of Lombard**, DuPage County, Illinois, as authorized by Statute and provided by local Ordinance, and as such Deputy Village Clerk, I maintain and am safekeeper of the records and files of the President and Board of Trustees of said Village.

I further certify that attached hereto is a
copy of

ORDINANCE 7144

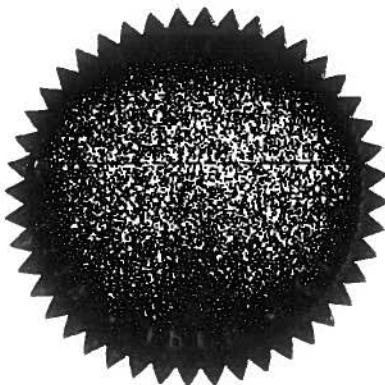
APPROVING A VARIATION OF THE LOMBARD ZONING ORDINANCE TITLE 15,
CHAPTER 155 OF THE CODE OF LOMBARD, ILLINOIS

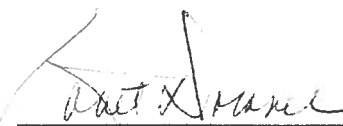
PIN: 06-05-414-025

ADDRESS: 251 N Grace Street, Lombard, IL 60148

of the said Village as it appears from the official records
of said Village duly approved this 5th
day of November, 2015.

In Witness Whereof, I have hereunto affixed my official signature and the
Corporate Seal of said **Village of Lombard**, Du Page County, Illinois this 16th
day of November, 2015.





Janet Downer
Deputy Village Clerk
Village of Lombard
DuPage County, Illinois

ORDINANCE 7144

PAMPHLET

ZBA 15-12: 251 N. GRACE STREET - VARIANCES



PUBLISHED IN PAMPHLET FORM THIS 6th DAY OF NOVEMBER, 2015, BY ORDER
OF THE CORPORATE AUTHORITIES OF THE VILLAGE OF LOMBARD, DUPAGE
COUNTY, ILLINOIS.



Sharon Kuderna
Village Clerk

-ORDINANCE NO. 7144

**AN ORDINANCE APPROVING A VARIATION OF THE LOMBARD ZONING
ORDINANCE TITLE 15, CHAPTER 155 OF THE CODE OF LOMBARD,
ILLINOIS**

(ZBA 15-12; 251 N Grace Street)

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois; and,

WHEREAS, the subject property is zoned R2 Single-Family Residence District; and,

WHEREAS, an application has been filed with the Village of Lombard requesting a variation from Section 155.407 (F)(4) of the Lombard Zoning Ordinance to reduce the required rear yard setback from thirty-five feet (35') to thirty feet (30') for Lot 2; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on September 23 and October 28, 2015 pursuant to appropriate and legal notice; and,

WHEREAS, the Zoning Board of Appeals has forwarded its findings to the Board of Trustees with no recommendation for the requested variation; and,

WHEREAS, the President and Board of Trustees have determined that it is in the best interest of the Village of Lombard to approve the requested variation.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That a variation from Section 155.407 (F)(4) of the Lombard Zoning Ordinance to reduce the required rear yard setback from thirty-five feet (35') to thirty feet (30') for Lot 2.

SECTION 2: This ordinance shall be granted subject to compliance with the following conditions:

1. The petitioner shall apply for and receive a building permit for the proposed plans; and
2. Such approval shall become null and void unless work thereon is substantially under way within twelve (12) months of the date of issuance, unless extended by the Board of Trustees prior to the expiration date of the ordinance granting the variation.

SECTION 3: This ordinance is limited and restricted to the property generally located at 251 N. Grace Street, Lot 2, Lombard, Illinois, and legally described as follows:

LOT 2 IN KYLE'S ACRES, BEING A RE-SUBDIVISION OF LOT 10 IN BLOCK 1 IN LOMBARD COUNTRYSIDE FARMETTES SUBDIVISION IN THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 39, NORTH RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT RECORDED OCTOBER 16, 1946 AS DOCUMENT 508901 IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-05-414-025

SECTION 4: This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this ____ day of ____, 2015.

First reading waived by action of the Board of Trustees this 5th day of November, 2015.

Passed on second reading this 5th day of November, 2015.

Ayes: Trustee Whittington, Fugiel, Foltyniewicz, Johnston, Pike and Ware


Nays: None

Absent: None

Approved this 5th day of November, 2015.


Keith T. Giagnorio
Village President

ATTEST:


Sharon Kuderna
Village Clerk

Published by me in pamphlet form on this 6th day of November, 2015.


Sharon Kuderna
Village Clerk