



MEMORANDUM

TO: David A. Hulseberg, Village Manager

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

DATE: February 17, 2011

SUBJECT: ZBA 03-27: 25 E. North Avenue – Further Time Extension Ordinance

On February 5, 2004, the Village Board adopted Ordinance 5423, which granted approval of a variation from Section 155.414 (K) of the Zoning Ordinance to reduce the requisite transitional landscape yard from thirty feet (30') to fifteen feet (15') in the B3 Community Shopping District. Pursuant to Section 155.103 (C)(10) of the Zoning Ordinance, variations are null and void if construction is not substantially underway within one year from the date of granting thereof, unless a time extension is granted by the Village Board. Further one year time extensions to commence construction were granted on February 3, 2005 (Ordinance 5605), February 2, 2006 (Ordinance 5809), March 1, 2007 (Ordinance 5995), February 21, 2008 (Ordinance 6147), February 19, 2009 (Ordinance 6303) and February 18, 2010 (Ordinance 6443). Subsequent time extensions also obligated the petitioner to bury an existing overhead electrical line over Main Street.

After being advised that the variation was about to expire, the petitioner is requesting a further time extension, as stated in the attached letter. The petitioner notes that the development has been delayed due to current economic conditions. To date, the property owner has received their permit from DuPage County, which will expire on December 31, 2012. Therefore, they are requesting the extension to coincide with their DuPage County permit.

Staff believes that granting an extension is in the best interest of the Village, provided that the petitioner adheres to conditions incorporated in the original Ordinance, and past extensions. Moreover, staff believes it is in the best interest of the Village to extend the previous approvals, as it will allow the property owner to be able to market a "pre-approved" development plan.

ACTION REQUESTED

Please place this item on the February 17, 2011 Village Board agenda. Staff recommends that the Village Board approve an Ordinance extending the time period for construction until December 31, 2012. A copy of Ordinances 5423, 5605, 5809, 5995, 6147, 6303 and 6443 are also attached.