

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

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

TO : PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott R. Niehaus, Village Manager

DATE : August 11, 2020 **(BOT) Date:** August 20, 2020

SUBJECT: ZBA 19-05: 244 E. St. Charles Road – Time Extension Request

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

BACKGROUND/POLICY IMPLICATIONS:

The Board of Trustees approved Ordinance 7727 (ZBA 19-05) on October 3, 2019, which granted approval of a variation related to fence height for the property at 244 E. St. Charles Road. Per the provisions of the Zoning Ordinance (Section 155.103(F)), if construction has not begun within twelve (12) months from the date of approval, the zoning relief granted is null and void unless an extension is granted by the Board of Trustees.

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 October 3, 2021). The petitioner is requesting a waiver of first reading of the Ordinance.

Fiscal Impact/Funding Source:

Review (as necessary):

Finance Director _____ Date _____
Village Manager _____ Date _____

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



MEMORANDUM

TO: Scott R. Niehaus, Village Manager

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

MEETING DATE: August 20, 2020

SUBJECT: **ZBA 19-05: 244 E. St. Charles Road – Time Extension Request**

The Board of Trustees approved Ordinance 7727 (ZBA 19-05) on October 3, 2019, which granted approval of a variation related to fence height for the property at 244 E. St. Charles Road. Per the provisions of the Zoning Ordinance (Section 155.103(F)), if construction has not begun within twelve (12) months from the date of approval, the zoning relief 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 the slated construction start, the property owner has submitted the attached email requesting an extension of the approval granted by the Village Board.

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 October 3, 2021). The petitioner is requesting a waiver of first reading of the Ordinance.

ORDINANCE NO. _____

**AN ORDINANCE GRANTING A TIME EXTENSION TO
ORDINANCE 7727 APPROVING A VARIATION OF THE
LOMBARD ZONING ORDINANCE TITLE 15, CHAPTER 155
OF THE CODE OF LOMBARD, ILLINOIS**

(ZBA 19-05: 244 E St. Charles Road)

WHEREAS, on October 3, 2019, the President and Board of Trustees of the Village of Lombard adopted Ordinance 7727 which granted approval of a variation of the Lombard Zoning Ordinance Title 15, Chapter 155 of the Code of Lombard, Illinois; and,

WHEREAS, pursuant to Section 155.103(F) 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 7727; and

WHEREAS, the Village has received a letter from the property owner requesting a time extension of Ordinance 7727 for an additional twelve months; 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 7727 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 Ordinance 7727 (i.e., October 3, 2021).

SECTION 2: That all other provisions associated with Ordinance 7727 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 244 E St. Charles Road, Lombard, Illinois and legally described as follows:

LOTS 1 THROUGH 4, BOTH INCLUSIVE, IN BLOCK 14 IN H.O. STONE AND COMPANY’S ADDITION TO LOMBARD, BEING A SUBDIVISION OF PART OF THE SOUTHWEST ¼ OF SECTION 5 AND PART OF THE NORTHWEST ¼ OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 26, 1924 AS DOCUMENT 179463, IN DUPAGE COUNTY, ILLINOIS; AND LOT 1 IN ARNDT HOSPITAL CONSOLIDATION PLAT, BEING A SUBDIVISION OF LOTS 5 THROUGH 9 INCLUSIVE, IN BLOCK 14 IN H.O. STONE AND COMPANY’S ADDITION TO LOMBARD, A SUBDIVISION OF THE SOUTHWEST ¼ OF SECTION 5, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID ARNDT HOSPITAL CONSOLIDATION PLAT RECORDED MAY 29, 1986 AS DOCUMENT R86-52310 IN DUPAGE COUNTY, ILLINOIS; ALSO THAT PART OF THE FORMER 33.00 FOOT WIDE STEWART AVENUE RIGHT OF WAY AS DEDICATED PER H. O. STONE & COMPANY'S ADDITION TO LOMBARD (DOCUMENT NO. 79463) IN SECTIONS 5 AND 8, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN LYING NORTH OF AND ABUTTING THE NORTHERLY LINE OF THE ST. CHARLES ROAD RIGHT OF WAY (AS DEDICATED PER DOCUMENT NO. 179463), LYING EAST OF AND ABUTTING THE EAST LINE OF LOT 1 IN ARNDT HOSPITAL CONSOLIDATION PLAT (PER DOCUMENT NO. R86-52310), LYING EAST OF AND ABUTTING THE EAST LINES OF LOTS 1, 2, 3 & 4, BLOCK 14 IN SAID H. O. STONE & COMPANY'S ADDITION TO LOMBARD, AND LYING SOUTH OF AND ABUTTING THE WINDSOR AVENUE RIGHT OF WAY AS HERETOFORE DEDICATED PER SAID H. O. STONE & COMPANY'S ADDITION TO LOMBARD; AND VACATED PER DOCUMENT R2017-105182, RECORDED OCTOBER 12, 2017, IN DUPAGE COUNTY, ILLINOIS;

PINs: 06-08-106-011; 06-05-321-011; 06-05-321-012; 06-05-321-013;
and 06-05-321-014;

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 _____, 2020.

First reading waived by action of the Board of Trustees this _____ day of _____, 2020.

Ordinance No. _____
Re: ZBA 19-05 –Time Extension
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Passed on second reading this ____ day of _____, 2020, pursuant to a roll call vote as follows:

Ayes: _____

Nayes: _____

Absent: _____

Approved by me this ____ day of _____, 2020.

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published in pamphlet from this ____ day of _____, 2020.

Sharon Kuderna, Village Clerk



August 10, 2020

Dear President & Lombard Village Board of Trustees:

On behalf of Lombard Veterinary Hospital, we respectfully consider that the Lombard Village Board grant a one-year time extension for the zoning approval granted by the Village to construct a perimeter fence as set forth within Ordinance 7727, adopted October 3, 2019, and the companion plans thereto; and consistent with the provisions set forth within Section 155.103(C)(10) of Village Code.

This request is being made due to operational and time delays associated with COVID-19 which has resulted in this matter being deferred to a future time period.

Thank you for your consideration of this matter.

Sincerely,

*Greg Ludwig
Hospital Administrator
Lombard Veterinary Hospital*