

DISTRICT #5

#070421

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: David A. Hulseberg, Village Manager

*adh*

DATE: September 9, 2009 (B of T) Date: September 17, 2009

TITLE: ZBA 07-08: 1144 Woodrow Avenue

SUBMITTED BY: Department of Community Development *(BIO)*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration an ordinance granting a further time extension to Ordinances 6068 and 6235 extending the life of the rear yard setback variation for a one-year time period from the date of the time extension approval (September 17, 2010).

Staff recommends approval of this request.

Staff is requesting a waiver of first reading.

Please place this item on the September 17, 2009 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X

Finance Director X

Village Manager X *Rohlfing*

Date

Date

Date *9/9/09*

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.



**RECOMMENDATION:** Staff recommends that the Village Board extend the life of the variance associated with ZBA 07-08 for an additional one year time period from the date of the time extension approval (i.e., September 17, 2010). Staff also requests a waiver of first reading of the Ordinance.

The petitioner has provided the attached written correspondence requesting another one year extension of the variance associated with ZBA 07-08. The petitioner has verbally indicated to staff that due to health reasons, they have delayed the start of construction of their project at this time, but intend to do so this year. The petitioner submitted for permit before the prior Ordinance expired and is working with staff on the final plans.

Ordinance 6068, which was associated with the ZBA 07-08, granted a variance to reduce the rear yard setback requirement from thirty-five feet (35') to twenty-nine feet (29') to allow a building addition on the subject property. 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, 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. A twelve-month time extension was granted by the Village Board (Ordinance 6235) which required construction to commence by September 19, 2009.

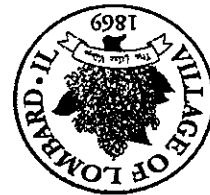
**SUBJECT:** Variance Extension - 1144 E. Woodrow Street (ZBA 07-08)

**DATE:** September 17, 2009

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

**TO:** David A. Hulseberg, Village Manager

**MEMORANDUM**





Thomas Lotter  
Residence Owner  
Ph: 630-776-7866

*Thomas Lotter*

Sincerely,

We obtained a variance in August 2007 to build an addition onto our home. Plans got delayed and we applied for and received an extension in 2008. In May of this year, we submitted our plans for approval to obtain a building permit to begin construction. Everything was approved by the Planning and Zoning Dept, but the Building Dept. returned the plans with red line markings for some minor changes. I had planned on getting them resubmitted sooner however time ran short as I got seriously ill for an extended period of time. We are ready to move forward now and would like to break ground within the next few weeks, pending that we do not need to go through the variance process again. Your consideration of the above and approval to proceed is requested.

Dear Mr. Toth:

Village of Lombard  
Dept. of Community Development  
Attn: Mike Toth  
Reference: Case No. ZBA 07-08  
Addition to residence at 1144 E. Woodrow Avenue, Lombard

September 8, 2009



**ORDINANCE NO. 6068**

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

(ZBA 07-08: 1144 E. Woodrow St.)

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 Title 15, Chapter 155, Section 155.406(F)(4) to reduce the rear yard setback to twenty-seven feet (27') where thirty-five feet (35') is required in order to construct an addition within the R2 Single Family Residential District.

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on June 27, 2007 pursuant to appropriate and legal notice; and,

WHEREAS, the Zoning Board of Appeals has forwarded its findings with a recommendation for approval to the Board of Trustees 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 apply a lesser variation to reduce the rear yard setback to twenty-nine feet (29'), subject to conditions

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 is hereby granted from the provisions of Title 15, Chapter 155, from Title 15, Chapter 155, Section 155.406(F)(4) of the Lombard Zoning Ordinance to reduce the rear yard setback to twenty-nine feet (29') where thirty-five feet (35') is required in order to construct an addition within the R2 Single Family Residential District.

**SECTION 2:** This ordinance is limited and restricted to the property generally located at 1144 E. Woodrow Street, Lombard, Illinois, and legally described as follows:

OF LOT 2 IN DUDCZAK RESUBDIVISION OF LOT 1 IN KETTEL  
CONSTRUCTION'S RESUBDIVISION OF LOT 1 (EXCEPT THE NORTH  
554.66 FEET AND EXCEPT THE WEST 75 FEET THEREOF) IN COUNTY  
CLERK'S ASSESSMENT DIVISION OF THE EAST HALF OF THE  
SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 39 NORTH, RANGE

11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY,  
ILLINOIS.

Parcel No: 06-09-309-048

SECTION 3: This ordinance shall be granted subject to compliance with the following conditions:

1. That the petitioner shall construct the proposed improvements in accordance with the plans submitted as part of the petition for an addition maintaining a twenty-nine foot (29') rear yard setback.

2. That the petitioner shall apply for and receive a building permit for the proposed addition.

3. The existing driveway and any associated driveway shall be removed when the new driveway to the proposed attached garage is constructed.

4. That the variation shall be limited to the existing residence. Should the existing residence be damaged or destroyed by any means, to the extent of more than fifty percent (50%) of its fair market value of the residence, than any new structures shall meet the full provisions of the Zoning Ordinance.

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 \_\_\_\_\_, 2007.

First reading waived by action of the Board of Trustees this 9<sup>th</sup> day of August, 2007.

Passed on second reading this 9<sup>th</sup> day of August, 2007.

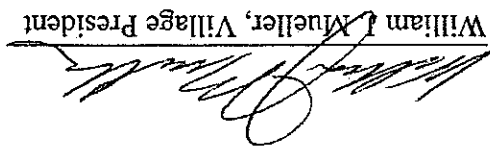
Ayes: Trustees Gron, Tross, O'Brien, Moreau, Fitzpatrick.

Nayes: None

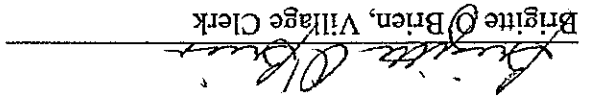
Absent: Trustee Soderstrom

Approved this 9th day of August, 2007.



  
\_\_\_\_\_  
William J. Mueller, Village President

ATTEST:

  
\_\_\_\_\_  
Brigitte O'Brien, Village Clerk

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**CONFIDENTIAL**



**ORDINANCE NO.6235**

**AN ORDINANCE GRANTING  
A TIME EXTENSION TO ORDINANCE 6068**

(ZBA 07-08: 1144 E. Woodrow St.)

WHEREAS, on August 9, 2007, the President and Board of Trustees of the Village of Lombard adopted Ordinance 6068, granting a variation of the Lombard Zoning Ordinance for the property at 1144 E. Woodrow Street; 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, variations are null and void if construction is not substantially underway within one year from the date of granting thereof, 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 Ordinances 6068; and

WHEREAS, the Village has received a letter requesting a time extension of said Ordinances; 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 6068 is hereby 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 date of the adoption of this Ordinance (i.e., September 18, 2009).

**SECTION 2:** That all other provisions associated with Ordinance 6068, not amended by this Ordinance, shall remain in full force and effect.

**SECTION 3:** 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 \_\_\_\_\_, 2008.

First reading waived by action of the Board of Trustees this 18<sup>th</sup> day of September, 2008.


Passed on second reading this 18<sup>th</sup> day of September, 2008.

Ayes: Trustees Gron, Tross, O'Brien, Moreau, and Soderstrom

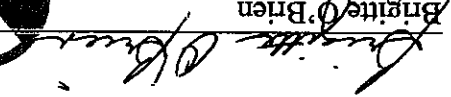
Nays: None

Absent: None

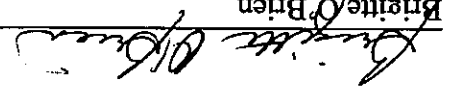
Approved this 18<sup>th</sup>, day of September, 2008.

  
William J. Mueller  
Village Resident

ATTEST:

  
Brigitte O'Brien  
Village Clerk

Published by me in pamphlet from this 29<sup>th</sup> day of September, 2008

  
Brigitte O'Brien  
Village Clerk

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE GRANTING  
A TIME EXTENSION TO ORDINANCE 6068**

(ZBA 07-08: 1144 E. Woodrow St.)

WHEREAS, on August 9, 2007, the President and Board of Trustees of the Village of Lombard adopted Ordinance 6068, granting a variation of the Lombard Zoning Ordinance for the property at 1144 E. Woodrow Street; 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, variations are null and void if construction is not substantially underway within one year from the date of granting thereof, unless further action is taken by the Village Board; and,

WHEREAS, the President and Board of Trustees adopted Ordinance 6235 on September 18, 2008, granting an amendment to Ordinance 6068 which extended the time period in which the petitioner shall obtain a building permit and start construction on the associated project by September 18, 2009; and

WHEREAS, construction has not commenced and no building permit has been issued for the development granted by Ordinance 6068; and,

WHEREAS, the Village has received a letter requesting a time extension of said Ordinances; 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:** Ordinances 6068 and 6235 are 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 date of the adoption of this Ordinance (i.e., September 17, 2010).

**SECTION 2:** That all other provisions associated with Ordinances 6068 and 6235, not amended by this Ordinance, shall remain in full force and effect.

**SECTION 3:** 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 \_\_\_\_\_, 2009.  
First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2009.  
Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

Ayes: \_\_\_\_\_  
Nays: \_\_\_\_\_  
Absent: \_\_\_\_\_

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

ATTEST:  
William J. Mueller  
Village President

\_\_\_\_\_  
Brigitte O'Brien  
Village Clerk

Published by me in pamphlet form this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Brigitte O'Brien  
Village Clerk