

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)

X

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: October 9, 2007 (B of T) Date: October 18, 2007

TITLE: ZBA 07-07: 341 S. Grace Street

SUBMITTED BY: Department of Community Development *dash*

BACKGROUND/POLICY IMPLICATIONS:

The Zoning Board of Appeals transmits for your consideration its recommendation relative to the above-mentioned petition. This petition requests that the Village take the following actions for the subject property located within the R2 Single-Family Residence District:

1. Approve a variation from Section 155.406 (E) of the Zoning Ordinance to reduce the minimum required lot width from 60 feet to 40 feet; and
2. Approve a variation from Section 155.406 (F) (3) of the Zoning Ordinance to reduce the minimum required side yard setback along the northern property line from 9 feet to 6.8 feet.

(DISTRICT #5)

The Zoning Board of Appeals recommended approval of the lot width variation and denial of the variation to the interior side yard setback.

Also, the petitioner is requesting a waiver of public hearing fees.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X

Finance Director X

Village Manager X

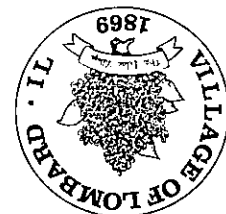
William T. Lichter

Date

10/9/07

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: William T. Lichter, Village Manager

FROM: David A. Hulseberg, AICP
Assistant Village Manager/ Director of Community Development
deh

DATE: October 18, 2007

SUBJECT: ZBA 07-07: 341 S. Grace Street

Please find the following items for Village Board consideration as part of the October 18, 2007 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 07-07;
3. An Ordinance granting approval of a lot width variation and denial of a interior side yard variation; and
4. Plans associated with the petition.

The Zoning Board of Appeals recommended approval of the lot width variation and denial of the variation to the interior side yard setback.

Please contact me if you have any questions regarding the aforementioned materials.



VILLAGE OF LOMBARD

255 E. Wilson Avenue
Lombard, IL 60148-3931
(630) 620-5700 FAX: (630) 620-8222
TDD: (630) 620-5811
www.villageoflombard.org

October 18, 2007

Mr. William J. Mueller

Village President, and

Board of Trustees

Village of Lombard

Subject: ZBA 07-07; 341 S. Grace Street

Dear President and Trustees:

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioner requests that the Village take the following actions for the subject property located within the R2 Single-Family Residence District:

1. Approve a variation from Section 155.406 (E) of the Zoning Ordinance to reduce the minimum required lot width from 60 feet to 40 feet; and
2. Approve a variation from Section 155.406 (F) (3) of the Zoning Ordinance to reduce the minimum required side yard setback along the northern property line from 9 feet to 6.8 feet.

The Zoning Board of Appeals conducted a public hearing on September 26, 2007. The petitioner, Chad Wooters, stated that staff is recommending approval of their request to reduce the lot width from 60 feet to 40 feet. The interior side yard setback is existing. The cross access they have with their neighbor is a gentleman's agreement, and it would be difficult for either of them to navigate without using the other's driveway. If their neighbor ever built a fence, they would have only 6.8 feet for their driveway. The setback variation request would be for the possibility that the south side of the house is destroyed but the north side is not.

Kirsten Wooters stated that the house is already narrow and conformance would make it narrower. Their shared driveway would look bigger than their home. They are certain that their neighbor would agree to a cross access agreement. Chairperson Defalco then opened the meeting for public comment. There was no one present to speak for or against the petition.

"Our shared *Vision* for Lombard is a community of excellence exemplified by its government working together with residents and business to create a distinctive sense of spirit and an outstanding quality of life."
"The *Mission* of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."

Village Manager
William T. Lichter

Village Clerk
Brigitte O'Brien

Village President
William J. Mueller

Trustees
Greg Alan Cron, Dist. 1
Richard J. Tross, Dist. 2
John "Jack" T. O'Brien, Dist. 3
Dana L. Moreau, Dist. 4
Laura A. Fitzpatrick, Dist. 5
Rick Soderstrom, Dist. 6

Chairperson Defalco then requested the staff report. Jennifer Backensto, Planner II, stated that staff finds that the variation request to reduce the minimum lot width to 40 feet meets the Standards for Variations. The Zoning Ordinance permits redevelopment on lots in the R2 District that meet 80% of the required lot width, or a minimum of 48 feet. The intent of this rule is to provide a higher level of review for nonconforming lots platted before the 60-foot minimum lot width requirement. The subject property has a lot width of 40 feet, which is 67% of the required width. As the petitioner's residence was constructed on this lot in 1927, granting the variation would not further increase the degree of nonconformity. There are unique physical limitations on the property in that, due to the width of the subject property and surrounding lots, there is no practical way for the petitioner to meet the requirements of the Zoning Ordinance. The lots immediately north and south of the petitioner's property are 40 feet wide and 50 feet wide, respectively, so there would be no way for the lot to be brought into conformance by purchasing land from a neighboring property.

Without the requested relief, the property owner would not be able to make any additions to the property or rebuild the current home in the event it were destroyed or damaged more than 50% of its value. The requested relief is not needed due to the actions of anyone presently having an interest in the property as this subdivision occurred in 1930. Granting the request would neither be injurious to neighboring properties, nor would it change the visual and aesthetic character of the neighborhood. Staff is therefore supportive of the lot width variation request. The existing home is 6.8 feet from the northern property line, where the Zoning Ordinance requires homes with detached garages to have interior side yard setbacks of 6 feet and 9 feet (in cases where the garage is not attached to the house) to allow for an adequately-sized driveway. This ensures an adequate separation between structures and also ensures that residents are not forced to drive on their neighbors' properties. (Staff is unaware of any existing cross-access agreements pertaining to this property.) No setback variations have been granted on the petitioner's block, so there is no established precedent for zoning relief.

Furthermore, to be granted a variation the petitioner must show that they affirmed each of the "Standards for Variation". Staff finds that the standards are not affirmed. The proposed variation will decrease the visual open space between homes that is typically protected by the required interior side yard setbacks. Setback requirements within the R2 District are intended to prevent overcrowding and preserve the open space characteristic of suburban single-family development. Granting this variation would increase the likelihood of further encroachments and reductions in open space on surrounding properties, thereby taking away from the spacious, residential character of the neighborhood. Also, because of the unusually narrow lot width for this property, any reduction in the required setbacks for this property would result in the appearance of this lot being overbuilt. Granting a variation for the side yard setback for a future reconstruction could, depending on the layout of the new home, create a rowhouse-like appearance that may be inappropriate for the neighborhood.

The petitioner wants assurances that a home can be built on the property in the event the existing home were destroyed. As the Zoning Ordinance requires interior side yard setbacks of only 6 feet on both sides where there is an attached garage (versus 6 feet and 9 feet), this variation would only be necessary in the event the new home did not have an attached garage.

Rather than grant a side yard variation to accommodate future construction, staff recommends that the request to reduce the interior side yard setback to 6.8 feet be denied. The petitioner and any future owners of this property would retain the right to construct a home within the buildable area of the subject property, assuming the lot width variation is granted, and the existing house would retain its legal nonconforming status. In the event the new construction does not meet the required setbacks, staff feels it would be appropriate for the property owner to appear before the Zoning Board of Appeals and the Board of Trustees at that time to request a variation for any future building plans.

Chairperson Defalco then opened the meeting for discussion by the Board Members.

Mr. Young stated that if the neighbor's house were to burn to the ground and a new house was built up to the allowable setbacks, the petitioner would have a problem. Granting the lot width variation ensures that a structure could be built on the lot, and the setback could remain grandfathered. It would make more sense for both the petitioner and the neighbor to seek lot width variations. The interior side yard setback request, though, is for a far-fetched contingency. Mr. Beard stated that, typically, relief is tied to a particular structure and not intended to allow a nonconforming structure to remain in perpetuity. He stated that he is more likely to support the lot width variation than the setback variation.

Mrs. Wooters stated that they learned about the noncompliance when they were inquiring about their taxes. Someone suggested to her that they should either stop paying their homeowner's insurance or get a variation. If they had known about the nonconformities when they were purchasing the house, they might have had concerns. It would be too stressful to ask for a variation at the time the house burns down. If both variations are not granted it will be very difficult to sell the home. They want to preserve the existing footprint, and meeting the setback requirements would be bad for Lombard.

Chairperson Defalco asked if the footprint could be maintained if less than 50 percent of the house were damaged. Ms. Backensto stated that it could.

Chairperson Defalco stated that variations are usually tied to the home. Assuming the lot width variation is granted, a replacement home with an attached garage could be built on the lot. It could have a two-car garage, especially with a tandem garage design.

Mr. Young noted that the front yard setback is 25.5 feet. Ms. Backensto confirmed that there is a 25.5-foot setback to the front porch, which would require relief if it were enclosed. Mrs. Wooters stated that the porch had been enclosed.

Mr. Young stated that builders are adept at preserving the architectural integrity of a neighborhood, and there are many possibilities that could work on this lot aside beyond the existing footprint. Mr. Bedard stated that a 40-foot wide lot is not particularly attractive to a builder, and he has concerns that a builder would negatively take advantage of a reduced side yard setback.

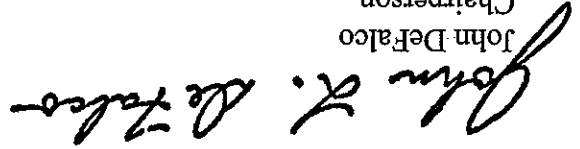
Mr. Young asked if cross access is required to get a building permit. Ms. Backensto stated that, for a shared driveway, the cross access is a private agreement between property owners and not something that is required by the Village.

After due consideration of the petition and testimony presented, the Zoning Board of Appeals found that the requested lot width variation complies with the Standards of the Zoning Ordinance. Therefore, on a motion by Mr. Young and a second by Mr. Bedard, the Zoning Board of Appeals recommended approval of the requested lot width variation associated with ZBA 07-07 by a roll call vote of 6 to 0.

The Zoning Board of Appeals then made a separate recommendation regarding the proposed interior side yard setback variation. After due consideration of the petition and testimony presented, the Zoning Board of Appeals found that the requested interior side yard setback variation does not comply with the Standards of the Zoning Ordinance. Therefore, on a motion by Mr. Bedard and a second by Mr. Young, the Zoning Board of Appeals recommended denial of the requested interior side yard setback variation associated with ZBA 07-07 by a roll call vote of 5 to 1.

Respectfully,

VILLAGE OF LOMBARD



John DeFalco

Chairperson

Zoning Board of Appeals

att-

**VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT**

TO: Lombard Zoning Board of Appeals **HEARING DATE:** June 27, 2007

FROM: Department of Community Development
PREPARED BY: Jennifer Backensto, AICP Planner II

TITLE

ZBA 07-07; 341 S. Grace Street: The petitioner requests that the Village take the following actions for the subject property located within the R2 Single-Family Residence District:

1. Approve a variation from Section 155.406 (E) of the Zoning Ordinance to reduce the minimum required lot width from 60 feet to 40 feet; and

2. Approve a variation from Section 155.406 (F) (3) of the Zoning Ordinance to reduce the minimum required side yard setback along the northern property line from 9 feet to 6.8 feet.

GENERAL INFORMATION

Petitioner/Property Owner:

Kirstin Wooters
341 S. Grace Street
Lombard, IL 60148

PROPERTY INFORMATION

Existing Land Use: Single-family Residence

Size of Property: Approx. 9,370 sq. ft.

Comprehensive Plan: Recommends Low Density Residential

Existing Zoning: R2 Single-Family Residence District

Surrounding Zoning and Land Use:

North: R2 Single-Family Residence District – single-family homes

South: R2 Single-Family Residence District – single-family homes

East: R2 Single-Family Residence District – single-family homes

West: R2 Single-Family Residence District – single-family homes

ANALYSIS

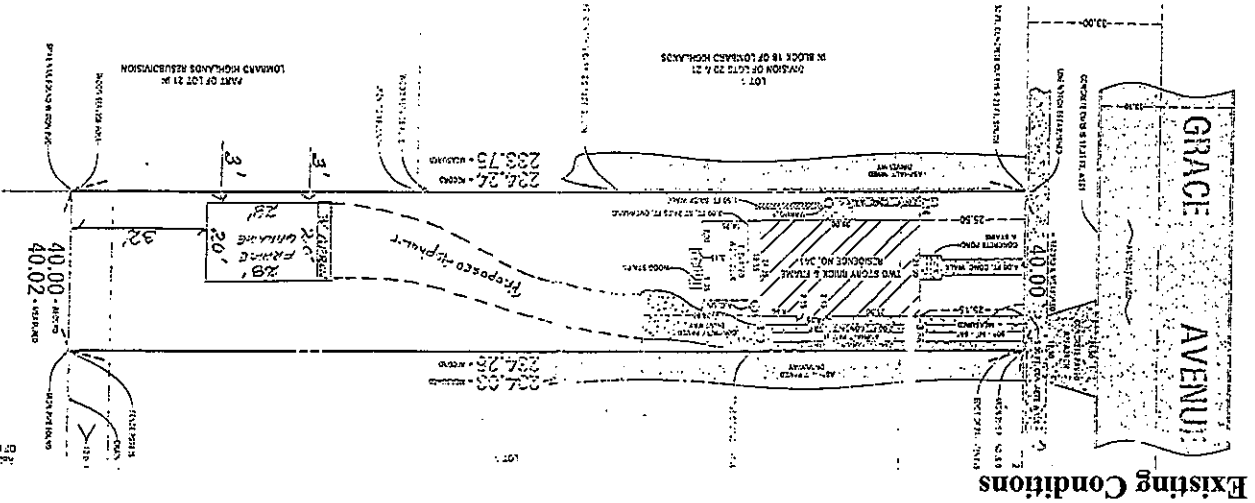
SUBMITTALS

This report is based on the following documents filed on May 22, 2007 with the Department of Community Development:

1. Petition for Public Hearing.
2. Response to the Standards for Variations.
3. Plat of Survey, prepared by Marchese Surveying, Inc., dated March 26, 2004.

DESCRIPTION

The petitioner is requesting relief that will allow the existing home to be rebuilt on its current footprint in the event of a catastrophe. Upon review of the submitted plans, staff noted that the existing interior side yard setback along the northern property line is less than the 9 feet required by code. The current property is legal nonconforming with respect to both lot width and side yard setback, so bringing it into conformance with the Zoning Ordinance would require two variations: a variation to reduce the minimum lot width from 60 feet to 40 feet, and a variation to reduce the minimum required side yard setback along the northern property line from 9 feet to 6.8 feet. Although the petitioner did not specifically mention a side yard setback variation within the Response to Standards, the petitioner's request for fee reimbursement discussed the possibility of rebuilding using the same blueprints as the original structure. Therefore, a setback variation has been added to the petitioner's initial lot width variation request.



INTER-DEPARTMENTAL REVIEW COMMENTS

Private Engineering Services

From an engineering or construction perspective, the Private Engineering Services Division has no comments.

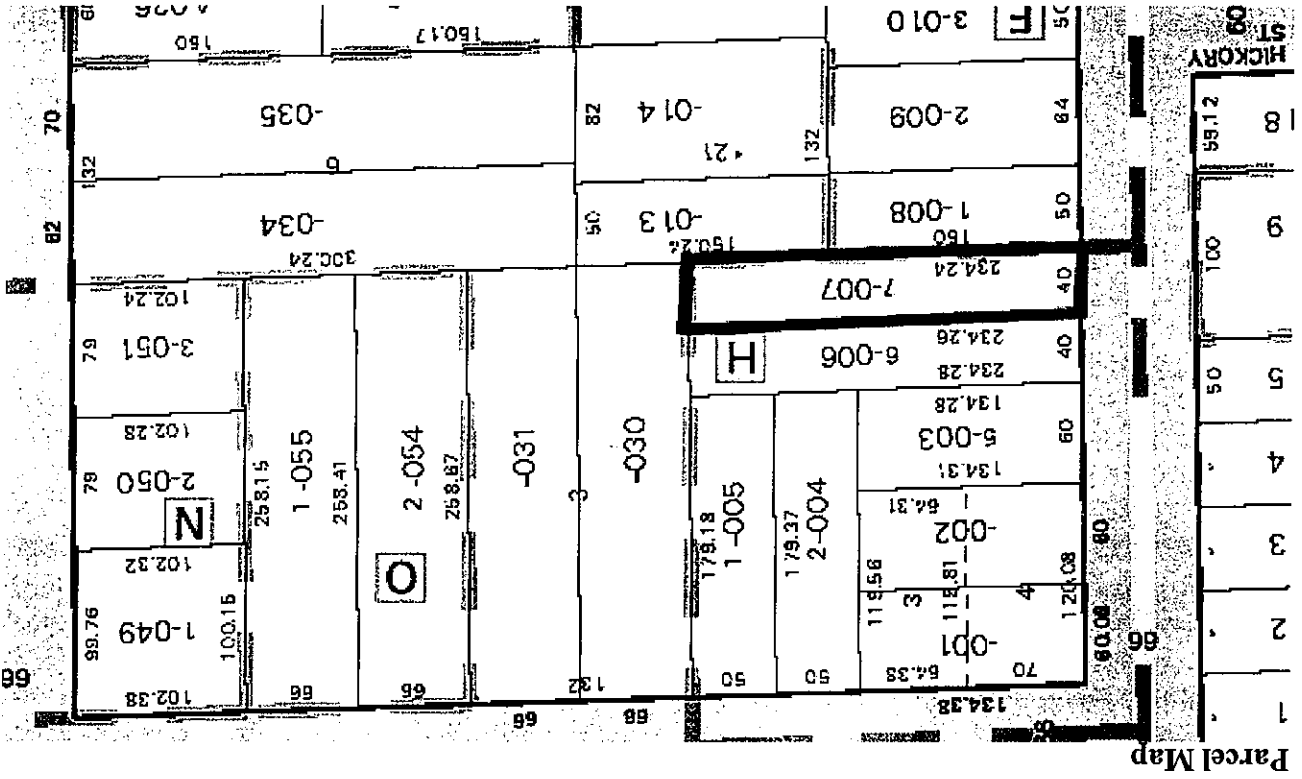
Building and Fire

The Fire Department/Bureau of Inspectional Services has no comments on this matter.

Planning

Lot Width

Staff finds that the variation request to reduce the minimum lot width to 40 feet meets the Standards for Variations. The Zoning Ordinance permits redevelopment on lots in the R2 District that meet 80% of the required lot width, or a minimum of 48 feet. The intent of this rule is to provide a higher level of review for nonconforming lots platted before the 60-foot minimum lot width requirement. The subject property has a lot width of 40 feet, which is 67% of the required width. As the petitioner's residence was constructed on this lot in 1927, granting the variation would not further increase the degree of nonconformity. There are unique physical limitations on the property in that, due to the width of the subject property and surrounding lots, there is no practical way for the petitioner to meet the requirements of the Zoning Ordinance. The lots immediately north and south of the petitioner's property are 40 feet wide and 50 feet wide, respectively, so there would be no way for the lot to be brought into conformance by purchasing land from a neighboring property.



Without the requested relief, the property owner would not be able to make any additions to the property or rebuild the current home in the event it were destroyed or damaged more than 50% of its value. The requested relief is not needed due to the actions of anyone presently having an interest in the property as this subdivision occurred in 1930. Granting the request would neither be injurious to neighboring properties, nor would it change the visual and aesthetic character of the neighborhood. Staff is therefore supportive of the lot width variation request.

Setback

The existing home is 6.8 feet from the northern property line, where the Zoning Ordinance requires homes with detached garages to have interior side yard setbacks of 6 feet and 9 feet (in cases where the garage is not attached to the house) to allow for an adequately-sized driveway. This ensures an adequate separation between structures and also ensures that residents are not forced to drive on their neighbors' properties. (Staff is unaware of any existing cross-access agreements pertaining to this property.) No setback variations have been granted on the petitioner's block, so there is no established precedent for zoning relief.

Furthermore, to be granted a variation the petitioner must show that they affirmed each of the "Standards for Variation". Staff finds that the following standards are not affirmed:

1. *The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.*
The proposed variation will decrease the visual open space between homes that is typically protected by the required interior side yard setbacks. Setback requirements within the R2 District are intended to prevent overcrowding and preserve the open space characteristic of suburban single-family development. Granting this variation would increase the likelihood of further encroachments and reductions in open space on surrounding properties, thereby taking away from the spacious, residential character of the neighborhood.

2. *The granting of the variation will not alter the essential character of the neighborhood.*
Because of the unusually narrow lot width for this property, any reduction in the required setbacks for this property would result in the appearance of this lot being overbuilt. Granting a variation for the side yard setback for a future reconstruction could, depending on the layout of the new home, create a rowhouse-like appearance that may be inappropriate for the neighborhood.

The petitioner wants assurances that a home can be built on the property in the event the existing home were destroyed. As the Zoning Ordinance requires interior side yard setbacks of only 6 feet on both sides where there is an attached garage (versus 6 feet and 9 feet), this variation would only be necessary in the event the new home did *not* have an attached garage.

Rather than grant a side yard variation to accommodate future construction, staff recommends that the request to reduce the interior side yard setback to 6.8 feet be denied. The petitioner and any future owners of this property would retain the right to construct a home within the buildable area of

the subject property, assuming the lot width variation is granted, and the existing house would retain its legal nonconforming status.

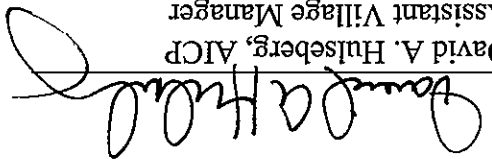
In the event the new construction does not meet the required setbacks, staff feels it would be appropriate for the property owner to appear before the Zoning Board of Appeals and the Board of Trustees at that time to request a variation for any future building plans.

FINDINGS AND RECOMMENDATIONS

Based on the above considerations, the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make the following motion recommending **approval** of the request to reduce the lot width from 60 feet to 40 feet and **denial** of all other requested relief:

Based on the information and testimony presented, the proposed lot width variation complies with the standards required by the Lombard Zoning Ordinance, and, therefore, I move that the Zoning Board of Appeals recommend to the Corporate Authorities **approval** of the request to reduce the minimum required lot width from 60 feet to 40 feet and **denial** of all other requested relief associated with ZBA 07-07.

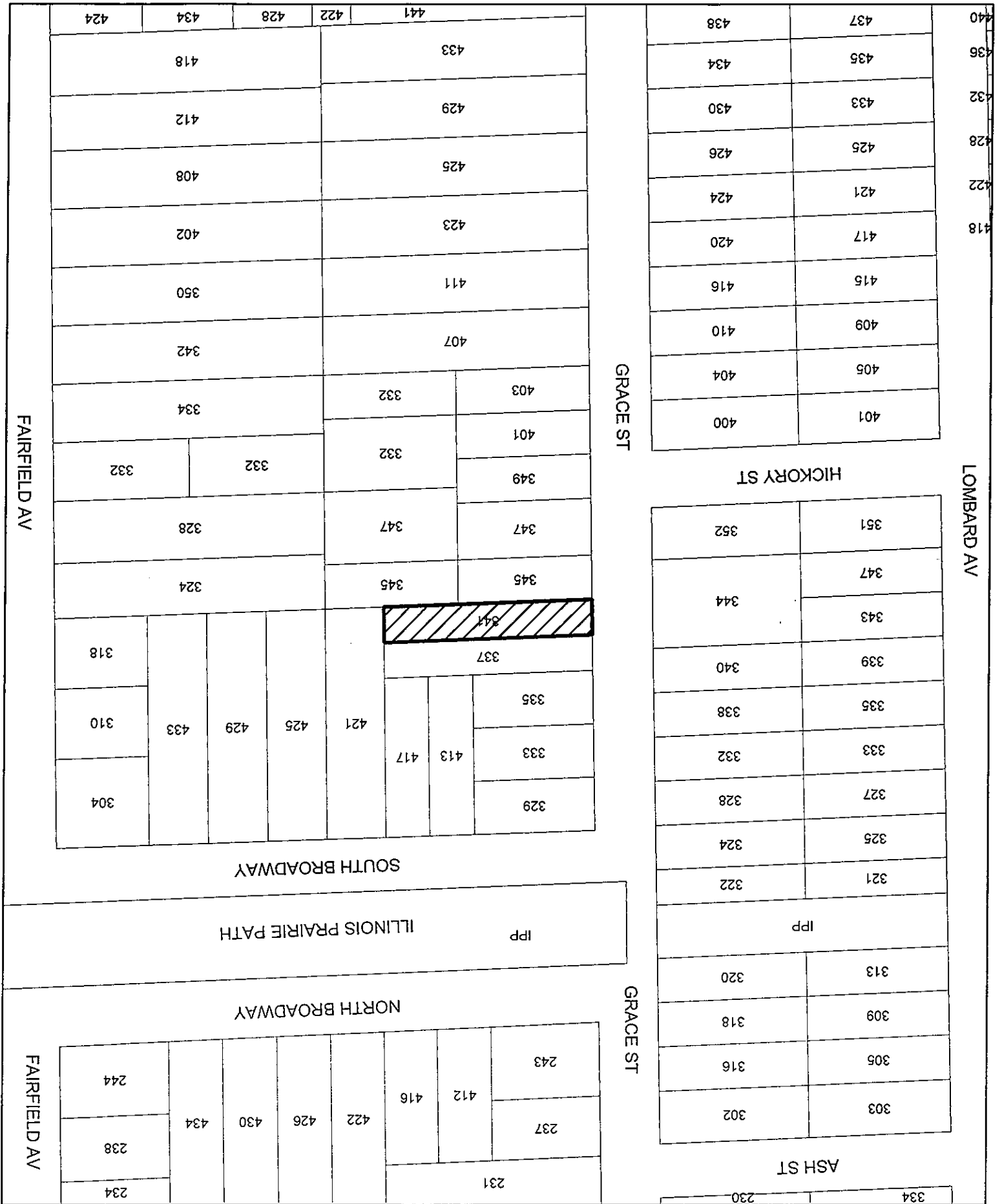
Inter-Departmental Review Group Report Approved By:


David A. Hulseberg, AICP
Assistant Village Manager

DAH:JB;jd

Location Map

ZBA 07-07



FAIRFIELD AV

GRACE ST

LOMBARD AV

HICKORY ST

SOUTH BROADWAY

ILLINOIS PRAIRIE PATH

NORTH BROADWAY

GRACE ST

ASH ST

FAIRFIELD AV

May 3, 2007

Plan Commission
Village of Lombard
255 E. Wilson
Lombard, IL 60148

Re: Variance Request for 341 S. Grace Street, Lombard, IL 60148

Dear Plan Commission,

My husband and I had purchased this house in 2004. Until I spoke with Hartley Wilson recently, I was unaware that should a fire or other major catastrophe occur, we would not be able to rebuild, due to the fact that our lot size is 40' x 234'. Mr. Wilson highly suggested that we take the necessary steps to get our lot size "grandfathered" should an unfortunate situation occur.

In speaking with Jennifer Backensto, she recently informed me that the previous owner had submitted a variation request and the staff report for that petition recommended that the lot width variation be granted. Unfortunately the petitioner withdrew his request the day before the zoning board of appeals, therefore the public hearing was never held and no action was taken. The following is the written response to the seven Standards for a Variation:

1. As the current homeowner, the fact that a variance would be needed to rebuild the house in the event of a catastrophe causes me a hardship because if my house were to burn down tomorrow, I would be faced with going through the somewhat lengthy variance process while I was without a place to live. Additionally, I would be faced with the possibility that a variance might not be granted. With that result, I would no longer have a home and be stuck with a piece of property on which I could not build a home. A further hardship is that any potential buyer views my property as having far less value because the potential exists that a variance to rebuild might not be granted.

2. The conditions of this situation are unique because the lot is a 40' wide lot that was created in 1930 (after the home was built). My neighbor to the north also has a 40' wide lot and my neighbor to the south has a 50' wide lot. This precludes me from purchasing adequate property from either of them to make my lot compliant, because their lots are not currently of compliant width either.

3. The purpose of this variance is to preserve the existing privileges I enjoy as a homeowner in Lombard and to preserve the existing perceived value of the property.

4. The hardship associated with this property has existed since the current lot width ordinance was adopted, but has gone undetected until now. I would like to rectify the situation.

5. The granting of this variance will cause no change at all to a piece of property and a home which existed since 1927. For this reason, it will not be detrimental to public welfare or injurious to other property or improvements in the neighborhood.

6. Because there will be no change to the existing property or home, the granting of this variation will not alter the essential character of the neighborhood.

7. My husband and I chose to live in Lombard because it is an older, established community with many different styles of homes and lots. We feel it has more character than many newer communities with cookie-cutter lots and home styles. It is our opinion that granting this variance will not only have no detrimental effects, but will help preserve the character of the neighborhood.

If you would, please pass this information along to the Zoning Board of Appeals and to the Village Board. I very much appreciate your consideration of a variance at this time. Please contact me at 630-629-9668 if you have any further questions.

Sincerely,



Kirsten Wooters

Kirsten Wooters
341 S. Grace St.
Lombard, IL 60148

June 24, 2007

Plan Commission
Village of Lombard
255 E. Wilson
Lombard, IL 60148

Re: Variance Request for 341 S. Grace Street, Lombard, IL 60148

Petitioner's response to north side yard setback findings and recommendations.

Dear Plan Commission,

The following is clarifying the original request as well as demonstrating current conditions of encroachment of north side yard.

Points to clarify:

1. Present driveway is shared and encroaches on northern neighbor as does his driveway encroaching onto mine.

2. The need to be able to simply rebuild with the same blueprint of the existing foundation if the existing home were destroyed. I want the peace of mind knowing that I did the right thing rather than trying to have variances granted during a time a hardship if the existing house were destroyed.

3. My present garage is detached as it was detached when I purchased the property three years ago.

1. *The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.* The proposed variation will ensure that the width of the home rebuilt in case of a catastrophe would not be reduced from its present width and would still allow room for a driveway having a detached garage. We simply want to be able to rebuild the home with the same blueprint as the present foundation if a catastrophe should occur. Presently, the north side yard is a shared driveway. My garage is detached. The driveway paving extends from the north foundation of our house to the south foundation of our northern

neighbor as a single surface, presently shared and encroaching on both properties as they always have been. This encroachment simply accommodates the need for each house to have a driveway. Each driveway individually is too narrow for a car, therefore, presenting the need to encroach. Two years ago both owners agreed to replace the common drive together at the same time and have the work performed as one job, splitting the costs logically by square footage. The owner of the house to the north wishes to keep the present shared drive the same in the future for his own welfare as well. City permits were applied for at the time of the work and performed in accordance to the law. If I were to rebuild with the required side yard width, my house would become narrower than presently and the side yard which is presently the driveway would be required to be widened. By granting the side yard width variation, the existing configuration of the house and driveway would be preserved. The proposed zoning variation is necessary to preserve the current configuration of this 1927 historic home, thereby preserving the characteristics of the neighborhood. The existing configuration of houses and driveways in no way presents detriment to the public welfare or injurious to other property or improvements in the neighborhood. I simply want to rebuild my house with the same blueprints of the current foundation and still have room for a driveway.

2. The granting of the variation will not alter the essential character of the neighborhood. As the zoning board is aware, the lot width is unusually narrow for this property. This property and the property directly north are both so unusually narrow that both properties have a shared, encroaching driveway due to the need to pass a car between both houses. Both driveways lead to their own respective garages. My garage is detached. Granting a variation for the side yard setback for reconstruction in the need of a catastrophe, would allow the house width to remain the same. The width of the house is already quite narrow. If this variation were *not* granted, the house width would need to be reduced from its original 1927 design, thereby creating a very narrow rowhouse-like appearance and an enlarged width of a driveway. The resulting appearance would be a driveway as wide as the house.

I want assurances that a home with the present width can be built on the property as well as a driveway with the present width and a detached garage incorporating the existing layout on the lot in the event the existing home were destroyed.

Submitted by,

Kirsten Wooters

Community Development
Village of Lombard
255 E. Wilson
Lombard, IL 60148

May 25, 2007

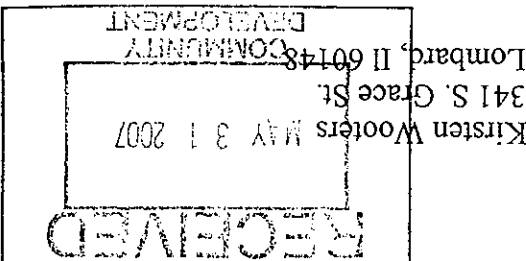
Dear Board of Trustees,

I am requesting a reimbursement of my public hearing fees associated with my variance request. It is due to necessary fortitude that I applied for a lot width variance after finding out that in the case of a disaster where my home needed to be rebuilt, I would not be able to do so as the required lot widths have changed since initial construction in 1927. It was suggested to me by a Dupage tax department worker that I either stop paying home owners insurance or try to get "Grandfathered." This was quite shocking to hear unbeknown for three years and merely calling to inquire about my homeowners tax increase. I obviously took the logical choice of pursuing a variance request. This is a necessary evil that I needed to do, representing many homeowners owning an old home where zoning has changed over the years. \$550.00 is a very steep price to pay as I hope that my variance might be granted. It is a shame that all houses are not automatically grandfathered as new zoning occurs. I know that many neighboring homes on both sides of my own are in the same predicament. It is unhumanitarian to require homeowners to discover this after a disaster has occurred and require them to go through this process and pay this price before they are able to rebuild on the same blueprint as the original structure. If inevitable legal fees are associated with this process, then isn't it logical that taxes become allocated for just this very reason - to eliminate any homeowners' paperwork and money during emergency times?

I feel I represent many Lombardians in the same situation. Please reconsider reimbursing my public hearing fees, as this is a very steep price in order to simply prevent losing what I have.

Kirsten Wooters

Respectfully,

ORDINANCE NO. _____

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

(ZBA 07-07: 341 S. 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 Title 15, Chapter 155, Section 155.406 (E) of the Lombard Zoning Ordinance to reduce the minimum required lot width from 60 feet to 40 feet; and,

WHEREAS, said application also has been filed with the Village of Lombard requesting a variation from Title 15, Chapter 155, Section 155.406 (F)(3) of the Lombard Zoning Ordinance to reduce the minimum side yard setback from 9 feet to 6.8 feet; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on September 26, 2007 pursuant to appropriate and legal notice; and,

WHEREAS, the Zoning Board of Appeals has forwarded its findings and recommendations to the Board of Trustees with a recommendation of approval of the requested lot width variation and denial of the minimum side yard setback relief; and,

WHEREAS, the President and Board of Trustees does concur with the findings of the Zoning Board of Appeals; 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 lot width variation only.

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, Section 155.406 (H) of the Lombard Zoning Ordinance to reduce the minimum required lot width from 60 feet to 40 feet.

SECTION 2: That all other relief requested as part of this petition is hereby

denied.

SECTION 3: This ordinance is limited and restricted to the property

generally located at 341 S. Grace Street, Lombard, Illinois, and legally described as follows:

LOT 7 IN A.C. BAY'S RESUBDIVISION OF LOTS 1 AND 2 IN BLOCK 18 OF THE RESUBDIVISION OF LOMBARD HIGHLANDS IN THE WEST 1/2 OF THE SOUTHEAST 1/4 (EXCEPT THE RIGHT OF WAY OF THE AURORA, ELGIN AND CHICAGO RAILROAD) IN SECTION 8, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID A. C. BAY'S RESUBDIVISION RECORDED JULY 29, 1930 AS DOCUMENT 300858 IN DU PAGE COUNTY, ILLINOIS.

Parcel No: 06-08-401-007

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 _____ day of _____, 2007.

Passed on second reading this _____ day of _____, 2007.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2007.

William J. Mueller, Village President

Ordinance No. _____
Re: ZBA 07-07
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ATTEST:

Brigitte O'Brien, Village Clerk

Published by me this _____ day of _____, 2007.

Brigitte O'Brien, Village Clerk