

J.P. "RICK" CARNEY
DUPAGE COUNTY RECORDER
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OTHER 06-09-101-015
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ORDINANCE 5508

**APPROVING VARIATIONS OF THE LOMBARD ZONING
ORDINANCE, TITLE 15, CHAPTER 155**

PIN: 06-09-101-015

**Common Address: 935 E. ST. CHARLES RD.,
LOMBARD, ILLINOIS**

Return To:

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

ORDINANCE NO. 5508

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

(ZBA 04-06: 935 E. St. Charles Road)

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 B4 Corridor Commercial Shopping District; and,

WHEREAS, an application has been filed with the Village of Lombard requesting a variation from Title 15, Chapter 155, Section 155.415 (D) of the Zoning Ordinance to reduce the required minimum lot area from 40,000 square feet to 16,994 square feet and a variation from Section 155.415 (F)(4) of the Lombard Zoning Ordinance to reduce the required rear yard setback from thirty (30) feet to ten (10) feet to allow for the construction of a commercial strip center; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on May 26, 2004 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 variation; 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 variation 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, Section 155.415 (D) of the Zoning Ordinance to reduce the required minimum lot area from 40,000 square feet to 16,994 square feet, subject to the conditions noted in Section 4 below.

SECTION 2: That a variation is hereby granted from the provisions of Title 15, Chapter 155, Section 155.415 (F)(4) of the Lombard Zoning Ordinance to reduce the required rear yard setback from thirty (30) feet to ten (10) feet subject to the conditions noted in Section 4 below.

SECTION 3: This ordinance is limited and restricted to the property generally located at 935 E. St. Charles Road, Lombard, Illinois, and legally described as follows:

LOT 1 (EXCEPT THAT PART BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1 AND RUNNING THENCE SOUTH ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 14.00 FEET; THENCE WEST, PERPENDICULAR TO THE EAST LINE OF SAID LOT 1, A DISTANCE OF 4.00 FEET; THENCE NORTH, PARALLEL WITH THE EAST LINE OF SAID LOT 1, A DISTANCE OF 5.77 FEET, MORE OR LESS TO A POINT OF INTERSECTION WITH A LINE DRAWN FROM A POINT ON THE NORTH LINE OF SAID LOT, 12.00 FEET SOUTH OF THE NORTHEAST CORNER THEREOF TO A POINT ON THE NORTH LINE OF SAID LOT, 13.00 FEET WEST OF THE NORTHEAST CORNER THEREOF; THENCE NORTHWESTERLY, ALONG SAID LAST DESCRIBED LINE, A DISTANCE OF 6.41 FEET, MORE OR LESS, TO A POINT ON A LINE THAT IS 4.0 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES TO, AND PARALLEL WITH THE NORTH LINE OF SAID LOT 1: THENCE WEST ALONG SAID LAST DESCRIBED PARALLEL LINE, A DISTANCE OF 11.41 FEET, MORE OR LESS TO A POINT ON A LINE DRAWN PERPENDICULAR TO THE NORTH LINE OF SAID LOT 1 AT A POINT 20.00 FEET WEST OF THE NORTHEAST CORNER THEREOF; THENCE NORTH ALONG SAID LAST DESCRIBED PERPENDICULAR LINE, A DISTANCE OF 4.00 FEET TO THE NORTH LINE OF SAID LOT 1: THENCE EAST, ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 20.00 FEET TO THE PLACE OF BEGINNING) IN SHELL OIL COMPANY ASSESSMENT PLAT OF PART OF THE WEST ½ OF THE NORTHWEST ¼ OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 15, 1961 AS DOCUMENT 996799, IN DU PAGE COUNTY, ILLINOIS.

Parcel No: 06-09-101-015

SECTION 4: This ordinance shall be granted subject to compliance with the following conditions:

1. That the petitioner shall develop the site in accordance with the site plans prepared by Ekash Associates, Ltd., dated May 5, 2004 and submitted as part of this request.
2. That the petitioner's building improvements shall be designed and constructed consistent with Village Code and shall also address the comments included within the IDRC report.
3. That any trash enclosure screening on Lots 1 or 2 as required by Section 155.710 of the Zoning Ordinance shall be constructed of a material consistent with the principal building.
4. To ensure that the proposed signage and awnings present a favorable appearance to neighboring properties, the property shall be developed and operated as follows:
 - a. That channel lettering shall only be used for the wall signs.
 - b. That consistent with the Sign Ordinance, the awnings shall not include text in conjunction with the wall signage.
5. To minimize parking conflicts on the property and to minimize impacts on adjacent properties, the developer/owner of the property shall operate the property, as follows:
 - a. No more than fifty (50%) of the proposed building square footage shall be allowed to be occupied by restaurant uses.
 - b. That the handicapped parking spaces shall be located in a manner consistent with the Illinois Accessibility Code.
6. That the petitioner shall provide a plat of subdivision for the subject property making the property a lot of record.
7. That the petitioner shall submit a lighting/photometric plan demonstrating that the proposed development will meet the lighting provisions included within the Zoning Ordinance.

SECTION 5: 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 _____, 2004.

First reading waived by action of the Board of Trustees this 17th day of June, 2004.

Passed on second reading this 17th day of June, 2004.

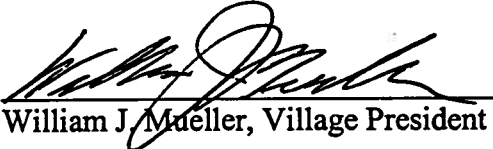
Ordinance No. 5508
Re: ZBA 04-06
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Ayes: Trustees Tross, Sebby, Florey, Soderstrom

Nayes: None

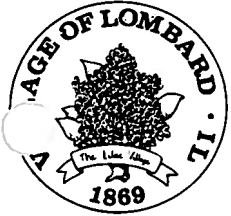
Absent: Trustees DeStephano and Koenig

Approved this 17th day of June, 2004.


William J. Mueller, Village President

ATTEST:


Barbara A. Johnson, Deputy Village Clerk

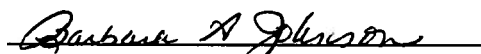


I, **Barbara A. Johnson**, hereby certify that I am the duly qualified Deputy Village Clerk of the **Village of Lombard**, DuPage County, Illinois, as authorized by Statute and provided by local Ordinance, and as such Village Clerk, I maintain and am safekeeper of the records and files of the President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

I further certify that attached hereto is a true and correct copy of ORDINANCE 5508, AN ORDINANCE APPROVING VARIATIONS OF THE LOMBARD ZONING ORDINANCE, TITLE 15, CHAPTER 155, OF THE CODE OF LOMBARD, ILLINOIS, FOR THE PROPERTY LOCATED AT 935 E. ST. CHARLES ROAD, PIN 06-09-101-015 of the said Village as it appears from the official records of said Village duly passed on June 17, 2004.

In Witness Whereof, I have hereunto affixed my official signature and the Corporate Seal of said **Village of Lombard**, Du Page County, Illinois this 13th day of July, 2004.





Barbara A. Johnson
Deputy Village Clerk
Village of Lombard
DuPage County, Illinois