160402
(DISTRICT # 1)

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott R. Niehaus, Village Manager

DATE: October 10, 2016 (B of T) Date: October 20, 2016

TITLE: ZBA 16-04; 211 W. Grove Street

SUBMITTED BY: Department of Community Development MD

BACKGROUND/POLICY IMPLICATIONS:
Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioner requests that the Village grant a variation from Section 155.407(F)(4) of the Lombard Zoning Ordinance to allow for a rear yard setback of twenty one (21) feet for an addition where thirty five (35) feet is required.

The Zoning Board of Appeals recommended approval of this petition by a vote of 5-2.

Fiscal Impact/Funding Source:

Review (as necessary):
Village Attorney X _____ Date _____

Finance Director X _____ Date _____

Village Manager X _____ 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: Scott R. Niehaus, Village Manager

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

MEETING DATE: October 20, 2016

SUBJECT: **ZBA 16-04; 211 W. Grove Street**

Please find the following items for Village Board consideration as part of the October 20, 2016 Village Board meeting:

1. Zoning Board of Appeals referral letter;

2. IDRC report for ZBA 16-04;

3. An Ordinance granting approval of the requested variation; and

4. Supporting documentation (plans, response to standards, pictures, etc.) associated with the petition.

The Zoning Board of Appeals recommended approval of this petition by a vote of 5-2. Please place this petition on the October 20, 2016 Board of Trustees consent agenda.

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VILLAGE OF LOMBARD
255 E. Wilson Ave.
Lombard, Illinois 60148-3926
(630) 620-5700 Fax (630) 620-8222
www.villageoflombard.org

October 20, 2016

Mr. Keith Giagnorio
Village President, and
Board of Trustees
Village of Lombard

Subject: ZBA 16-04; 211 W. Grove 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 grant a variation from Section 155.407(F)(4) of the Lombard Zoning Ordinance to allow for a rear yard setback of twenty one (21) feet for an addition where thirty five (35) feet is required.

The Zoning Board of Appeals conducted a public hearing on September 28, 2016.

Mr. Tom Koleski and Ms. Kathy Koleski and staff were sworn in by Chairperson DeFalco to offer testimony. Mr. Koleski stated that he would like to start with refuting the staff report's errors. First to clarify the item of Low Density Residential under Comprehensive Plan on page one that his photographs included with his application illustrates that there is plenty of open space provided by neighboring properties. Second, the square footage listed on page two is incorrect. Staff's identification of an alternate location for a sunroom to the west side of the house is unacceptable. This location would change the character of the neighborhood and add bulk to the side of the house. Lastly, he would like to refute staff's findings for each of the Standards for Variation. Concerning standard number one, the proposed sunroom would take up only ten percent of the rear yard compared to seventy two percent of the side yard as proposed by staff. Concerning standard number two, consideration should be given for specific situations. Concerning standard number three, variances have been granted before for similar requests. Concerning standard number four, the option of constructing the addition to the west will increase bulk to the side and is by far worse than having it in the back yard. The project will add value to the house and in turn

to the neighborhood as a whole. Concerning standard number five, his proposal is not the size of a barn or a condo building but a small sunroom. Concerning standard number six, the project will not injure any parties and will add to the natural setting of the neighborhood. He then asked if Trustees visit the site before voting on a petition.

Chairperson DeFalco responded that he had visited the site and could not speak to whether Trustees visit sites.

Chairperson DeFalco questioned if there was anyone else present to speak in favor of or against the petition. Mr. Tom Cieplak was sworn in by Chairperson DeFalco. Mr. Cieplak stated that he supports the petition and that in 2002 he was before the ZBA for a variance request for his own home at 549 Harmony Lane. He proceeded to explain his petition that included a screened-in porch to the back of the house as well. He then showed the site plan of 211 W. Grove Street drawn on a large piece of cardboard and discussed the differences for the location to the west and south for the proposed sunroom.

Staff was asked for their presentation. Tami Urish, Planner I, stated that the IDRC report is to be entered into the public record in its entirety. Ms. Urish stated that the purpose of setbacks is to control bulk on property, and provide adequate space for health and safety. Setbacks also preserve the suburban character of the area, help prevent over intensified use and help ensure that lots do not have the appearance of being overbuilt. For these reasons, staff usually does not support setback variations unless a hardship can be shown that pertains to the physical attributes of the property. Without these conditions, a precedent would be set that setbacks are negotiable. Overall, staff finds that the variation for a rear yard setback would have a negative impact on the neighborhood and the Standards for a Variation have not been affirmed. Therefore, staff recommends denial of the petition. Ms. Urish also added that the square footage on page two of the staff report represents the existing footprint of the house and the proposed with the addition in parentheses.

Mr. Tap asked the petitioner if the sunroom was to be heated or cooled. Mr. Koleski responded that the sunroom would not be heated or air conditioned.

Mr. Tap asked about ZBA 02-08 that was shown on the chart in the staff report. Chairperson DeFalco responded that 79 N. Lincoln Avenue is located southeast of Lincoln and Grove and summarized the petition.

Chairperson DeFalco discussed the purpose the setbacks and that the Board of Trustees changed the rear yard setback from thirty feet to thirty five feet with the desire to create wide open spaces. Encroachments into setbacks are not based on percentages. The Zoning Board of Appeals has the responsibility to interpret the law and exceptions are based on demonstrated hardships. An unusual shaped lot is taken into consideration. The subject lot has an unusual shaped front however the rear yard is not unusually shaped. The builder purposely built the house to the rear yard setback.

Mr. Cieplak questioned why his petition is not listed on the chart on page four of the staff report. Staff responded that the top section is for the immediate neighborhood only.

Mr. Koleski stated that the view of the parcels is open and the backyards to the south of his lot are open.

Chairperson DeFalco reviewed which lots would be impacted by the proposal and stated that the Board of Trustees has established a policy to maintain open areas with the rear yard setback of thirty five feet.

Mr. Bedard stated that the proposed sunroom does not provide an impediment to any of the items listed by staff. The petition keeps in the spirit of what the Board would want.

On a motion by Mr. Bedard, and a second by Mr. Bartels, the Zoning Board of Appeals voted 5-2 that the Village Board approve the petition associated with ZBA 16-04, subject to the following four (4) conditions:

1. The subject property shall be developed in substantial conformance with the provided site plan.

2. The petitioner shall apply for and receive a building permit for proposed plans.

3. Such approval shall become null and void unless work thereon is substantially under way within 12 months of the date of issuance, unless extended by the Board of Trustees prior to the expiration of the ordinance granting the variation.

4. In the event that the principal structure on the subject property is damaged or destroyed to fifty-percent (50%) of its value, the new structure shall meet the required rear yard setback.

Respectfully,

VILLAGE OF LOMBARD

John DeFalco
Chairperson
Zoning Board of Appeals

ZONING BOARD OF APPEALS

INTER-DEPARTMENTAL REVIEW COMMITTEE REPORT

211 W. GROVE STREET

SEPTEMBER 28, 2016

Title

ZBA 16-04

Petitioner & Property Owner

Thomas and Kathryn Koleski
211 W. Grove Street
Lombard, IL 60148

Property Location

211 W. Grove Street
(06-07-203-058)

Trustee District: #1

Zoning

R2 Single-Family Residence

Existing Land Use

Single Family Home

Comprehensive Plan

Low Density Residential

Approval Sought

A variation to reduce the required thirty five foot (35') rear yard setback to twenty-one feet (21') for an addition to an existing single family residence.

Prepared By

Tami Urish
Planner I

PROJECT DESCRIPTION

The petitioner is proposing to construct an approximately 336 square foot addition to the existing structure. The addition measures approximately sixteen feet (16') by twenty-one feet (21'). The majority of the proposed project (305 square feet, 91%) encroaches into the rear yard setback.

APPROVALS REQUIRED

Section 155.407 (F)(4) requires a minimum thirty five foot (35') rear yard setback. As such, the existing home is setback approximately 37 feet from the rear property line. The house is not set perfectly square within the property. The proposed addition to the principal structure encroaches into the required setback by fourteen feet (14') reducing the rear yard setback to twenty-one feet (21'). Therefore, a variation is required.

EXISTING CONDITIONS

The property contains an approximately 1,700 square foot two-story frame single family dwelling with an attached garage and associated driveway. The rear yard is directly adjacent to 74 N. Lincoln Avenue, the side yard of a single family home. The neighborhood was created between 1895 and 1927. The subject dwelling was built in 1993 on property that was resubdivided in 1991 from the lot to the east (205 W. Grove Street).

PROJECT STATS

Lot & Bulk (Proposed)

Parcel Size:	10,425 sq. ft.
Building Footprint:	1,704 sq. ft. (2,040 sq. ft.)
Lot Coverage:	74% (71%)

Reqd. Setbacks & Proposed Dimensions (in parens.)

Front (Grove)	30' (30')
Side (east)	6' (6')
Side (west)	6' (6')
Rear (south)	35' (21')

Submittals

1. Petition for Public Hearing
2. Response to Standards for Variation
3. Plat of Survey, prepared by Gentile and Associated, Inc., dated April 22, 1992.
4. Site Plan, prepared by homeowner on the above plat of survey.
5. A copy of parcel view of the surrounding area.
6. Photographs of the subject property's rear yard.
7. Petition signed by surrounding residents submitted by the petitioner on 9/19/2016.
8. Letter to the ZBA by the petitioner submitted on 9/19/2016.

Surrounding Zoning & Land Use Compatibility

	Zoning Districts	Land Use
North	R2	Single Family Home
South	R2	Single Family Home
East	R2	Single Family Home
West	R2	Single Family Home

INTER-DEPARTMENTAL REVIEW

Building Division:
The Building Division has no comments in relation to ZBA 16-04, 211 W. Grove Street.

Fire Department:
The Fire Department has no issues or concerns regarding the project.

Private Engineering Services:
Private Engineering Services (PES) has no issues or concerns regarding the project.

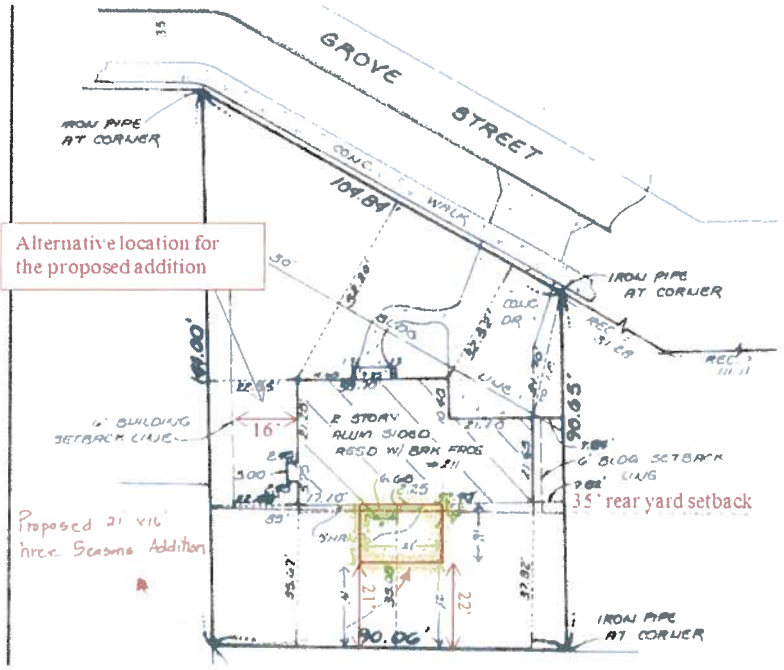
Public Works:
The Department of Public Works has no issues or concerns regarding the project.

Planning Services Division:
A variation may only be granted if there is a demonstrated hardship that distinguishes the subject property from other properties in the area. To be granted a variation the petitioner must show that they have affirmed each of the "Standards for Variation." The standards have not been affirmed for the rear yard setback variation as follows:

1. *That because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner has been shown, as distinguished from a mere inconvenience if the strict letter of the regulations were to be applied.* Staff finds that the petitioner's property does not have unique physical limitations that limit the owner from meeting the intent of the ordinance. The front yard of the subject property can be considered notable in that it follows the angle of Grove Street however this condition was created by the resubdivion of the lot for the construction of the house and has no bearing on the orientation of the rear yard.

2. *The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification.*

Staff finds that the conditions are not unique to the subject property. The total lot size is 10,425 square feet with approximately 3,448 square feet of buildable area. There is adequate space to the west of the existing structure for the proposed addition without encroaching into any required setbacks.



3. *The alleged difficulty or hardship is shown to be caused by this ordinance and has not been created by any person presently having an interest in the property.*

The 35-foot rear yard setback for R2 properties has been consistently applied throughout the Village. Staff finds that the hardship has not been created by the ordinance. The requested relief is needed due to a personal preference.

4. *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.*

Staff finds that the granting of the requested relief will set an undesirable precedent.

5. *The granting of the variation will not alter the essential character of the neighborhood.*

Staff finds that the requested relief would change the visual and aesthetic character of the neighborhood by constructing an addition within the rear yard setback.

6. *The proposed variation will not impair an adequate supply of light and air to adjacent property and substantially increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.*

Staff finds that the requested relief would negatively impact the items noted above.

Staff has identified rear yard setback cases that appeared before the Zoning Board of Appeals based on proximity to the subject property as well as Village-wide cases that have appeared before the ZBA within the past five (5) years. As noted in the below table, rear setback requests have not exceeded more than ten feet (10') of an encroachment with generally a small portion of a total project as opposed to the majority of a proposed project.

CASE NO.	DATE	ADDRESS	SUMMARY	ZBA	BoT
Surrounding Neighborhood History					
ZBA 02-08	5/10/2002	79 N. Lincoln Avenue	30' Rear Yard (new house) [14' Corner Yard denied by BoT]	Approved, 5-0	Partial Approval 6-0 - denied corner side yard
Cases Village-wide 2010 – 2016*					
ZBA 10-13	12/15/2010	320 S. Martha Court	23' Rear Yard	Approved, 5-0	Approved, 6-0
ZBA 13-01	2/7/2013	236 E. Morningside Ave.	15.7' Corner Side Yard & 29.5' Rear Yard	Approved, 4-0	Approved, 6-0
ZBA 14-03	4/23/2014	304 N. Park Avenue	11.9' Corner Side Yard & 25' Rear Yard	Partial approval (not on rear portion)	Approved, 6-0
ZBA 14-06	6/19/2014	505 E. Sunset Ave.	30' Rear Yard	Approved, 6-0	Approved, 6-0
ZBA 15-08	7/17/2015	1057 Daniel Court	25' Rear Yard	Approved, 6-0	Approved, 5-0
ZBA 16-03	7/21/2016	113 Regency Drive	25' Rear yard	Approved, 5-0	Approved, 4-0

**There were thirteen (13) approved rear yard variances from 2005 through 2010. Since 1998, there have been forty-three (43) requests brought before the ZBA for a rear yard variance.*

Past precedent as shown above indicates that approval is based on a demonstrated hardship and minimal encroachment within the 35-foot rear yard setback for R2 properties. The purpose of setbacks is to control bulk on property, and provide adequate space for health and safety. Setbacks also preserve the suburban character of the area, help prevent over intensified use and help ensure that lots do not have the appearance of being overbuilt. For these reasons, staff usually does not support setback variations unless a hardship can be shown that pertains to the physical attributes of the property. Without these conditions, a precedent would be set that setbacks are negotiable. Overall, staff finds that the variation for a rear yard setback would have a negative impact on the neighborhood and the Standards for a Variation have not been affirmed. Therefore, staff recommends denial of the petition.

FINDINGS & RECOMMENDATIONS

The Department of Community Development has determined that the information presented **has not affirmed** the Standards for Variations for the requested rear yard setback. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make the following motion recommending **denial** of the aforementioned rear yard setback variation:

> Based on the submitted petition and the testimony presented, the requested variation to reduce the rear yard setback **does not comply** with the Standards for Variations in the Lombard Zoning Ordinance and therefore, I move that the Zoning Board of Appeals find that the findings included as part of the Inter-Departmental Review Committee Report be the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **denial** of ZBA 16-04.

Inter-Departmental Review Committee Report approved by:

William J. Heniff, AICP
Director of Community Development

c. Petitioner

EXHIBIT A: RESPONSE TO STANDARDS

RESPONSES TO THE STANDARDS OF VARIATIONS OF THE LOMBARD ZONING ORDINANCE

PROPERTY AT 211 W GROVE STREET, LOMBARD, IL

OWNERS – THOMAS AND KATHRYN KOLESKI

1. BECAUSE OF THE PARTICULAR PHYSICAL SURROUNDINGS, SHAPE OR TOPOGRAPHICAL CONDITIONS OF THE SPECIFIC PROPERTY INVOLVED, A PARTICULAR HARDSHIP TO THE OWNER WOULD RESULT, AS DISTINGUISHED FROM A MERE INCONVENIENCE, IF THE STRICT LETTER OF THE REGULATIONS WERE TO BE APPLIED.

We wish to add a three seasons room to our existing home that was built 24 years ago. We believe there is a hardship as there is no other practical location on our property as the front of our home is particularly deep. Compliance with the 35-foot setback qualifies as a hardship as we would not be able to take advantage of the extensive open space the location of our property provides.

2. THE CONDITIONS UPON WHICH AN APPLICTION FOR A VARIATION IS BASED ARE UNIQUE TO THE PROPERTY FOR WHICH THE VARIATION IS SOUGHT, AND ARE NOT GENERALLY APPLICABLE TO OTHER PROPERTY WITHIN THE SAME ZONING CLASSIFICATION.

We are very fortunate that the southern exposure of our home is such that the backyards of all the properties on the parallel streets (Lincoln and Elizabeth) are homes with lots that are approximately 220 deep. The space is completely open from our location on Grove Street south to St. Charles Road.

3. THE PURPOSE OF THE VARIATION IS NOT BASED PRIMARILY UPON A DESIRE TO INCREASE FINANCIAL GAIN.

The purpose of this request is not to realize a financial gain. Our home was built 24 years ago and we are the original owners. We have a strong desire to improve our property and have saved and planned for this addition. We intend to stay in this home for many years to come.

4. THE ALLEGED DIFICULTY OR HARDSHIP IS CAUSED BY THIS ORDINANCE AND HAS NOT BEEN CREATED BY ANY PERSON PRESENTLY HAVING AN INTEREST IN THE PROPERTY.

As previously stated, we intend to stay in our home for many more years. Our dream was always to add a three seasons room to our home. Because our home is set back so far from the street with a smaller backyard our options for this addition are limited.

5. THE GRANTING OF THIS 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.

Granting this variation will allow us to improve our property and add to the value of the neighborhood. Our situation is unique in that our surrounding neighbors will in no way have an obstruction or an impact in regard to space or view of their backyards.

6. THE GRANTING OF THE VARIATION WILL NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD; AND,

We live in an established of single-family homes. The grating of this variation will not in any way alter the essential character of the neighborhood as the essential structure and use (single-family) of the home is not changing.

7. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

The variation we are requesting will not cause any impairment of any type to adjacent homes or to any other homes in the neighborhood. This addition/improvement will, if anything, add value to the adjacent homes and to the neighborhood.

EXHIBIT B: PLAT OF SURVEY AND SITE PLAN

Plat of Survey

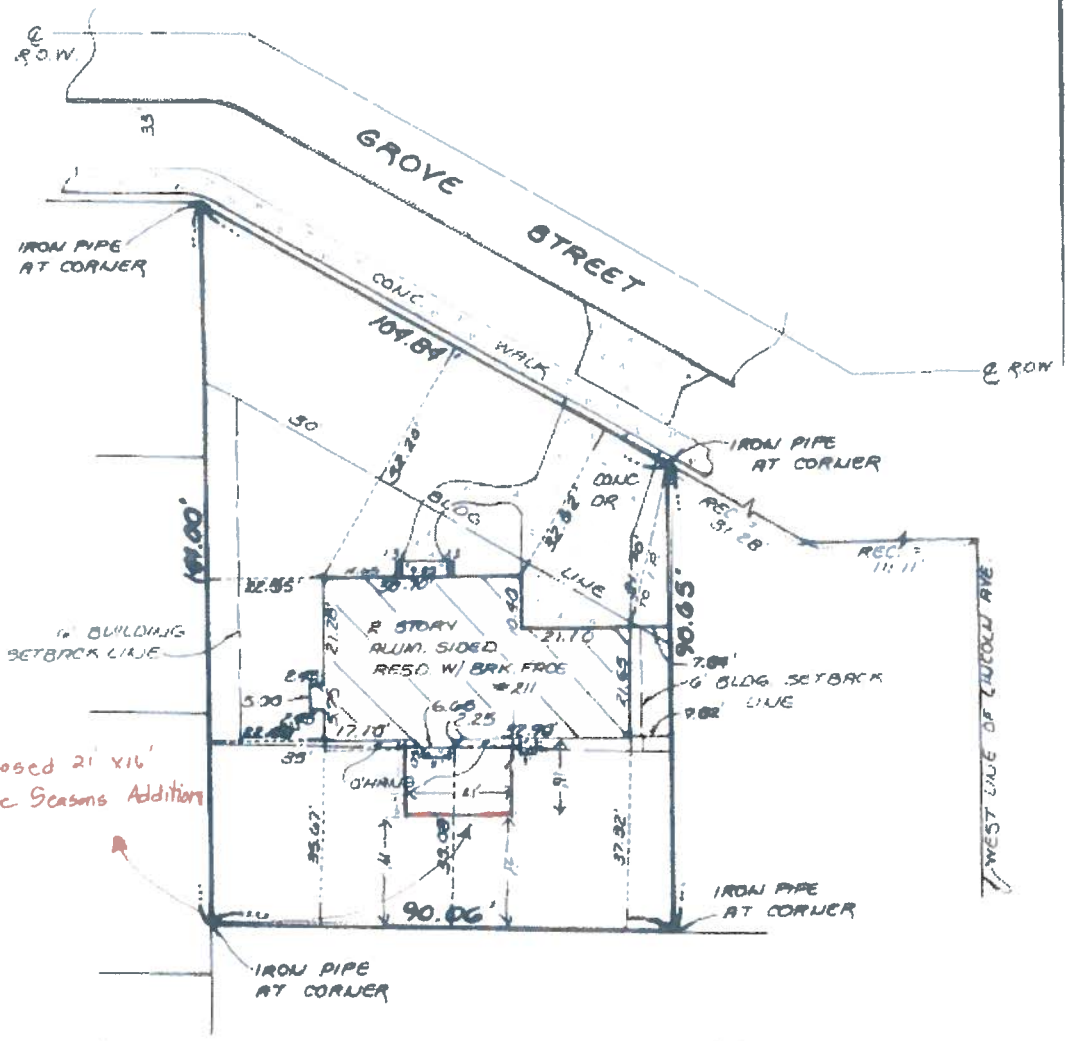
550 E. ST. CHARLES PLACE
LOMBARD, ILLINOIS 60148
PHONE: (708) 916-8262
FAX: (708) 916-8264

GENTILE and ASSOCIATES, INC.

registered land surveyors

LOT 1 IN LAND CONCEPTS RESUBDIVISION OF THE NORTH HALF OF LOT 26, ALL OF LOT 27 AND LOT 28 (EXCEPT THE STREET), ALL IN WILLIAM H. MAPLE'S SUBDIVISION OF LOT 1 IN BLOCK 10 OF THE TOWN OF LOMBARD, IN THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

PROPERTY COMMONLY KNOWN AS 211 GROVE ST, LOMBARD, ILLINOIS



Base Scale 1 inch = 20 feet

Distances are marked in feet and DECIMAL PARTS THEREOF

Ordered by SUNRISE HOMES INC.

Checked by VAF

Surveyed by FD - WB

COMPARE ALL POINTS BEFORE BUILDING BY SAME AND AT ONCE REPORT ANY DIFFERENCE. FOR BUILDING LINE AND OTHER RESTRICTIONS NOT SHOWN HEREON REFER TO YOUR ABSTRACT DEED, CONTRACT AND ZONING ORDINANCE

SURVEY UPDATED 7-21-92
BY: Frank J. Gentile
I.P.L.S. NO 2248

STATE OF ILLINOIS
COUNTY OF DUPAGE } S S

WE, GENTILE AND ASSOCIATES, INC. HEREBY CERTIFY THAT A SURVEY HAS BEEN MADE, AT AND UNDER MY DIRECTION, OF THE PROPERTY DESCRIBED ABOVE, AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY

APRIL 22 A.D. 19 92

Frank J. Gentile

Request for Zoning Variation for the property at 211 W. Grove Street, Lombard, IL,
owners Thomas and Kathryn Koleski (section 155.407(F)(4))

I/we the undersigned have had an opportunity to see the plans for a proposed addition and improvement to the above property. We understand that since the existing home was constructed over 24 years ago, that the owners need a zoning variation in order to go forward with their plans.

The petitioner requests that the Village approve a variation from Section 155.407(F)(4) of the Lombard Zoning Ordinance to reduce the required rear yard setback from thirty five feet (35') to twenty one feet (21') for the subject property located within the R2 Single-Family Residence Zoning District.

My/our signature below indicates that I/we support the current owner's request for a zoning variation and we encourage the Village of Lombard to grant this variation.

Name	Address	Phone	Lot #
BRIAN REINHEIMER	74 N. LINCOLN AVE	630.361.3347	
Dulce x Jorge Martinez	205 W. Grove.	630-915-4602	
Anna Wilke	93 N. Elizabeth St	847-668-5281	
LISA CISNEROS	89 N ELIZABETH	630-519-3254	
Harry Organisciak	216 W. Grove ST.	630-627-8932	
Kyra M. Hinchi	95 N. Elizabeth St.	630-627-4336	
[illegible]	222 W GROVE	630-424-0655	
Camille Bouchard	222 W. Grove	630-424-0655	

TO: Zoning Board of Appeals, Village of Lombard

FROM: Thomas and Kathryn Koleski, 211 W Grove St, Lombard

RE: Petition for Variation

Thank you for giving us the opportunity to discuss our request for zoning variation and our plans for a three seasons porch addition to our home on Grove Street.

We believe we have addressed all the appropriate questions as provided to us by the village, and we believe that we have provided ample additional information (see attachments) to support our request. In addition, we have given our closest neighbors an opportunity to see the plans for the proposed addition and improvement to our property, and have gathered their signatures in support of this project.

Our home was built 24 years ago and with our growing family we find we are in need of more living space. We love our home and neighborhood and have every intention of staying here for many years to come.

We believe that our situation is unique in the fact that this addition will in no way "change the visual and aesthetic character of the neighborhood by drastically reducing the amount of open space between structures," and that there would be no impairment of adjacent properties and no negative impact of any kind. We believe that the variation has created hardship, and that granting the variation will enhance the value of neighboring properties and further contribute to the suburban character of the neighborhood.

Thank you for your time.

ORDINANCE NO. _____

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

(ZBA 16-04; 211 W. Grove 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 155.407(F)(4) of the Lombard Zoning Ordinance to reduce the rear yard setback to twenty one feet (21') where thirty five feet (35') is required to allow for an addition; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on September 28, 2016 pursuant to appropriate and legal notice; and,

WHEREAS, the Zoning Board of Appeals has forwarded its findings to the Board of Trustees with a recommendation of approval 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 approve the requested variation.

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 155.407(F)(4) of the Lombard Zoning Ordinance to reduce the rear yard setback to twenty one feet (21') where thirty five feet (35') is required to allow for an addition.

SECTION 2: This ordinance shall be granted subject to compliance with the following conditions:

1. The subject property shall be developed in substantial conformance with the provided site plan.

2. The petitioner shall apply for and receive a building permit for proposed plans.

3. Such approval shall become null and void unless work thereon is substantially under way within 12 months of the date of issuance, unless extended by the Board of Trustees prior to the expiration of the ordinance granting the variation.

4. In the event that the principal structure on the subject property is damaged or destroyed to fifty-percent (50%) of its value, the new structure shall meet the required rear yard setback.

SECTION 3: This ordinance is limited and restricted to the property generally located at 211 W. Grove Street, Lombard, Illinois, and legally described as follows:

LOT 1 IN LAND CONCEPTS RESUBDIVISION OF THE NORTH HALF OF LOT 26, ALL OF 27 AND LOT 28 (EXCEPT THE STREET), ALL IN WILLIAM H. MAPLE'S SUBDIVISION OF LOT 1 IN BLOCK 10 OF THE TOWN OF LOMBARD, IN THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-07-203-058

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 _____, 2016.

First reading waived by action of the Board of Trustees this _____ day of _____, 2016.

Passed on second reading this _____ day of _____, 2016.

Ayes:_____

Nayes:_____

Absent:_____

Approved this _____ day of _____, 2016

_____
Keith Giagnorio, Village President

ATTEST:

_____
Sharon Kuderna, Village Clerk

Published by me this _____ day of _____, 2016

_____
Sharon Kuderna, Village Clerk