

ORDINANCE NO. 5734

**AN ORDINANCE GRANTING A FURTHER AMENDMENTS TO
ORDINANCES 5324 AND 5691, A VARIATION TO THE FRONT YARD SETBACK
REQUIREMENTS AND A CONDITIONAL USE FOR TWO PRINCIPAL
SETUCTURES ON A LOT, PURSUANT TO TITLE 15, CHAPTER 155, SECTION
155.305 OF THE LOMBARD ZONING ORDINANCE**

(PC 05-36: 506 East St. Charles Place)

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 District; and,

WHEREAS, a legal non-conforming building located on the subject property was damaged greater than fifty percent of the value of the building as the result of a traffic accident in 1991; and

WHEREAS, Section 155.302 (G) of the Zoning Ordinance states that the legal non-conforming status of a building shall be lost if the damage or destruction caused by any means exceeds fifty percent of the market value of the building; and

WHEREAS, the Village adopted Ordinance 5324 on July 17, 2003 which granted a conditional use pursuant to Section 155.305 of the Zoning Ordinance to allow for the re-establishment of the legal nonconforming status of an existing building for the subject property; and

WHEREAS, the Village further adopted Ordinance 5691 on August 18, 2005 which granted an amendment to the conditions of approval conditional use associated with Ordinance 5324; and

WHEREAS, an application has been received requesting a variation from Section 155.415 (F)(1) of the Zoning Ordinance to allow for a variation in the front yard setback from thirty feet (30') to two feet (2'); and

WHEREAS, said application also requests a conditional use, pursuant to Section 155.208 (C) of the Zoning Ordinance, to allow for two principal buildings to be located on a lot of record; and

WHEREAS, the petition was subject to a public hearing before the Plan Commission on September 19, 2005 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has recommended approval of the petition, subject to conditions; and,

WHEREAS, the President and Board of Trustees of the Village of Lombard hereby adopt the findings and recommendations of the Plan Commission as set forth herein, and make same part hereof, subject to certain revisions as more fully set forth below.

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 Ordinances 5324 and 5691 are hereby amended and that a variation is hereby granted from Section 155.415 (F)(1) of the Zoning Ordinance to allow for a variation in the front yard setback from thirty feet (30') to two feet (2') and a conditional use is hereby granted, pursuant to Section 155.208 (C) of the Zoning Ordinance, to allow for two principal buildings to be located on a lot of record, for the property legally described in Section 2 below (the "Subject Property"), subject to the conditions set forth in Section 3 below.

SECTION 2: That this ordinance is limited and restricted to the property generally located at 506 East St. Charles Place, Lombard, Illinois and legally described as follows:

THAT PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 5, AND THAT PART OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DU PAGE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE NORTH LINE OF ST. CHARLES ROAD (NOW KNOWN AS ST. CHARLES PLACE) WHICH IS 726.1 FEET EAST OF THE EAST LINE OF GRACE STREET FOR A POINT OF BEGINNING; THENCE NORTHEASTERLY ALONG THE SOUTHEASTERLY LINE OF THE HIGHWAY (NOW KNOWN AS EAST ST. CHARLES ROAD), MAKING AN ANGLE OF

26 DEGREES 2 MINUTES WITH THE PROLONGATION OF THE LAST DESCRIBED COURSE FOR A DISTANCE OF 220.3 FEET TO AN IRON STAKE; WHICH IS ON THE SOUTH RIGHT OF WAY OF CHICAGO GREAT WESTERN RAILROAD; THENCE SOUTHEASTERLY ALONG THE SOUTH LINE OF SAID RAILROAD FOR A DISTANCE OF 138.2 FEET TO A STAKE; THENCE SOUTHEASTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 75 DEGREES 26 MINUTES TO THE RIGHT WITH THE PROLONGATION OF THE LAST DESCRIBED COURSE A DISTANCE OF 62.6 FEET TO A STAKE ON THE NORTH LINE OF ST. CHARLES ROAD (NOW KNOWN AS ST. CHARLES PLACE); THENCE SOUTHWESTERLY ALONG THE NORTH LINE OF ST. CHARLES ROAD (NOW KNOWN AS ST. CHARLES PLACE) A DISTANCE OF 331.3 FEET, TO THE POINT OF BEGINNING, IN DU PAGE COUNTY, ILLINOIS.

Parcel Number: 06-05-427-001

SECTION 3: That the zoning actions set forth in Section 1 above shall be subject to the following conditions:

1. The property shall be developed in accordance with the site plan and building elevation packet prepared by Randy Pruyn, ALA, dated September 1, 2005 and made a part of this petition, except as varied by the conditions of approval.
2. The petitioner/property owner shall provide foundation landscaping around the building addition consistent with Section 155.708 of the Zoning Ordinance, consisting of shrubbery, evergreens and/or hedges places along the foundation wall areas in addition to approved ground cover, with the final design subject to the Director of Community Development.
3. All private encroachments within the public right-of-way shall be removed.
4. The outdoor dining area shall be fenced, with the design of the fence subject to the approval of the Director of Community Development and pursuant to the fence regulations included within the Zoning Ordinance.
5. All other provisions associated with Ordinances 5324 and 5691 not amended by this Ordinance shall remain in full force and effect.
6. In the event that the provisions of Ordinances 5324 and 5691 are not met, the actions associated with this petition shall also immediately expire. Moreover, in the event that the Scoop's building is razed or is again damaged by more than fifty

percent of the value of the building, the relief associated with this petition shall also be null and void.

7. That prior to final consideration of any Ordinances approving the requested actions on the subject property, the property owner shall provide the Village with a building elevation plan to improve the exterior of the Lombard Hobbies building so that it is compatible with the proposed Scoop's building. The Lombard Hobbies building improvements shall be completed within twelve (12) months from the date of approval of the aforementioned Ordinance.

Passed on first reading this _____ day of _____, 2005.

First reading waived by action of the Board of Trustees this 6th day of October, 2005.

Passed on second reading this 6th day of October, 2005.

Ayes: Trustees Gron, Tross, O'Brien, Sebby and Florey

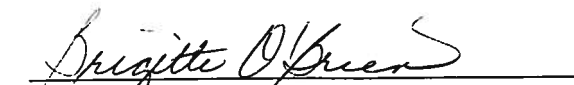
Nayes: None

Absent: Trustee Soderstrom

Approved this 6th day of October, 2005.


William J. Mueller, Village President

ATTEST:


Brigitte O'Brien, Village Clerk