

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: February 23, 2006 (B of T) Date: March 2, 2006

TITLE: ZBA 06-04: 935 E. St. Charles Road

SUBMITTED BY: Department of Community Development *DLH*

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 amend the conditions of approval associated with Ordinance 5508 that granted approval of variations to the minimum lot area and rear yard setback for the subject property located within the B4 Corridor Commercial Zoning District. (DISTRICT #5)

The petitioner and staff is requesting a waiver of first reading.

The Zoning Board of Appeals recommended approval subject to conditions.

Fiscal Impact/Funding Source:

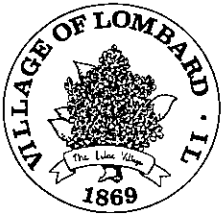
Review (as necessary):

Village Attorney X _____ Date _____

Finance Director X _____ Date _____

acting Village Manager X *Leonard J Flood* _____ Date 02/23/06

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, Director of Community Development *D.A.H.*

DATE: March 2, 2006

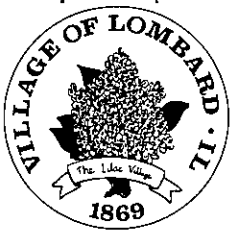
SUBJECT: ZBA 06-04: 935 E. St. Charles Road

Attached please find the following items for Village Board consideration as part of the March 2, 2006 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 06-04;
3. An Ordinance granting approval of an amendment to Ordinance 5508; and
4. Companion site plans associated with the petitioner's request.

In order to allow the petitioner to proceed with their building permit application process, staff and the petitioner request a waiver of first reading of the Ordinance.

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



VILLAGE OF LOMBARD

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Village President
William J. Mueller

Village Clerk
Brigitte O'Brien

Trustees
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Richard J. Tross, Dist. 2
John "Jack" T. O'Brien, Dist. 3
Steven D. Sebby, Dist. 4
Kenneth M. Florey, Dist. 5
Rick Soderstrom, Dist. 6

Village Manager
William T. Lichter

"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."

March 2, 2006

Mr. William J. Mueller
Village President, and
Board of Trustees
Village of Lombard

Subject: ZBA 06-04; 935 E. St. Charles Road

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 amend the conditions of approval associated with Ordinance 5508 that granted approval of variations to the minimum lot area and rear yard setback for the subject property located within the B4 Corridor Commercial Zoning District.

The Zoning Board of Appeals conducted a public hearing on February 22, 2006. Khadir Latifi, contract purchaser of the property, presented the petition. He described the previous approval granted by the Village for a strip commercial center on the subject property. The approval was based upon the submitted plans and building elevations. The petitioner wishes to amend the Ordinance of approval by providing an alternate building elevation plan set for Village consideration.

The latest plan changes the proposed flat roof to become a hip roof with dormers. The proposed roof will be an aesthetic improvement to the building and would decrease the overall building costs, as it would not require additional load bearing capacity.

Chairperson DeFalco then opened the meeting for public comment. No one spoke in favor or opposed to the petition. He then requested the staff report.

William Heniff, Senior Planner, presented the staff report. In 2004, the Village approved Ordinance 5508 granting a variations to reduce the required minimum lot area from 40,000 square feet to 16,994 square feet and a variation to reduce the required rear yard setback from thirty (30) feet to ten (10) feet in order to allow for the construction of a commercial strip center. As with most cases, the petition was tied to conditions of approval. These conditions included that the petitioner develop the site pursuant to the submitted plans and building elevations.

Since the date of approval, the property owner has sought to develop the approved shopping center. With a contract purchaser in place, he would like to proceed with the project. However, they are proposing modifications to the building elevations which will provide for a hip roof with dormers rather than the approved flat roof design. As staff has determined that this change is a significant change from the approval conditions, staff is sending this petition back through the public hearing process accordingly. The proposed site plan itself will not change from the initial approval. For reference purposes, the IDRC staff report for ZBA 04-06 and Ordinance 5508 are attached for reference purposes.

He noted that the revised building elevations are compatible with the surrounding land uses. He also compared the proposed building elevations to the original elevations. The overall building design incorporates architectural elements of both the commercial St. Charles Road corridor and the residential Westmore-Meyers Road corridors. The proposed hip roof is more compatible with the residential roofs commonly found along Westmore-Meyers Road. Staff supports the petition, subject to the conditions in the staff report.

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

Mr. Bedard asked if the second level would be used for business purposes. Mr. Latifi that it would not be used for office or storage purposes.

Mrs. Newman asked about the proposed building height. Staff noted that the first level building height will be about fifteen feet. The hip roof will add an additional sixteen feet in height, but based upon the calculation of building height, the overall building height will be twenty-three feet.

Mr. Polley confirmed the types of uses that could locate in the center. Mr. Heniff noted that any permitted use in the B4 District would be permissible in the building.

Mr. Young asked questions regarding his participation in the vote for ZBA 04-06. Mr. Heniff noted that he did not attend the May, 2004 ZBA meeting. To ensure that a conflict of interest did not present itself in this petition, he confirmed that the petitioner would not be using his employer, West Suburban Bank, in the financing of the project.

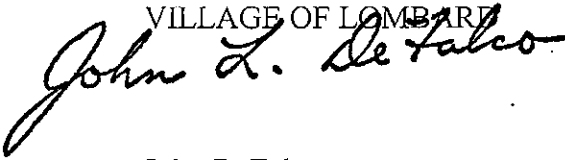
After due consideration of the petition and testimony presented, the Zoning Board of Appeals found that the proposed variation complied with the Standards of the Zoning Ordinance. Therefore, on a motion by Mr. Polley and a second by Mr. Bedard, the Zoning Board of Appeals recommended approval of ZBA 06-04 by a roll call vote of 5 to 0, subject to the following conditions:

Re: ZBA 06-04
March 2, 2006
Page 3

1. The petitioner shall develop the site in accordance with the building elevation plans prepared by Ekash Associates, Ltd., dated November 15, 2004 and submitted as part of this request.
2. All other conditions associated with Ordinance 5508 not amended by this petition shall remain in full force and effect.

Respectfully,

VILLAGE OF LOMBARD

A handwritten signature in cursive script that reads "John L. DeFalco". The signature is written in black ink and is positioned over the printed name and title of the signatory.

John DeFalco
Chairperson
Zoning Board of Appeals

att-

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Zoning Board of Appeals HEARING DATE: February 22, 2006
FROM: Department of Community PREPARED BY: William Heniff, AICP
Development Senior Planner

TITLE

ZBA 06-04; 935 E. St. Charles Road: The petitioner requests that the Village amend the conditions of approval associated with Ordinance 5508 that granted approval of variations to the minimum lot area and rear yard setback for the subject property located within the B4 Corridor Commercial Zoning District.

GENERAL INFORMATION

Petitioner/ Property Owner: Salvatore J. Pernice
3 N 614 Central Court
Addison, IL 60101

PROPERTY INFORMATION

Existing Zoning: B4 Corridor Commercial District
Existing Land Use: Vacant lot formerly occupied with a gas station
Size of Property: 16,994 square feet

Surrounding Zoning and Land Use:

North: B4 Corridor Commercial District; Citgo Gas Station
South: R2 Single Family Residence District; the Great Western Trail and Single Family Residences
East: B4 Corridor Commercial District; Nagano's Restaurant
West: B4 Corridor Commercial District; retail commercial uses (party supplies rental store)

ANALYSIS

SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development on February 3, 2006.

1. Petition for Public Hearing
2. Revised Building Elevations, dated November 15, 2004, prepared by Ekash Associates Ltd.

DESCRIPTION

The subject property is located on the southwest corner of St. Charles Road and Westmore-Meyers Road. The site currently is vacant but was previously developed as a Shell gas station.

In 2004, the Village approved Ordinance 5508 which granted a variation from 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 as well as 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 in order to allow for the construction of a commercial strip center. As with most cases, the petition was tied to conditions of approval. These conditions included that the petitioner develop the site pursuant to the submitted plans and building elevations.

Since the date of approval, the property owner has sought to develop the approved shopping center. With a contract purchaser in place, he would like to proceed with the project. However, they are proposing modifications to the building elevations which will provide for a hip roof with dormers rather than the approved flat roof design. As staff has determined that this change is a significant change from the approval conditions, staff is sending this petition back through the public hearing process accordingly. The proposed site plan itself will not change from the initial approval. For reference purposes, the IDRC staff report for ZBA 04-06 and Ordinance 5508 are attached for reference purposes.

INTER-DEPARTMENTAL REVIEW COMMENTS

ENGINEERING

From an engineering or construction perspective, Private Engineering Services and the Public Works Department do not have any comments on the petition.

FIRE AND BUILDING

Upon review of the above referenced new structure and the request for installing a hip roof rather than a flat roof and parapet, the Fire Department/Bureau of Inspectional Services has the following comments:

1. Since there are no changes to the site plan, Fire Department access to the building will still remain the same as originally proposed under the initial plan submittal.
2. If requested, a foundation only permit can be issued while the variation is under consideration with the ZBA/BOT review.
3. Again, the building will have to be constructed as Type 1B minimum construction, all non-combustible materials, including any roof trusses for the hip roof. The building will have to be fully sprinklered and fully alarmed, with an outside only accessible sprinkler room, to be verified with the Fire Marshal.
4. New construction plan submittals will be required for all structural, electrical, plumbing and HVAC.

PLANNING

Compatibility with the Comprehensive Plan

The Comprehensive Plan recommends Community Commercial uses on the subject property and the proposed retail uses proposed for the building would be compatible with the Comprehensive Plan designation. The proposed building elevation change would not be inconsistent with the Plan.

Compatibility with Surrounding Land Uses

East, west and north of the subject property are properties zoned for and developed as retail commercial uses. The retail uses anticipated to occupy space on this property are compatible to other commercial properties along St. Charles Road. To the south is the Great Western Trail. With the proposed improvements to the property, the visual impact on the trail is anticipated to be vastly improved over the present conditions.

Staff believes that the revised building elevations are compatible with the surrounding land uses. The overall building design incorporates architectural elements of both the commercial St. Charles Road corridor and the residential Westmore-Meyers Road corridors. The proposed hip roof is more compatible with the residential roofs commonly found along Westmore-Meyers Road.

Compliance with the Zoning Ordinance

The proposed roof would be in compliance with the height requirements in the B4 District. The roof pitch could provide for some level of storage, but its overall design and height would preclude this area from being utilized as active commercial space.

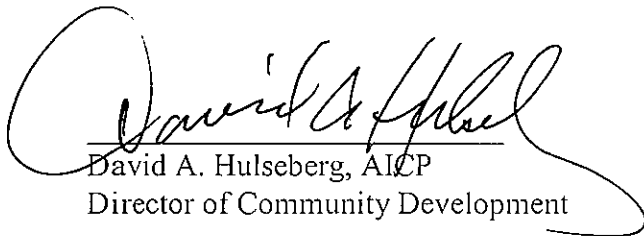
FINDINGS AND RECOMMENDATIONS

The Department of Community Development has determined that the information presented **affirmed** the Standards for Variations for the requested relief. 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 requested variations:

Based on the submitted petition and the testimony presented, the requested side yard setback variation **complies** with the Standards required for a variation by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals accept the findings on the Inter-Departmental Review Committee as the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **approval** of ZBA 06-04, subject to the following conditions:

1. The petitioner shall develop the site in accordance with the building elevation plans prepared by Ekash Associates, Ltd., dated November 15, 2004 and submitted as part of this request.
2. All other conditions associated with Ordinance 5508 not amended by this petition shall remain in full force and effect.

Inter-Departmental Review Group Report Approved By:



David A. Hulseberg, AICP
Director of Community Development

att-
c: Petitioner

Zoning Board of Appeals
Re: ZBA 06-04
Page 5

**Attachment A:
IDRC Staff Report for ZBA 04-06 & Ordinance 5508**

Surrounding Zoning and Land Use:

North: B4 Corridor Commercial District; Citgo Gas Station
South: R2 Single Family Residence District; the Great Western Trail and Single Family Residences
East: B4 Corridor Commercial District; Nagano's Restaurant
West: B4 Corridor Commercial District; retail commercial uses (party rental store)

ANALYSIS

SUBMITTALS

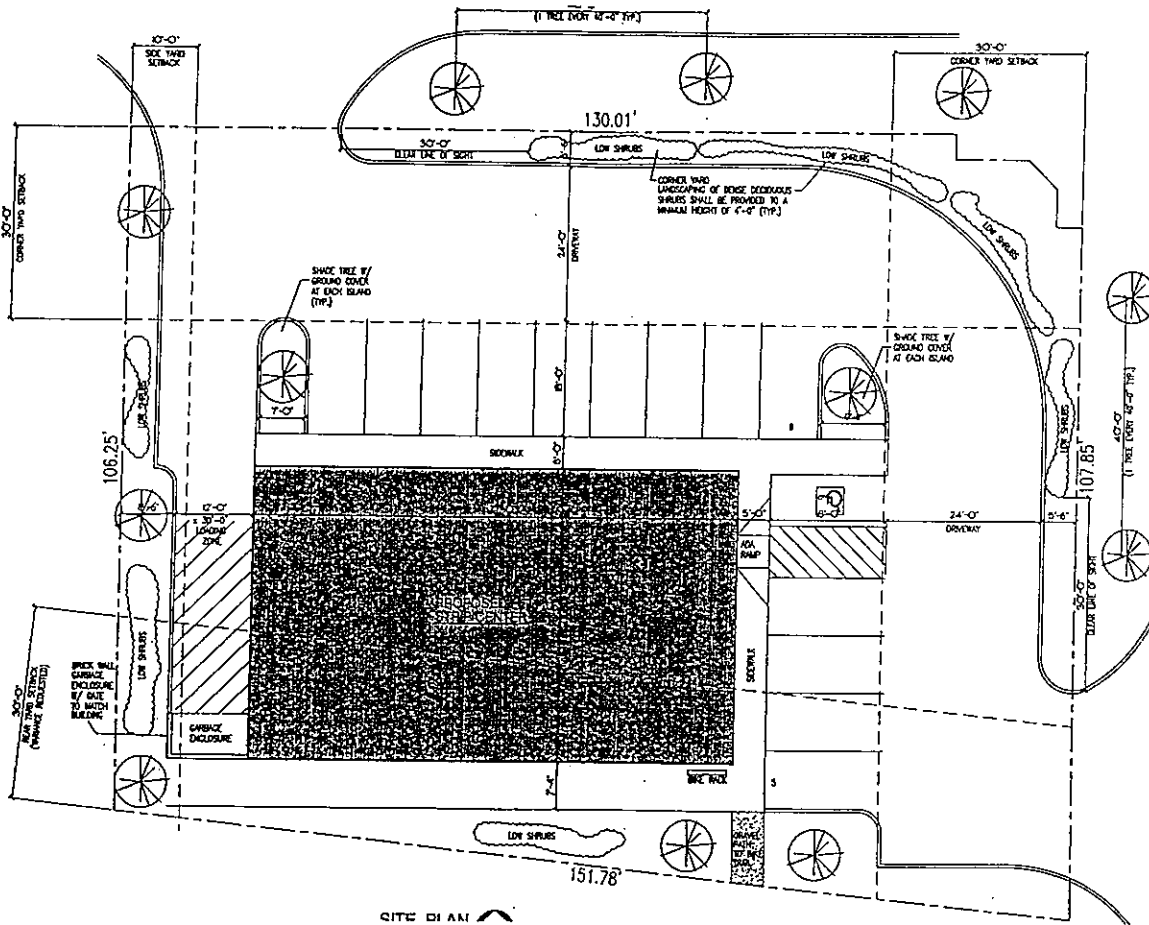
This report is based on the following documents, which were filed with the Department of Community Development on May 7, 2004.

1. Petition for Public Hearing
2. Response to the Standards for Variation
3. Plat of Survey, dated September 13, 2003, prepared by A.P. Surveying Company, PC.
4. Building Elevations and Proposed Site Plan, dated May 4, 2004, prepared by Ekash Associates Ltd.

DESCRIPTION

The subject property is located on the southwest corner of St. Charles Road and Westmore-Meyers Road. The site currently contains a vacant building that was formerly a Shell gas station. The petitioner proposes to demolish the existing building and construct a new strip center that will house three office or commercial tenants. The lot is presently considered legal nonconforming as it is 16,994 square feet whereas 40,000 square feet is the minimum lot area within the B4 Corridor Commercial Zoning District. Any new construction on the site must meet the current zoning requirements - therefore the petitioner is requesting relief at this time. The relief for the rear yard is requested in order to address the lack of sufficient lot depth on the property.

Site Plan



ENGINEERING

Private Engineering Services

From an engineering or construction perspective, PES has the following comments:

1. The stormwater detention shall be provided for the proposed redevelopment.
2. An easement shall be provided over the detention area.
3. Any sidewalk that is missing or in disrepair shall be replaced in the St. Charles Road and Westmore-Meyers Road right-of-ways adjacent to the subject lot.

Public Works Engineering

Public Works Engineering has no comments regarding this request.

FIRE AND BUILDING

The Fire Department/Bureau of Inspectional Services has the following comments:

Please provide room and access in front of the building for the Fire Department Connection (FDC). It seems as though one of the parking spaces on the front side of the building may have to be removed to accomplish this.

We recommend that the ADA ramp may work better if located next to the parking space.

PLANNING

The petitioner proposes to construct a 3,516 square foot building on the subject property. As the lot does not currently meet the minimum lot area requirement of 40,000 square feet a variation is needed to proceed with construction of the new strip center. Given the size and shape of the subject property, a reduction of the rear yard setback from thirty feet to ten feet will also be necessary to accommodate the new building and parking spaces. The proposed development will meet all other aspects of the zoning code as the petitioner is providing the requisite number of parking spaces and landscaped areas.

Compatibility with the Comprehensive Plan

The Comprehensive Plan recommends Community Commercial uses on the subject property and the proposed retail uses proposed for the building would be compatible with the Comprehensive Plan designation. The St. Charles Road Ad-Hoc Committee, a committee formed in 1999 that reviewed appropriate land uses within the East St. Charles Road Corridor, also determined that the subject property should also remain designated for commercial uses.

Compatibility with Surrounding Land Uses

East, west and north of the subject property are properties zoned for and developed as retail commercial uses. The retail uses anticipated to occupy space on this property are compatible to other commercial properties along St. Charles Road. To the south is the Great Western Trail. With the proposed improvements to the property, the visual impact on the trail is anticipated to be vastly improved over the present conditions.

Staff believes that the proposed use would be compatible with the existing land uses surrounding the site. However, to ensure that the overall impacts of the new development are satisfactorily addressed, staff offers additional comments and recommendations, as noted later in this report.

Compliance with the Zoning Ordinance

The table below shows the existing code requirements, existing conditions and proposed conditions and Ordinance requirements for the site. These areas are depicted on the site plan as areas shaded in gray.

	Ordinance Regulations	Existing Conditions	Proposed Plan
Use			
Commercial/Retail Center	Permitted Use	Conditional Use	Permitted Use
Bulk Requirements (Building)			
Lot Area	40,000 sq. ft.	16,994 sq. ft.	16,994 sq. ft.
Number of Principal Structures	1 permitted; more than 1 permitted by conditional use	1	1
Front Yard (St. Charles Rd.)	30 feet	66 feet	47 feet
Rear Yard	30 feet	11.5 feet	10 feet
West Interior Side Yard	10 feet	33.5 feet	20 feet
East Corner Side Yard	30 feet	61.3 feet	42.5 feet
Parking			
Number of Spaces	4 per 1000 sq. ft. = 14	NA	14
Number of Accessible Spaces	1	NA	1
Landscaping			
Total Minimum Open Space	10%	NA	Approx. 15%
Trash Enclosures	6'; not in front or corner side yards	NA	6'; not in front or corner side yards
Signage			
Wall Signage	1 permitted per street frontage; 1 times frontage of tenant space (100' total)	None	1 wall sign per tenant space, per code requirements.

Staff notes that the two items for which relief is requested are current nonconformities with the site. The variation for the rear yard is intended to facilitate the loading activities as well as site circulation around the building. It is important to note that the proposed building will only be located 1.5 feet closer to the property line than the existing building on the property. However, staff believes that the overall property improvement more than offsets any impact of the development on the Great Western Trail.

Staff finds that the variation request meets the standards for variations and is supportive of the variation for the following reasons. As stated by the petitioner, there is not a feasible way to increase the lot area of the site to meet the minimum required. The property is bounded on three sides by property in public ownership and the fourth side is improved with a commercial structure that is located near on the west property line of the subject property.

Granting the rear yard variation would not be injurious to neighboring properties, as the proposed use is compatible with the neighboring commercial uses and the Great Western Trail serves as a substantial buffer between the subject property and residential uses. Staff believes that the proposed development would be an improvement to the visual and aesthetic character of the neighborhood.

Compatibility with the Sign Ordinance

The petitioner is proposing adding channel lettered wall signs for each of the proposed spaces. The petitioner is not requesting any relief associated with this petition – he will be required to meet the underlying Sign Ordinance provisions for the B4 District.

To ensure that the proposed signage and awnings present a favorable appearance to neighboring properties, staff recommends the following items be added as additional conditions of approval:

1. That channel lettering shall only be used for the wall signs.
2. That consistent with the Sign Ordinance, the awnings shall not include text in conjunction with the wall signage.

Should the petitioner desire to install any freestanding signage at a later date, it would be subject to the underlying Sign Ordinance provisions.

Landscaping/Screening

The site plan also includes landscape improvements consisting of parking lot islands, perimeter lot and parkway tree landscaping, per code. With respect to trash enclosure screening the petitioner is proposing to use the same materials as the principal building.

Traffic/Parking

The petitioner's plan proposes the construction of a parking lot on the north and east sides of the building and construction of a service/loading area to the west side. This configuration will minimize the loading operation from the public streets.

To minimize parking conflicts on the property and to minimize impacts on adjacent properties, staff recommends that the following conditions be placed upon the requested relief:

1. No more than fifty (50%) of the proposed building square footage shall be occupied by restaurant uses.
2. That the handicapped parking spaces shall be located in a manner consistent with the Illinois Accessibility Code.

Compliance with the Subdivision and Development Ordinance

The site currently consists of one tract of land. This development would be considered a major development as expressed in the Subdivision and Development Ordinance. Therefore, the petitioner will be required to meet the provisions of Section 154.306. Staff will also require that as a condition of approval that the petitioner provides a plat of resubdivision for the property making the property a lot of record.

Additional Considerations

This property serves as a gateway parcel for visitors coming into Lombard in general and the St. Charles road corridor in particular. Staff feels it is critical that any new development on the property presents a positive image of the community. Staff has met

with the petitioner and the petitioner has incorporated staff's suggestions into their proposed building elevations and site plan accordingly.

FINDINGS AND RECOMMENDATIONS

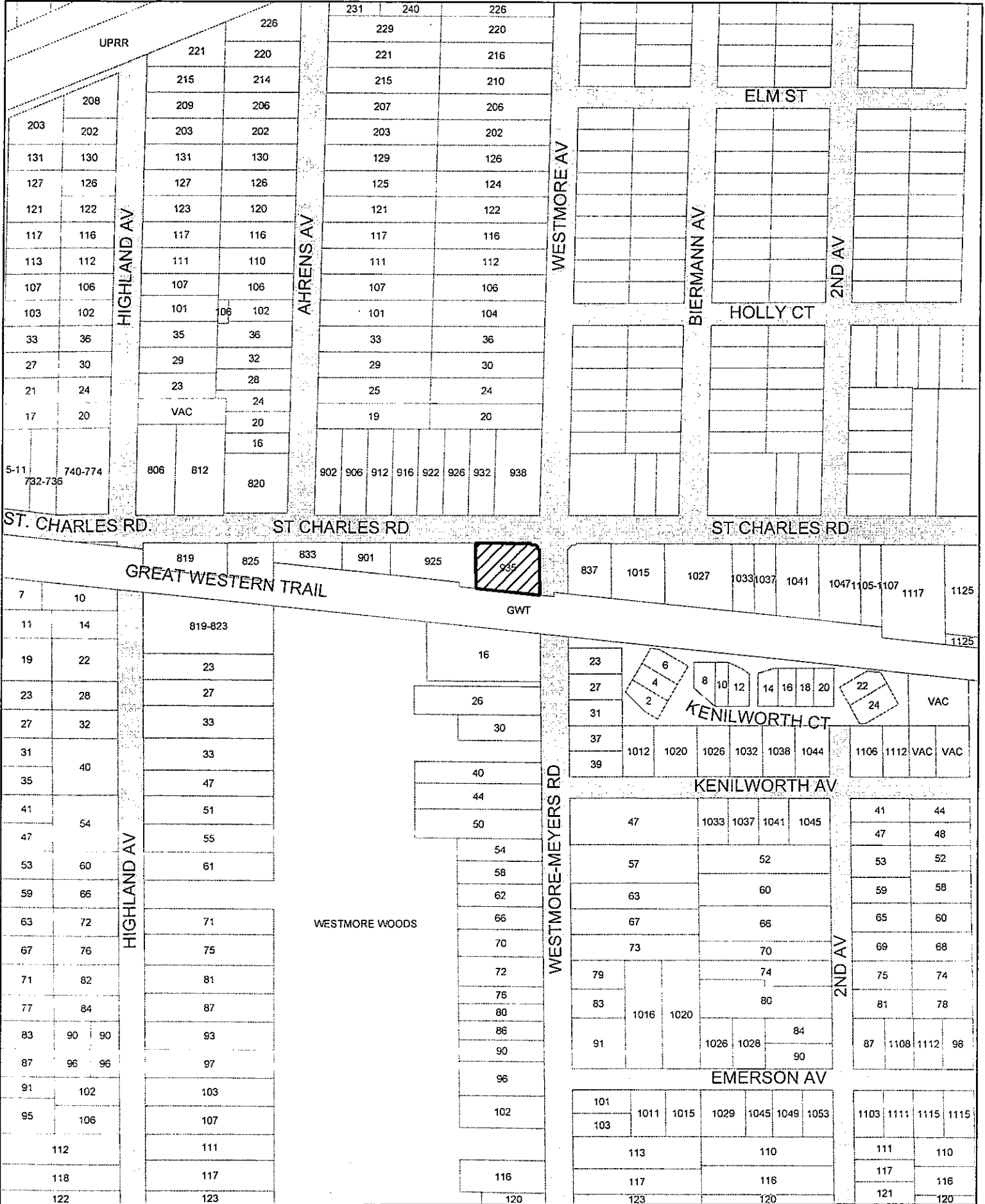
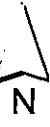
The Department of Community Development has determined that the information presented **affirmed** the Standards for Variations for the requested relief. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make the following motion recommending **approval** of the requested variations:

Based on the submitted petition and the testimony presented, the requested side yard setback variation **complies** with the Standards required for a variation by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals accept the findings on the Inter-Departmental Review Committee as the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **approval** of ZBA 04-06, subject to 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.

Location Map

ZBA 06-04
935 E. St. Charles Road



ORDINANCE NO. _____

**AN ORDINANCE GRANTING AN AMENDMENT TO ORDINANCE 5508
APPROVING VARIATIONS TO THE MINIMUM LOT AREA
AND REAR YARD SETBACK REQUIREMENTS;
LOCATED IN THE B4 CORRIDOR COMMERCIAL DISTRICT**

(ZBA 06-04: 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 District; and,

WHEREAS, on June 17, 2004, the President and Board of Trustees of the Village of Lombard adopted Ordinance 5508, which granted approval of 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, said approval was subject to conditions of approval as set forth in Ordinance 5508; and

WHEREAS, an application has heretofore been filed to amend the approved building elevations associated with Ordinance 5508; and

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Zoning Board of Appeals on February 22, 2006 pursuant to appropriate and legal notice; and,

WHEREAS, the Zoning Board of Appeals has filed its recommendations with the President and Board of Trustees recommending approval of the amendment as described herein; and,

WHEREAS, the President and Board of Trustees approve and adopt the findings and recommendations of the Zoning Board of Appeals and incorporate such findings and recommendations herein by reference as if they were fully set forth herein;

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: 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 DSITANCE 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 (hereinafter the "Subject Property")

SECTION 2: An amendment to Ordinance 5508, granting a variation from 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 the provisions of 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, is hereby granted for the Subject Property, subject to compliance with the following conditions:

Ordinance No. _____

Re: ZBA 06-04

Page 3

1. The petitioner shall develop the site in accordance with the building elevation plans prepared by Ekash Associates, Ltd., dated November 15, 2004 and submitted as part of this request.
2. All other conditions associated with Ordinance 5508 not amended by this petition 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 _____, 2006.

First reading waived by action of the Board of Trustees this _____ day of _____, 2006.

Passed on second reading this _____ day of _____, 2006.

Ayes: _____

Nays: _____

Absent: _____

Approved by me this _____, day of _____, 2006.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Ordinance No. _____

Re: ZBA 06-04

Page 4

Published by me in pamphlet form this _____ day of _____, 2006.

Brigitte O'Brien, Village Clerk