

April 19, 2007

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

**Subject: PC 07-11: Text Amendments to the Lombard Zoning Ordinance
(Administrative Variations)**

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The Village of Lombard is proposing Zoning Ordinance text amendments to Section 155.101(E): Administration and Enforcement (and other sections as needed for clarity), setting forth an alternate provision for granting variations for selected variation requests (also known as administrative variations). After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on March 19, 2007.

William Heniff, Senior Planner, presented the petition. He stated that the Community Development Department is proposing amendments providing for an administrative variation process, whereby the Zoning Board of Appeals (ZBA) is given authority to grant approval of selected variations. He noted the amendment provides for a streamlined approval process for those variation requests that are deemed to be minor in nature and have traditionally been supported by the ZBA and the Village Board. The proposed amendment establishes the types of relief that would be subject to an “administrative variation”, the process for approving such relief and the associated appeal process, if necessary.

He then noted the history of this action. The Village Board of Trustees meeting has raised concerns about the appropriate review and approval process for rear yard variations associated with non-conforming properties. Staff researched alternatives for simplifying the variation process in cases in which the requested relief was deemed to be minor in nature. While staff initially envisioned an administrative variation process that could give approval authority to Village staff, similar to the process followed by DuPage County, Counsel noted that the Village’s non-home rule authority would preclude such approvals. Instead, staff is now proposing a modified administrative approvals process whereby selected variations could be approved (or denied) by the Zoning Board of Appeals.

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The amendment streamlines the approval process and potentially allows for a quicker review of selected variation requests. The process would be similar in nature to Plan Commission's Site Plan Approvals process for selected signage relief and for off-site parking requests within established planned developments. The petitioners, staff and the Plan Commission have successfully followed the same legal procedures (i.e., provide legal notice to newspapers, send letters to adjacent property owners, conduct public hearings, make findings of fact and vote on the petitions) as all other zoning petitions. The existing Plan Commission Site Plan Approval process also has an appeals procedure to the Village Board.

The amendment would grant the authority to the ZBA to approve or deny minor variations to the bulk requirements (height, location of structures, open space requirements, etc.) and sign area relief. The language also provides an appeals procedure for either the petitioner (if the petition is denied) or another affected party. Appeals would be considered by the Village Board in the same manner that the Board currently considers zoning petitions.

Staff reviewed the residential variance petitions over the past ten years and suggests that 25% would be an appropriate cut-off for petitions eligible for an administrative variation. This comprises about one-third of all variance requests. He noted that these petitions would not be automatically granted relief by the ZBA. The petitioner would still need to meet the standards for variations.

He then discussed the specific language in the proposed amendments, noting that staff recommends approval of the petition. He also noted that staff recommends approval of the petition, subject to final review of the proposed text amendment language by Counsel.

Chairperson Ryan opened the meeting for public comment. There was no one in the audience to speak in favor of or against the petition. He then opened the meeting for discussion among the Commissioners. Commissioner Sweetser asked staff to provide the Plan Commission with a report in June or July, 2008 noting how many cases are approved through the proposed process. Mr. Heniff noted that we will provide a report to the Commissioners in 2008 accordingly.

After due consideration of the petition and the testimony presented, the Plan Commission found that the proposed text amendments complies with the standards of the Lombard Zoning Ordinance. Therefore, the Plan Commission, by a roll call vote of 4 to 0, recommends to the Corporate Authorities, approval of PC 07-11, subject to final review of the language by Counsel.

Respectfully,

VILLAGE OF LOMBARD

Donald F. Ryan
Chairperson
Lombard Plan Commission