

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

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

TO : PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott Niehaus, Village Manager

DATE : July 10, 2018 (BOT) Date: July 19, 2018

SUBJECT: ZBA 17-01: 54 S. Highland Avenue – Time Extension Request

SUBMITTED BY: William J. Heniff, AICP, Director of Community Development *WJH*

BACKGROUND/POLICY IMPLICATIONS:

The Board of Trustees approved Ordinance 7406 (ZBA 17-01) on August 17, 2017 which granted approval for a variation to reduce the required front yard setback from forty-three feet (43') to thirty-five feet (35') to construct a new single-family dwelling at 54 S. Highland Avenue. Per the variation provisions (Section 155.103(C)(10) of the Zoning Ordinance), if construction has not begun within twelve (12) months from the date of approval, the variation granted is null and void unless an extension is granted by the Board of Trustees.

Staff recommends that the Village Board approve an Ordinance extending the time period to start construction of the proposed project for an additional twelve-month period (i.e., until August 17, 2019). The petitioner is requesting a waiver of first reading of the Ordinance.

Fiscal Impact/Funding Source:

Review (as necessary):


Finance Director _____ Date _____
Village Manager _____ 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 

DATE: July 19, 2018

SUBJECT: **ZBA 17-01; 54 S. Highland Avenue – Time Extension Request**

The Board of Trustees approved Ordinance 7406 (ZBA 17-01) on August 17, 2017 which granted approval for a variation to reduce the required front yard setback from forty-three feet (43') to thirty-five feet (35') to construct a new single-family dwelling at 54 S. Highland Avenue. Per the variation provisions (Section 155.103(C)(10) of the Zoning Ordinance), if construction has not begun within twelve (12) months from the date of approval, the variation granted is null and void unless an extension is granted by the Board of Trustees.

After being advised that the approved zoning relief would expire prior to their slated construction start, the petitioner has requested an extension of the variation approval granted by the Village Board.

A copy of Ordinance 7406 is attached for your reference.

ACTION REQUESTED

Staff recommends that the Village Board approve an Ordinance extending the time period to start construction of the proposed project for an additional twelve-month period (i.e., until August 17, 2019). The petitioner is requesting a waiver of first reading of the Ordinance.

ORDINANCE NO. _____

**AN ORDINANCE GRANTING A TIME EXTENSION TO
ORDINANCE 7406 GRANTING A VARIATION PURSUANT TO
TITLE 15, CHAPTER 155, SECTION 155.407 OF THE
LOMBARD ZONING ORDINANCE**

(ZBA 17-01; 54 S. Highland Avenue)

WHEREAS, on August 17, 2017, the President and Board of Trustees of the Village of Lombard adopted Ordinance 7406 which granted approval of a variation pursuant to Title 15, Chapter 155, Section 155.407 of the Lombard Village Code to reduce the required front yard setback from forty-three feet (43') to thirty-five feet (35') for a new single-family dwelling construction on a vacant lot (54 S. Highland Avenue), located within the R2 Single-Family Residence District; and,

WHEREAS, pursuant to Section 155.103 (C)(10) of the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois, a variation shall become null and void unless work thereon is substantially underway within twelve (12) months from the date of issuance, unless further action is taken by the Village Board; and,

WHEREAS, construction has not commenced and no building permit has been issued for the development granted by Ordinance 7406; and

WHEREAS, the Village has received a letter from the owner requesting a time extension of said Ordinance; and,

WHEREAS, the President and Board of Trustees have determined that it is in the best interests of the Village of Lombard to grant said extension.

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: Ordinance 7406 is hereby further amended and extended and shall be null and void unless a building permit is obtained and the project is substantially underway within twelve (12) months of the expiration date of this Ordinance (i.e., August 17, 2019).

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Re: ZBA 17-01 Variation – Time Extension
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SECTION 2: That all other provisions associated with Ordinance 7406 not amended by this Ordinance shall remain in full force and effect.

SECTION 3: That this Ordinance is limited and restricted to the property located at 54 S. Highland Avenue, Lombard, Illinois and legally described as follows:

LOT 1 IN HORIST HIGHLANDS RESUBDIVISION, BEIN A SUBDIVISION OF PART OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 9, TOWNSHIP 39 NORTH RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 24, 2015 DOCUMENT NUMBER R2015-068021.

Parcel No: 06-09-103-071

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 _____, 2018.

First reading waived by action of the Board of Trustees this _____ day of _____, 2018.

Passed on second reading this _____ day of _____, 2018, pursuant to a roll call vote as follows:

Ayes: _____

Nays: _____

Absent: _____

Approved by me this _____ day of _____, 2018.

Keith Giagnorio, Village President

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Re: ZBA 17-01 Variation – Time Extension
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ATTEST:

Sharon Kuderna, Village Clerk

Published in pamphlet from this _____ day of _____, 2018.

Sharon Kuderna, Village Clerk

Ganser, Jennifer

From: daniel.timken@verizon.com
Sent: Thursday, June 21, 2018 4:13 PM
To: Ganser, Jennifer; Barb Timken
Subject: RE: 54 S Highland

Jennifer,

Good deal.

Thank you,

Daniel

From: Ganser, Jennifer [<mailto:GanserJ@villageoflombard.org>]
Sent: Thursday, June 21, 2018 2:01 PM
To: Barb Timken <BDTimken@comcast.net>; Timken, Daniel H <daniel.timken@one.verizon.com>
Subject: [E] RE: 54 S Highland

Thanks for the email. Let's be proactive and do a time extension. We can aim for our July 19th Board of Trustees meeting. The time extension will be for 1 year, which means the house needs to be under substantial construction by August 17, 2018. You do not need to appear at the ZBA again. You don't need to attend the July 19th BOT meeting, but you can if you like.

We'll be in touch.

Jennifer

From: Barb Timken [<mailto:BDTimken@comcast.net>]
Sent: Thursday, June 21, 2018 12:02 PM
To: Ganser, Jennifer; daniel.timken@verizon.com
Subject: 54 S Highland

Thank you for checking in Jennifer. I did not realize (or remember) that our Variance had an expiration date. We should have the final contractor registration in two weeks and should be in the midst of framing our new home in mid-August. Will we need an extension if we haven't finished constructing our home by Aug 17? Barbara

From: Ganser, Jennifer [<mailto:GanserJ@villageoflombard.org>]
Sent: Thursday, June 21, 2018 11:09 AM
To: Barb Timken (BDTimken@comcast.net); daniel.timken@verizon.com
Subject: 54 S Highland

Just a friendly reminder that we are missing a contractor registration and therefore your single family home permit has not been issued. The variance for the front yard was approved on August 17, 2017 and is set to expire on August 17, 2018. However, the Village Board can grant a one- year time extension. Do you think you will be under substantial construction by August 17, 2017? If not, we can discuss a time extension.

Thanks.