

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

 X


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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: October 9, 2006 (B of T) Date: October 19, 2006

TITLE: ZBA 06-21: 820 E. St. Charles Road

SUBMITTED BY: Department of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

The Zoning Board of Appeals transmits for your consideration its recommendation relative to the above-mentioned petition. This petition requests approval of a variation from Section 155.415 (D) of the Zoning Ordinance to reduce the required minimum lot area from 40,000 square feet to 20,727.26 square feet in the B4 Corridor Commercial District. (DISTRICT #4)

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

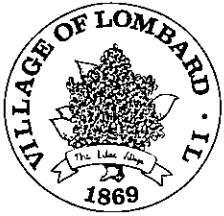
The Zoning Board of Appeals recommended approval of this petition.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____	Date _____
Finance Director X _____	Date _____
Village Manager X <u>W. T. Lichter</u>	Date <u>10/10/06</u>

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 *DAH*
Assistant Village Manager/Director of Community Development

DATE: October 19, 2006

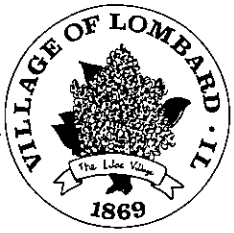
SUBJECT: ZBA 06-21: 820 E. St. Charles Road

Attached please find the following items for Village Board consideration as part of the October 19, 2006 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 06-21;
3. An Ordinance granting approval of the requested variation; and
4. Plans associated with the petition.

In order to allow the petitioner to proceed with the construction of the proposed building on the subject property prior to Winter, staff recommends that the Village Board waive a first reading of the aforementioned Ordinance.

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



VILLAGE OF LOMBARD

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Lombard, IL 60148-3926
(630) 620-5700 FAX: (630) 620-8222
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Village President
William J. Mueller

Village Clerk
Brigitte O'Brien

Trustees
Greg Alan Gron, Dist. 1
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

October 19, 2006

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

Subject: ZBA 06-21; 820 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 approval of a variation from Section 155.415 (D) of the Zoning Ordinance to reduce the required minimum lot area from 40,000 square feet to 20,727.26 square feet in the B4 Corridor Commercial District.

The Zoning Board of Appeals conducted a public hearing on September 27, 2006. Robert Mueller presented the petition. He described the location of the subject property as well as the surrounding zoning and land uses. There was previously a dilapidated residence on the property that has been removed. He became aware of the need for a lot area variation after submitting plans for a building permit. In this case there is no way to meet the lot area requirement because there is no available land.

Chairperson DeFalco then opened the meeting for public comment. There was no one present to speak for or against the petition.

Chairperson DeFalco then requested the staff report.

Jennifer Backensto, Planner II, presented the staff report. The subject property is currently a legal Lot of Record; however, it does not meet the minimum lot area requirements for the B4 District. The petitioner is requesting a lot area variation to allow for the redevelopment of the property as an office building. Aside from the lot area requirement, no other zoning relief is being requested.

When this property was developed as a single-family residence in 1927, there were no minimum lot area requirements. In 1986, the Village approved a rezoning of the western side of the block from B4 to R2, leaving two remainder B4 parcels that did not meet the minimum lot area requirements for that district.

"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."

Staff finds that the physical surroundings of the subject property create a hardship. Due to the configuration and zoning of the adjacent lots, there is no way this property could be redeveloped without some sort of zoning relief. There are three scenarios under which redevelopment could occur, all of which would require approval through the public hearing process: the proposed lot area variation, rezoning of at least three of the single-family residential properties to the north and consolidation with those properties, or a variation to the subdivision regulations regarding lot configuration. Staff feels that a lot area variation would be the most appropriate type of zoning relief in this case as it would avoid both the encroachment of commercial development into the neighboring residential area as well as setting a precedent to allow unusual, "L" shaped lots.

Although the B4 zoning within the East St. Charles Road corridor reflects the Village's general desire to see redevelopment of entire block faces within this corridor, the previous approval of R2 zoning at 806 E. St. Charles Road prevents such a consolidated development. The granting of the requested lot area variation would not alter the character of the neighborhood or negatively impact the surrounding properties as the subject property has maintained the same boundaries since its development in 1927. Furthermore, the granting of this variation would not grant a precedent for other properties within the corridor as the nearby R2 zoning and irregular lot configurations present a unique situation that is not found elsewhere in the corridor.

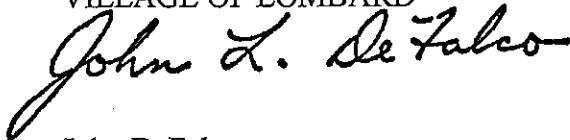
Chairperson DeFalco then opened the meeting for discussion by the Board Members.

Mr. Young asked if there were any other issues associated with the redevelopment. Ms. Backensto stated that the permit had already been reviewed and the lot area variation was the only relief necessary. All transitional yards and other B4 District requirements will be met.

After due consideration of the submitted petition and the testimony presented, the Zoning Board of Appeals, by a roll call vote of 6-0, submits this petition to the Corporate Authorities with a recommendation of approval for the requested variation.

Respectfully,

VILLAGE OF LOMBARD



John DeFalco
Chairperson
Zoning Board of Appeals

att-

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO:	Zoning Board of Appeals	HEARING DATE:	September 21, 2006
FROM:	Department of Community Development	PREPARED BY:	Jennifer Backensto, AICP Planner II

TITLE

ZBA 06-21; 820 E. St. Charles Road: The petitioner requests approval of a variation from Section 155.415 (D) of the Zoning Ordinance to reduce the required minimum lot area from 40,000 square feet to 20,727.26 square feet in the B4 Corridor Commercial District.

GENERAL INFORMATION

Petitioner/Property Owner: Robert Mueller
738 S. Elizabeth Street
Lombard, IL 60148

PROPERTY INFORMATION

Existing Zoning: B4 Corridor Commercial District
Existing Land Use: Cleared site with remaining detached garage
Size of Property: Approximately 0.46 acres

Surrounding Zoning and Land Use

North: R2 Single-Family Residence District; developed as single family homes
South: B4 Corridor Commercial District; developed as various commercial uses
East: B4 Corridor Commercial District; developed as a single-family residence
West: B4 Corridor Commercial District; developed as a contractor's office and shop

ANALYSIS

SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development:

1. Petition for Public Hearing.
2. Plat of Survey, prepared by Gentile & Associates, Inc., dated December 12, 2005.

DESCRIPTION

The subject property is currently a legal Lot of Record; however, it does not meet the minimum lot area requirements for the B4 District. The petitioner is requesting a lot area variation to allow for the redevelopment of the property as an office building. Aside from the lot area requirement, no other zoning relief is being requested.

INTER-DEPARTMENTAL REVIEW COMMENTS

Fire and Building

Fire and Building have no comments on this petition.

Public Works

Public Works Utility Division has no comments on this petition.

Private Engineering

The Private Engineering Services Division has no comments on this petition.

Planning

When this property was developed as a single-family residence in 1927, there were no minimum lot area requirements. In 1986, the Village approved a rezoning of the western side of the block from B4 to R2, leaving two remainder B4 parcels that did not meet the minimum lot area requirements for that district.

Staff finds that the physical surroundings of the subject property create a hardship. Due to the configuration and zoning of the adjacent lots, there is no way this property could be redeveloped without some sort of zoning relief. There are three scenarios under which redevelopment could occur, all of which would require approval through the public hearing process: the proposed lot area variation, rezoning of at least three of the single-family residential properties to the north and consolidation with those properties, or a variation to the subdivision regulations regarding lot configuration. Staff feels that a lot area variation would be the most appropriate type of zoning relief in this case as it would avoid both the encroachment of commercial development into the neighboring residential area as well as setting a precedent to allow unusual, "L" shaped lots.

Although the B4 zoning within the East St. Charles Road corridor reflects the Village's general desire to see redevelopment of entire block faces within this corridor, the previous approval of R2 zoning at 806 E. St. Charles Road prevents such a consolidated development. The granting of the requested lot area variation would not alter the character of the neighborhood or negatively impact the surrounding properties as the subject property has maintained the same boundaries since its development in 1927. Furthermore, the granting of this variation would not grant a precedent for other properties within the corridor as the nearby R2 zoning and irregular lot configurations present a unique situation that is not found elsewhere in the corridor.

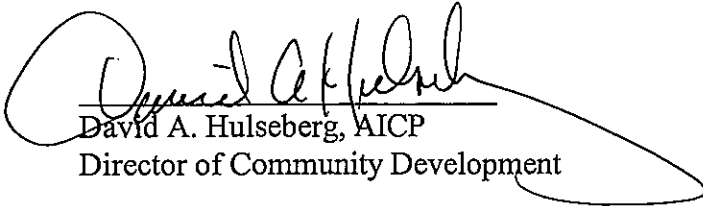
Although this petition pertains to the lot itself and is not directly related to the proposed development, the petitioner has submitted a building permit application demonstrating that the proposed office building will meet all requirements of the B4 District including setbacks, building height, open space, and landscaping.

FINDINGS AND RECOMMENDATIONS

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

Based on the submitted petition and the testimony presented, the requested 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 06-21.

Inter-Departmental Review Group Report Approved By:



David A. Hulseberg, AICP
Director of Community Development

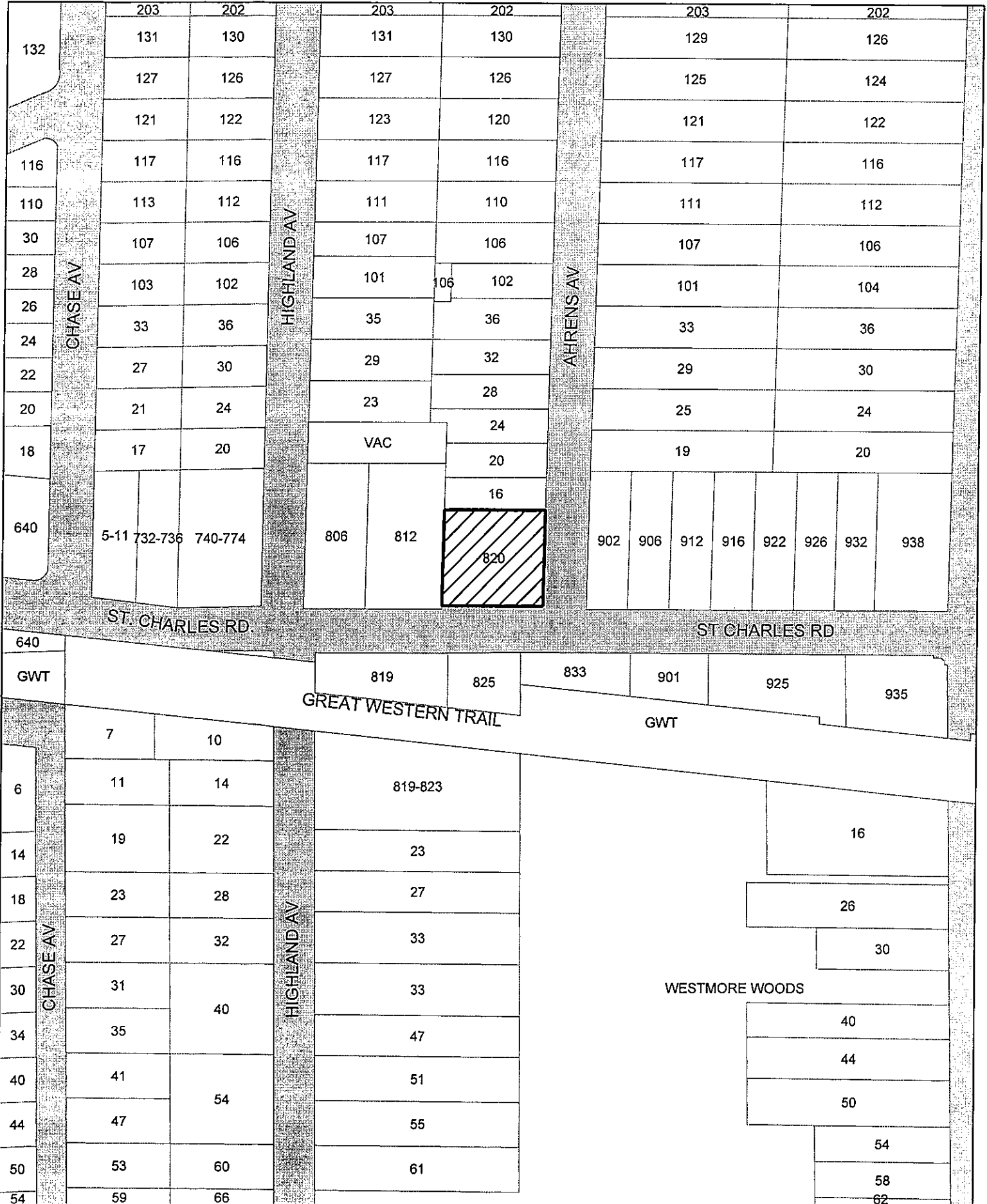
DAH:JB

att-

c: Petitioner

Location Map

ZBA 06-21



Robert H. Mueller
738 S. Elizabeth St.
Lombard, Illinois 60148
(630) 620-6224

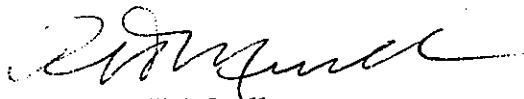
October 6, 2006

Lombard Village Board
Village of Lombard
255 E. Wilson Ave.
Lombard, Il. 60148

To Whom It May Concern:

Please be advised that I hereby request waving the first reading of the ordinance of the property located at 820 E. St. Charles Road, as I have submitted for building permits.

Respectfully,

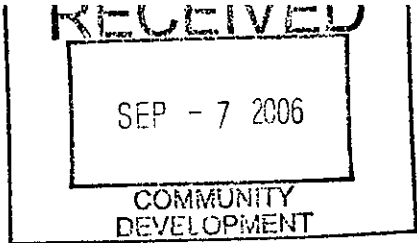


Robert H. Mueller



FREESE & ASSOCIATES, INC.
Real Estate Appraisers & Consultants

812 E. St. Charles Rd. • Lombard, IL 60148 • Office 630.932.7649 • Fax 630.932.7641



To: Village of Lombard Zoning Board

Re: Petition ZAB 06-21

To Whom It May Concern:

We as the adjacent property owners would like to voice our support for the petitioner's variance reducing the required site size. Several years ago we purchased 812 E. St. Charles Rd and completely renovated the building. The proposed structure on 820 E. St. Charles Rd will conform to the existing commercial properties and better reflect the villages desire to improve the commercial corridor along St. Charles Rd.

It is important for the village to support local businesses owned and operated by Lombardians like the petitioner and ourselves. Since the current owner has taken possession he has already resolved a long term issue the Village has had with the pervious owner regarding sight lines for safe vehicle traffic. I am confident that he will construct a building that both the village and surrounding neighbors will be proud of.

Sincerely,

David A. Freese

Daniel Radosta

ORDINANCE NO. _____

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

(ZBA 06-21: 820 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, an application has been filed requesting a variation from Section 155.415 (D) of the Zoning Ordinance to reduce the minimum required lot area from 40,000 square feet to 20,727.26 square feet; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on September 27, 2006 pursuant to appropriate and legal notice; and,

WHEREAS, the Zoning Board of Appeals has forwarded its findings with a recommendation for approval to the Board of Trustees for the requested variation described herein; 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 415 (D) of the Zoning Ordinance to reduce the minimum required lot area from 40,000 square feet to 20,727.26 square feet.

SECTION 2: That this ordinance is limited and restricted to the property generally located at 820 E. St. Charles Road, Lombard, Illinois, and legally described as follows:

LOT 1 IN ROSE'S PLAT OF CONSOLIDATION OF LOTS 1, 2 AND 3 IN A SUBDIVISION OF LOTS 56 & 57 IN ROBERTSON'S ST. CHARLES ROAD ADDITION TO WESTMORE, IN THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 8,

Ordinance No. _____
Re: ZBA 06-21
Page 2

1987 AS DOCUMENT R87-135515, AND CERTIFICATE OF CORRECTION
RECORDED AS DOCUMENT R88-43687, IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-04-310-047

SECTION 3: That 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: _____

Nayes: _____

Absent: _____

Approved this _____ day of _____, 2006.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk