

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

Resolution or Ordinance (Blue) \_\_\_\_\_ *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: August 5, 2005 (B of T) Date: August 18, 2005

TITLE: ZBA 05-11: 352 E. Roosevelt Road

SUBMITTED BY: Department of Community Development *WTL*

BACKGROUND/POLICY IMPLICATIONS:

The Zoning Board of Appeals transmits for your consideration its recommendation relative to the above-mentioned petition. This petition requests a variation to reduce the number of required parking spaces to allow for the construction of a banquet and meeting room addition in the B4 Corridor Commercial Shopping District. (DISTRICT #6)

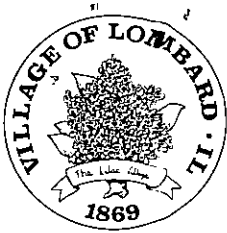
The Zoning Board of Appeals recommended approval of this petition with conditions.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X \_\_\_\_\_ Date \_\_\_\_\_  
Finance Director X \_\_\_\_\_ Date \_\_\_\_\_  
Village Manager X *W.T. Lichter* \_\_\_\_\_ Date *8/18/05*

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

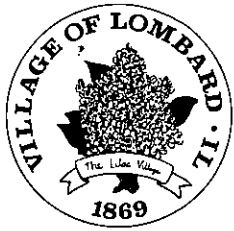
**FROM:** David A. Hulseberg, AICP, Director of Community Development *deH*

**DATE:** August 18, 2005

**SUBJECT:** ZBA 05-11; 352 E. Roosevelt Road

Attached please find the following items for Village Board consideration as part of the August 18, 2005 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 05-11 dated July 27, 2005;
3. Ordinance granting approval of the requested variation; and
4. Plans associated with the petition.



## VILLAGE OF LOMBARD

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Lombard, IL 60148-3926  
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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

"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."

August 18, 2005

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

**Subject: ZBA 05-11; 352 E. Roosevelt Rd.**

Dear President and Trustees:

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioner requests a variation to reduce the number of required parking spaces to allow for the construction of a banquet and meeting room addition in the B4 Corridor Commercial Shopping District.

The Zoning Board of Appeals conducted a public hearing on July 27, 2005. Scott Jenkins with Landmark Construction Services presented the petition. He stated the proposed addition will make use of extra space at the northwest corner of the building. He noted that the addition would be used for reserved and scheduled events. He also noted that Maxfield's has a rapid turn-over in customers and the parking lot is generally under-utilized.

Chairperson DeFalco opened the meeting for public comment. No one spoke for or against the petition. Chairperson DeFalco requested the staff report.

Michelle Kulikowski, Associate Planner, presented the staff report. Ms. Kulikowski stated that Maxfield's currently operates on the subject property as a sit-down restaurant. She mentioned that they are proposing to construct a 1,615 square foot addition at the northwest corner of the building to serve as a banquet and meeting room. She noted that the parking requirement for restaurants is based on the gross floor area. Ms. Kulikowski stated that while no parking spaces will be removed, the increased floor area will increase the number of parking spaces required. She noted that there is no more room available on site for additional parking.

Ms. Kulikowski stated that Maxfield's Restaurant is currently 5,900 square feet in size with 100 parking spaces provided on site. She noted that the Zoning Ordinance requires 94 spaces for the existing Maxfield's Restaurant, using the formula of sixteen (16) spaces per 1,000 square feet of gross floor area. She mentioned that the petitioner is proposing to construct a 1,615 square foot addition on the northwest corner of the building, which would bring the total gross floor area to approximately 7,500 square feet.

Ms. Kulikowski stated that in 2000, the Village Board approved a text amendment changing the formula for calculating the number of required parking spaces for restaurants over 7,000 square feet of gross floor area. She noted that the rationale for the text amendment was to take into consideration larger restaurants which have sizeable waiting areas and bar areas within the restaurant which increase the overall capacity of the facility and allows the restaurants to accommodate greater numbers of people than their table seating capacity. She mentioned that the average time spent at these restaurants is often longer and results in longer parking periods for patrons. Ms. Kulikowski noted that because the proposed addition will increase the gross floor area to over 7,000 square feet, the Ordinance would require 129 parking spaces to be provided on the property with the building addition.

Ms. Kulikowski stated that the purpose of the proposed addition is to serve as a meeting and banquet room. She noted that Maxfield's will essentially have two separate functions- the existing portion will continue to function as a sit-down restaurant, and the proposed addition will function essentially as a banquet hall. She stated that staff can support the parking variation on the basis that the fewer additional parking spaces would be required if the proposed addition was considered individually as a banquet hall. Ms. Kulikowski also noted that Maxfield's is not the type of restaurant that the 2000 text amendments were meant to address, and that Maxfield's is a family restaurant with peak hours for breakfast and lunch. She mentioned that they do not have a substantial waiting area or bar, and they have a faster customer turn-over.

Ms. Kulikowski noted that there are not any available options for providing additional parking. Referring to their exiting site plan, she pointed out that there is no more room on site to create additional parking spaces and the parking lot is already considered legal non-conforming as it relates to the perimeter and interior landscaping areas. She explained that bringing the property into conformance with these regulations would require the removal of existing parking spaces.

Ms. Kulikowski stated that based upon empirical observations of the property, staff has noted that the rear parking lot is usually underutilized during regular business operations. She noted that even if additional space was available of the subject property for additional parking spaces, the additional spaces would in most likelihood remain unutilized.

Ms. Kulikowski stated that both the property to the east and west do not have any surplus parking to enter into a shared parking agreement. She noted that staff believes that in order to promote good traffic flow between retail commercial properties, that the approval of the variation should be conditioned to provide for a cross-access easement between the subject property and the property to the east.

Chairperson DeFalco opened the meeting for discussion among the members.

Mrs. Newman pointed out the location of the trash enclosure on the site plan and asked if any parking spaces would be removed as a result of location of the trash enclosure. Ms. Kulikowski stated that no parking spaces were going to be removed. Mr. Jenkins confirmed her response.

Chairperson DeFalco asked for a clarification of how the number of required parking spaces were calculated. Ms. Kulikowski explained that part B of the formula for restaurants with a gross floor area to over 7,000 square feet was used.

Mr. Young asked if Maxfield's had a liquor license. Gus Zois, owner of Maxfields stated that they had a liquor license at one time, but did not currently have one. Mr. Young asked what prevented Maxfield's from turning into one of the restaurants that the 2000 text amendments were meant to address. Chairperson DeFalco asked how long ago Maxfield's got rid of their liquor license. Mr. Zois stated that had a liquor license last year, but they didn't renew the license this year. Mr. DeFalco noted that Maxfield's would have to reapply for a liquor license, at which point the Village could take into consideration the parking issue when reviewing the application for a liquor license.

Chairperson DeFalco asked what the hardship was in this circumstance. Ms. Kulikowski stated that Maxfield's will essentially have two functions. She noted that the existing portion would function as a restaurant while the proposed addition will function as a banquet hall. Ms. Kulikowski mentioned that the parking requirements are less for banquet halls and the total parking requirements would be less if the two functions were conducted within two separate structures and considered individually.

After due consideration of the submitted petition and the testimony presented, the Zoning Board of Appeals submits this petition to the Corporate Authorities with a recommendation of approval for the requested variation subject to the following conditions. The role call vote was 5 to 1.

1. That in lieu of providing the requisite 129 parking spaces on the subject property, the property owner shall maintain a minimum of 100 parking spaces on the subject

property. Said parking spaces shall be design and maintained concurrent with the provision of the Zoning Ordinance. Moreover, the accessible parking spaces shall meet the provision of the Illinois Accessibility Code.

2. That the parking variation included with this request shall be for the existing building only. In the event that the existing building is further expanded or redeveloped, the full provisions of the Zoning Ordinance shall apply, unless further varied by the Village Board.
3. That the petitioner shall develop the site in accordance with the plans submitted as part of the petition and dated June 16, 2005, with modifications to the plans incorporating the comments included as part of the Inter-Departmental Review Report.
4. That the petitioner shall apply for and receive a building permit for the proposed improvements associated with this petition.
5. That the petitioner record a cross-access easement to provide for vehicular access to the property east of the subject property. Should the abutting property owner agree to grant a cross-access easement on his/her parcel to connect to the subject property, and upon a request from the Village to do so, the petitioner and/or future subject property owner shall be obligated to install a cross-access driveway at their own expense. Said cross-access driveway shall be constructed per Village of Lombard specifications.

Respectfully,

**VILLAGE OF LOMBARD**



John DeFalco

Chairperson

Zoning Board of Appeals

**VILLAGE OF LOMBARD**  
**INTER-DEPARTMENTAL REVIEW GROUP REPORT**

TO: Zoning Board of Appeals                      HEARING DATE: July 27, 2005  
FROM: Department of Community              PREPARED BY: Michelle Kulikowski  
Development    Associate Planner

**TITLE**

**ZBA 05-11; 352 E. Roosevelt Road:** The petitioner requests a variation to reduce the number of required parking spaces to allow for the construction of a banquet and meeting room addition in the B4 Corridor Commercial Shopping District.

**GENERAL INFORMATION**

Petitioner:    Landmark Construction Services, Inc.  
18606 S. 81<sup>st</sup> Avenue  
Tinley Park, IL 60477  
Relationship of Petitioner:                      General Contractor/Builder  
Property Owner:                                      Gus Zois  
352 E. Roosevelt Rd.  
Lombard, IL 60148

**PROPERTY INFORMATION**

Existing Zoning:                                      B4 Corridor Commercial Shopping District  
Existing Land Use:                                      Sit-down Restaurant  
Size of Property:                                      Approximately 56,644 Square Feet

Surrounding Zoning and Land Use:

North:    CR Conservation/Recreation District; Southland Park  
South:    B4 Corridor Commercial Shopping District; bowling alley  
East:    B4 Corridor Commercial Shopping District; commercial shopping strip  
West:    B4 Corridor Commercial Shopping District fast food restaurant

## ANALYSIS

### SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development on June 13, 2005.

1. Petition for Public Hearing.
2. Response to the Standards for Variation.
3. Plat of Survey, prepared by Marchese Surveying, dated February 28, 2000.
4. Site Plan, prepared by N. Batistich Architects and dated June 16, 2005.
5. Architectural rendering prepared by N. Batistich Architects and dated June 10, 2005.

### DESCRIPTION

Maxfield's currently operates on the subject property as a sit-down restaurant. They are proposing to construct a 1,615 square foot addition at the northwest corner of the building to serve as a banquet and meeting room. The parking requirement for restaurants is based on the gross floor area. While no parking spaces will be removed, the increased floor area will increase the number of parking spaces required. There is no more room available on site for additional parking. The petitioner is requesting a variance to reduce the number of required parking spaces.

### INTER-DEPARTMENTAL REVIEW COMMENTS

#### ENGINEERING

##### Private Engineering Services

Storm water detention is required for the proposed addition per Section 155.55. The volume required for the 1,615 square foot addition is estimated to be 890 cubic feet for the 50% annual recurrence (2-yr) run-off event. The petitioner could request a variation from the Village Board in order to pay a fee in lieu of providing detention on site. That fee would be \$3,300 plus an administrative fee of \$150 for a total of \$3,450.

##### Public Works Engineering

If detention is provided on site, the out fall shall be connected to the storm sewer at the southeast property corner. An IDOT permit will be required for work with in the Roosevelt Rd. right-of-way in order to make this connection.



### **FIRE AND BUILDING**

The Fire Department/Bureau of Inspectional Services has no objection to the proposed addition. The addition will be required to meet all the current codes of the Village of Lombard. Specific Comments include:

1. Additional exiting will be needed directly from the addition.
2. Exiting from the west side of the building should be protected from the drive lane.
3. It is preferred that the trash enclosure be located further from the building.
4. The Fire Department Connection on the south wall shall be lowered and a protected island installed in front of the siamese to prevent parking.
5. A fire hydrant installed in the protected island dedicated for water supply to the siamese.
6. All fire alarms, emergency lighting, and related to life safety systems for the existing building will be brought into compliance of current codes.

### **PLANNING**

Maxfield's Restaurant is currently 5,900 square feet in size with 100 parking spaces provided on site. They are proposing to construct a 1,615 square foot addition on the northwest corner of the building. The addition will not be directly visible from Roosevelt Road. The building materials for the addition will match the existing building. The proposed addition will meet all of the bulk requirements for the B4 Corridor Commercial Shopping District. However, the addition will necessitate a parking variation. Appendix A notes the Zoning Ordinance description and parking requirements for various types of restaurants.

The Zoning Ordinance requires 94 spaces for the existing Maxfield's Restaurant, using the formula of sixteen (16) spaces per 1,000 square feet of gross floor area. The petitioner is proposing to construct a 1,615 square foot addition on the northwest corner of the building, which would bring the total gross floor area to approximately 7,500 square feet.

In 2000, the Village Board approved a text amendment changing the formula for calculating the number of required parking spaces for restaurants over 7,000 square feet of gross floor area. The formula is based upon the lesser of two formulas: a) 18.5 spaces per one thousand square feet of gross floor area or b) gross floor area minus 7,000 multiplied by 0.0025 plus 16 = the number of spaces per 1,000 square feet of gross floor area. The rationale for the text amendment was to take into consideration larger restaurants which have sizeable waiting areas and bar areas within the restaurant which increase the overall capacity of the facility and allows the restaurants to accommodate greater numbers of people than their table seating capacity. The average time spent at these restaurants is often longer and results in longer parking periods for patrons.

Because the proposed addition will increase the gross floor area to over 7,000 square feet, the Ordinance would require 129 parking spaces to be provided on the property with the building addition.

The purpose of the proposed addition is to serve as a meeting and banquet room. Staff finds that Maxfield's will essentially have two separate functions. The existing portion will continue to function as a sit-down restaurant, and the proposed addition will function essentially as a banquet hall. Staff can also support the parking variation on the basis that the fewer additional parking spaces would be required if the proposed addition was considered individually as a banquet hall. Staff can support the requesting parking variation because Maxfield's is not the type of restaurant that the 2000 text amendments were meant to address. Maxfield's is a family restaurant with peak hours for breakfast and lunch. They do not have a substantial waiting area or bar, and they have a faster customer turn-over.

Staff would also like to note that there are not any available options for providing additional parking. As shown on their exiting site plan, there is no more room on site to create additional parking spaces and the parking lot is already considered legal non-conforming as it relates to the perimeter and interior landscaping areas. Bringing the property into conformance with these regulations would require the removal of existing parking spaces.

Based upon empirical observations of the property, staff has noted that the rear parking lot is usually underutilized during regular business operations. Staff notes that even if additional space was available of the subject property for additional parking spaces, the additional spaces would in most likelihood remain unutilized.

Both the property to the east and west do not have any surplus parking to enter into a shared parking agreement. However, staff believes that in order to promote good traffic flow between retail commercial properties, that the approval of the variation should be conditioned to provide for a cross-access easement between the subject property and the property to the east.

## **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 requested variation:

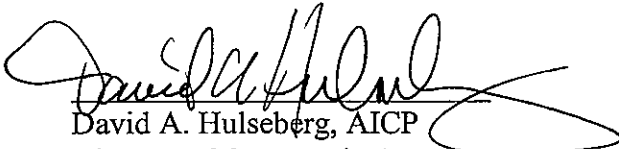
Based on the submitted petition and the testimony presented, the requested variation **does comply** with the Standards required for a variation by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals accept the findings of the Inter-Departmental Review Committee as the findings of the Zoning Board of Appeals and therefore recommend to the Corporate Authorities **approval** of ZBA 05-11, subject to the following conditions:

1. That in lieu of providing the requisite 129 parking spaces on the subject property, the property owner shall maintain a minimum of 100 parking spaces on the subject

property. Said parking spaces shall be design and maintained concurrent with the provision of the Zoning Ordinance. Moreover, the accessible parking spaces shall meet the provision of the Illinois Accessibility Code.

2. That the parking variation included with this request shall be for the existing building only. In the event that the existing building is further expanded or redeveloped, the full provisions of the Zoning Ordinance shall apply, unless further varied by the Village Board.
3. That the petitioner shall develop the site in accordance with the plans submitted as part of the petition and dated June 16, 2005, with modifications to the plans incorporating the comments included as part of the Inter-Departmental Review Report.
4. That the petitioner shall apply for and receive a building permit for the proposed improvements associated with this petition.
5. That the petitioner record a cross-access easement to provide for vehicular access to the property east of the subject property. Should the abutting property owner agree to grant a cross-access easement on his/her parcel to connect to the subject property, and upon a request from the Village to do so, the petitioner and/or future subject property owner shall be obligated to install a cross-access driveway at their own expense. Said cross-access driveway shall be constructed per Village of Lombard specifications.

Inter-Departmental Review Group Report Approved By:



David A. Hulseberg, AICP  
Director of Community Development

DAH:MK

att-

c: Petitioner

**Appendix A: Parking Requirements for Various Types of Dining Establishments**

Type of Establishment	Definition	Parking Requirements
Sit-Down Restaurants (less than 7,000 gross square feet)	An establishment whose principal business is the dispensing of edible, prepared food and/or beverages and exhibits a preponderance of the following characteristics:	16 spaces per 1,000 s.f. of gross floor area
Sit-Down Restaurant (7,000 gross square feet or over)	<ul style="list-style-type: none"> <li>a. Food served at tables, booths, or counter with chairs, benches, or stools;</li> <li>b. Reusable containers and dinnerware;</li> <li>c. Food consumption primarily on premises;</li> <li>d. Individual menus;</li> <li>e. Customers pay for food after consuming it;</li> <li>f. Restaurant staff busses tables; and</li> <li>g. Food typically ordered, served, and consumed in 30 minutes or more.</li> </ul>	Based upon the lesser of two formulas:  a) 18.5 spaces per 1,000 s.f. of gross floor area b) $\text{space}/1,000 = ((\text{GFA} - 7,000) * 0.0025 + 16)$
Fast Food Restaurant	An establishment whose principal business is the dispensing of edible, prepared food and/or beverages and exhibits a majority of the following characteristics: <ul style="list-style-type: none"> <li>a. Food served at walk-up counter or drive-through window;</li> <li>b. Disposable or edible containers;</li> <li>c. Food consumption on or off premises;</li> <li>d. Permanent menu board;</li> <li>e. Customers pay for food before consuming it;</li> <li>f. Trash receptacles provided for self-service bussing;</li> <li>g. Food typically ordered, served, and consumed in 30 minutes or less;</li> <li>h. Standardized floor plans (if a chain or franchised restaurant); and</li> <li>i. Self-service condiment bar.</li> </ul>	12 spaces per 1,000 s.f. of gross floor area
Banquet Hall	An establishment where the only business is the preparation and dispensing of elaborate and often ceremonial meals to numerous persons on the premises and which is characterized by the following: <ul style="list-style-type: none"> <li>a. does not provide carry-out service to individuals;</li> <li>b. advertises only on an individual establishment basis for group meal services only;</li> <li>c. provides service only by reservation and only to groups (typically twenty (20) or more) for banquets, anniversaries, weddings, business parties and other like uses; and</li> <li>d. as part of the banquet activity, facilities such as dance floors and live entertainment such as disc jockeys or bands may be provided as an accessory use only.</li> </ul>	1 space per 3 seats plus one space per employee



Village of Lombard  
Petition for Public Hearing

**Description of Project**

Maxfield's Restaurant, 352 Roosevelt Road, Lombard, IL 60148 proposes an addition on the existing building on land that is presently not productively used.

The purpose of the addition is to allow Maxfield's to offer the community and neighborhood a place for reserved and scheduled dining events like civic clubs, funerals, private parties, business meetings, or other similar activities. Typically, these events will be scheduled during times when the restaurant's main dining room is not busy.

The proposed addition is unobtrusive and has no visual impact from Roosevelt Road. Because this new space will be scheduled during low periods and has no additional utility requirements, there is no need for additional parking and it makes no additional impact on public utilities, traffic, or other infrastructure and services.

## VII. STANDARDS FOR CONDITIONAL USES

The following is an excerpt from the Lombard Zoning Ordinance. A **detailed response** to all of these standards should be provided for all conditional uses of the Lombard Zoning Ordinance.

### SECTION 155.103 (F)(8) OF THE LOMBARD ZONING ORDINANCE

No conditional use shall be recommended by the Plan Commission unless it finds:

1. That the establishment, maintenance, or operation of the conditional use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare;  
*The proposed addition to Maxfield's Restaurant, 352 Roosevelt Road, Lombard, IL, here after referred to as addition, will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare.*
2. That the conditional use will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish and impair property values within the neighborhood in which it is to be located;  
*The addition will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish and impair property values within the neighborhood in which it is to be located.*
3. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;  
*The addition will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. This restaurant is between another restaurant and a shopping center. To the North is a detention basin which serves the Park District.*
4. That the adequate public utilities, access roads, drainage and/or necessary facilities have been or will be provided;  
*The existing public utilities, access roads, drainage and/or necessary facilities are adequate for the addition. The addition will not create a net increase in impervious surface.*
5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;  
*The existing ingress and egress will serve the addition and are adequate to minimize congestion in the public streets. There are two existing curb cuts.*

6. That the proposed conditional use is not contrary to the objectives of the current Comprehensive Plan for the Village of Lombard; and,  
*The addition is not contrary to the objectives of the current Comprehensive Plan for the Village of Lombard. The restaurant is classified "community commercial." The proposed addition will not change this classification.*
  
7. That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Plan Commission.  
*The addition conforms in all other respects to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Plan Commission.*



## IX. STANDARDS FOR PLANNED DEVELOPMENTS

The following is an excerpt from the Lombard Zoning Ordinance. A detailed response to all of these standards should be provided for all requests for Planned Developments.

### SECTION 155.508 (A) (B) (C) OF THE LOMBARD ZONING ORDINANCE

Except as provided below, no planned development shall be approved unless the Village Plan Commission and the Village Board find that the development meets the standards for conditional uses, and the standards set forth in this Section. Notwithstanding the foregoing, the Village Board may approve a planned development which does not comply with these standards or with the standards for conditional use, if the Board finds that the application of such standards, to the development being considered, would not be in the public interest.

#### A. General Standards

1. Except as modified by and approved in the final development plan, the proposed development complies with the regulations of the district or districts in which it is to be located.  
*The addition complies with the provisions of the B4 community commercial district. It meets and will continue to meet all setbacks.*
2. Community sanitary sewage and potable water facilities connected to a central system are provided.  
*The existing facility is connected to community sanitary sewage and potable water facilities. The proposed addition makes no additional demands on these systems.*
3. The dominant use in the proposed planned development is consistent with the recommendations of the Comprehensive Plan of the Village for the area containing the subject site.  
*The addition is consistent with the recommendations of the Comprehensive Plan of the Village for the area containing the subject site. The restaurant is classified "community commercial." The proposed addition will not change this classification.*
4. That the proposed planned development is in the public interest and is consistent with the purposes of this Zoning Ordinance.  
*The addition is in the public interest and is consistent with the purposes of this Zoning Ordinance.*

5. That the streets have been designed to avoid:  
*The addition does not involve any additional streets.*

- a. Inconvenient or unsafe access to the planned development;  
*It has no inconvenient or unsafe access.*
- b. Traffic congestion in the streets which adjoin the planned development;  
*Will not be a cause of traffic congestion.*
- c. An excessive burden on public parks, recreation areas, schools, and other public facilities which serve or are proposed to serve the planned development.  
*Will not be a burden on public parks, recreation areas, schools, and other public facilities, which serve or are proposed to serve the planned development.*

B. Standards for Planned Developments with Use Exeptions  
*This section is not applicable to the proposed addition.*

C. Standards for Planned Development with Other Exceptions  
*This section is not applicable to the proposed addition.*

## XI. STANDARDS FOR VARIATIONS

The following is an excerpt from the Lombard Zoning Ordinance. A **detailed response** to all of these standards should be provided for all variations of the Lombard Zoning Ordinance and Lombard Sign Ordinance.

### SECTION 155.103.C.7 OF THE LOMBARD ZONING ORDINANCE

The regulations of this ordinance shall not be varied unless findings based on the evidence presented are made in each specific case that affirms each of the following standards:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.  
*The location of the proposed addition is the only space available for this addition. The proposed addition needs to be a part of the existing building in order to provide the services and meet the community need. There is no other land available on the site. There is not additional land available from other nearby sources.*
2. The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification.  
*The proposed addition is planned for under utilized land on the property. The proposed addition puts this land to productive use.*
3. The purpose of the variation is not based primarily upon a desire to increase financial gain.  
*The purpose of the variation is for the business proprietor to serve the needs of the community for private scheduled dining events. The addition is not typical restaurant seating.*
4. The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.  
*Persons having an interest in the property have not caused a difficulty or hardship. Rather, the proposed addition is in response to an identified community need. The restaurant is open 6 am to 12 am throughout the day. Peak hours are of course during breakfast, lunch and dinner however due to rapid turnover, the rear parking lot is largely unused. The use of the new addition will be controlled and scheduled. At off peak times, as the kitchen staff have limits as to their capacity.*

5. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

*The addition will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.*

6. The granting of the variation will not alter the essential character of the neighborhood; and,

*Granting of the variation will not alter the essential character of the neighborhood. The proposed addition is not visible from Roosevelt Road. Please see the elevation drawing included with this package.*

7. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

*The addition will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.*

ORDINANCE NO. \_\_\_\_\_

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

(ZBA 05-11: 352 E. Roosevelt 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 with the Village of Lombard requesting a deviation from Section 155.602 (C) to reduce the number of required parking spaces from 129 to 100 in a B4 Corridor Commercial District; and

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on July 27, 2005 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; 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 subject to conditions.

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 155.602(C) of the Lombard Zoning Ordinance for the property described in Section 2 below, so as to reduce the number of required parking spaces from 129 to 100.

SECTION 2: This ordinance is limited and restricted to the property generally located at 1051 S. Stewart, Lombard, Illinois, and legally described as follows:

LOT 1 OF NOLDEN'S ASSESMENT PLAT, BEING THE EAST 220.00 FEET OF THE SOUTH 350.00 FEET OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-17-316-007

SECTION 3: This ordinance shall be granted subject to compliance with the following conditions:

1. That in lieu of providing the requisite 129 parking spaces on the subject property, the property owner shall maintain a minimum of 100 parking spaces on the subject property. Said parking spaces shall be design and maintained concurrent with the provision of the Zoning Ordinance. Moreover, the accessible parking spaces shall meet the provision of the Illinois Accessibility Code.
2. That the parking variation included with this request shall be for the existing building only. In the event that the existing building is further expanded or redeveloped, the full provisions of the Zoning Ordinance shall apply, unless further varied by the Village Board.
3. That the petitioner shall develop the site in accordance with the plans submitted as part of the petition and dated June 16, 2005, with modifications to the plans incorporating the comments included as part of the Inter-Departmental Review Report.
4. That the petitioner shall apply for and receive a building permit for the proposed improvements associated with this petition.
5. That the petitioner record a cross-access easement to provide for vehicular access to the property east of the subject property. Should the abutting property owner agree to grant a cross-access easement on his/her parcel to connect to the subject property, and upon a request from the Village to do so, the petitioner and/or future subject property owner shall be obligated to install a cross-access driveway at their own expense. Said cross-access driveway shall be constructed per Village of Lombard specifications.

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 \_\_\_\_\_, 2005.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

Ayes: \_\_\_\_\_

Ordinance No. \_\_\_\_\_

Re: ZBA 05-11

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Nayes: \_\_\_\_\_

Absent: \_\_\_\_\_

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
William J. Mueller, Village President

ATTEST:

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Brigitte O'Brien, Village Clerk

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