

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) _____

X

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: January 10, 2006 (B of T) Date: January 19, 2006

TITLE: ZBA 05-20: 609 E. St. Charles 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 Section 155.415(F)(1) to reduce the front yard setback from thirty feet (30') to ten feet (10') to allow for the construction of a bay window on an existing legal non-conforming structure in the B4 Corridor Commercial District. (DISTRICT #5)

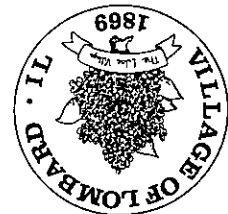
At the request of Trustee Florey, this item has been moved to Separate Action.

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

Fiscal Impact/Funding Source:
Review (as necessary):


Village Attorney X _____
Finance Director X _____
Village Manager X _____
Date _____
Date _____
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: William T. Lichter, Village Manager

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

DATE: January 19, 2006

SUBJECT: ZBA 05-20: 609 E. St. Charles Road

Attached please find the following items for Village Board consideration at the January 19, 2006 Village Board meeting:

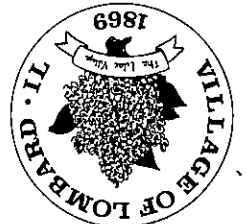
1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 05-20;
3. An Ordinance granting approval of the requested variation subject to amended conditions of approval; and
4. Plans and supporting materials provided by the petitioner.

Please contact me if you have any questions.

H:\CD\WORD\USER\ZBA Cases\2005\ZBA 05-20\WTL referral memo.doc

VILLAGE OF LOMBARD

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Lombard, IL 60148-3926
(630) 620-5700 FAX: (630) 620-8222
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www.villageoflombard.org



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

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

Subject: ZBA 05-20; 609 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 a variation from Section 155.415 (F) (1) of the Lombard Zoning Ordinance to reduce the front yard setback from thirty feet (30') to ten feet (10') in the B4 Corridor Commercial District.

The Zoning Board of Appeals conducted a public hearing on December 28, 2005. Bob Carter, owner of the subject property at 609 East St. Charles Road, presented the petition. He stated that Seamless Gutters replaced the existing glass block window because the window frame was rotting out. He mentioned that when he asked the Village, he was told he did not need a permit to replace the window. He stated that the bay window is not a sidewalk obstruction, and that it is an enhancement to the property. He noted that he received several compliments about the window.

Brian Carter, manager of Seamless Gutters, stated that he was involved in the window design. He noted that it took nearly ten weeks to construct the window. He mentioned that he never thought about the setback when designing the window. He also stated that the size of the window opening has not changed.

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

Michelle Kulkowski, Planner I, presented the staff report. She stated that the existing building was constructed in 1956 at a distance ten feet (10') from the front property line, and is now considered legal non-conforming as the B4 Corridor Commercial District requires a minimum 30-foot front yard setback. The petitioner removed an existing window flush with the building in 2004 and constructed a replacement bay window.

"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."

As the bay window projects out further from the facade of the building than the original window, the new bay window is increasing the degree of non-conformity and, therefore, requires a variation. She noted that the bay window was constructed without a building permit, and Village staff issued a stop work order upon identifying the window improvements.

Ms. Kulikowski stated the constructed bay window is similar in style and design to an existing bay window on the front facade west of the subject bay window. She mentioned that bay window protrudes approximately twenty-two inches (22") at the roof and twenty-eight inches (28") for the bracing from the front wall of the building. She mentioned that the actual opening of the window remains the same, but the new bay window incorporates a mansard roof above the window opening and gusset supports under the window opening. She noted that the Zoning Ordinance does provide for bay window encroachments (Sec. 155.212, Table 2.1), provided that the bay window is no more than one story high and not projecting more than three (3) feet into the requisite thirty-foot (30') front yard. She mentioned that the bay window cannot be located closer than twenty-seven feet (27') from the front property line.

Ms. Kulikowski stated that staff finds that the bay window does not substantially increase the degree of non-conformity with regard to the front yard setback. She noted that the bay window does not have a foundation, and it does not actually increase the floor area of the building. She mentioned that from a visual perspective along St. Charles Road, the existing roadway arc draws the motorist's eye away from the subject property, which decreases the overall visual impact of the encroachment. She stated that staff also finds that the window improvements are not detrimental or injurious to other properties or improvements in the area, and the added architectural elements are an aesthetic improvement to the property and the St. Charles Road Corridor.

Ms. Kulikowski stated that the property is part of the study area of the St. Charles Ad Hoc Committee. She noted that the objectives outlined in the St. Charles Ad Hoc Committee Report issued in January 1999 include encouraging site improvements, integrating planned landscaping improvements, and encouraging adequate screening of outdoor storage and parking lots. She mentioned that as this property was part of the study area of the St. Charles Ad Hoc Committee, the goal of any zoning actions requested by property owners is to bring the properties in closer compliance with the corridor objectives and the Comprehensive Plan. She stated that in consideration of the requested relief, staff believes that the petition can supported if the proposed improvements are considered in the context of addressing some of the nonconformities on the subject property. She noted that as the relief is for an encroachment within the front yard (the most visible yard) those non-conformities should be addressed which include: removal of the existing cargo containers on the property, parking lot improvements, and fence improvements.

Chairperson Defalco opened the meeting for discussion among the members.

Mr. Bedard noted that he did not agree with some of the conditions of approval outlined in the staff report. He stated that he felt that some of the conditions didn't have anything to do with the requested variation for the bay window.

Chairperson Defalco stated that it is common for cases heard before the Plan Commission to have conditions of approval related to aesthetic concerns for the subject property as a whole. He noted that many of these cases are associated with new development. He said he didn't recall any instances where the Zoning Board of Appeals outlined such conditions of approval.

Mr. Bedard asked about the amortization of storage containers and whether Seamless Gutters was already required to remove their storage containers.

Mrs. Newman stated that she agreed that the conditions of approval should only be related to the variation request.

Chairperson Defalco mentioned the Harlem Furniture signage variation (ZBA 05-15) in which staff brought up the issue of fly dumping on the property. He noted that the ZBA decided not to include it as a condition of approval, but rather have it handled through the Code Enforcement process, should the problem continue to occur.

Chairperson Defalco noted that there was reason to comply with the request to remove the cargo container, but he did not see a rationale for requiring the parking lot to be paved. He said that there are many gravel driveways in Lombard. He questioned if a residential property with a gravel driveway were seeking a variation, would the Zoning Board of Appeals require that the driveway be paved as a condition of approval.

William Heniff, Senior Planner, noted that ultimately the Zoning Board of Appeals can amend or strike conditions of approval as they see fit.

Mrs. Newman mentioned that if the property owner were to put up a new fence they would have to comply with the fence regulations.

Mr. Bedard mentioned that he noticed the fence on the property was in disrepair. He asked that the petitioner take a look at fixing the fence.

Chairperson Defalco asked about the timeline of events as far as the Village recognizing the bay window encroachment. Brian Carter stated that they hadn't had their rough inspection when the Village notified them about the bay window encroachment. He noted that it was a long time after the window was finished that the Village issued a stop work order. Robert Carter noted that the bay window was custom made. He described the unique construction of the building which required that the window be custom made.

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 of ZBA 05-20 by a roll call vote of 4-0, subject to the following amended conditions:

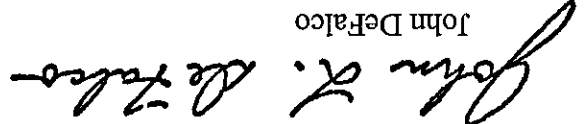
1. That the petitioner shall satisfactorily address all of the comments within the IDRC report, as follows:
 - a. The property owner shall submit the required building permit application and construction documents to the Building Department for proper review and permit issuance.
 - b. The construction of the already installed bay window will have to be inspected to determine if the code correct construction materials were used, including any and all electrical work installed within the bay construction.
 - c. It will also need to be determined if any fire protection devices are to be installed in order to make the construction code compatible with the rest of the building.

2. The petitioner/property owner shall apply for and receive approval from the Village for any requisite building permits prior to commencing work on the property.

3. The relief included as part of this petition shall only apply to the encroachment for the bay window on the subject property. This relief shall not apply to any existing building and structures on the subject property. If in the event that the principal building at 609 E. St. Charles Road is damaged or destroyed more than fifty percent of the value of the principal building, the relief shall no longer apply.

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:** December 28, 2005

FROM: Department of Community Development
PREPARED BY: William J. Heniff, AICP
Senior Planner

TITLE

ZBA 05-20; 609 E. St. Charles Road: The petitioner requests a variation to Section 155.415 (F) (1) of the Lombard Zoning Ordinance to reduce the front yard setback from thirty feet (30') to ten feet (10') to allow for the construction of a bay window on an existing legal non-conforming structure in the B4 Corridor Commercial District.

GENERAL INFORMATION

Petitioner/Property Owner: Robert Carter Sr.
841 Saylor
Elmhurst, IL 60126

PROPERTY INFORMATION

Existing Zoning: B4 Corridor Commercial District
Existing Land Use: Contractor's yard and warehouse/showroom
Size of Property: Approximately 31,784 sq. ft.

Surrounding Zoning and Land Use:

North: I Limited Industrial District; developed as light industrial uses.
South: R2 Single Family Residential District; developed as Great Western Trail.
East: St. Charles Road right-of way and property zoned B4 Corridor Commercial District; developed as Lombard Auto Wreckers' parking lot.
West: B4 Corridor Commercial District; developed as automobile repair establishment.

ANALYSIS

SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development on October 20, 2005.

1. Petition for Public Hearing with the response to Standards for Variations
2. Plat of Survey, prepared by Gentile & Associates, dated October 13, 2004.
3. Site Plan and Interior Floor Plan, prepared by the petitioner.
4. Proposed Exterior Elevation Sketch, prepared by the petitioner.
5. Photographs of Subject Property.

DESCRIPTION

The existing building was constructed in 1956 at a distance ten feet (10') from the front property line. It is now considered legal non-conforming as the B4 Corridor Commercial District requires a minimum 30-foot front yard setback. The petitioner removed an existing window flush with the building in 2004 and constructed a replacement bay window. As the bay window projects out further from the facade of the building than the original window, the new bay window is increasing the degree of non-conformity and, therefore, requires a variation.

INTER-DEPARTMENTAL REVIEW COMMENTS

ENGINEERING

Private Engineering Services

Private Engineering Services has no comments at this time.

Public Works Engineering

Public Works Engineering has no comments at this time.

FIRE AND BUILDING

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

- If the variation is granted, property owner shall submit the required building permit application and construction documents to the Building Department for proper review and permit issuance.
- The construction of the already installed bay window will have to be inspected to determine if the code correct construction materials were used, including any and all electrical work installed within the bay construction.

- It will also need to be determined if any fire protection devices are to be installed in order to make the construction code compatible with the rest of the building.

PLANNING

The subject property consists of several lots of record or portion of lots of record. The property is improved with two principal buildings (601 and 609 E. St. Charles Road) and an accessory storage building. The principal buildings are used as showroom, warehouse and office areas for Seamless Gutter, a home improvement contractor's shop and yard. In 2004, the petitioner constructed a new bay window on the 609 E. St. Charles Road building, replacing an existing window that was flush with the exterior facade. The property owner constructed the bay window without permits. The constructed bay window is similar in style and design to an existing window that exists on the front facade west of the subject bay window on the 609 East St. Charles Road building.

Village staff identified the window improvements constructed on the 601 East St. Charles Road building and issued a stop work order. The property owner was informed to apply for the requisite building permits. However, as the bay window in question encroaches into the front yard, staff cannot sign off on a building permit for the window unless the property owner applied for and receives a variation for the constructed bay window.

Compliance with the Zoning Ordinance

The existing building is located approximately 11.5 feet south of the front (north) property line. The existing building was constructed in 1956, prior to the annexation of the property into the Corporate limits of the Village, and is classified as a legal non-conforming structure. The previous window was flat and in-line with the front wall of the building. The property owner replaced the flat window with a bay window that protrudes approximately twenty-two inches (22") at the roof and twenty-eight inches (28") for the bracing from the front wall of the building. The actual opening of the window remains the same, but the new bay window incorporates a mansard roof above the window opening and gusset supports under the window opening.

The Zoning Ordinance does provide for bay window encroachments (Sec. 155.212, Table 2.1), provided that the bay window is no more than one story high and not projecting not more than three (3) feet into the requisite thirty-foot (30') front yard. Or in other words, bay window cannot be located closer than twenty-seven feet (27') from the front property line.

Compliance with the Comprehensive Plan

The Comprehensive Plan identifies the subject property for commercial uses. In the St. Charles Ad Hoc Committee Report issued in January 1999, one of the goals of the Committee was to develop a strong and positive image and appearance which establishes a unified image and sense of place and which reinforces and supports commercial and economic activity along the corridor. The objectives listed to achieve this goal include encouraging site improvements, integrating planned landscaping improvements, and encouraging adequate screening of outdoor storage and parking lots.

Staff Considerations

Staff finds that the bay window does not substantially increase the degree of non-conformity with regard to the front yard setback. The bay window does not have a foundation, and it does not actually increase the floor area of the building. From a visual perspective along St. Charles Road, the existing roadway arc draws the motorist's eye away from the subject property, which decreases the overall visual impact of the encroachment. Staff also finds that the window improvements are not detrimental or injurious to other properties or improvements in the area. The added architectural elements are an aesthetic improvement to the property and the St. Charles Road Corridor.

As this property was part of the study area of the St. Charles Ad Hoc Committee, the goal of any zoning actions requested by property owners is to bring the properties in closer compliance with the corridor objectives and the Comprehensive Plan. Also, in consideration of the requested relief, staff believes that the petition can be supported if the proposed improvements are considered in the context of addressing some of the nonconformities on the subject property. Of particular note, as the relief is for an encroachment within the front yard (the most visible yard) those non-conformities should be addressed. These include:

1. **Removal of existing cargo containers on the property.** In 2003, the Village Board created amortization provisions for non-conforming cargo containers on commercial properties. As the petitioner has several such containers located on the property, staff believes that removal of these containers should be a condition of the relief. While the Village's amortization provisions establish a three-year time period for removal, staff would support tying the removal to the relief request and requiring that the containers be removed from the premises within six months from the date of approval of any associated Ordinances of approval.

2. **Parking lot improvements.** Much of the parking area to the side and rear of the subject property is a gravel surface. In order to address this non-conformity, staff also suggests as a condition of approval that at the existing parking/storage/gravel areas be surfaced per Village Code (i.e., asphalt or concrete surface, per Village specifications) within six months from the date of approval of any associated Ordinances.

3. **Fence Improvements.** It is also important to note that in a memorandum to the St. Charles Ad Hoc Committee Members on April 22, 1998, one of the goals of the Committee was to encourage adequate screening of outdoor storage and parking lots. The petitioner's existing fencing around their outside work/storage areas is a combination of barbed wire chain link fencing with plastic slats and wood solid picket fencing. Their placement is inconsistent in design and appearance. Staff notes that the fencing abutting this area is in a partial state of disrepair. As such staff recommends that the fencing of the yard area should be improved pursuant to Village Code.

As was required for the Matthies Landscaping property across the street from the petitioner's property, staff recommends that the existing fencing be removed and that a solid fence be established for the site. Said fence shall be at least six feet in height and not more than eight feet in height. The fence design shall be of a uniform design and shall meet the solid fence requirements established in the Zoning Ordinance. The exterior of the fence shall be of a decorative material (i.e., wood, or PVC), with the final design subject to the Director of Community Development.

4. Lastly, in support of the petitioner's request, staff recommends that the relief only be provided for the subject bay window and the relief shall not apply to any other nonconformities on the subject property. In the event the property is redeveloped in the future, the relief shall not apply.

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 **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 on the Inter-Departmental Review Committee as the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **approval** of ZBA 05-20, subject to the following conditions:

1. That the petitioner shall satisfactorily address all of the comments within the IDRC report, as follows:
 - a. The property owner shall submit the required building permit application and construction documents to the Building Department for proper review and permit issuance.
 - b. The construction of the already installed bay window will have to be inspected to determine if the code correct construction materials were used, including any and all electrical work installed within the bay construction.
 - c. It will also need to be determined if any fire protection devices are to be installed in order to make the construction code compatible with the rest of the building.
2. Any cargo containers and/or trailers shall be removed from the premises within six months from the date of approval of any associated Ordinances of approval. Any future containers and/or trails located on the property must meet the full provisions of Section 155.603(C) of the Zoning Ordinance.

3. The existing parking/storage gravel areas shall be surfaced per Village Code (i.e., asphalt or concrete surface, per Village specifications) within six months from the date of approval of any associated Ordinances of approval.

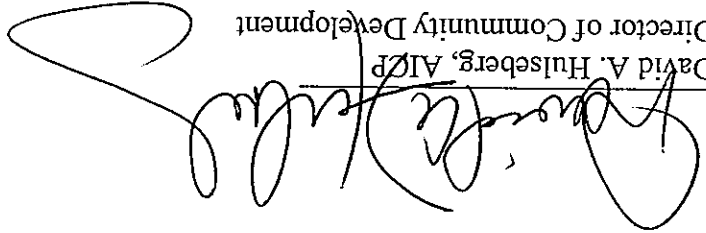
4. The existing fencing shall be removed and that a solid fence shall be established for the site. Said fence shall be at least six feet in height and not more than eight feet in height. The fence design shall be of a uniform design and shall meet the solid fence requirements established in the Zoning Ordinance. The exterior of the fence shall be of a decorative material (i.e., wood, or PVC), with the final design subject to the Director of Community Development.

5. The petitioner/property owner shall apply for and receive approval from the Village for any requisite building permits prior to commencing work on the property.

6. The relief included as part of this petition shall only apply to the encroachment for the bay window on the subject property. This relief shall not apply to any existing building and structures on the subject property. If in the event that the principal building at 609 E. St. Charles Road is damaged or destroyed more than fifty percent of the value of the principal building, the relief shall no longer apply.

7. This relief shall be applicable exclusively to the subject property legally described in the Ordinance of approval.

Inter-Departmental Review Group Report Approved By:


David A. Hulseberg, AICP
Director of Community Development

DAH:WJH

c: Petitioner

October 19, 2005

Standards for Variation Reply:

1. Structure lies on curving roadway approximately 12 feet from lot line. Replacement of existing window is not allowed by Village regulation. Building is approximately 60 years old and constructed before requirement of 30 foot setback. Under current Village regulations, same replacement could not be made due to location of building to lot line. Considerable expense of \$22,000 has been made and can only be recouped if repair / replacement be let stand.
2. The unique location to the lot line greatly effects improvements that can be made in this specific building.
3. This window was installed to replace rotting frames. Public comments not beneficial to the nature of this company's primary activity. And not beneficial to the east gateway of the Village of Lombard were received. Previously existing box bay was rusting and deteriorating by rot and causing glass to become unsafe. Window was replaced only to improve a deteriorating condition. Village has copy of existing blueprints to verify.

4. Acting as general manager petitioner has no titled interest in this building. Purpose of variation is primarily to replace the window and door which were existing.

5. The building parking sidewalk incurs foot traffic of 2, possibly 6, people on the nicest of days. Well established yew plants are cared for in existing raised curb planters. Both help protect any food traffic from hitting the building or window should they not be seen. These safety precautions exist and have not been necessary, however they will be maintained.

All glass in window is double strength safety glass versus 1/8" plate glass which was replaced. This is a significant improvement toward a safer condition.

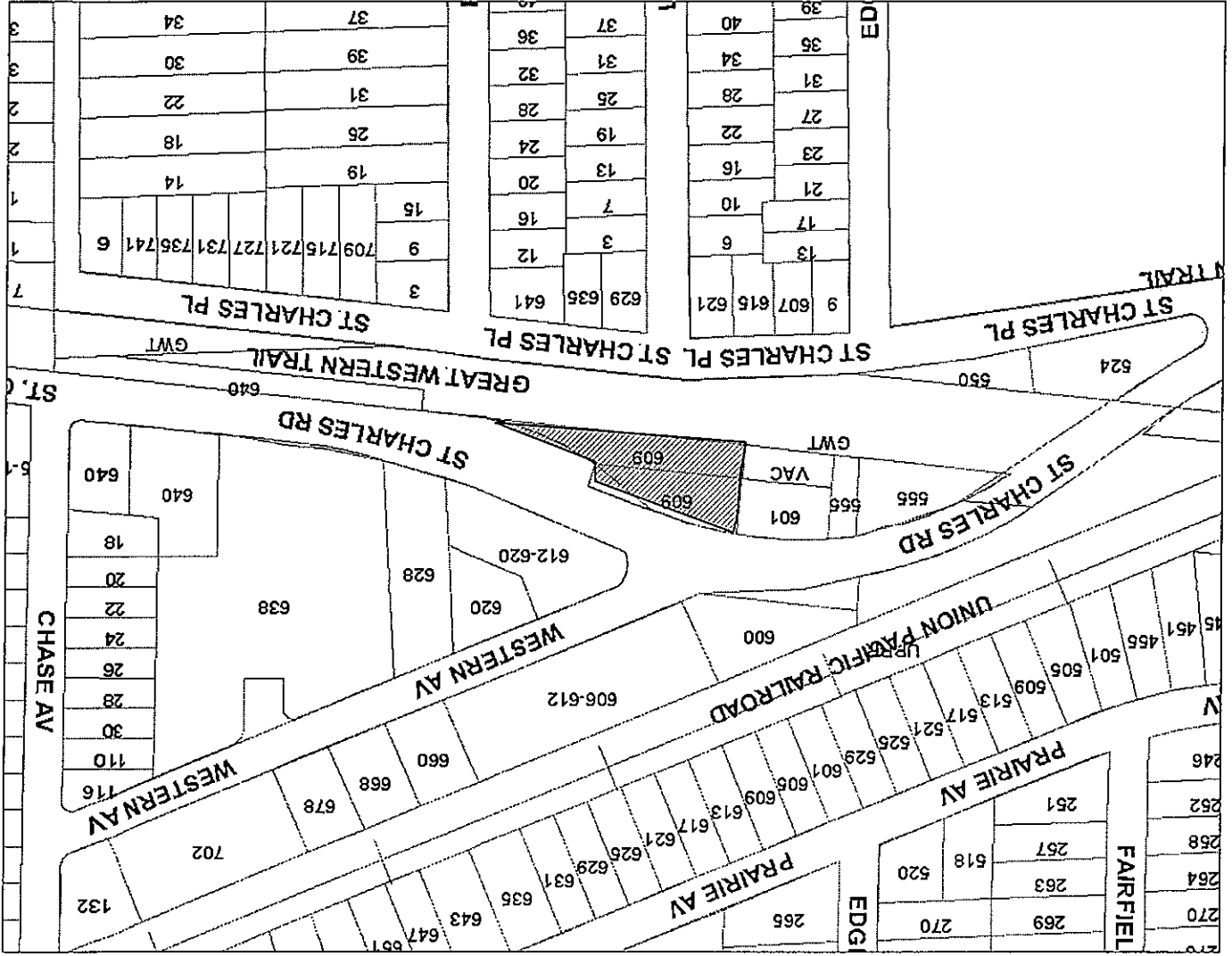
There exists no effect to public vehicular operation due to replacement. There exists no effect to either side yard neighbor, closest being 425 feet to the west or 1,000 feet to the east. There exists only a "T" intersection to the north with no effect.

6. Granting of variation will not negatively effect neighborhood. Casual conversation and comments by local visitors and neighboring employees lead toward making similar improvements or replacements.
7. No effect to adjacent neighbors is evident or existing as a little has changed.

No effect to natural drainage has occurred as little has changed.

Fire safety is assured as previous wood window had a metal roof which was leaking causing concern as to electrical fire at any electrical outlets.

Thank you,
Barbara Carter



Location Map
ZBA 05-20
609 St. Charles Road
Seamless Gutters

October 19, 2005

Standards for Variation Reply:

1. Structure lies on curving roadway approximately 12 feet from lot line. Replacement of existing window is not allowed by Village regulation. Building is approximately 60 years old and constructed before requirement of 30 foot setback. Under current Village regulations, same replacement could not be made due to location of building to lot line. Considerable expense of \$22,000 has been made and can only be recouped if repair / replacement be let stand.
2. The unique location to the lot line greatly effects improvements that can be made in this specific building.
3. This window was installed to replace rotting frames. Public comments not beneficial to the nature of this company's primary activity. And not beneficial to the east gateway of the Village of Lombard were received. Previously existing box bay was rusting and deteriorating by rot and causing glass to become unsafe. Window was replaced only to improve a deteriorating condition. Village has copy of existing blueprints to verify.

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All glass in window is double strength safety glass versus 1/8" plate glass which was replaced. This is a significant improvement toward a safer condition. There exists no effect to public vehicular operation due to replacement. There exists no effect to either side yard neighbor, closest being 425 feet to the west or 1,000 feet to the east. There exists only a "T" intersection to the north with no effect.

6. Granting of variation will not negatively effect neighborhood. Casual conversation and comments by local visitors and neighboring employees lead toward making similar improvements or replacements.
7. No effect to adjacent neighbors is evident or existing as a little has changed.

No effect to natural drainage has occurred as little has changed.

Fire safety is assured as previous wood window had a metal roof which was leaking causing concern as to electrical fire at any electrical outlets.

Thank you,
Beverly Carter

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

ORDINANCE NO. _____

(ZBA 05-20: 609 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 with the Village of Lombard requesting a variation from Title 15, Chapter 155, Section 155.415 (F) (1) of the Lombard Zoning Ordinance to reduce the front yard setback from thirty feet (30') to ten feet (10') in the B4 Corridor Commercial District; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on December 28, 2005 pursuant to appropriate and legal notice; and,

WHEREAS, the Zoning Board of Appeals has forwarded its findings with a recommendation of 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 155.415 (F) (1) of the Lombard Zoning Ordinance for the property described in Section 2 below, as to reduce the front yard setback from thirty feet (30') to ten feet (10').

SECTION 2: This ordinance is limited and restricted to the property generally located at 609 E. St. Charles Road, Lombard, Illinois, and legally described as follows:

PARCEL 1
LOT 5 IN BLOCK 2, EXCEPT THE NORTHERLY PART THEREOF, MEASURING 50.55 FEET SOUTHERLY FROM THE NORTHWEST CORNER ALONG THE WESTERLY LINE OF SAID LOT, AND 54.9 FEET SOUTHERLY FROM THE NORTHEAST CORNER ALONG THE EASTERLY LINE OF SAID LOT 5; LOT 6 IN BLOCK 2 EXCEPT THE NORTHERLY PART THEREOF, MEASURING 20.3 FEET SOUTHWESTERLY FROM THE

NORTHWEST CORNER ALONG THE WESTERLY LINE OF SAID LOT AND 289 FEET
SOUTHWESTERLY FROM THE NORTHWEST CORNER OF SAID LOT 7, WHICH IS
ALSO THE SOUTHERLY RIGHT-OF-WAY LINE OF CIRCLE AVENUE, ALL IN
SUNNYSIDE ADDITION TO LOMBARD, A SUBDIVISION OF PART OF THE
SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 39 NORTH, RANGE 11, EAST OF
THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF
RECORDED APRIL 25, 1925, AS DOCUMENT 191820, IN DUPAGE COUNTY, ILLINOIS.
ALSO THAT PART OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 39
NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF
LOTS 5, 6, AND 7 IN BLOCK 2 IN SUNNYSIDE ADDITION TO LOMBARD, ACCORDING
TO THE PLAT THEREOF RECORDED APRIL 25, 1925, AS DOCUMENT 191820
DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST QUARTER OF LOT 5 IN
BLOCK 2 SUNNYSIDE ADDITION TO LOMBARD; THENCE EAST ALONG THE SOUTH
LINE OF LOTS 5, 6, AND 7 IN BLOCK 2, AFORESAID, TO THE SOUTHEAST CORNER
OF LOT 7; THENCE SOUTHEASTERLY ALONG THE SOUTHEASTERLY EXTENSION
OF THE NORTHEASTERLY LINE OF SAID LOT 7, BEING A CURVE CONCAVE TO THE
NORTHEAST HAVING A RADIUS OF 476.28 FEET AND A CHORD DISTANCE OF
222.84 FEET, TO A POINT DISTANT 50.00 FEET NORTHERLY, MEASURED AT RIGHT
ANGLES, FROM THE CENTERLINE OF THE MAIN TRACK OF THE CHICAGO
NORTHWESTERN TRANSPORTATION COMPANY AS SAID MAIN TRACK IS NOW
LOCATED; THENCE WESTERLY PARALLEL WITH SAID MAIN TRACK
CENTERLINE 460.14 FEET, MORE OR LESS, TO THE WEST LINE OF LOT 5 EXTENDED
SOUTH TO SAID NORTH RIGHT-OF-WAY LINE; THENCE NORTH ALONG THE WEST
LINE OF SAID LOT 5 EXTENDED SOUTH, AS AFORESAID, TO THE PLACE OF
BEGINNING IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2

THAT PART OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 5,
TOWNSHIP 39, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED
AS FOLLOWS: BEGINNING AT A POINT 28.0 FEET SOUTHEASTERLY OF THE
NORTHWEST CORNER OF LOT 7 IN BLOCK 2 OF SUNNYSIDE ADDITION TO
LOMBARD RECORDED APRIL 25, 1925, AS DOCUMENT 191820; THENCE EASTERLY
ALONG A LINE 33.0 FEET SOUTH OF AND PARALLEL WITH THE CENTERLINE OF
ST. CHARLES ROAD, 132.65 FEET; THENCE SOUTH 20 DEGREES 33 MINUTES 31
SECONDS WEST ALONG THE EAST LINE OF AN EXISTING CONCRETE PARKING
LOT AND ITS NORTHERLY EXTENSION, A DISTANCE OF 45.22 FEET; THENCE
NORTHWESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS
IS 476.28 FEET, WHOSE CHORD BEARS NORTH 50 DEGREES 18 MINUTES 05
SECONDS WEST FOR A DISTANCE OF 140.41 FEET, AN ARC DISTANCE OF 140.93
FEET TO THE PLACE OF BEGINNING, ALL IN DUPAGE COUNTY, ILLINOIS.

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

1. That the petitioner shall satisfactorily address all of the comments within the IDRC report, as follows:
 - a. The property owner shall submit the required building permit application and construction documents to the Building Department for proper review and permit issuance.
 - b. The construction of the already installed bay window will have to be inspected to determine if the code correct construction materials were used, including any and all electrical work installed within the bay construction.
 - c. It will also need to be determined if any fire protection devices are to be installed in order to make the construction code compatible with the rest of the building.
2. The petitioner/property owner shall apply for and receive approval from the Village for any requisite building permits prior to commencing work on the property.
3. The relief included as part of this petition shall only apply to the encroachment for the bay window on the subject property. This relief shall not apply to any existing building and structures on the subject property. If in the event that the principal building at 609 E. St. Charles Road is damaged or destroyed more than fifty percent of the value of the principal building, the relief shall no longer apply.

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 _____, 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 this _____ day of _____, 2006.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk