

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: David A. Hulseberg, Village Manager *Dah*

DATE: December 22, 2010 (BOT) Date: January 6, 2011

TITLE: PC 10-23: 660 Western Ave

SUBMITTED BY: Department of Community Development *U*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation relative to the above-mentioned petition. The petition requests a Minor Plat of Resubdivision to include a variation from Section 155.420 (D) the Zoning Ordinance to reduce the minimum lot area for the subject property in the I - Limited Industrial District from twenty thousand (20,000) square feet to fifteen thousand two hundred forty-six (15,246) square feet.

The Plan Commission recommended approval of this petition with one condition.

Please place this item on the January 6, 2011 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X	_____	Date	_____
Finance Director X	_____	Date	_____
Village Manager X	<i>Dahulul</i>	Date	12/22/10

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: David A. Hulseberg, Village Manager

FROM: William Heniff, AICP
Director of Community Development *WH*

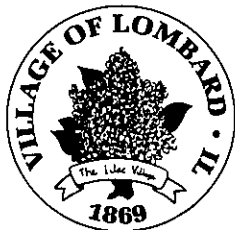
DATE: January 6, 2010

SUBJECT: PC 10-23; 660 Western Ave

Attached please find the following items for Village Board consideration as part of the January 6, 2010 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 10-23;
3. An Ordinance granting approval of a lot area variation;
4. Plans associated with the petition.

The Plan Commission recommended approval of the lot area variation.



VILLAGE OF LOMBARD

255 E. Wilson Ave.
Lombard, Illinois 60148-3926
(630) 620-5700 Fax (630) 620-8222
www.villageoflombard.org

January 6, 2011

Village President
William J. Mueller

Village Clerk
Brigitte O'Brien

Trustees

Greg Alan Gron, Dist. 1
Keith T. Giagnorio, Dist. 2
Zachary C. Wilson, Dist. 3
Dana L. Moreau, Dist. 4
Laura A. Fitzpatrick, Dist. 5
William "Bill" Ware, Dist. 6

Village Manager
David A. Hulseberg

"Our shared Vision for Lombard is a community of excellence exemplified by its government working together with residents and businesses 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."

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

Subject: PC 10-23; 660 Western Ave

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests a Minor Plat of Resubdivision to include a variation from Section 155.420 (D) the Zoning Ordinance to reduce the minimum lot area for the subject property in the I – Limited Industrial District from twenty thousand (20,000) square feet to fifteen thousand two hundred forty-six (15,246) square feet.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on December 20, 2010.

Daniel McCormick, 5205 S. Washington, Downers Grove, IL presented the petition on behalf of his client who is the owner of the property. Mr. McCormick stated that he is requesting a variation to reduce the minimum lot area from 20,000 to 15,246 square feet. He added that it is being requested to make the existing lot a single lot of record. He stated that there are seven standards that need to be met in order to be considered for the variation. He believed they met all seven standards. Mr. McCormick then reviewed his response to the standard to variations. He then stated that of the 27 lots in the area only two lots were of the same size as his clients. He stated that his client is using the property as a warehouse to store his own records and store other incidentals. He added that because his client just purchased the property that he didn't create the non-conforming situation. He stated that the prior owner used the property as a contractor's yard. He then stated that his client's use will be less intense than the prior use. Lastly, Mr. McCormick stated that the petition involves a warehouse that is privately used and asked that the Plan Commission to forward a positive recommendation.

Michael Toth, Planner I, presented the petition. The subject property is legally nonconforming with respect to lot area. The petitioner is requesting a variation from the Zoning Ordinance to reduce the minimum lot area from

twenty thousand (20,000) square feet to fifteen thousand two hundred forty-six (15,246) square feet. The relief is requested in order to make the petitioner's existing lot a single lot of record.

The principal building located on the subject property was built in 1977. The petitioner acquired the property in 2010 to be utilized as a warehouse/storage/office use. The lot is currently a tax assessment division of two lots. As part of a 2,496 square foot addition to the existing principal building, Section 155.220(B)(2) of the Zoning Ordinance requires that any addition to a principal structure exceeding 350 square feet shall be on a lot of record.

Section 155.420 (D) of the Zoning Ordinance requires a minimum lot area of twenty thousand (20,000) in the I – Limited Industrial District. The subject property has a lot width of fifteen thousand two hundred forty-six (15,246) square feet, which is 76% of the required lot area.

While the subject lot does not meet the minimum lot area requirement, it exceeds the amount of lot width required by Code. Lots in the I – Limited Industrial District are required to have a minimum width of eighty feet (80'). The subject property is one hundred and five (105) feet wide, which exceeds the required minimum lot width by twenty-five (25) feet.

Staff finds that the variation request to reduce the minimum lot area to fifteen thousand two hundred forty-six (15,246) square feet meets the Standards for Variations. There are unique physical limitations on the property in that, due to the length of the subject property and surrounding lots, there is no practical way for the petitioner to meet the requirements of the Zoning Ordinance. The lot immediately east of the petitioner's property is 14,660 square feet, so there would be no way for the lot to be brought into conformance by purchasing land from the east because that would only warrant another variation. The property to the west could not provide the amount of land required to bring the subject property into conformance as the business located on that property has an outdoor component of the business that is critical to its operation.

The requested relief is not needed due to the actions of anyone presently having an interest in the property. Granting the request would neither be injurious to neighboring properties, nor would it change the visual and aesthetic character of the neighborhood. Staff also notes that there are several lots in the immediate area that are less than the required twenty thousand (20,000) square feet in area. As such, staff is therefore supportive of the lot area variation request.

Staff also notes that the relief only pertains to the lot area. Any future development would be required to meet all of the underlying I – Limited Industrial District, including bulk regulations and lot area coverage.

Compatibility with the Comprehensive Plan

The Comprehensive Plan recommends Light Industrial for the subject property. As the site is already improved with an industrial use, the development is compatible with the Comprehensive Plan.

Compatibility with Surrounding Land Uses

The proposed use is compatible with the surrounding land uses. Properties to the east, west and south are zoned I – Limited Industrial and consist of industrial uses. The properties to the north are in the R2 – Single-family Residential District. The Union Pacific Railroad is located directly to the north of the subject property. As such, the railroad acts as a buffer between the subject property and the single-family residential residences to the north.

Compliance with the Subdivision and Development Ordinance

The petitioner has submitted a minor plat of resubdivision for the subject property that would make the property a single lot of record. If the lot area relief is granted, the request would meet the requirements of the Subdivision and Development Ordinance.

Concluding, Mr. Toth stated that staff finds that the variations meets the Standards to Variations and is recommending approval of PC 10-23, subject to the condition listing in the staff report.

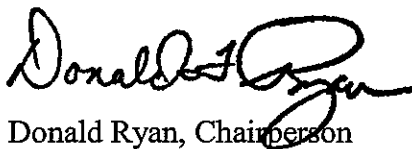
Chairperson Ryan asked if anyone was present to speak in favor or against the petition. There was no one to speak in favor or against the petition.

Chairperson Ryan then opened the meeting for comments among the Commissioners. The Commissioners had no comments.

On a motion by Commissioner Sweetser and a second by Commissioner Olbrysh, the Plan Commission voted 5 to 0 that the Village Board **approve** the text amendments associated with PC 10-23.

Respectfully,

VILLAGE OF LOMBARD

A handwritten signature in black ink, appearing to read "Donald Ryan", is written over the printed name.

Donald Ryan, Chairperson
Lombard Plan Commission

c. Lombard Plan Commission

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Lombard Plan Commission HEARING DATE: December 20, 2010

FROM: Department of PREPARED BY: Michael S. Toth
Community Development Planner I

TITLE

PC 10-23; 660 Western Ave: The petitioner requests a Minor Plat of Resubdivision to include a variation from Section 155.420 (D) the Zoning Ordinance to reduce the minimum lot area for the subject property in the I – Limited Industrial District from twenty thousand (20,000) square feet to fifteen thousand two hundred forty-six (15,246) square feet.

GENERAL INFORMATION

Petitioner/Owner: Daniel McCormick
5205 S. Washington
Downer's Grove IL 60515

PROPERTY INFORMATION

Existing Zoning: I – Limited Industrial District

Existing Land Use: Warehousing

Size of Property: Approximately 15,246 square feet

Comprehensive Plan: Light Industrial

Surrounding Zoning and Land Use:

North: Union Pacific Railroad

South: I – Limited Industrial District, developed as a lumber yard, known as Owl Lumber

East: I – Limited Industrial District, developed as a contractor's office

West: I – Limited Industrial District, developed as an animal daycare facility, known as the Bellyrub Klub

ANALYSIS

SUBMITTALS

This report is based on the following documentation:

1. Petition for Public Hearing.
2. Application for Minor Plat of Resubdivision.
3. Minor Plat of Resubdivision, prepared by Joseph A Schudt & Associates, dated October 20, 2010.
4. Response to the Standards for Variations.

DESCRIPTION

The subject property is legally nonconforming with respect to lot area. The petitioner is requesting a variation from the Zoning Ordinance to reduce the minimum lot area from twenty thousand (20,000) square feet to fifteen thousand two hundred forty-six (15,246) square feet. The relief is requested in order to make the petitioner's existing lot a single lot of record.

INTER-DEPARTMENTAL REVIEW COMMENTS

PRIVATE ENGINEERING SERVICES

The Private Engineering Services Division of Community Development has no comments.

PUBLIC WORKS

The Department of Public Works has no comments.

FIRE

The Fire Department has no comments.

BUILDING DIVISION

The Building Division has no comments.

PLANNING

Compliance with the Zoning Ordinance

The principal building located on the subject property was built in 1977. The petitioner acquired the property in 2010 to be utilized as a warehouse/storage/office use. The lot is currently a tax assessment division of two lots. As part of a 2,496 square foot addition to the existing principal

building, Section 155.220(B)(2) of the Zoning Ordinance requires that any addition to a principal structure exceeding 350 square feet shall be on a lot of record.

Section 155.420 (D) of the Zoning Ordinance requires a minimum lot area of twenty thousand (20,000) in the I – Limited Industrial District. The subject property has a lot width of fifteen thousand two hundred forty-six (15,246) square feet, which is 76% of the required lot area.

While the subject lot does not meet the minimum lot area requirement, it exceeds the amount of lot width required by Code. Lots in the I – Limited Industrial District are required to have a minimum width of eighty feet (80'). The subject property is one hundred and five (105) feet wide, which exceeds the required minimum lot width by twenty-five (25) feet.

Staff finds that the variation request to reduce the minimum lot area to fifteen thousand two hundred forty-six (15,246) square feet meets the Standards for Variations. There are unique physical limitations on the property in that, due to the length of the subject property and surrounding lots, there is no practical way for the petitioner to meet the requirements of the Zoning Ordinance. The lot immediately east of the petitioner's property is 14,660 square feet, so there would be no way for the lot to be brought into conformance by purchasing land from the east because that would only warrant another variation. The property to the west could not provide the amount of land required to bring the subject property into conformance as the business located on that property has an outdoor component of the business that is critical to its operation.

The requested relief is not needed due to the actions of anyone presently having an interest in the property. Granting the request would neither be injurious to neighboring properties, nor would it change the visual and aesthetic character of the neighborhood. Staff also notes that there are several lots in the immediate area that are less than the required twenty thousand (20,000) square feet in area. As such, staff is therefore supportive of the lot area variation request.

Staff also notes that the relief only pertains to the lot area. Any future development would be required to meet all of the underlying I – Limited Industrial District, including bulk regulations and lot area coverage.

Compatibility with the Comprehensive Plan

The Comprehensive Plan recommends Light Industrial for the subject property. As the site is already improved with an industrial use, the development is compatible with the Comprehensive Plan.

Compatibility with Surrounding Land Uses

The proposed use is compatible with the surrounding land uses. Properties to the east, west and south are zoned I – Limited Industrial and consist of industrial uses. The properties to the north are in the R2 – Single-family Residential District. The Union Pacific Railroad is located directly

to the north of the subject property. As such, the railroad acts as a buffer between the subject property and the single-family residential residences to the north.

Compliance with the Subdivision and Development Ordinance

The petitioner has submitted a minor plat of resubdivision for the subject property that would make the property a single lot of record. If the lot area relief is granted, the request would meet the requirements of the Subdivision and Development Ordinance.

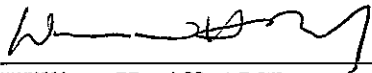
FINDINGS AND RECOMMENDATIONS

Staff believes that justification has been given for granting of the variation from the Zoning Ordinance to reduce the minimum lot area for the subject property in the I – Limited Industrial District from twenty thousand (20,000) square feet to fifteen thousand two hundred forty-six (15,246) square feet and that the petition meets the standards for variations. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending **approval** of this petition:

Based on the submitted petition and the testimony presented, the proposal does comply with the standards required by the Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission accept the findings of the Inter-departmental Review Report as the findings of the Plan Commission, and recommend to the Corporate Authorities **approval** of the PC 10-23, subject to the following condition:

1. The variation to the minimum lot area requirements is granted based upon the submitted plat of resubdivision of the subject property, prepared by Joseph A Schudt & Associates, dated October 20, 2010 and submitted as part of this request.

Inter-Departmental Review Group Report Approved By:

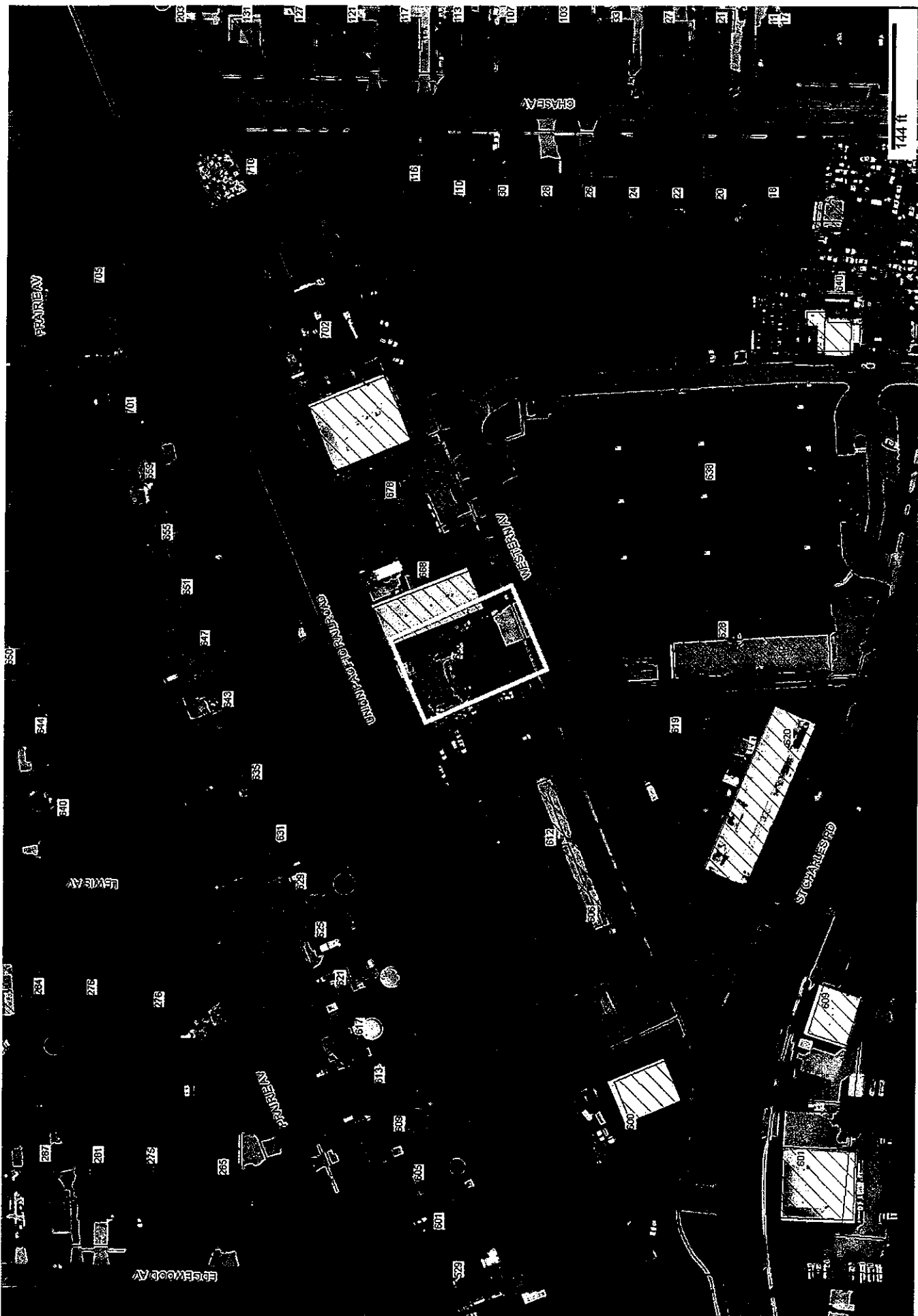


William Heniff, AICP
Director of Community Development

WJH:MT

c. Petitioner

PC 10-23: 660 Western Ave



Daniel McCormick, P.C.

*5205 S. Washington St.
Downers Grove, IL 60515*

PHONE: (630) 769-1111

FAX: (630) 769-1115

mccormicklaw@sbcglobal.net

November 9, 2010

Village of Lombard
Plan Commission
255 E. Wilson Avenue
Lombard, IL 60148

*RE: Laurel World Enterprises, LLC
Petition for Variation
Address: 660 Western, Lombard, Illinois*

Ladies and Gentlemen:

Our office represents Laurel World Enterprises, LLC, an Illinois limited liability company which recently purchased 660 Western Avenue, Lombard, Illinois.

The property is located within the "I- Limited Industrial" District which requires a minimum lot size of 20,000 square feet. As this particular lot is approximately 14,962 square feet, petitioner must request a variation of this lot size.

The Village of Lombard has established Standards for Variations which we believe, the owner can satisfy. These standards are as follows:

Standard No. 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.

Response:

The current zoning ordinance applicable to this parcel was enacted after this area was subdivided into lots and before the current structure was built. Therefore, upon the date of enactment of this ordinance, the property did not conform to the required minimum lot size. The only way that the current owner could comply with these requirements of the I-Limited Industrial District would be to acquire the property adjacent to it. Such an acquisition would be a hardship. In essence, the owner cannot use this property if the regulations were to be strictly applied.

Standard No. 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.

Response:

Of the approximately 27 lots within this District, only two other lots are of the same size as the owner's. The lot to the west is approximately three or four times the size of owner's and the lots directly across the street also appear to be much larger.

Standard No. 3:

The purpose of the variation is not based primarily upon a desire to increase financial gain.

Response:

The purpose of the variation is to create a lot that could legally be used for the primary purpose of storage of the owner's property. This property consists primarily of business records from the owner's previous business as well as miscellaneous property and a couple of classic automobiles. There is no desire to increase the financial gain.

Standard No. 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.

Response:

The current owner acquired this property at an arms-length purchase in June, 2010. Therefore, it did not cause the difficulty or hardship.

Standard No. 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.

Response:

The variation will allow the owner to continue to use the property consistent with prior uses. The immediate prior use was that of a masonry contractor whereas the current owner intends to use this building as storage for its sole benefit. This intended use, therefore, would be for less noisy and congested than the prior use(s).

Standard No. 6:

The granting of the variation will not alter the essential character of the neighborhood.

Response:

If this variation is granted, the essential character of the neighborhood will not adversely alter the essential character of the neighborhood. The essential character of the neighborhood is that of light industrial. The intended use is that of storage, which is consistent and/or less than the uses of the surrounding properties.

Standard No. 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 on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

Response:

As stated previously, the variation will allow the owner to continue to use the property in a manner consistent with the intent of the "Light Industrial" classification. The intended use will involve less traffic than prior uses (as the only anticipated traffic will be that of sole shareholder and his one employee on an infrequent basis). Drainage issues will be controlled by the Village permit process so as to meet Village standards. In addition, it is anticipated that more green space will be created thereby enhancing the character of the neighborhood.

We wish to thank the Plan Commission for its consideration of this variation and we would welcome any comments and questions you may have.

Cordially,



Daniel McCormick

DM:ck:at

ORDINANCE NO. _____

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

(PC 10-23; 660 Western Ave)

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 I – Limited Industrial District; and,

WHEREAS, an application has been filed with the Village of Lombard requesting a variation from Title 15, Chapter 155, Section 155.420 (D) the Zoning Ordinance to reduce the minimum lot area for the subject property from twenty thousand (20,000) square feet to fifteen thousand two hundred forty-six (15,246) square feet; and,

WHEREAS, a public hearing has been conducted by the Plan Commission on December 20, 2010 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has forwarded its findings and recommendations to the Board of Trustees with a recommendation of approval of the requested variation; and,

WHEREAS, the President and Board of Trustees does concur with the findings of the Plan Commission; 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 155.420 (D) the Zoning Ordinance to reduce the minimum lot area for the subject property in the I – Limited Industrial District from twenty thousand (20,000) square feet to fifteen thousand two hundred forty-six (15,246) square feet.

SECTION 2: This ordinance is limited and restricted to the property generally located at 660 Western Ave., Lombard, Illinois, and legally described as follows:

Ordinance No. _____

Re: PC 10-23

Page 2

LOT 3 (EXCEPT THE SOUTHWEST 45 FEET, AS MEASURED ON THE NORTHWEST AND SOUTHWEST LINES THEREOF) IN B.D. KRAMER RESUBDIVISION OF ALL OF BLOCK 1, LOTS 1 THRU 10, INCLUSIVE, IN BLOCK 3 AND THEREOF VACATED CIRCLE AVENUE, LYING BETWEEN BLOCKS 1 AND 3 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 AUGUST 20, 1973 AS DOCUMENT R73-052562, IN DUPAGE COUNTY, ILLINOIS.

Parcel Number: 06-05-421-005

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

1. The variation to the minimum lot area requirements is granted based upon the submitted plat of resubdivision of the subject property, prepared by Joseph A Schudt & Associates, dated October 20, 2010 and submitted as part of this request.

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 _____, 2011.

First reading waived by action of the Board of Trustees this _____ day of _____, 2011.

Passed on second reading this _____ day of _____, 2011.

Ayes: _____

Nayes: _____

Absent: _____

Approved this _____ day of _____, 2011.

William J. Mueller, Village President

Ordinance No. _____

Re: PC 10-23

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ATTEST:

Brigitte O'Brien, Village Clerk

Published by me this _____ day of _____, 2011.

Brigitte O'Brien, Village Clerk