

October 7, 2010

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

Subject: PC 10-17; Text Amendments to Section 155.305 of the Lombard Zoning Ordinance (legal nonconforming provisions)

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The Village of Lombard requests text amendments to Section 155.305 of the Lombard Zoning Ordinance related to legal nonconforming two-family dwellings that were lawfully established prior to January 1, 1960 and are located in the R2 Single Family Residence District.

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

Christopher Stilling, Assistant Director of Community Development, presented the petition. He stated that Village staff was contacted by the property owner at 90 S. Highland Avenue and their attorney with reference to their legal nonconforming two-family dwelling in the R2 Single Family District. The property owner of unit A recently entered into a contract to sell the unit, however just prior to closing, the FHA loan underwriter for the buyer would not approve the loan because it was considered legal nonconforming. To address this issue, staff is proposing a text amendment to allow property owners of a legal nonconforming two-family dwelling that was lawfully established prior to January 1, 1960 and is located in the R2 Single Family Residence District the ability to proactively seek a conditional use to re-establish the legal conforming status of the property before it is ever damaged or destroyed. As a companion to this request, the property owner of 90 S. Highland Avenue is seeking conditional use approval. Should this petition be approved, the companion petition can be considered for approval as well.

Mr. Stilling summarized the findings of the workshop held at the August 19, 2010 Plan Commission meeting. He stated that the Plan Commission unanimously supported the concept of a text amendment; however a few Commissioners expressed a concern about notification to other legal nonconforming two-family dwellings. Staff would like to point out that this proposed text amendment does not require property owners of legal nonconforming two-family dwellings to petition for the conditional use. Rather the amendment allows the property owner, at their discretion, the ability to proactively seek the conditional use to re-establish the legal conforming status of the property before it is ever damaged or destroyed. Whether or not a property owner seeks to utilize this provision is entirely up to them. The proposed text amendment allows a property owner to have the assurance that the conditional use to re-establish the legal nonconforming status has already been “pre-approved”.

Mr. Stilling highlighted the specific language to be used for the text amendment and stated that staff supports this approach because the property would still remain legal nonconforming, while the property owner now has the assurance that the conditional use to re-establish the legal nonconforming status has already been “pre-approved”. In addition, this could address several other properties we have identified who may encounter a similar issue.

Mr. Stilling stated that the petition meets the standards outlined in the Zoning Ordinance and recommends approval.

Chairperson Ryan then opened the meeting for comments among the Commissioners. There were no comments.

On a motion by Commissioner Sweetser and a second by Commissioner Burke, the Plan Commission voted 5 to 0 that the Village Board **approve** the text amendments associated with PC 10-17.

Respectfully,

VILLAGE OF LOMBARD

Donald Ryan, Chairperson
Lombard Plan Commission

c. Lombard Plan Commission