

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) _____

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: David A. Hulseberg, Village Manager *DAH*

DATE: July 14, 2010 (B of T) Date: August 17, 2010

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

SUBMITTED BY: Department of Community Development *WLD*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration a request granting a further time extension (12 month) of Ordinance 5935 as amended by Ordinances 6094, 6247, and 6373 relative to the approval of a reduction in the minimum required lot area for the property located at 820 E. St. Charles Road.

Staff recommends approval of this request.

Please place this item on the August 17, 2010 Board of Trustees agenda.

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

Village Attorney X

Finance Director X

Village Manager X *David A. Hulseberg*

Date _____

Date _____

7/22/10

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 J. Heniff, AICP, Director of Community Development *WJK*

DATE: August 19, 2010

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

On October 19, 2006, the Village Board adopted Ordinance 5935, which granted approval of a variation from Section 15.415 (D) of the Zoning Ordinance to reduce the minimum required lot area from 40,000 square feet to 20,727.26 square feet in the B4 Corridor Commercial District. Pursuant to Section 15.103 (C)(10) of the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois, variations are null and void if construction is not substantially underway within one year from the date of granting thereof, unless a time extension is granted by the Village Board. Attached please find a letter from the petitioner requesting an additional extension to the Ordinance of approval. This request will allow the petitioner to proceed with the development as it was originally approved by the Village Board without the need for a new public hearing.

ACTION REQUESTED

A letter from the petitioner and a draft Ordinance is attached for Board consideration. Please place this item on the August 19, 2010 Board agenda with a recommendation to approve the attached Ordinance.

Robert H. Mueller
738 S. Elizabeth Street
Lombard, Illinois 60148

July 13, 2010

Mr. Bill Heniff
Village of Lombard
255 E. Wilson Ave.
Lombard, Illinois 60148

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

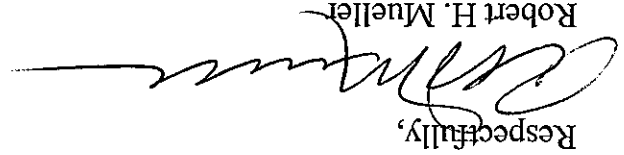
Dear Mr. Heniff,

On October 19, 2006 the Lombard Village Board voted on and approved a request of a lot variation from section 155.415 (D) of the Zoning Ordinance to reduce the required minimum lot area from 40,000 sq. ft to 20,727.26 sq ft in the B-4 Corridor Commercial District.

I have previously requested an extension of the approved variation which has a time limit of 1 year, and was granted that extension.

Due to the current market and economic conditions, I am again asking for a continuation of the approved variation for a period of hopefully 1 additional year with hopes that the U. S. economy will turn around and I will be able to proceed with my construction plans. Your assistance in this matter is greatly appreciated, please do not hesitate to contact me at 630-627-6244.

Respectfully,



Robert H. Mueller

Village of Lombard
Department of Community Development
255 E. Wilson Avenue
Lombard, IL 60148

Return To:

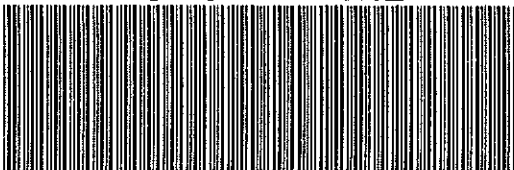
ADDRESS: 820 E. St Charles Road, Lombard, IL

PIN: 06-04-310-047

GRANTING A TIME EXTENSION
OF ORDINANCE 5935

ORDINANCE 6094

FRED BUCHOLZ
DUPAGE COUNTY RECORDER
MAR. 06, 2008
3:30 PM
OTHER
06-04-310-047
R2008-036395
005 PAGES



ORDINANCE NO. 6094

**AN ORDINANCE GRANTING
A TIME EXTENSION OF ORDINANCE 5935**

(ZBA 06-21: 820 E. St. Charles Road)

WHEREAS, on October 19, 2006, the President and Board of Trustees of the Village of Lombard adopted Ordinance 5935, which granted approval of a variation from Section 155.415 (D) of the Zoning Ordinance to reduce the minimum required lot area from 40,000 square feet to 20,727.26 square feet in the B4 Corridor Commercial District; and

WHEREAS, pursuant to Section 155.103 (C)(10) of the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois, variations are null and void if construction is not substantially underway within one year from the date of granting thereof, unless further action is taken by the Village Board; and,

WHEREAS, construction has not commenced and no building permit has been issued for the development granted by Ordinance 5935; and,

WHEREAS, the Village has received a letter requesting an extension of Ordinance 5935; and,

WHEREAS, the President and Board of Trustees have determined that it is in the best interests of the Village of Lombard to grant said extension.

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: Ordinance 5935 is hereby amended and extended and shall be null and void unless a building permit is obtained and the project is substantially underway within twelve (12) months of the date of adoption of this Ordinance.

SECTION 2: That all other provisions associated with Ordinance 5935, not amended by this Ordinance, shall remain in full force and effect.

SECTION 3: 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 _____, 2007.

First reading waived by action of the Board of Trustees this 18th day of October, 2007.

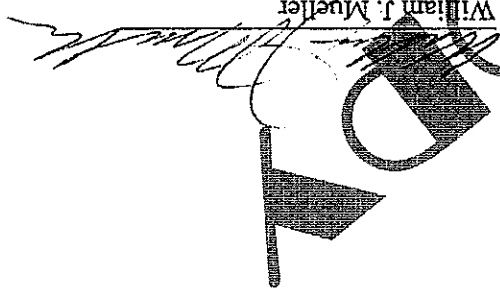
Passed on second reading this 18th day of October, 2007.

Ayes: Trustees Cron, Tross, O'Brien, Moreau, Fitzpatrick and Soderstrom

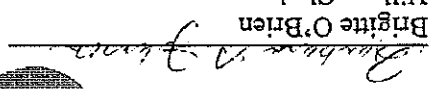
Naves: None

Absent: None

Approved this 18th, day of October, 2007.


William J. Mueller
Village President

ATTEST:

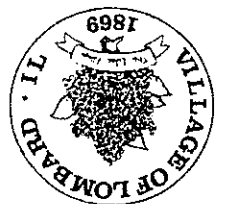

Brigitte O'Brien
Village Clerk

LOT 1 IN ROSE'S PLAT OF CONSOLIDATION OF LOTS 1, 2 AND 3 IN A
SUBDIVISION OF LOTS 56 & 57 IN ROBERTSON'S ST. CHARLES ROAD
ADDITION TO WESTMORE, IN THE SOUTHWEST QUARTER OF SECTION 4,
TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL
MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 8,
1987 AS DOCUMENT R87-13515, AND CERTIFICATE OF CORRECTION
RECORDED AS DOCUMENT R88-43687, IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-04-310-047

Address: 820 E. St. Charles Road, Lombard, IL

COPIED



I, Barbara A. Johnson, hereby certify that I am the duly qualified Deputy Village Clerk of the Village of Lombard, DuPage County, Illinois, as authorized by Statute and provided by local Ordinance, and as such Deputy Village Clerk, I maintain and am safekeeper of the records and files of the President and Board of Trustees of said Village.

I further certify that attached heretofore is a copy of ORDINANCE 6094

GRANTING A TIME

EXTENSION OF ORDINANCE 5935.

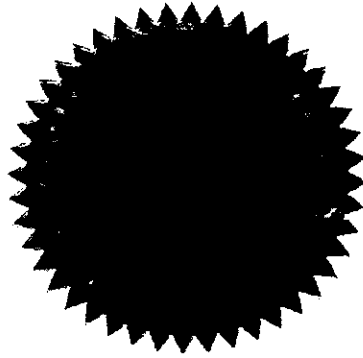
ADDRESS: 820 E. ST. CHARLES ROAD, LOMBARD, IL

PIN: 06-04-310-047

of the said Village as it appears from the official records of said Village, duly approved October 18, 2007.

In Witness Whereof, I have hereunto affixed my official signature and the Corporate Seal of said Village of Lombard, DuPage County, Illinois this 22th day of February, 2008.

Barbara A. Johnson
Deputy Village Clerk
Village of Lombard
DuPage County, Illinois



Village of Lombard
Department of Community Development
255 E. Wilson Avenue
Lombard, IL 60148

Return To:

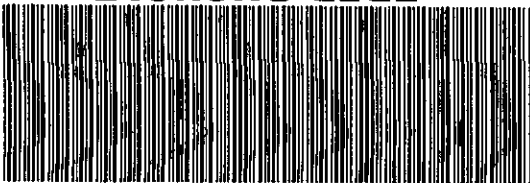
Address: 820 E. St. Charles Road, Lombard, IL 60148

PIN: 06-04-310-047

GRANTING A TIME EXTENSION
OF ORDINANCE 5935

ORDINANCE 6247

FRED BUCHOLZ
DUPAGE COUNTY RECORDER
DEC. 30, 2008 2:50 PM
OTHER 06-04-310-047
005 PAGES R2008-181923



ORDINANCE NO. 6247

**AN ORDINANCE GRANTING
A TIME EXTENSION OF ORDINANCE 5935**

(ZBA 06-21: 820 E. St. Charles Road)

WHEREAS, on October 19, 2006, the President and Board of Trustees of the Village of Lombard adopted Ordinance 5935, which granted approval of a variation from Section 155.415 (D) of the Zoning Ordinance to reduce the minimum required lot area from 40,000 square feet to 20,727.26 square feet in the B4 Corridor Commercial District; and

WHEREAS, on October 18, 2007, the President and Board of Trustees of the Village of Lombard adopted Ordinance 6094, which a time extension of said lot area variation to October 18, 2008; and

WHEREAS, pursuant to Section 155.403 (C)(10) of the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois, variations are null and void if construction is not substantially underway within one year from the date of granting thereof, unless further action is taken by the Village Board; and,

WHEREAS, construction has not commenced and no building permit has been issued for the development granted by Ordinance 5935; and,

WHEREAS, the Village has received a letter requesting a second extension of Ordinance 5935; and,

WHEREAS, the President and Board of Trustees have determined that it is in the best interests of the Village of Lombard to grant said extension.

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: Ordinance 5935 is hereby amended and extended and shall be null and void unless a building permit is obtained and the project is substantially underway within twelve (12) months of the date of adoption of this Ordinance.

SECTION 2: That all other provisions associated with Ordinance 5935, not amended by this Ordinance, shall remain in full force and effect.

SECTION 3: 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 _____, 2008.

First reading waived by action of the Board of Trustees this 16 day of October, 2007.

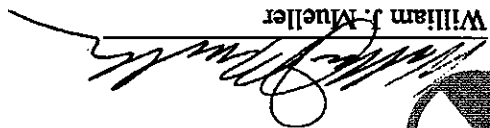
Passed on second reading this 16 day of October, 2008.

Ayes: Trustees Cron, Tross, O'Brien, Moreau, Fitzpatrick and Soderstrom

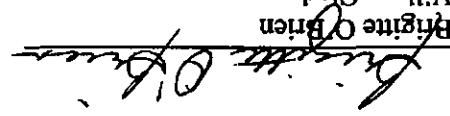
Nays: None

Absent: None

Approved this 16, day of October, 2008.

COPY

William J. Mueller
Village President

ATTEST:


Brigitte O'Brien
Village Clerk

COPIED

Address: 820 E. St. Charles Road, Lombard, IL

Parcel No: 06-04-310-047

LOT 1 IN ROSE'S PLAT OF CONSOLIDATION OF LOTS 1, 2 AND 3 IN A
SUBDIVISION OF LOTS 56 & 57 IN ROBERTSON'S ST. CHARLES ROAD
ADDITION TO WESTMORE, IN THE SOUTHWEST QUARTER OF SECTION 4,
TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL
MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 8,
1987 AS DOCUMENT R87-135515, AND CERTIFICATE OF CORRECTION
RECORDED AS DOCUMENT R88-43687, IN DUPAGE COUNTY, ILLINOIS.



I, **Barbara A. Johnson**, hereby certify that I am the duly qualified Deputy Village Clerk of the **Village of Lombard**, DuPage County, Illinois, as authorized by Statute and provided by local Ordinance, and as such Deputy Village Clerk, I maintain and am safekeeper of the records and files of the President and Board of Trustees of said Village.

I further certify that attached hereto is a copy of **ORDINANCE 6247**

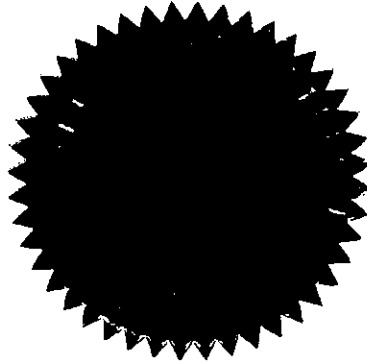
GRANTING A TIME EXTENSION

OF ORDINANCE 5935

of the said Village as it appears from the official records of said Village duly approved this 16th day of **October, 2008**

In Witness Whereof, I have hereunto affixed my official signature and the Corporate Seal of said **Village of Lombard**, DuPage County, Illinois this 6th day of **November, 2008**.

Barbara A. Johnson
 Barbara A. Johnson
 Deputy Village Clerk
 Village of Lombard
 DuPage County, Illinois



5

Return To:
Village of Lombard
255 E. Wilson Avenue
Lombard, IL 60148

COPIED

Address: 820 E. St. Charles Road, Lombard, IL 60148

PIN: 06-04-310-047

GRANTING A TIME EXTENSION TO ORDINANCE 5935

ORDINANCE 6373

FRED BUCHOLZ
DUPAGE COUNTY RECORDER
DEC. 16, 2009 10:43 AM
OTHER 06-04-310-047
005 PAGES R2009-187417



4

ORDINANCE NO. 6373

**AN ORDINANCE GRANTING
A TIME EXTENSION OF ORDINANCE 5935**

(ZBA 06-21: 820 E. St. Charles Road)

WHEREAS, on October 19, 2006, the President and Board of Trustees of the Village of Lombard adopted Ordinance 5935, which granted approval of a variation from Section 155.415 (D) of the Zoning Ordinance to reduce the minimum required lot area from 40,000 square feet to 20,727.26 square feet in the B4 Corridor Commercial District; and

WHEREAS, on October 18, 2007, the President and Board of Trustees of the Village of Lombard adopted Ordinance 6094, which a time extension of said lot area variation to October 18, 2008; and

WHEREAS, on October 16, 2008, the President and Board of Trustees of the Village of Lombard adopted Ordinance 6247, which a second time extension of said lot area variation to October 16, 2009; and

WHEREAS, pursuant to Section 155.103 (C)(10) of the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois, variations are null and void if construction is not substantially underway within one year from the date of granting thereof, unless further action is taken by the Village Board; and,

WHEREAS, construction has not commenced and no building permit has been issued for the development granted by Ordinance 5935; and,

WHEREAS, the Village has received a letter requesting a third extension of Ordinance 5935; and,

WHEREAS, the President and Board of Trustees have determined that it is in the best interests of the Village of Lombard to grant said extension.

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: Ordinance 5935 is hereby amended and extended and shall be null and void unless a building permit is obtained and the project is substantially underway within twelve (12) months of the date of adoption of this Ordinance.

SECTION 2: That all other provisions associated with Ordinance 5935, not amended by this Ordinance, shall remain in full force and effect.

SECTION 3: 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 20th day of August, 2009.

First reading waived by action of the Board of Trustees this _____ day of _____, 2009.


Passed on second reading this 3rd day of September, 2009.

Ayes: Trustee Gron, Tross, Wilson, Moreau, Fitzpatrick and Ware

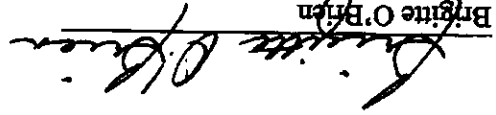
Nays: None

Absent: None

Approved this 3rd day of September, 2009.


William J. Mueller
Village President

ATTEST:


Brigitte O'Brien
Village Clerk

LOT 1 IN ROSE'S PLAT OF CONSOLIDATION OF LOTS 1, 2 AND 3 IN A
SUBDIVISION OF LOTS 56 & 57 IN ROBERTSON'S ST. CHARLES ROAD
ADDITION TO WESTMORE, IN THE SOUTHWEST QUARTER OF SECTION 4,
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MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 8,
1987 AS DOCUMENT R87-135515, AND CERTIFICATE OF CORRECTION
RECORDED AS DOCUMENT R88-43687, IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-04-310-047

Address: 820 E. St. Charles Road, Lombard, IL

COPIED



I, Barbara A. Johnson, hereby certify that I am the duly qualified Deputy Village Clerk of the Village of Lombard, DuPage County, Illinois, as authorized by Statute and provided by local Ordinance, and as such Deputy Village Clerk, I maintain and am safekeeper of the records and files of the President and Board of Trustees of said Village.

I further certify that attached hereto is a copy of ORDINANCE 6373

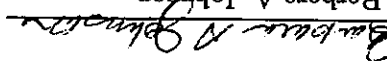
AN ORDINANCE GRANTING A TIME EXTENSION OF

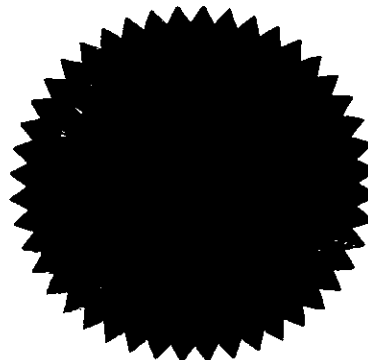
ORDINANCE 5935

820 E. ST. CHARLES ROAD

of the said Village as it appears from the official records of said Village duly approved on September 3, 2009.

In Witness Whereof, I have hereunto affixed my official signature and the Corporate Seal of said Village of Lombard, DuPage County, Illinois this 17th day of November, 2009.


Barbara A. Johnson
Deputy Village Clerk
Village of Lombard
DuPage County, Illinois



ORDINANCE NO. _____

**AN ORDINANCE GRANTING
A TIME EXTENSION OF ORDINANCE 5935**

(ZBA 06-21: 820 E. St. Charles Road)

WHEREAS, on October 19, 2006, the President and Board of Trustees of the Village of Lombard adopted Ordinance 5935, which granted approval of a variation from Section 155.415 (D) of the Zoning Ordinance to reduce the minimum required lot area from 40,000 square feet to 20,727.26 square feet in the B4 Corridor Commercial District; and

WHEREAS, on October 18, 2007, the President and Board of Trustees of the Village of Lombard adopted Ordinance 6094, which granted a time extension of said area variation to October 18, 2008; and

WHEREAS, on October 16, 2008, the President and Board of Trustees of the Village of Lombard adopted Ordinance 6247, which granted a second time extension of said lot area variation to October 16, 2009; and

WHEREAS, on September 3, 2009, the President and Board of Trustees of the Village of Lombard adopted Ordinance 6373, which granted a third time extension of said lot area variation to September 3, 2010; and

WHEREAS, pursuant to Section 155.103 (C)(10) of the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois, variations are null and void if construction is not substantially underway within one year from the date of granting thereof, unless further action is taken by the Village Board; and,

WHEREAS, construction has not commenced and no building permit has been issued for the development granted by Ordinance 5935; and,

WHEREAS, the Village has received a letter requesting a third extension of Ordinance 5935; and,

WHEREAS, the President and Board of Trustees have determined that it is in the best interests of the Village of Lombard to grant said extension.

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SECTION 2: That all other provisions associated with Ordinance 5935, not amended by this Ordinance, shall remain in full force and effect.

SECTION 3: 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 _____, 2010.
First reading waived by action of the Board of Trustees this _____ day of _____, 2010.
Passed on second reading this _____ day of _____, 2010.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2010.

William J. Mueller
Village President

ATTEST:

Brigitte O'Brien
Village Clerk