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DUPAGE COUNTY RECORDER
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ORDINANCE 5423

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

PIN: 06-05-100-054

**Common Address: 25 E. NORTH AVE.,
LOMBARD, ILLINOIS**

Return To:

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

ORDINANCE NO. 5423

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

(ZBA 03-27: 25 E. North Avenue)

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 R2 Single-Family Residence District; and,

WHEREAS, an application has been filed with the Village of Lombard requesting a variation from Title 15, Chapter 155, Section 155.414 (K) of the Lombard Zoning Ordinance to reduce the requisite transitional landscape yard from thirty feet (30') to fifteen feet (15') the B3 Community Shopping District; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on December 17, 2003 pursuant to appropriate and legal notice; and,

WHEREAS, the Zoning Board of Appeals has forwarded its findings and recommendations to the Board of Trustees with a recommendation of approval of the requested variation, subject to conditions; and,

WHEREAS, the President and Board of Trustees does concur with the findings of the Zoning Board of Appeals; 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 155.414 (K) of the Lombard Zoning Ordinance to reduce the requisite transitional landscape yard from thirty feet (30') to fifteen feet (15') the B3 Community Shopping District for the property described in Section 2 below, subject to the conditions noted in Section 3 below.

SECTION 2: This ordinance is limited and restricted to the property generally located at 25 E. North Avenue, Lombard, Illinois, and legally described as follows:

THAT PART OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER AND RUNNING THENCE SOUTH 3 DEGREES 25 MINUTES 23 SECONDS WEST ALONG THE WEST LINE OF SAID SECTION, 103.5 FEET TO THE SOUTH LINE OF THE RIGHT OF WAY OF STATE HIGHWAY ROUTE 64 (ALSO KNOWN AS NORTH AVENUE); THENCE SOUTH 89 DEGREES 29 MINUTES 06 SECONDS EAST, ALONG SAID SOUTH LINE, 314.48 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 29 MINUTES 06 SECONDS EAST, ALONG SAID SOUTH LINE OF NORTH AVENUE, 166.16 FEET TO A LINE THAT IS PARALLEL WITH AND 400 FEET EAST (MEASURED AT RIGHT ANGLES) FROM THE EAST LINE OF MAIN STREET BY DOCUMENT RECORDED SEPTEMBER 11, 1928 AS NO. 265516; THENCE SOUTH 03 DEGREES 25 MINUTES 23 SECONDS WEST, ALONG SAID PARALLEL LINE, 195.25 FEET; THENCE NORTH 89 DEGREES 29 MINUTES 06 SECONDS WEST, PARALLEL WITH THE SOUTH LINE OF NORTH AVENUE, 166.16 FEET; THENCE NORTH 03 DEGREES 25 MINUTES 23 SECONDS EAST PARALLEL WITH THE EAST LINE OF MAIN STREET, 195.25 FEET TO THE POINT OF BEGINNING, IN DU PAGE COUNTY ILLINOIS.

Parcel No: 06-05-100-054

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

1. That the petitioner shall develop the site in accordance with the site plans prepared by GEA Architects, Ltd., updated December 16, 2003 and submitted as part of this request.
2. That the petitioner's building improvements shall be designed and constructed consistent with Village Code and shall also address the comments included within the IDRC report.
3. That as part of the public improvements, the petitioner shall provide full public improvements as required by Sections 154.304 and 154.306 of the Lombard Subdivision and Development Ordinance. The final design and location of all public improvements shall be reviewed and approved by the Village and/or the Illinois Department of Transportation.

4. That any trash enclosure screening as required by Section 155.710 of the Zoning Ordinance shall be constructed of a material consistent with the principal building.
5. To ensure that the proposed signage and awnings present a favorable appearance to neighboring properties, the property shall be developed and operated as follows:
 - a. That channel lettering shall only be used for the wall signs.
 - b. That consistent with the Sign Ordinance, the awnings shall not include text in conjunction with the wall signage.
 - c. That the awnings shall be of a uniform design and color around the building.
6. That the petitioner shall effectuate improvements on the abutting gas station property, as shown on the petitioner's submitted plans. These improvements shall include widening the drive aisle around the gas station building and sign and stripe the car wash drive through lane in a manner that minimizes vehicle conflicts on the property. Said design shall be subject to review and approval of the Director of Community Development.
7. To minimize parking conflicts on the property and to minimize impacts on adjacent properties, the developer/owner of the property shall operate the property, as follows:
 - a. Overnight parking shall be prohibited south of the proposed building.
 - b. No more than fifty (50%) of the proposed building square footage shall be allowed to be occupied by restaurant uses.
 - c. That the handicapped parking spaces shall be located in a manner consistent with the Illinois Accessibility Code.
8. That the petitioner shall provide a plat of subdivision for the subject property making the property a lot of record.
9. That the following elevational changes shall be made to the property, as follows:
 - a. The petitioner shall modify the proposed east, south and west elevations to break up the proposed brick mass. The modified elevations may include a combination of inset brick, window or spandrel glass insets and/or use of an additional brick color. The final design of the wall elevations shall be subject to the Director of Community Development.
 - b. That the proposed woodscreen on the south elevation be replaced with an extended parapet wall similar to the other three building elevations.
 - c. That additional awnings shall be placed on the access doors, consistent with the other three proposed elevations.

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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 15th day of January, 2004.

First reading waived by action of the Board of Trustees this ___ day of _____, 2004.

Passed on second reading this 5th day of February, 2004.

Ayes: Trustees DeStephano, Tross, Koenig, Sebby, Florey, Soderstrom

Nayes: None

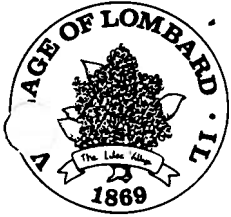
Absent: None

Approved this 5th day of February, 2004.


William J. Mueller, Village President

ATTEST:


Barbara A. Johnson, Deputy Village Clerk

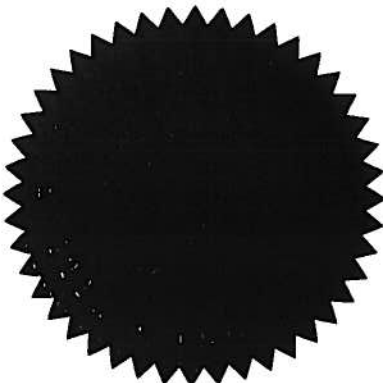


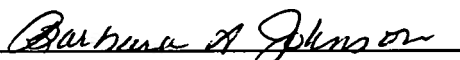
I, Barbara A. Johnson, hereby certify that I am the duly qualified Deputy Village Clerk of the **Village of Lombard**, DuPage County, Illinois, as authorized by Statute and provided by local Ordinance, and as such Village Clerk, I maintain and am safekeeper of the records and files of the President and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

I further certify that attached hereto is a true and correct copy of ORDINANCE 5423, AN ORDINANCE APPROVING A VARIATION OF THE LOMBARD ZONING ORDINANCE TITLE 15, CHAPTER 155, OF THE CODE OF LOMBARD, ILLINOIS, FOR THE PROPERTY LOCATED AT 25 EAST NORTH AVENUE, PIN 06-05-100-054

of the said Village as it appears from the official records of said Village duly passed on February 5, 2004.

In Witness Whereof, I have hereunto affixed my official signature and the Corporate Seal of said **Village of Lombard**, Du Page County, Illinois this 13th day of July, 2004.





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