

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

DATE: July 29, 2009 (B of T) Date: August 20, 2009

TITLE: ZBA 08-13: 1008 S. Lewis

SUBMITTED BY: Department of Community Development *WAB*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration a request approving a time extension to Ordinance 6234 extending the time period for construction of the variation for an additional twelve month period (August 20, 2010). (DISTRICT #6)

Please place this item on the August 20, 2009 Board of Trustees agenda.

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

Village Attorney X

Finance Director X

Village Manager X

David A. Hulseberg

Date

7/31/09

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: David A. Hulseberg, Village Manager

FROM: William J. Heniff, AICP, Community Development Director *WJH*

DATE: August 20, 2009

SUBJECT: Variation Extension – 1008 S. Lewis Ave (ZBA 08-13)

Ordinance 6234, which was associated with the ZBA 08-13, granted a variation to reduce the interior side yard setback requirement from six feet (6') to five point one feet (5.1') to allow a building addition on the subject property. 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 a time extension is granted by the Village Board.

The petitioner has provided the attached written correspondence requesting a one year extension of the variation associated with ZBA 08-13. The petitioner has verbally indicated to staff that due to economic reasons, they have delayed the start of construction of their project at this time, but intend to start on the project in the very near future.

RECOMMENDATION:

Staff recommends that the Village Board approve an Ordinance extending the time period for construction of the variation an additional twelve (12) months, until August 20, 2010.

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

Return To:

Address: 1008 S. Lewis, Lombard, IL 60148
PIN: 06-17-402-018

ORDINANCE 6234
ORDINANCE TITLE 15, CHAPTER 155 OF THE CODE OF
LOMBARD, ILLINOIS

ORDINANCE 6234

FRED BUCHHOLZ
DUPAGE COUNTY RECORDER
DEC 30, 2008 2:50 PM
OTHER 06-17-402-018
005 PAGES R2008-181925

COPY



ORDINANCE NO. 6234

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

(ZBA 08-13: 1008 S. Lewis)

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 155.407(F)(3) of the Lombard Zoning Ordinance to reduce the interior side yard setback to (5.1) feet where 6 feet is required to allow for a rear addition; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on August 27, 2008 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 interior side yard setback for a rear addition; 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.

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 155.407(F)(3) of the Lombard Zoning Ordinance to reduce the interior side yard setback to (5.1) feet where 6 feet is required to allow for a rear addition; and,

SECTION 2: This ordinance shall be granted subject to compliance with the following conditions:

1. The addition to the single-family residence shall be developed in accordance with the site plan prepared by Barnes Architects Ltd, dated July 2, 2008 as part of this petition.

2. That the variation shall apply to the proposed addition and the existing residence. Should the existing residence be damaged or destroyed by any means, to the extent of more than fifty percent (50%) of the fair market value of the residence, any new structures shall meet the full provisions of the Zoning Ordinance.

SECTION 3: This ordinance is limited and restricted to the property generally located at 1008 S. Lewis Ave, Lombard, Illinois, and legally described as follows:

LOT 160 IN OLD GROVE SUBDIVISION UNIT NO. 3, BEING A SUBDIVISION OF PART OF THE NORTH 1960 FEET OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 5, 1967 AS DOCUMENT R67-18058 IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-17-402-018

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 _____, 2008.

First reading waived by action of the Board of Trustees this 18th day of September, 2008.

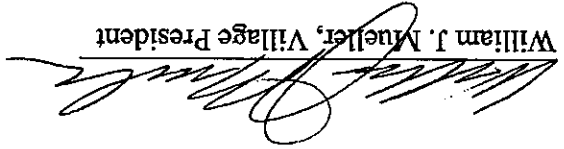
Passed on second reading this 18th day of September, 2008.

Ayes: Trustees Gron, Tross, O'Brien, Moreau, and Soderstrom

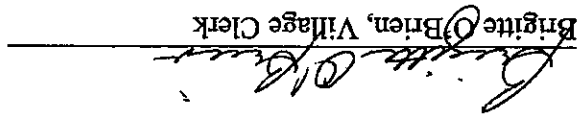
Nays: None

Absent: None

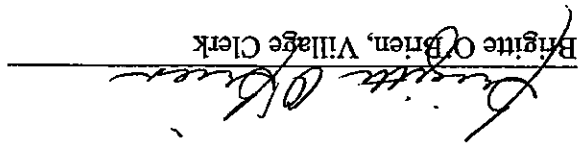
Approved this 18th day of September, 2008.


William J. Mueller, Village President

ATTEST:


Brigitte O'Brien, Village Clerk

Published by me this 29th day of September, 2008.


Brigitte O'Brien, Village Clerk

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

In Witness Whereof, I have herunto affixed my official signature and the Corporate Seal of said Village of Lombard, DuPage County, Illinois this 24th day of November, 2008.

of the said Village as it appears from the official records of said Village duly approved this 18th day of September, 2008.

THE CODE OF LOMBARD, ILLINOIS
ZONING ORDINANCE TITLE 15, CHAPTER 155 OF
APPROVING A VARIATION OF THE LOMBARD
copy of ORDINANCE 6234

I further certify that attached hereto is a copy of the records and files of the President and Board of Trustees of said Village. 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.



Ricardo Alvarado

Thank You,

I can be reached anytime at 312-285-7883 or between 9-5 at 312-822-2849.

extension.

Please let me know if there is any additional information I require to be considered for this

weeks.

This e-mail servers as follow-up to our recent telephone conversation regarding the current approval of variance for our construction project at 1008 S. Lewis Avenue. As this approval was given to us last year I am formally requesting an extension of this approval. We unfortunately have been effected by the current economic conditions and have had to pursue this project with a new construction company. We have a signed contract with this new company and they will be working on the necessary permits with the village in the next few

Michael,

From: alvarado.r@comcast.net
Sent: Saturday, July 25, 2009 2:43 PM
To: Toth, Michael
Cc: Barbara Alvarado
Subject: Re: ZBA 08-13: 1008 S. Lewis

Toth, Michael

**AN ORDINANCE GRANTING
A TIME EXTENSION TO ORDINANCE 6234**

(ZBA 08-13: 1008 S. Lewis Ave)

WHEREAS, on September 18, 2008, the President and Board of Trustees of the Village of Lombard adopted Ordinance 6234, granting a variation of the Lombard Zoning Ordinance for the property at 1008 S. Lewis Ave; 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 Ordinances 6234; and,

WHEREAS, the Village has received notification requesting a time extension of said Ordinances; 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 6234 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 the adoption of this Ordinance (i.e., August 20, 2010).

SECTION 2: That all other provisions associated with Ordinance 6234, 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 _____, 2009.
First reading waived by action of the Board of Trustees this _____ day of _____, 2009.

Passed on second reading this _____ day of _____, 2009.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____, day of _____, 2009.

William J. Mueller
Village President

ATTEST:

Brigitte O'Brien
Village Clerk

Published by me in pamphlet from this _____ day of _____, 2009

Brigitte O'Brien
Village Clerk