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DUPAGE COUNTY RECORDER
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OTHER 06-19-100-013
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ORDINANCE 6291

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

Address: 1300-1366 S. Finley Road, Lombard, IL 60148

PIN: 06-19-100-013

Return To:

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

ORDINANCE NO. 6291

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

(ZBA 08-15; 1300-1366 S. Finley Road)

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 R5PD General Residential Planned Development District; and,

WHEREAS, an application has been filed with the Village of Lombard requesting a variation from Title 15, Chapter 155, Section 155.205(A)(1)(c)(2) of the Lombard Zoning Ordinance to increase the maximum allowable fence height in a front yard from four feet (4') to seven and one half feet (7.5') in the R5PD General Residential Planned Development District ; and,

WHEREAS, an application has been filed with the Village of Lombard requesting a variation from Title 15, Chapter 155, Section 155.205(A)(1)(e)(4) of the Lombard Zoning Ordinance to increase the maximum allowable width for supporting members of a fence in the clear line of sight area from six inches (6") to thirty inches (30") in width.

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on November 19, 2008 pursuant to appropriate and legal notice; and,

WHEREAS, the Zoning Board of Appeals has forwarded its findings with a recommendation for approval to the Board of Trustees for the requested fence height variation and clear line of sight area, and,

WHEREAS, the President and Board of Trustees does concur with the findings of the Zoning Board of Appeals and have determined that it is in the best interest of the Village of Lombard to approve the requested fence height 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 155.205(A)(1)(c)(2) of the Lombard Zoning Ordinance to increase the maximum allowable fence height in a front yard from four feet (4') to seven and one half feet (7.5') in the R5PD General Residential Planned Development District ; and,

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SECTION 2: That a variation is hereby granted from the provisions of Title 15, Chapter 155, Section 155.205(A)(1)(e)(4) of the Lombard Zoning Ordinance to increase the maximum allowable width for supporting members of a fence in the clear line of sight area from six inches (6") to thirty inches (30") in width.

SECTION 3: This ordinance is limited and restricted to the property generally located at 591 S. Charlotte Street, Lombard, Illinois, and legally described as follows:

THAT PART OF THE NORTHWEST FRACTIONAL QUARTER OF SECTION 19, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 19; THENCE SOUTH 00 DEGREES 28 MINUTES 58 SECONDS WEST (ASSUMED BEARING), ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 19, A DISTANCE OF 45.80 FEET TO THE SOUTHERLY LINE OF ROOSEVELT ROAD (ILLINOIS ROUTE 38), SAID POINT BEING THE PLACE OF BEGINNING; THENCE CONTINUING SOUTH 00 DEGREES 28 MINUTES 58 SECONDS WEST, ALONG SAID WEST LINE, 1474.74 FEET TO THE NORTH LINE OF PINEBROOK OF MILLERS MEADOW, RECORDED AS DOCUMENT R79-03224; THENCE NORTH 87 DEGREES 55 MINUTES 44 SECONDS EAST, ALONG SAID NORTH LINE AND ITS EXTENSION EASTERLY, 1726.32 FEET TO THE WEST LINE OF FINLEY ROAD, SAID POINT BEING 50.00 FEET WEST OF THE EAST LINE OF THE NORTHWEST FRACTIONAL QUARTER OF SAID SECTION 19; THENCE NORTH 02 DEGREES 21 MINUTES 37 SECONDS WEST ALONG SAID WESTERLY LINE OF FINLEY ROAD AND PARALLEL WITH SAID EAST LINE OF SAID NORTHWEST FRACTIONAL QUARTER, 699.81 FEET TO THE SOUTH LINE OF FINLEY-ROOSEVELT ASSESSMENT PLAT RECORDED AS DOCUMENT R72-12515; THENCE SOUTH 87 DEGREES 42 MINUTES 46 SECONDS WEST, ALONG SAID SOUTH LINE, 700.00 FEET TO THE SOUTHWEST CORNER OF LOT 1 IN SAID FINLEY-ROOSEVELT ASSESSMENT PLAT; THENCE NORTH 02 DEGREES 21 MINUTES 37 SECONDS WEST, ALONG THE WEST LINE OF SAID LOT 1 AND PARALLEL WITH THE EAST LINE OF SAID NORTHWEST FRACTIONAL QUARTER, 482.18 FEET (DEED = 479.00 FEET) TO THE SOUTH LINE OF RON POSTMA SUBDIVISION, RECORDED AS DOCUMENT R86-127771; THENCE SOUTH 87 DEGREES 50 MINUTES 45 SECONDS WEST, ALONG SAID SOUTH LINE OF SAID RON POSTMA SUBDIVISION, 776.57 FEET (DEED = 775.43 FEET) TO THE SOUTHWEST CORNER OF LOT 1 IN SAID RON POSTMA SUBDIVISION; THENCE NORTH 02 DEGREES 14 MINUTES 43 SECONDS WEST, ALONG THE WEST LINE OF SAID LOT 1, 295.73 FEET TO THE SOUTH LINE OF SAID ROOSEVELT ROAD; THENCE SOUTH 87 DEGREES 42 MINUTES 46 SECONDS WEST, ALONG SAID SOUTH LINE OF ROOSEVELT ROAD, 177.18 FEET TO THE PLACE OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

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SECTION 4: This ordinance shall be granted subject to compliance with the following conditions:

1. The petitioner shall apply for and receive a building permit for the fence prior to construction.
2. The fence shall be installed in accordance with the site plan based on the ALTA/ACSM Land Title Survey prepared by Glen Krisch Land Surveyor, Inc., dated December 15, 2004, submitted as part of this petition.
3. The proposed fence shall be of an open style in substantial conformance with the proposed "Classic" style fence from Ameristar/Montage Fence.
4. Notwithstanding the existing seven and one half foot (7.5') high pillars, no fence shall be constructed within the front yard setback on the subject property at a height greater than six feet (6').
5. The variation to allow the brick pillars to remain in the clear line of sight area shall be applied only to the two pillars directly adjacent to the northern driveway along Finley Road.
6. In the event that either of the two brick pillars directly adjacent to the northern driveway along Finley Road are destroyed or deconstructed to fifty percent (50%) of their value, they shall neither be reconstructed nor shall any supporting member of the fence greater than six inches (6") in width be constructed within the clear line of sight area.
7. The signs attached to the existing wall shall be removed and shall not be reinstalled on the proposed fence.
8. Any subsequent landscaping to be located in the front yard of the subject property shall conform to the height restrictions outlined in the Zoning Ordinance.
9. Within sixty (60) days of the date of approval of this ordinance, the petitioner shall remove any cut brush or trimmings being stored on the property. Any overgrown bushes or hedges shall be trimmed as required by the Director of Community Development by May 1, 2009.
10. Within eighteen (18) months of the date of approval of this ordinance, the petitioner shall ensure the installation and proper functioning of a drainage inlet located at the southwest corner of the property.
11. Within eighteen (18) months of the date of approval of this ordinance, the petitioner shall install two retaining walls not less than eight inches (8") in height with final designs subject to review and approval by the Director of Community Development. The first wall shall be located to the west and south of the drainage inlet located at the southwest corner of the property. The second wall shall be located to the south of the

drainage inlet which is located near the southern property line and approximately four hundred and forty five feet (445') from the southeast corner of the property.

12. Within two (2) years of the date of approval of this ordinance, the petitioner shall construct a public sidewalk, five feet (5') in width, within the Finley Road right-of-way. The sidewalk shall extend the full length of the property's eastern frontage along Finley Road with final design subject to review and approval by the Director of Community Development.

SECTION 5: 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 December, 2008.

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

Ayes: Trustees Gron, Tross, Moreau, Fitzpatrick and Soderstrom

Nayes: None

Absent: Trustee O'Brien

Approved this 18th day of December, 2008.


William J. Mueller, Village President

ATTEST:


Brigitte O'Brien, 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 Deputy Village Clerk, I maintain and am safekeeper of the records and files of the President and Board of Trustees of said Village.

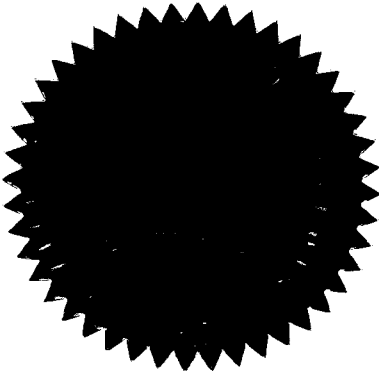
I further certify that attached hereto is a
copy of

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

In Witness Whereof, I have hereunto affixed my official signature and the Corporate Seal of said **Village of Lombard**, Du Page County, Illinois this 3rd day of February, 2009.



Barbara A. Johnson

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