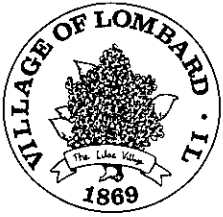


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2/2/06



**MEMORANDUM**

**TO:** William T. Lichter, Village Manager

**FROM:** David A. Hulseberg, AICP, Director of Community Development *DH*

**DATE:** February 2, 2006

**SUBJECT:** **ZBA 03-27: 25 E. North Avenue – Second Extension Ordinance – Revised Ordinance**

To clarify the amended condition associated with the time extension Ordinance for Ordinance 5423, staff and Village Counsel offer the attached revised Ordinance for consideration at the February 2, 2006 Board meeting. This revised Ordinance elaborates on the burial requirements for the electrical lines for the 5 and 25 East North Avenue properties.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE GRANTING  
A FURTHER TIME EXTENSION RELATIVE TO THE VARIATION GRANTED BY  
ORDINANCE 5423**

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

WHEREAS, on February 5, 2004, the President and Board of Trustees of the Village of Lombard adopted Ordinance 5423, which granted approval of a variation from Section 155.414 (K) of the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois, to reduce the requisite transitional landscape yard from thirty feet (30') to fifteen feet (15') in the B3 Community Shopping District for the below described property; 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 relative to the variation granted by Ordinance 5423; and,

WHEREAS, the President and Board of Trustees adopted Ordinance 5605 on February 3, 2005, granting an amendment to Ordinance 5423 which extended the period in which the petitioner shall obtain a building permit and start the associated project for an additional one-year period; and

WHEREAS, the Village has received a letter requesting a second extension of Ordinance 5423 for an additional one-year period; 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, subject to certain additional terms and conditions as more fully set forth below;

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 the variation granted by Ordinance 5423 and extended by Ordinance 5605 is hereby further 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, subject to the terms and conditions set forth in Section 2 below.

SECTION 2: In consideration of the second extension of the variation granted by Ordinance, the property owner/petitioner shall bury any electrical service lines required to serve the subject property, as described in Section 3 below. Compliance with this Section shall consist of the removal of the existing overhead electric line crossing Main Street, which serves the existing business establishment at 5 East North Avenue and replacing the overhead line with a buried line to be located underneath Main Street and/or North Avenue, with buried service lines to 5 East North Avenue and 25 East North Avenue (Parcel Identification Numbers 06-05-100-054 and 055).

SECTION 3: 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 4: All other provisions of Ordinances 5423 and 5605, not amended by this Ordinance, shall remain in full force and effect.

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 \_\_\_\_\_, 2006.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

Ayes: \_\_\_\_\_

Nayes: \_\_\_\_\_

Absent: \_\_\_\_\_

Approved this \_\_\_\_\_, day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
William J. Mueller  
Village President

ATTEST:

\_\_\_\_\_  
Brigitte O'Brien  
Village Clerk