

## **MEMORANDUM**

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

**FROM:** David A. Hulseberg, AICP  
Assistant Village Manager/Director of Community Development

**DATE:** February 7, 2008

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

On February 5, 2004, the Village Board adopted Ordinance 5423, which granted approval of a variation from Section 155.414 (K) of the Zoning Ordinance to reduce the requisite transitional landscape yard from thirty feet (30') to fifteen feet (15') in the B3 Community Shopping District. Pursuant to Section 155.103 (C)(10) of the Zoning Ordinance, 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. On February 3, 2005, the Village Board adopted Ordinance 5605, granting an amendment to Ordinance 5423 which extended the period in which the petitioner shall start the project for an additional one-year period. On February 2, 2006, the Village Board adopted Ordinance 5809, which also granted a time extension for an additional year, but now also obligated the petitioner to bury an existing overhead electrical line over Main Street. A third time extension was granted on March 1, 2007.

Staff has received a request from the petitioner requesting a fourth extension to the Ordinances 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. The property owner has submitted to the Village his building permit application and plans for the proposed retail center and his engineer has been working with DuPage County to address floodplain delineation issues for the subject property.

Staff supports the petitioner's request.

### **ACTION REQUESTED**

Please place this item on the February 7, 2008 Village Board agenda with a recommendation to approve the attached Ordinance.