

VILLAGE OF LOMBARD  
REQUEST FOR BOARD OF TRUSTEES ACTION  
For Inclusion on Board Agenda

Resolution or Ordinance (Blue) \_\_\_\_\_ *Waiver of First Requested*  
  X   Recommendations of Boards, Commissions & Committees (Green)  
Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: August 30, 2006 (B of T) Date: September 7, 2006

TITLE: ZBA 06-18: 105-121 E. Roosevelt Road

SUBMITTED BY: Department of Community Development *W.T. Lichter*

BACKGROUND/POLICY IMPLICATIONS:

The Zoning Board of Appeals transmits for your consideration its recommendation relative to the above-mentioned petition. This petition requests the following actions be taken on the subject property within the B4 Corridor Commercial District:

1. A variation from Section 153.208(G)(4) of the Lombard Sign Ordinance to allow directly exposed interior illumination;
  2. A variation from Section 153.505(B)(6)(c)(2) of the Lombard Sign Ordinance to allow a freestanding sign to be set back less than 75 feet from the centerline of the adjacent right-of-way; and
  3. A variation from Section 153.505(B)(6)(a)(2) of the Lombard Sign Ordinance to allow an approximately 252-square foot freestanding sign where a maximum area of 125 square feet is permitted.
- (DISTRICT #6)

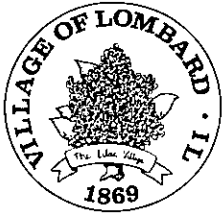
The Zoning Board of Appeals recommended approval of this petition with conditions.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____	Date _____
Finance Director X _____	Date _____
Village Manager X <i>W.T. Lichter</i>	Date <u>8/30/06</u>

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:** William T. Lichter, Village Manager

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

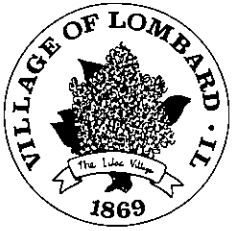
**DATE:** September 7, 2006

**SUBJECT:** **ZBA 06-18: 105-121 E. Roosevelt Road**

Attached please find the following items for Village Board consideration as part of the September 7, 2006 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 06-18;
3. An Ordinance granting approval of the requested sign variations; and
4. Plans associated with the petition.

Please contact me if you have any questions regarding the aforementioned materials.



## VILLAGE OF LOMBARD

255 E. Wilson Avenue  
Lombard, IL 60148-3926  
(630) 620-5700 FAX: (630) 620-8222  
TDD: (630) 620-5812  
www.villageoflombard.org

**Village President**  
William J. Mueller

**Village Clerk**  
Brigitte O'Brien

**Trustees**  
Greg Alan Gron, Dist. 1  
Richard J. Tross, Dist. 2  
John "Jack" T. O'Brien, Dist. 3  
Steven D. Sebby, Dist. 4  
Kenneth M. Florey, Dist. 5  
Rick Soderstrom, Dist. 6

**Village Manager**  
William T. Lichter

September 7, 2006

Mr. William J. Mueller  
Village President, and  
Board of Trustees  
Village of Lombard

**Subject: ZBA 06-18; 105-121 E. Roosevelt Road**

Dear President and Trustees:

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioner requests the following actions be taken on the subject property within the B4 Corridor Commercial District:

1. A variation from Section 153.208(G)(4) of the Lombard Sign Ordinance to allow directly exposed interior illumination;
2. A variation from Section 153.505(B)(6)(c)(2) of the Lombard Sign Ordinance to allow a freestanding sign to be set back less than 75 feet from the centerline of the adjacent right-of-way; and
3. A variation from Section 153.505(B)(6)(a)(2) of the Lombard Sign Ordinance to allow an approximately 252-square foot freestanding sign where a maximum area of 125 square feet is permitted.

"Our shared *Vision* for Lombard is a community of excellence exemplified by its government working together with residents and business to create a distinctive sense of spirit and an outstanding quality of life."

"The *Mission* of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."

The Zoning Board of Appeals conducted a public hearing on August 23, 2006. Jeff Sukowski of Famous Liquors presented the petition. Mr. Sukowski stated that the grandfather clause that had previously allowed the sign to remain was no longer valid. The sign is a historic part of the Village, much like the Dairy Queen sign of the same era. He stated that they plan to remove the "Famous Deli" addition from the sign.

Chairperson DeFalco then opened the meeting for public comment. There was no one present to speak for or against the petition.

Chairperson DeFalco then requested the staff report.

Jennifer Backensto, Planner II, presented the staff report. The petitioner is requesting three variations that would bring the existing Famous Liquors freestanding sign into compliance with Village Code. The sign was legally constructed in 1965 and is currently nonconforming with regard to its size, location, and construction.

In 1993, the Village Board amended the Sign Ordinance to create amortization provisions to bring legal nonconforming signs into eventual compliance with current Village regulations while still ensuring that the owners of the signs receive the benefit of their investments in those signs. The provisions of the ordinance permitted the continued use of a sign for seven (7) years from the date of receiving notice from the Village. At the end of this seven-year period, the legal nonconforming status of the sign expires and the sign must be removed.

Ms. Backensto stated that in 1999, the owners of Famous Liquors were sent notices regarding the legal nonconforming status of their sign and advising them that, pursuant to Village Code, the sign must be removed within seven years. As seven years have passed since the notification, Famous Liquors is now requesting variations to bring the sign into compliance with code. She references a summary of the existing nonconformities within the staff report.

Staff finds that the requested relief for sign area and construction can be supported due to the unique nature and history of the sign. The only other known sign from this era, the Dairy Queen sign at 205 S. Main Street, was designated by the Village as a local landmark. As opposed to a new sign, granting relief for the Famous Liquors sign would not have a negative impact on the surrounding properties or alter the character of the neighborhood as the sign has existed in its present location for 41 years and predates much of the surrounding development. In this case, the hardship results from the various changes that have been made to the Sign Ordinance over the past four decades and not from any action of the petitioner or property owner.

Ms. Backensto stated that staff can also support the requested relief from the 75-foot setback requirement due to the character and existing development along Roosevelt Road. The Roosevelt Road right-of-way is only 100 feet wide, meaning that any freestanding sign is required by code to be located at least 25 feet in from the front property line. Many properties along Roosevelt Road have parking lots at or very near their front property lines and, consequently, many older signs do not meet the 75-foot setback requirement. There is also a recent precedent for granting setback relief for freestanding signs in this corridor as two similar requests have already been granted in 2006: PC 06-06, 844 E. Roosevelt Road (Popeye's) and PC 06-11: 300 E. Roosevelt Road (McDonald's).

As part of the request for zoning relief, the petitioner has proposed to remove the "Famous Deli" sign that was added underneath the original, historic sign. Given that staff's support of the requested relief is largely based upon the historic nature of the sign, staff recommends that the removal of the "Famous Deli" sign cabinet be made a condition of any approvals.

Chairperson DeFalco then opened the meeting for discussion by the Board Members. He asked why the letters had been sent in 1999 if staff did not object to the sign. Ms. Backensto stated that, in 1999, staff had identified a number of freestanding signs throughout the Village that did not meet code in one way or another. All of the owners of those signs were sent notices informing them of the seven-year amortization period. Although staff does not object to the requested relief for the Famous Liquors sign, the necessary relief can only be granted through the public hearing process regardless of staff's recommendation on the issue.

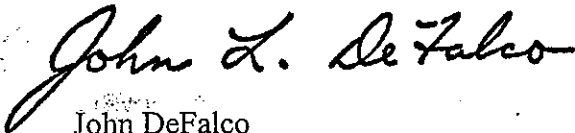
Chairperson DeFalco asked how the Dairy Queen sign had been allowed to remain given that the owners had not appeared before the Zoning Board of Appeals to request relief. Ms. Backensto stated that the Dairy Queen sign had been deemed historically significant by the Lombard Historical Commission and Village Board, thereby exempting the sign from Sign Ordinance requirements.

After due consideration of the submitted petition and the testimony presented, the Zoning Board of Appeals, by a roll call vote of 6-0, submits this petition to the Corporate Authorities with a recommendation of approval for the requested variation, subject to the following conditions:

1. Upon approval of this ordinance, the petitioner shall immediately remove the lower portion of the sign cabinet reading "The Famous Deli."
2. The variations shall be limited to the existing freestanding sign. Should the existing freestanding sign be damaged or destroyed by any means, any new freestanding sign shall meet all provisions of the Lombard Sign Ordinance.

Respectfully,

VILLAGE OF LOMBARD



John DeFalco  
Chairperson  
Zoning Board of Appeals

att-

**VILLAGE OF LOMBARD**  
**INTER-DEPARTMENTAL REVIEW GROUP REPORT**

TO: Zoning Board of Appeals

HEARING DATE: August 23, 2006

FROM: Department of Community  
Development

PREPARED BY: Jennifer Backensto, AICP  
Planner II

**TITLE**

**ZBA 06-18; 105-121 E. Roosevelt Road:** The petitioner requests the following actions be taken on the subject property within the B4 Corridor Commercial District:

1. A variation from Section 153.208(G)(4) of the Lombard Sign Ordinance to allow directly exposed interior illumination;
2. A variation from Section 153.505(B)(6)(c)(2) of the Lombard Sign Ordinance to allow a freestanding sign to be set back less than 75 feet from the centerline of the adjacent right-of-way; and
3. A variation from Section 153.505(B)(6)(a)(2) of the Lombard Sign Ordinance to allow an approximately 252-square foot freestanding sign where a maximum area of 125 square feet is permitted.

**GENERAL INFORMATION**

Petitioner: Famous Trading – Lombard  
105 E. Roosevelt Road  
Lombard, IL 60148

Property Owner: West Properties  
1121 W. Tamarack Drive  
Barrington, IL 60010

**PROPERTY INFORMATION**

Existing Zoning: B4 Corridor Commercial District

Existing Land Use: Strip shopping center

Size of Property: Approximately 1.47 acres

### **Surrounding Zoning and Land Use**

- North: B3 Community Shopping District; developed as Lombard Pines Shopping Center
- South: R3 Attached Single-Family Residence District & DuPage County R-4 Single Family Residence District; developed as attached and detached single-family residences
- East: B3 Community Shopping District; developed as a strip shopping center
- West: B3 Community Shopping District; developed as a strip shopping center and freestanding automobile service business

### **ANALYSIS**

#### **SUBMITTALS**

This report is based on the following documents, which were filed with the Department of Community Development on August 1, 2006.

1. Petition for Public Hearing
2. Response to the Standards for Variation
3. Plat of Survey, prepared by CEMCON, Ltd., dated April 2, 2002.
4. Copy of portion of Building Permit #14568 for a freestanding sign, issued October 19, 1965.
5. Photos of freestanding sign.

#### **DESCRIPTION**

The petitioner is requesting three variations that would bring the existing Famous Liquors freestanding sign into compliance with Village Code. The sign was legally constructed in 1965 and is currently nonconforming with regard to its size, location, and construction.

#### **INTER-DEPARTMENTAL REVIEW COMMENTS**

##### **Fire and Building**

Fire and Building have the following comment on this petition:

- Sign location to not interfere with any line of sight obstructions for emergency equipment entering or leaving the referenced site.

##### **Public Works Engineering**

Public Works has no comments on this petition.

**Private Engineering**

The Private Engineering Services Division has no comment on the subject petition.

**Planning**

*Background*

On July 22, 1993, the Village of Lombard Board of Trustees approved Ordinance #3731 amending the Lombard Sign Ordinance. This amendment created amortization provisions to bring legal nonconforming signs into eventual compliance with current Village regulations while still ensuring that the owners of the signs receive the benefit of their investments in those signs. The provisions of the ordinance permitted the continued use of a sign for seven (7) years from the date of receiving notice from the Village. At the end of this seven-year period, the legal nonconforming status of the sign expires and the sign must be removed.

In 1999, the owners of Famous Liquors were sent notices regarding the legal nonconforming status of their sign and advising them that, pursuant to Village Code, the sign must be removed within seven years. As seven years have passed since the notification, Famous Liquors is now requesting variations to bring the sign into compliance with code. A summary of the existing nonconformities is shown in the following table:

	<i>Permitted in B3</i>	<i>Existing Sign</i>
Height	Maximum 25 feet	20 feet
Area	Maximum 125 square feet	<b>252 square feet</b>
Setback from centerline of state right-of-way	Minimum 75 feet	<b>52 feet</b>
Construction	Surface of sign must be smooth	<b>Sign has exposed light bulbs</b>

Staff finds that the requested relief for sign area and construction can be supported due to the unique nature and history of the sign. The only other known sign from this era, the Dairy Queen sign at 205 S. Main Street, was designated by the Village as a local landmark. As opposed to a new sign, granting relief for the Famous Liquors sign would not have a negative impact on the surrounding properties or alter the character of the neighborhood as the sign has existed in its present location for 41 years and predates much of the surrounding development. In this case, the hardship results from the various changes that have been made to the Sign Ordinance over the past four decades and not from any action of the petitioner or property owner.

Staff can also support the requested relief from the 75-foot setback requirement due to the character and existing development along Roosevelt Road. The Roosevelt Road right-of-way is only 100 feet wide, meaning that any freestanding sign is required by code to be located at least 25 feet in from the front property line. Many properties along Roosevelt Road have parking lots at or very near their front property lines and, consequently, many older signs do not meet the 75-foot setback requirement. There is also a recent precedent for granting setback relief for



freestanding signs in this corridor as two similar requests have already been granted in 2006: PC 06-06, 844 E. Roosevelt Road (Popeye's) and PC 06-11: 300 E. Roosevelt Road (McDonald's).

As part of the request for zoning relief, the petitioner has proposed to remove the "Famous Deli" sign that was added underneath the original, historic sign. Given that staff's support of the requested relief is largely based upon the historic nature of the sign, staff recommends that the removal of the "Famous Deli" sign cabinet be made a condition of any approvals.

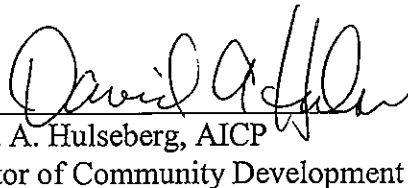
### FINDINGS AND RECOMMENDATIONS

The Department of Community Development has determined that the information presented **has affirmed** the Standards for Variations for the requested variation. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make the following motion recommending approval of the variation:

Based on the submitted petition and the testimony presented, the requested variation **complies** with the Standards required for a variation by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals accept the findings on the Inter-Departmental Review Committee as the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **approval** of ZBA 06-18, subject to the following conditions:

1. Upon approval of this ordinance, the petitioner shall immediately remove the lower portion of the sign cabinet reading "The Famous Deli."
2. The variations shall be limited to the existing freestanding sign. Should the existing freestanding sign be damaged or destroyed by any means, any new freestanding sign shall meet all provisions of the Lombard Sign Ordinance.

Inter-Departmental Review Group Report Approved By:

  
David A. Hulseberg, AICP  
Director of Community Development

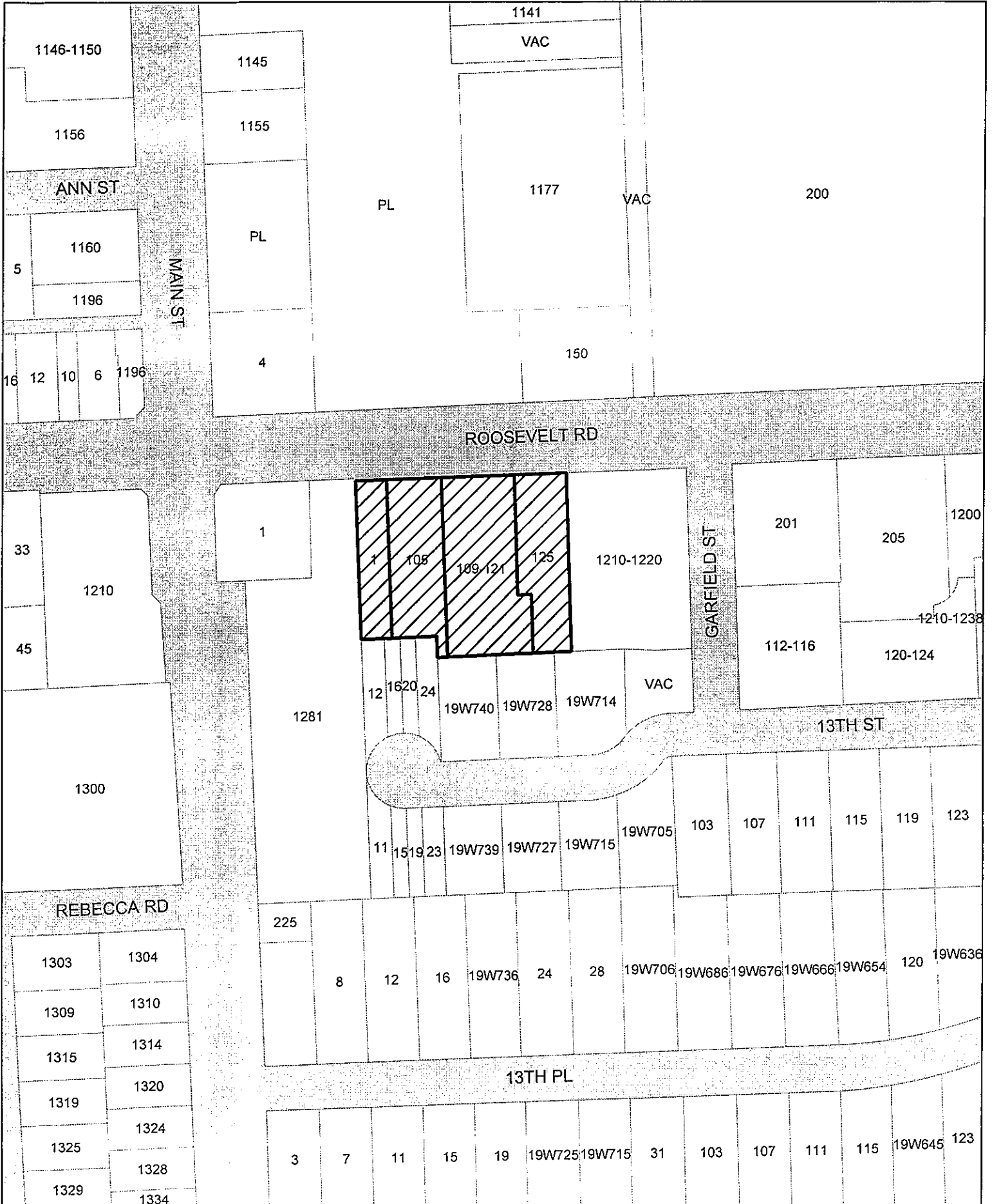
DAH:JB

att-

c: Petitioner

# Location Map

ZBA 06-18



1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.

This request is made as the Famous Liquors sign was installed in October of 1965. This sign has served as not only an icon for the business as well as the Village.

This sign represents a historic era of the community and Roosevelt Road. If the sign was required to be removed tradition and history would be lost.

2. The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification.

There exists only one other historic sign of this era. The Dairy Queen on South Main Street was of this same era and also received Village relief to allow it to remain.

3. The purpose of the variation is not based primarily upon a desire to increase financial gain.

The sign presently exists and the petitioner will not receive any financial gain in it remaining. The sign is in part an institution in itself.

4. The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.

The hardship is caused by the Village requiring sign removal nothing that the petitioner has done. The petitioner finds it acceptable for the sign to exist as grand fathered non-conforming.

5. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

For 46 years the sign has existed without being detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

6. The granting of the variation will not alter the essential character of the neighborhood; and,

For 46 years the sign has existed and is in fact part of the essential character of the neighborhood.

7. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

For 46 years the sign has not impaired an adequate supply of light and air or substantially increase the congestion of the public streets or increase the danger of fire, or impair drainage or endanger the public safety or impair values within the neighborhood.

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

**AN ORDINANCE APPROVING VARIATIONS  
OF THE LOMBARD SIGN ORDINANCE  
TITLE 15, CHAPTER 153 OF THE CODE OF LOMBARD, ILLINOIS**

(ZBA 06-18: 105-121 E. Roosevelt Road)

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Sign Ordinance, otherwise known as Title 15, Chapter 153 of the Code of Lombard, Illinois; and,

WHEREAS, the subject property is zoned B4 Corridor Commercial District; and,

WHEREAS, an application has been filed with the Village of Lombard requesting a variation from Title 15, Chapter 153, Section 208 (G) (4) to allow directly exposed interior illumination; and,

WHEREAS, an application has been filed with the Village of Lombard requesting a variation from Title 15, Chapter 153, Section 505 (B) (6) (c) (2) to allow a freestanding sign to be set back less than 75 feet from the centerline of the adjacent right-of-way; and,

WHEREAS, an application has been filed with the Village of Lombard requesting a variation from Title 15, Chapter 153, Section 505 (B) (6) (a) (2) to allow an approximately 252-square foot freestanding sign where a maximum area of 125 square feet is permitted; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on August 23, 2006 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 variations described herein, subject to conditions; 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 153, Section 208 (G) (4) to allow directly exposed interior illumination.

SECTION 2: That a variation is hereby granted from the provisions of Title 15, Chapter 153, Section 505 (B) (6) (c) (2) to allow a freestanding sign to be set back less than 75 feet from the centerline of the adjacent right-of-way.

SECTION 3: That a variation is hereby granted from the provisions of Title 15, Chapter 153, Section 505 (B) (6) (a) (2) to allow an approximately 252-square foot freestanding sign where a maximum area of 125 square feet is permitted.

SECTION 4: This ordinance is limited and restricted to the property generally located at 105-121 E. Roosevelt Road, Lombard, Illinois, and legally described as follows:

THE EAST 301.75 FEET OF THE WEST 521.75 FEET OF THE NORTH 284 FEET OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS, EXCEPT THAT PART TAKEN FOR HIGHWAY PURPOSES; AND

THE NORTH 30 FEET OF LOT 1, THE NORTH 30 FEET OF LOT 2, AND THE NORTH 30 FEET OF THE WEST 26.75 FEET OF LOT 3, ALL IN SHARON'S SUBDIVISION OF THE SOUTH 376 FEET OF THE NORTH 660 FEET OF THE EAST 330 FEET OF THE WEST 660 FEET OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-20-100-066, -067, -068

SECTION 5: This ordinance shall be granted subject to compliance with the following conditions:

1. Upon approval of this ordinance, the petitioner shall immediately remove the lower portion of the sign cabinet reading "The Famous Deli."
2. The variations shall be limited to the existing freestanding sign. Should the existing freestanding sign be damaged or destroyed by any means, any new freestanding sign shall meet all provisions of the Lombard Sign Ordinance.

SECTION 6: This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Ordinance No. \_\_\_\_\_  
Re: ZBA 06-18  
Page 3

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