

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott Niehaus, Village Manager

DATE: September 28, 2016 (B of T) Date: October 6, 2016

TITLE: An Ordinance Approving a Driveway Width Variation
370 East 17th Street - Wilson

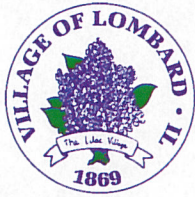
BACKGROUND/POLICY IMPLICATIONS:

An ordinance approving a variation for the width of a driveway for the property at 370 E. 17th Street is attached. The request was appealed to the Village Board of Trustees from an initial denial by the Director of Public Works. The Village Board reviewed the initial request at their regular meeting on September 1, 2016.

Review (as necessary):

Village Attorney X _____	Date _____
Finance Director X _____	Date _____
Village Manager X _____	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: Scott Niehaus
Village Manager

FROM: Nicole P. Aranas
Assistant Village Manager

DATE: September 28, 2016

SUBJECT: **AN ORDINANCE APPROVING A DRIVEWAY WIDTH VARIATION – 370 EAST 17TH STREET**

Attached please find information pertaining to a request to approve a driveway variation for 370 East 17th Street. Section 150.301(A)(3) of the Lombard Village Code provides a residential driveway shall not exceed 20 feet in width, as measured at the property line. The initial request of the property owner for a variance to expand the driveway width at the property line to a width of 22 feet was denied by the Director of Public Works and appealed to the Village Board of Trustees. Following discussion at the Village Board of Trustees Meeting, the attached Ordinance was prepared for final consideration by the Board.

Property owner, Zachary Wilson, is requesting a variance from Section 150.301(A)(3) of the Lombard Village Code to permit construction of a driveway exceeding the maximum allowable width at the property line. The Lombard Village Code provides that the driveway width at the property line shall not exceed 20 feet. The requested driveway replacement would measure 22 feet at the property line, two feet wider than the width permitted by Village Code. The attached Exhibit B depicts the requested variance.

Following an initial denial of the request variance by the Public Works Director, Petitioner submitted an appeal to the Village Board of Trustees. At their September 1, 2016 regular meeting, the Board of Trustees considered the appeal and requested that an ordinance approving the variation be prepared for future consideration. The attached Ordinance to approve the requested driveway width variation has been prepared for review and consideration by the Board of Trustees.

Should you have any questions or concerns regarding this matter, please do not hesitate to contact me.

ORDINANCE NO. _____

**AN ORDINANCE APPROVING
A DRIVEWAY WIDTH VARIATION
(370 East 17th Street)**

BE IT ORDAINED by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

SECTION 1:

- A. That on August 19, 2016, the owners of the Subject Property (as defined below), pursuant to Section 150.303(A) of the Lombard Village Code (the "Village Code"), requested a two (2) foot variation from the maximum driveway width requirement of Section 150.301(A)(3) of the Village Code, so as to be able to have a driveway with a width of twenty-two (22) feet, instead of twenty (20) feet, at the property line (the "Variation Request"). A copy of said Variation Request is attached hereto as Exhibit A and made part hereof.
- B. That on August 25, 2016, pursuant to Section 150.303(A) of the Village Code, the Director of Public Works issued a letter denying the Variation Request.
- C. That on August 29, 2016, pursuant to Section 150.303(B) of the Village Code, the owners of the Subject Property (as defined below) appealed the denial of the Variation Request to the President and Board of Trustees (the "Village Board") of the Village of Lombard (the "Village").
- D. That said appeal of the denial of the Variation Request was heard by the Village Board at the September 15, 2016 Village Board meeting.
- E. That the Village Board finds the arguments of the owners of the Subject Property (as defined below), as contained in the Variation Request, to be persuasive, relative to the factors to be considered when granting a driveway width variation, as set forth in Section 150.303(A) of the Village Code, and further finds that, based on the fact that the Subject Property (as defined below) is a corner lot, and the fact that the owners of the Subject Property (as defined below) are willing to limit the widening of the driveway to only the triangular area on the Subject Property (as defined below), as depicted on Exhibit B attached hereto and made part hereof, the Variation Request should be granted.

SECTION 2: That the following variation is limited to the property legally described as follows:

LOT 54 IN HIGHLAND ESTATES SUBDIVISION, BEING A SUBDIVISION OF PART OF THE EAST HALF OF THE SOUTHWEST QUARTER AND PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN IN DUPAGE COUNTY, ILLINOIS;

P.I.N.: 06-20-310-011;

Common Address: 370 E. 17th Street, Lombard, Illinois 60148;

(the "Subject Property").

SECTION 3: That a 2.00 foot variation from the 20.00 foot maximum driveway width requirement of Section 150.301(A)(3) of the Village Code is granted to the owners of the Subject Property, subject to the condition that the expansion of the driveway width, beyond twenty (20) feet, be limited to only the triangular area depicted on Exhibit B.

SECTION 4: That this Ordinance shall be in full force and effect from and after its passage and approval as required by law.

Passed on first reading this ____ day of _____, 2016.

First reading waived by action of the Board of Trustees this 6th day of October, 2016.

Passed on second reading this 6th day of October, 2016, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this 6th day of October, 2016.

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Exhibit A
Variation Request
(attached)

ZACHARY C. AND MARY B. WILSON

370 East 17th Street
Lombard, Illinois 60148

Tel: (630) 495-6920

Cell: (630) 400-1171

Fax: (630) 495-2986

zacklaw@sbcglobal.net

August 19, 2016

Director Carl Goldsmith
Department of Public Works
Village of Lombard
255 East Wilson
Lombard, Illinois 60148

AUG 22 2016

Re: 370 East 17th Street
Driveway Permit/Variance

Dear Director Goldsmith:

I am seeking to replace my driveway which is long overdue in its need for repair.

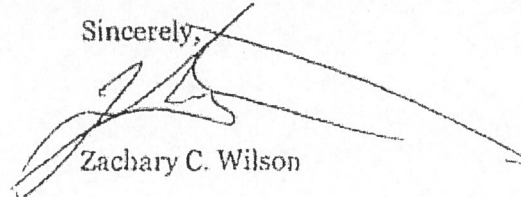
This letter, pursuant to Article XV., Chapter 150, Section 303 of the Lombard Code of Village Ordinances, serves as my formal request for a variance to §150.301(A)(3) allowing the width at the sidewalk to be increased from 20 feet to 22 feet.

In support of this request, I submit the following:

- Due to the design of the driveway and locations of the garage and curb cut, entry and exit from the third garage stall is difficult (if not impossible for some) without driving across the landscaping. As a result, an optically undesirable patch of ground remains in full view of the home and therefore detracts from the entire neighborhood community.
- I have attempted alternatives to no avail. My circumstances are unique in that the design shape and location of the driveway, in addition to the number and experience of additional drivers are inconsistent with others in the community.
- The variation, if granted, will not alter the essential character of the neighborhood but in fact will remove an unsightly aberration.

I have attached my permit application and copies of my plat of survey. I appreciate your time and attention to this matter and await your reply. Thank you.

Sincerely,



Zachary C. Wilson

Exhibit B

**Depiction of the limited area of the driveway
which can extend beyond the twenty (20) foot width**

(attached)

370 E 17th Street Driveway Variation

