

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: David A. Hulseberg, Village Manager *DAH*

DATE: October 7, 2008 (B of T) Date: October 16, 2008

TITLE: ZBA 06-21: 820 E. St. Charles Road

SUBMITTED BY: Department of Community Development *WLD*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration a request granting a further time extension (12 month) of Ordinance 5935 as amended by Ordinance 6094 relative to the approval of a reduction in the minimum required lot area for the property located at 820 E. St. Charles Road. (DISTRICT #4)

Staff is requesting a waiver of first reading.

Staff recommends approval of this request.

Fiscal Impact/Funding Source:  
Review (as necessary):

Village Attorney X

Finance Director X

Village Manager X *David Hulseberg*

Date

Date

Date *10/3/08*

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:** David A. Hulseberg, AICP, ICMA-CM, Village Manager  
**FROM:** William J. Heniff, AICP, Director of Community Development *WJA*

**DATE:** October 16, 2008

**SUBJECT:** ZBA 06-21: 820 E. St. Charles Road

On October 19, 2006, the Village Board adopted Ordinance 5935, which granted approval of a variation from Section 155.415 (D) of the Zoning Ordinance to reduce the minimum required lot area from 40,000 square feet to 20,727.26 square feet in the B4 Corridor Commercial District. 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 a time extension is granted by the Village Board.

Attached please find a letter from the petitioner requesting a second extension to the Ordinance 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.

**ACTION REQUESTED**

A letter from the petitioner and a draft Ordinance is attached for Board consideration. Please place this item on the October 16, 2008 Board agenda with a recommendation to approve the attached Ordinance.

Staff also requests a waiver of first reading of the Ordinance.



Robert H. Mueller  
738 S. Elizabeth Street  
Lombard, Illinois 60148

October 7, 2008

Mr. Bill Heniff  
Village of Lombard  
255 E. Wilson Ave.  
Lombard, Illinois 60148

RE: ZBA 06-21 : 820 E. St. Charles Road

Dear Mr. Heniff,

On October 19, 2006 the Lombard Village Board voted on and approved a request of a lot variation from section 155.415 ( D ) of the Zoning Ordinance to reduce the required minimum lot area from 40,000 sq. ft to 20,727.26 sq ft in the B-4 Corridor Commercial District.

On October 5, 2007 I requested an extension of the approved variation which has a time limit of 1 year, and was granted that extension.

Due to the current market and economic conditions, I am again asking for a continuation of the approved variation for a period of hopefully 1 additional year with hopes that the U. S. economy will turn around and I will be able to proceed with my construction plans. Your assistance in this matter is greatly appreciated, please do not hesitate to contact me at 630-627-6244.

Respectfully,



Robert H. Mueller



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

Return To:

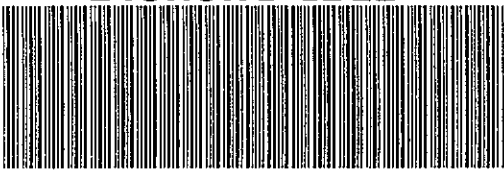
ADDRESS: 820 E. St. Charles Road, Lombard, IL

FIN: 06-04-310-047

GRANTING A TIME EXTENSION  
OF ORDINANCE 5935

ORDINANCE 6094

FRED BUCHOLZ  
DUPAGE COUNTY RECORDER  
MAR. 06, 2008 3:30 PM  
OTHER 06-04-310-047  
005 PAGES R2008 - 036395



COPY



**ORDINANCE NO. 6094**

**AN ORDINANCE GRANTING  
A TIME EXTENSION OF ORDINANCE 5935**

(ZBA 06-21: 820 E. St. Charles Road)

WHEREAS, on October 19, 2006, the President and Board of Trustees of the Village of Lombard adopted Ordinance 5935, which granted approval of a variation from Section 155.415 (D) of the Zoning Ordinance to reduce the minimum required lot area from 40,000 square feet to 20,727.26 square feet in the B4 Corridor Commercial District; 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 for the development granted by Ordinance 5935; and,

WHEREAS, the Village has received a letter requesting an extension of Ordinance 5935; 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.

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:** Ordinance 5935 is hereby amended and 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.

**SECTION 2:** That all other provisions associated with Ordinance 5935, not amended by this Ordinance, shall remain in full force and effect.



SECTION 3: 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 \_\_\_\_\_, 2007.

First reading waived by action of the Board of Trustees this 18<sup>th</sup> day of October, 2007.

Passed on second reading this 18<sup>th</sup> day of October, 2007.

Ayes: Trustees Gron, Tross, O'Brien, Moreau, Fitzpatrick and Soderstrom

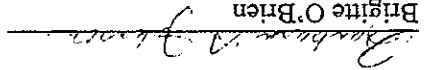
Nays: None

Absent: None

Approved this 18<sup>th</sup>, day of October, 2007.

  
William J. Mueller  
Village President

ATTEST:

  
Brigitte O'Brien  
Village Clerk



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

**AN ORDINANCE GRANTING  
A TIME EXTENSION OF ORDINANCE 5935**

(ZBA 06-21: 820 E. St. Charles Road)

WHEREAS, on October 19, 2006, the President and Board of Trustees of the Village of Lombard adopted Ordinance 5935, which granted approval of a variation from Section 155.415 (D) of the Zoning Ordinance to reduce the minimum required lot area from 40,000 square feet to 20,727.26 square feet in the B4 Corridor Commercial District; and

WHEREAS, on October 18, 2007, the President and Board of Trustees of the Village of Lombard adopted Ordinance 6094, which a time extension of said lot area variation to October 18, 2008; 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 for the development granted by Ordinance 5935; 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.

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**SECTION 3:** 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 \_\_\_\_\_ day of \_\_\_\_\_, 2007.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

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

Nays: \_\_\_\_\_

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

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

William J. Mueller  
Village President

ATTEST:

Brigitte O'Brien  
Village Clerk