

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott R. Niehaus, Village Manager

DATE: July 1, 2015 (B of T) Date: July 16, 2015

TITLE: PC 15-15; 338 S. Martha Court – Variance to Reduce the Required  
Minimum Lot Area of Two Lots

SUBMITTED BY: Department of Community Development *in*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests that the Village grant approval of a variance from Section 155.407(D) to reduce the required minimum lot area for two lots within the R2 Single Family Residential District.

The Plan Commission recommended approval of this petition by a vote of 4-1.

The petitioner requests a waiver of first reading of the Ordinance.

Fiscal Impact/Funding Source:


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 R. Niehaus, Village Manager

**FROM:** William J. Heniff, AICP, Director of Community Development 

**DATE:** July 16, 2015

**SUBJECT:** **PC 15-15; 338 S. Martha Court – Variance to Reduce the Required Minimum Lot Area of Two Lots**

Please find the following items for Village Board consideration as part of the July 16, 2015 Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 15-15; and
3. An Ordinance granting approval of a variance to reduce the required minimum lot area for two lots for a proposed resubdivision of one lot.

The Plan Commission recommended approval of this petition by a vote of 4-1. Please place this petition on the July 16, 2015 Board of Trustees agenda. A waiver of first is requested.

H:\CD\WORDUSER\PCCASES\2015\PC 15-15\PC 15-15\_Village Manager Memo.docx



## VILLAGE OF LOMBARD

255 E. Wilson Ave.  
Lombard, Illinois 60148-3926  
(630) 620-5700 Fax (630) 620-8222  
www.villageoflombard.org

July 16, 2015

**Village President**  
Keith T. Giagnorio

**Village Clerk**  
Sharon Kuderna

**Trustees**  
Dan Whittington, Dist. 1  
Michael A. Fugiel, Dist. 2  
Reid Foltyniewicz, Dist. 3  
Bill T. Johnston, Dist. 4  
Robyn Pike, Dist. 5  
William "Bill" Ware, Dist. 6

**Village Manager**  
Scott R. Niehaus

*"Our shared Vision for Lombard is a community of excellence exemplified by its government working together with residents and businesses 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."*

Mr. Keith T. Giagnorio,  
Village President, and  
Board of Trustees  
Village of Lombard

**Subject: PC 15-15; 338 S. Martha Court – Variance to Reduce the Required Minimum Lot Area of Two Lots**

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests that the Village grant approval of a variance from Section 155.407(D) to reduce the required minimum lot area for two lots within the R2 Single Family Residential District.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on June 15, 2015. Jennifer Ganser, Assistant Director of Community Development, read the Plan Commissions procedures. Chairperson Ryan asked if anyone other than the petitioner intended to cross examine, and that they please stand. Sworn in to testify for the petition were William J. Heniff, Director of Community Development; Jennifer Ganser; Mark Anderson, the petitioner; Catherine Lynott; and Cari Dinglason.

Mr. Anderson began by stating that the cul-de-sac at 338 S. Martha Court was created in 1971 with buildable lots. Houses were built on all of the lots with the exception of one. In 1986, he and his wife purchased 338 S. Martha Court and the lot to the south which was a buildable lot at that time. In 1988, an in-ground pool was constructed in this lot. The Village requested that the property owners consolidate both the lots as one contiguous lot. The property owners complied and at this time would like to go back to the two lots and remove the pool and sell the lots separately. Therefore the petitioner would like to restore the lots to the original conditions in which they were purchased in the 1980's and developed in 1971.

Chairperson Ryan asked if anyone would like to speak in favor of the petition. Hearing none, he asked if anyone would like to speak against the petition. Ms. Lynott stated that she owns the property directly behind the petitioner's property, has lived there over eleven years and when there are heavy rains like today there is flooding. She stated that she had received advice from the Village Engineer a few years ago to address the grading of her property, however today her property is taking in water and not draining. She stated that she would like the property behind her property to remain as is and not be developed due to increased flooding concerns. She requested to submit pictures and video of her property. Ms. Ganser responded that she can email them to her.

Ms. Dinglason stated that her concern is related to the availability of parking along the street especially in the winter when the snow is plowed in the center of the cul-de-sac and emergency vehicles may have difficulty accessing the area.

Mr. Anderson responded that he has lived at his property for thirty years and there has not been a problem with parking. There has been a tradition of cars parking in the center of the cul-de-sac for parties, etc. In the past, they have used Hickory for parking vehicles as well. Regarding the flooding issue, Mr. Anderson stated that the lot that was platted in 1971 should be developed as any other buildable lot within the Village and be held to the same standards of development and lot coverage and not prohibited due to drainage concerns.

Chairperson Ryan asked for the staff report.

Ms. Ganser submitted the staff report to the public record in its entirety. Ms. Ganser stated that petitioner requests to divide his property into two lots and each lot requires a variance from the minimum lot area. The lots are in the residential district and were platted in 1971 as two separate lots. Since then and up until the date that the property owners consolidated the lots in 1988, a house could have been built on the second lot. Ms. Ganser explained that the lots were required to be consolidated because a swimming pool is an accessory structure and per zoning code accessory structures are not permitted on lots of record without a principal structure. The petitioner plans to remove the pool and the Village is requesting a cash bond for the removal of the pool as a condition of the variance. Staff received a letter of objection from a neighbor concerning child safety, accessibility and the beauty of Lombard. The letter is attached to the staff report. Staff can support the request to re-establish the lots as they were once platted in 1971.

Ms. Ganser responded that the minimum lot area according to code is 7,500 square feet, the proposed lots are 6,660 square feet therefore the variance is required. The petitioners stated their hardship as the lots were platted and approved by the Village in 1971 and the Village required the lots be consolidated for the swimming pool and reiterated the code that an accessory structure requires a principal structure on the same lot, in this case a single family home.

Commissioner Sweetser asked for the background of the minimum lot area requirement. Ms. Ganser responded that the minimum lot area could have changed since 1971.

Commissioner Flint suggested that the desire for larger house stock throughout the Village would require a larger piece of property to accommodate each home could have contributed to the requirement.

Mr. Heniff noted that the 7,500 square feet may not have changed and that the Village Board at the time approved the subdivision. This subdivision is one of the last to be platted in the area with the land that was remaining. There is a provision within the zoning code that allows lots to be developed with single family homes if the area and the width of the existing lot has eighty percent of the minimum requirements. This percentage results in a 6,000 square feet lot area. If not for the swimming pool requiring the consolidation of the lots in 1988, the property owner could have come in today and obtained a building permit to build a new home on the premises.

Commissioner Olbrysh stated that the proposed widths of the lots meet the minimum width standard of the current zoning code.

Commissioner Sweetser asked staff if the lot across the street of the subject property had the same lot area. Ms. Ganser noted that the lots appear to be similar in lot area. Commissioner Sweetser stated that the proposed lots would be consistent with the neighborhood.

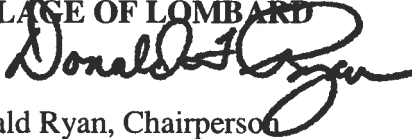
Commissioner Ryan asked staff what the procedures are regarding engineering if the lot were to be approved and developed. Ms. Ganser responded that the Private Development Engineer would review any permits and would require best management practices regarding stormwater management. Mr. Heniff stated that the existing pool most likely does not comply with the current best management practices and a new house would be required to install such practices as swales and other possible requirements.

On a motion by Commissioner Olbrysh, and a second by Commissioner Flint, the Plan Commission voted 4 to 1 to recommend that the Village Board approve the variance to reduce the required minimum lot area for two lots with the following conditions:

1. The petitioner shall remove the in-ground swimming pool within one year of the approval of the requested variance;
2. Prior to the recording of any plats or ordinance of approval, the petitioner shall provide a bond to cover the anticipated costs for the removal of the in-ground swimming pool. Said costs are determined by the Director of Community Development based upon the anticipated costs to perform the requisite pool removal. Utilizing recent Village records for like pool removals, this bond shall be in the amount of \$25,000 (\$22,000 plus 15% contingency). The bond shall be returned upon the petitioner's satisfactory completion of the requisite pool removal.

Respectfully,

VILLAGE OF LOMBARD

A handwritten signature in black ink, appearing to read "Donald Ryan", written over the printed name.

Donald Ryan, Chairperson  
Lombard Plan Commission

c. Lombard Plan Commission

H:\CD\WORDUSER\PCCASES\2015\PC 15-15\PC 15-15\_Referral Letter.docx

**JUNE 15, 2015**

**Title**

PC 15-15

**Petitioner/ Property Owner**

Mark Anderson  
338 S. Martha Court  
Lombard, IL 60148

**Property Location**

338 S. Martha Court  
(06-08-302-032)  
Trustee District #5

**Zoning**

R2 – Single Family Residential

**Existing Land Use**

Single Family Residential

**Comprehensive Plan**

Low Density Residential

**Approval Sought**

A variation to reduce the required minimum lot area for two lots.

**Prepared By**

Tami Urish  
Planner I



**LOCATION MAP**

**DESCRIPTION**

The petitioner proposes to subdivide the lot located at 338 S. Martha Court into two (2) separate lots. The proposed new lots are less than the minimum required lot area however the proposal is to re-establish the dimensions of the lots as originally delineated in the Bretsnyder Subdivision in 1971. Both lots meet the width requirement of sixty feet (60') for the R2 Single Family Residential Zoning District. As the relief is associated with the division of land, the resubdivision would be deemed a major plat of subdivision and subject to Plan Commission review.

**APPROVAL(S) REQUIRED**

Pursuant to Section 154.203 (E) of the Lombard Subdivision and Development Ordinance, the petitioner requests that the Village grant approval of a plat of resubdivision with a variation from Section 155.407 (D) of the Lombard Zoning Ordinance to reduce the required minimum lot area from 7,500 square feet to 6,660 square feet for both proposed Lot 1 and proposed Lot 2.

According to Section 155.209 Minimum Lot Size: Every building hereafter erected shall provide a lot in accordance with the lot size requirement of the district within which it is located. However, in any Residence District, if a lot of record was established prior to the effective date of this ordinance, a single-family dwelling may be constructed on such lot if it consists of sufficient width and area to provide at least 80 percent of the width and area required for lots

**PROJECT STATS**

**Lot & Bulk**

<b>-Proposed</b>	<b>Lot 1</b>	<b>Lot 2</b>
------------------	--------------	--------------

Parcel Size (sq. ft.):	6,660	6,660
------------------------	-------	-------

Lot Coverage:	vacant	46%
---------------	--------	-----

**Reqd Setbacks & Lot Dimensions**

<b>-Proposed</b>	<b>Lot 1</b>	<b>Lot 2</b>
------------------	--------------	--------------

Front 30':	vacant	30'
------------	--------	-----

Side 6' (north):	vacant	6'
------------------	--------	----

Side 6' (south):	vacant	6'
------------------	--------	----

Rear 35':	vacant	32'
-----------	--------	-----

Lot Width 60':	60'	60'
----------------	-----	-----

**Submittals**

1. Petition for a public hearing, submitted May 19, 2015;
2. Response to Standards for a Variation, submitted May 19, 2015;
3. Plat of Survey, prepared by Gentile & Associates, Inc., dated and submitted May 26, 2015; and
4. Existing Conditions, Neighborhood Photographs, submitted May 19, 2015.

in the applicable zoning district. The intent of Section 155.209 is to allow the development of lots within subdivisions created and established prior to the existence of a zoning code or the current zoning code. There are several older subdivisions within the Village of Lombard that maintain lots that are smaller by area and/or width than the current zoning code allows.

When the two lots located at 338 S Martha Court were consolidated in 1988, the nonconformity was remedied. Therefore, Section 155.209 no longer applied for staff to approve administratively.

**EXISTING CONDITIONS**

The subject property was consolidated in 1988 in order to accommodate an accessory structure, a swimming pool, on a separate lot of record. The existing consolidated dimensions of the lot are 120 feet wide and 111 feet deep with an area of 13,320 square feet. The north half of the lot maintains the two-story frame and brick single family residence with attached garage. An in-ground swimming pool occupies the southern half of the lot. The property owner intends to remove the in-ground swimming pool.

**INTER-DEPARTMENTAL REVIEW**

**Building Division:**

The Building Division has no issues or concerns regarding the proposed resubdivision.

**Fire Department:**

The Fire Department has no issues or concerns regarding the proposed resubdivision.

**Private Engineering Services (PES):**

PES has no issues or concerns regarding the proposed resubdivision.

**Public Works:**

The Department of Public Works has no issues or concerns regarding the proposed resubdivision.

**Planning Services Division (PSD):**

**Minimum Lot Area**

The Zoning Ordinance requires a minimum lot area of 7,500 square feet (5.8 DU/AC) for properties within the R2 Single Family Residential Zoning District, Section 155.407 (D). The proposed lot area for each lot is 6,660 square feet.

**Minimum Lot Size**

The eighty percent provision of Section 155.209 of the pre-existing



lots is greater than the 6,000 square foot minimum requirement at 6,660 square feet each.

Accessory Uses, Activities, Building and Structures

According to Section 155.210, no accessory building or structure shall be constructed on any lot prior to the time of construction of the principal to which it is accessory. Therefore the current property owners of the two lots in 1988 were required to consolidate them into one lot in order to construct the accessory structure to their house, the in-ground swimming pool.

The subject property is bounded by R2 single family residential uses in the Village of Lombard.

**1. Surrounding Zoning & Land Use Compatibility**

The single-family residence and lot size is consistent with the surrounding zoning and land uses of the surrounding properties.

**2. Comprehensive Plan Compatibility**

Staff finds that the single-family residence is consistent with the Comprehensive Plan's recommendation of low density residential.

**3. Zoning Ordinance & Planned Development Compatibility**

Aside from the requested lot size variance, the site complies with all other lot and setback standards established by the Zoning Ordinance R2 Single Family Residential District.

The circumstance that the property once existed for many years in the requested two lot configuration is unique. Prior to the consolidation in 1988 of the property, both lots were available for the development of a single-family residence on each.

A variation may only be granted if there is a demonstrated hardship that distinguishes the subject property from other properties in the area. Staff finds that the hardship for the requested variation is due to the floor plan of the existing single family home and the standards have been affirmed.

1. *That because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner has been shown, as distinguished from if the strict letter of the regulations were to be applied.*

Staff finds that the petitioner's lot does have unique physical limitations in that the lots were once established as proposed in the Bretsnyder resubdivision created in 1971.

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 properties within the same zoning classification.*

The circumstance that the property once existed for many years in the requested two lot configuration is unique. Prior to the consolidation in 1988 of the property due to addition of the accessory structure (swimming pool), both lots were available for the development of a single-family residence on each.

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

This standard is affirmed.

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

Staff finds that the hardship has not been caused by the ordinance and has instead been created by the petitioner's desire to re-establish the lots in their original form since the need (the accessory structure of the swimming pool) for the consolidation is being removed.

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.*

Staff finds that granting the request would not be injurious to neighboring properties. The intent of the ordinance is to maintain an adequate lot size and the past subdivision approval was based on a determination that the lots sizes were appropriate for the area. Re-establishing the lots exceeds the eighty-percent provision by nine percent.

6. *The granting of the variation will not alter the essential character of the neighborhood.*

This standard is affirmed.

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*

This standard is affirmed.

Staff finds that the variation request meets the standards for variation and is supportive of the variation for the following reasons. The proposed lot size of each lot of 6,660 square feet meets the eighty- percent provision (minimum of 6,000 square feet) of Section 155.209 of the Zoning Code for lots platted before the 7,500 square foot minimum lot area requirement. The lots were originally established in 1971, and the petitioner seeks to re-establish the lots as they existed prior to the consolidation.

This eighty-percent provision of Section 155.209 also includes lot width with a permissible lot width of forty-eight feet (48'). The width of each proposed lot is sixty feet (60') and meets the minimum requirement for lot width in the R2 Single Family Zoning District. At any time prior to the consolidation of the lots in 1988, the properties as established separate lots could have had a residence constructed on each lot per code without a variance. The petitioner is simply requesting to revert back to the conditions prior to the installation of the swimming pool which is to be removed.

The petitioner's neighborhood was developed and has evolved with residences on similar lots on both Martha Court and the 300 block of Garfield Terrace directly to the west of Martha Court. Granting the request would not be injurious to neighboring properties, as the requested relief would not change the visual and aesthetic character of the neighborhood.

## **SITE HISTORY**

ZBA 98-15: Request for a rear yard setback variance for an addition. Ordinance 4562 was approved by the Village Board of Trustees on 11/5/1998. The property owner decided not to construct the project.

## **FINDINGS & RECOMMENDATIONS**

Staff finds the proposed amendment to the planned development to be consistent with the objectives of the Zoning Ordinance and the intent of the Comprehensive Plan in general.

Based on the above findings, the Inter-Departmental Review Committee has reviewed the petition and finds that it meets the standards required by the Zoning Ordinance. As such, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending **approval** of this petition:

Based on the submitted petition and the testimony presented, the requested conditional use amendment **complies** with the standards required by the Village of Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission accept the findings and recommendations of the Inter-Departmental Report as the findings of the Plan Commission and I recommend to the Corporate Authorities **approval** of PC 15-15 subject to the conditions:

1. The petitioner shall remove the in-ground swimming pool within one year of the approval of the requested variance;
2. Prior to the recording of any plats or ordinance of approval, the petitioner shall provide a bond to cover the anticipated costs for the removal of the in-ground swimming pool. Said costs are determined by the Director of Community Development based upon the anticipated costs to perform the requisite pool removal. Utilizing recent Village records for like pool removals, this bond shall be in the amount of \$25,000 (\$22,000 plus 15% contingency). The bond shall be returned upon the petitioner's satisfactory completion of the requisite pool removal.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP  
Director of Community Development

c. Petitioner

H:\CD\WORDUSER\PCCASES\2015\PC 15-15\PC 15-15\_IDRC Report.docx

## RESPONSE TO STANDARDS FOR A VARIATION

### STANDARDS FOR VARIATIONS

of the Lombard Zoning Ordinance and Lombard Sign Ordinance

The following is an excerpt from the Lombard Zoning Ordinance. A **detailed response** to all of these standards should be provided for all variations of the Lombard Zoning Ordinance and Lombard Sign Ordinance.

#### SECTION 155.103.C.7 OF THE LOMBARD ZONING ORDINANCE:

The regulations of this ordinance shall not be varied unless findings based on the evidence presented are made in each specific case that affirms each of the following standards:

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.

**Response:** This property, 338 Martha Court, was previously two separate, buildable lots. Our house was on one lot, and the lot to the south of the house was vacant. We consolidated the two lots into one lot in order to install an in-ground swimming pool in 1988. Our goal is to now deconsolidate the lots, and remove the pool in connection with the sale of the vacant lot and the assumed construction of a new home there. We understand that the Lombard minimum lot size was changed during the period the lots were consolidated. It would be a hardship to us if we were not able to deconsolidate the lots at this time. We just want to return the property to the legal status it had before the 1988 consolidation.

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.

**Response:** Our lot is on a cul-de-sac. While some of the lots are bigger, none of them are really big. We believe that one or more other homes in the cul-de-sac are approximately the same size as our two lots would be after the deconsolidation. This situation is unique to the cul-de-sac, and not generally applicable to the average lot in Lombard.

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

**Response:** The purpose of the variation is to return the property to the same legal status it had during our early years of ownership, prior to the 1988 consolidation.

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.

**Response:** The requested variation relates to lot size. Obviously we have done nothing to change the size of the two lots. We simply want to return to the same two lots we previously had.

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.

**Response:** One more house in the cul-de-sac will not reduce the property values or otherwise be injurious to the neighborhood. Arguably, a new home on the lot may be more desirable to the neighborhood than our current pool.

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

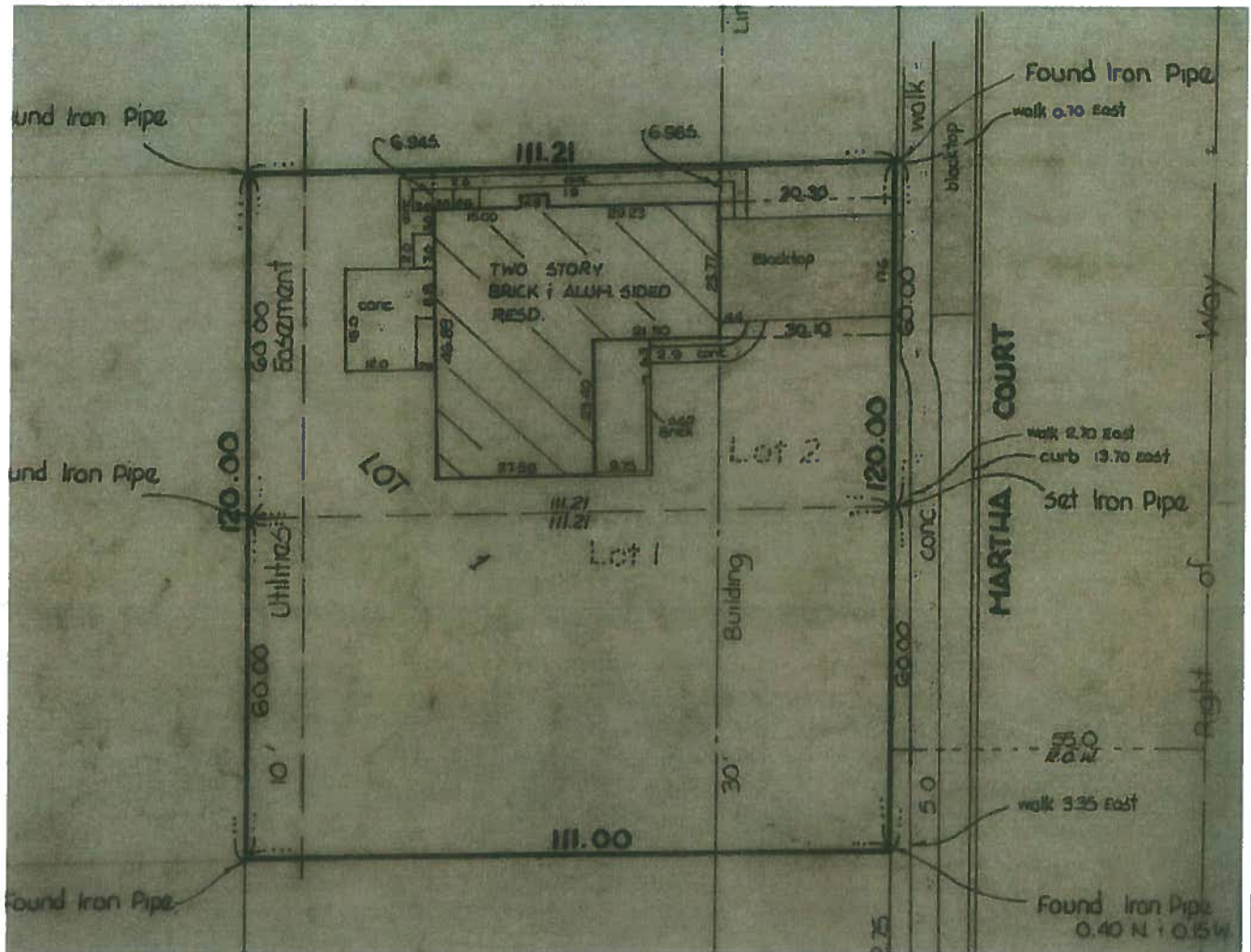
**Response:** This is a residential neighborhood. The deconsolidation and the construction of a new home will not alter the character of the neighborhood.

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.

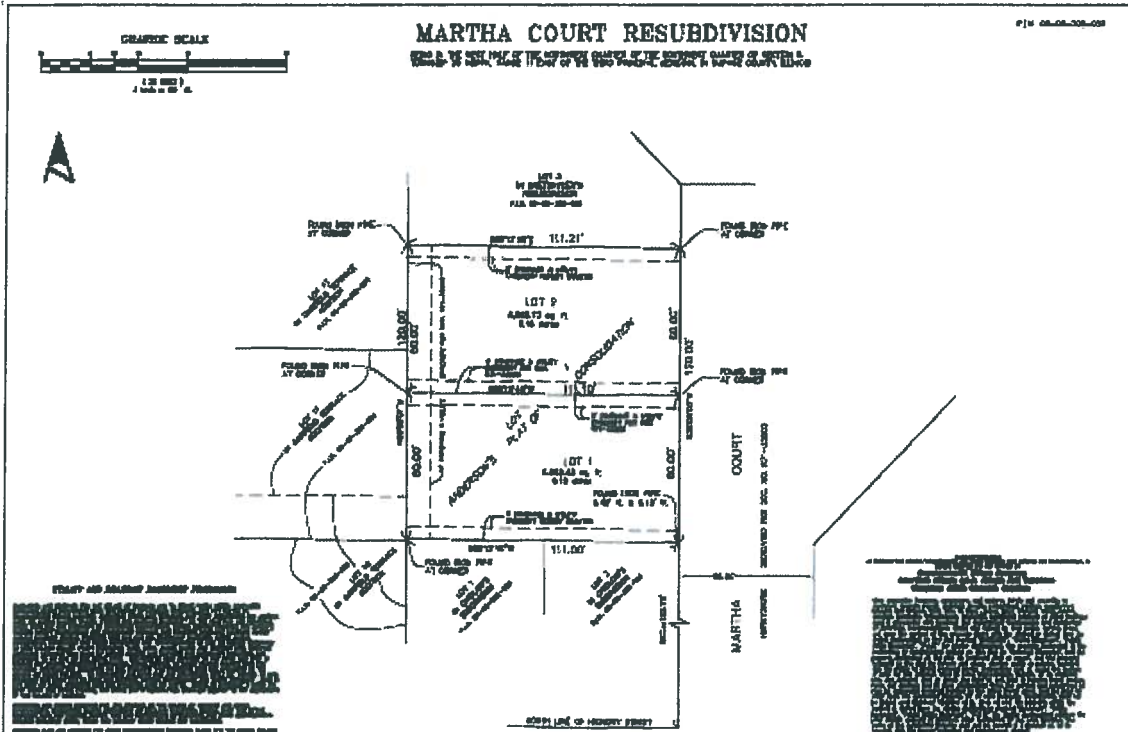
**Response:** The proposed variation in minimum lot size from 7,500 square feet to approximately 6,611 square feet will not impact the light and air supply to adjacent property. It will have only a marginal impact on traffic in the court, since it could only add one home, and the number of homes will finally be the number that was originally approved for the cul-de-sac when it was originally developed. It will not increase the danger of fire. Drainage will be consistent with the original development plans for the cul-de-sac. We believe it is as or more likely to enhance values in the neighborhood rather than diminish values.



**EXHIBIT B – EXISTING PLAT OF CONSOLIDATION, 1988**



# EXHIBIT C – PROPOSED PLAT OF RESUBDIVISION



**PLAT AND RESUBDIVISION INFORMATION**

**PLAT INFORMATION**

**RESUBDIVISION INFORMATION**

**WILLIAM CLARK CHRISTIAN**  
 STATE OF ILLINOIS, ss.  
 COUNTY OF DUKE, ss.  
 SURVEYOR BY THE INDEMNITY AND BOND OF WILLIAM CLARK CHRISTIAN, THE WILLIAM CLARK CHRISTIAN, ss. MAY 15, 1911, A.D. 1911.

**WILLIAM CLARK**  
 COUNTY OF DUKE, ss.  
 APPROVED BY THE COMMISSIONER OF COUNTY DEVELOPMENT OF THE STATE OF ILLINOIS, COUNTY OF DUKE, ss. MAY 15, 1911, A.D. 1911.

**WILLIAM CLARK CHRISTIAN**  
 STATE OF ILLINOIS, ss.  
 COUNTY OF DUKE, ss.  
 I, WILLIAM CLARK CHRISTIAN, COUNTY CLERK OF DUKE COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT THE ABOVE PLAT OF RESUBDIVISION WAS FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF DUKE COUNTY, ILLINOIS, ON THE 15TH DAY OF MAY, 1911, A.D. 1911.

**DUKE COUNTY CLERK CHRISTIAN**  
 STATE OF ILLINOIS, ss.  
 COUNTY OF DUKE, ss.  
 I, DUKE COUNTY CLERK CHRISTIAN, COUNTY CLERK OF DUKE COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT THE ABOVE PLAT OF RESUBDIVISION WAS FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF DUKE COUNTY, ILLINOIS, ON THE 15TH DAY OF MAY, 1911, A.D. 1911.

**DUKE COUNTY CLERK**  
 STATE OF ILLINOIS, ss.  
 COUNTY OF DUKE, ss.  
 I, DUKE COUNTY CLERK, COUNTY CLERK OF DUKE COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT THE ABOVE PLAT OF RESUBDIVISION WAS FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF DUKE COUNTY, ILLINOIS, ON THE 15TH DAY OF MAY, 1911, A.D. 1911.

**DUKE COUNTY RECORDS OFFICER**  
 STATE OF ILLINOIS, ss.  
 COUNTY OF DUKE, ss.  
 I, DUKE COUNTY RECORDS OFFICER, COUNTY CLERK OF DUKE COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT THE ABOVE PLAT OF RESUBDIVISION WAS FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF DUKE COUNTY, ILLINOIS, ON THE 15TH DAY OF MAY, 1911, A.D. 1911.

**DUKE COUNTY RECORDS OFFICER**  
 STATE OF ILLINOIS, ss.  
 COUNTY OF DUKE, ss.  
 I, DUKE COUNTY RECORDS OFFICER, COUNTY CLERK OF DUKE COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT THE ABOVE PLAT OF RESUBDIVISION WAS FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF DUKE COUNTY, ILLINOIS, ON THE 15TH DAY OF MAY, 1911, A.D. 1911.

**G** **GRANTER & ASSOCIATES, INC.**  
 SURVEYORS AND ENGINEERS  
 1111 N. WASHINGTON ST.  
 CHICAGO, ILL. 60610  
 PHONE 312-467-1111  
 FAX 312-467-1112

**WILLIAM CLARK CHRISTIAN**  
 STATE OF ILLINOIS, ss.  
 COUNTY OF DUKE, ss.  
 SURVEYOR BY THE INDEMNITY AND BOND OF WILLIAM CLARK CHRISTIAN, THE WILLIAM CLARK CHRISTIAN, ss. MAY 15, 1911, A.D. 1911.

**WILLIAM CLARK**  
 COUNTY OF DUKE, ss.  
 APPROVED BY THE COMMISSIONER OF COUNTY DEVELOPMENT OF THE STATE OF ILLINOIS, COUNTY OF DUKE, ss. MAY 15, 1911, A.D. 1911.

**WILLIAM CLARK CHRISTIAN**  
 STATE OF ILLINOIS, ss.  
 COUNTY OF DUKE, ss.  
 I, WILLIAM CLARK CHRISTIAN, COUNTY CLERK OF DUKE COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT THE ABOVE PLAT OF RESUBDIVISION WAS FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF DUKE COUNTY, ILLINOIS, ON THE 15TH DAY OF MAY, 1911, A.D. 1911.

**DUKE COUNTY CLERK CHRISTIAN**  
 STATE OF ILLINOIS, ss.  
 COUNTY OF DUKE, ss.  
 I, DUKE COUNTY CLERK CHRISTIAN, COUNTY CLERK OF DUKE COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT THE ABOVE PLAT OF RESUBDIVISION WAS FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF DUKE COUNTY, ILLINOIS, ON THE 15TH DAY OF MAY, 1911, A.D. 1911.

**DUKE COUNTY CLERK**  
 STATE OF ILLINOIS, ss.  
 COUNTY OF DUKE, ss.  
 I, DUKE COUNTY CLERK, COUNTY CLERK OF DUKE COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT THE ABOVE PLAT OF RESUBDIVISION WAS FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF DUKE COUNTY, ILLINOIS, ON THE 15TH DAY OF MAY, 1911, A.D. 1911.

**DUKE COUNTY RECORDS OFFICER**  
 STATE OF ILLINOIS, ss.  
 COUNTY OF DUKE, ss.  
 I, DUKE COUNTY RECORDS OFFICER, COUNTY CLERK OF DUKE COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT THE ABOVE PLAT OF RESUBDIVISION WAS FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF DUKE COUNTY, ILLINOIS, ON THE 15TH DAY OF MAY, 1911, A.D. 1911.

**DUKE COUNTY RECORDS OFFICER**  
 STATE OF ILLINOIS, ss.  
 COUNTY OF DUKE, ss.  
 I, DUKE COUNTY RECORDS OFFICER, COUNTY CLERK OF DUKE COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT THE ABOVE PLAT OF RESUBDIVISION WAS FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF DUKE COUNTY, ILLINOIS, ON THE 15TH DAY OF MAY, 1911, A.D. 1911.

**G** **GRANTER & ASSOCIATES, INC.**  
 SURVEYORS AND ENGINEERS  
 1111 N. WASHINGTON ST.  
 CHICAGO, ILL. 60610  
 PHONE 312-467-1111  
 FAX 312-467-1112



June 8, 2015

**Petition PC 15-15**

Dear Village of Lombard Plan Commission,

We are against the proposed petition to reduce the minimum lot area from 7500 square feet to 6660 square feet for the following reasons:

- **Child Safety** – The parking is already very sparse in the cul-du-sac, and adding another house will add an unknown number of vehicles and further reduce the available space on the street, making it even more dangerous for children to play on the block.
- **Emergency Access** – The added vehicles will make it very difficult for emergency vehicles to get into the cul-du-sac. In the winter, when village snow plows pile the snow into a mound in the middle of the cul-du-sac, this will be an even bigger issue.
- **The beauty of Lombard** – If the minimum lot size is reduced from 7500 square feet to 6660 square feet, that will set a precedent that will cause houses to be built far too close together and reduce the appeal of Lombard.

Thank you for your time and consideration on this matter.

Sincerely,

Anthony and Michelle Silvestri

325 Martha Court, Lombard

## Urish, Tami

---

**From:** Mark D. Anderson <manderson@agdglaw.com>  
**Sent:** Thursday, June 18, 2015 1:58 PM  
**To:** Urish, Tami  
**Cc:** Marge Anderson  
**Subject:** RE: 338 S Martha Court

Tami,

As we discussed on the phone, we request a waiver of the first reading. There are two primary reasons for our request:

1. The Village Board normally has two meetings per month. During the summer, this is reduced to one meeting per month. We have already been delayed by this schedule, and a requirement of two readings will delay us even more. Due to the summer schedule, this is taking longer than it would at other times during the year. As a result, we respectfully request a waiver of the first reading.
2. The longer we are delayed in our deconsolidation, the longer we are prevented from selling our home or the lot. As we move through the summer, we are losing opportunities for families who want to buy and get in to the neighborhood either before the school year begins, or at least in the early part of the school year. We respectfully request a waiver of the first reading so that we can begin our home marketing efforts.

Thank you. Please let me know if you require any additional information.

Mark Anderson

---

**From:** Urish, Tami [<mailto:UrishT@villageoflombard.org>]  
**Sent:** Thursday, June 18, 2015 1:05 PM  
**To:** Mark D. Anderson  
**Subject:** 338 S Martha Court

Petitions from the Plan Commission require two readings before the Village Board. You can request a waiver of first reading referencing a hardship or reason your project needs to be expedited. You can reply to this email with this request and explanation otherwise your petition will not be approved until August 13 without this waiver.

Sincerely,

	<b>Tami Urish</b> Planner I Village of Lombard 255 E. Wilson Ave. Lombard, IL 60148
	Phone: (630) 620-5750 Fax: (630) 629-2374 Email: <a href="mailto:urisht@villageoflombard.org">urisht@villageoflombard.org</a> Web: <a href="http://www.villageoflombard.org">www.villageoflombard.org</a>
Follow us:   	

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

**AN ORDINANCE APPROVING A VARIATION OF THE LOMBARD ZONING  
ORDINANCE TITLE 15, CHAPTER 155 OF THE CODE OF LOMBARD,  
ILLINOIS**

**(PC 15-15; 338 S. Martha Court)**

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois; and,

WHEREAS, the subject property is zoned R2 Single Family Residence District; and,

WHEREAS, an application has been filed with the Village of Lombard requesting a variation from Title 15, Chapter 155 Section 155.407(D) of the Lombard Zoning Ordinance to reduce the minimum lot area to 6,660 square feet where 7,500 square feet is required; and,

WHEREAS, a public hearing has been conducted by the Plan Commission on June 15, 2015 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has forwarded its findings to the Board of Trustees with a recommendation of approval for the requested variation; 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 155, Section 155.407(D) of the Lombard Zoning Ordinance to reduce the minimum lot area to 6,660 square feet where 7,500 square feet is required.

**SECTION 2:** This ordinance shall be granted subject to compliance with the following conditions:

1. The petitioner shall remove the in-ground swimming pool within one year of the approval of the requested variance;
2. Prior to the recording of any plats or ordinance of approval, the petitioner shall provide a bond to cover the anticipated costs for the removal of the in-ground swimming pool. Said costs are determined by the Director of Community

Development based upon the anticipated costs to perform the requisite pool removal. Utilizing recent Village records for like pool removals, this bond shall be in the amount of \$25,000 (\$22,000 plus 15% contingency). The bond shall be returned upon the petitioner's satisfactory completion of the requisite pool removal.

**SECTION 3:** This ordinance is limited and restricted to the property generally located at 338 S. Martha Court, Lombard, Illinois, and legally described as follows:

LOTS 1 AND 2 IN BRETSNYDERS RESUBDIVISION OR PART OF LOTS 1, 2, 3 AND ALL OF LOT 4 OF HICKORY ROAD HOMESITES, AND PART OF LOT 1 OF THE PLAT OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 15, 1971 AS DOCUMENT NO. R1971-33203 IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-08-302-032

**SECTION 4:** 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 \_\_\_\_\_, 2015.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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

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

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

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2015

\_\_\_\_\_  
Keith Giagnorio, Village President

Ordinance No. \_\_\_\_\_

Re: PC 15-15

Page 3

ATTEST:

\_\_\_\_\_  
Sharon Kuderna, Village Clerk

Published by me this \_\_\_\_\_ day of \_\_\_\_\_, 2015

\_\_\_\_\_  
Sharon Kuderna, Village Clerk