

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: August 3, 2009 (B of T) Date: August 20, 2009

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

SUBMITTED BY: Department of Community Development

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 Ordinances 6094 and 6247, 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 recommends approval of this request.

Please place this item on the August 20, 2009 Board of Trustees agenda.

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

Village Attorney X _____

Finance Director X _____

Village Manager X _____

David A. Hulseberg

Date _____
Date _____
Date _____

8/19/09

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 *WJH*

DATE: August 20, 2009

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 third 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 August 20, 2009 Board agenda with a recommendation to approve the attached Ordinance.



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

July 30, 2009

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

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

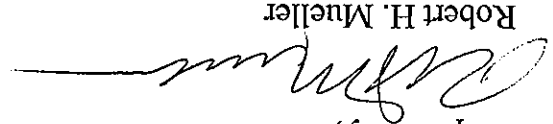
Dear Mr. Heniff:

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.

I have previously 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:

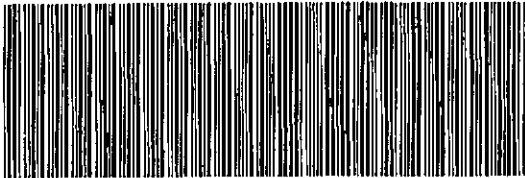
Address: 820 E. St. Charles Road, Lombard

PIN: 06-04310-047

ORDINANCE NO 5935
ORDINANCE TITLE 15, CHAPTER 155 OF THE CODE OF
LOMBARD, ILLINOIS

ORDINANCE NO 5935

FRED BUCHOLZ
DUPAGE COUNTY RECORDER
MAR. 01, 2007
4:07 PM
OTHER
06-04-310-047
004 PAGES R2007-037350



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

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

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 B4 Corridor Commercial District; and,

WHEREAS, an application has been filed requesting 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; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on September 27, 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 variation described herein; 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 415 (D) of the Zoning Ordinance to reduce the minimum required lot area from 40,000 square feet to 20,727.26 square feet.

SECTION 2: That this ordinance is limited and restricted to the property generally located at 820 E. St. Charles Road, Lombard, Illinois, and legally described as follows:

LOT 1 IN ROSE'S PLAT OF CONSOLIDATION OF LOTS 1, 2 AND 3 IN A
SUBDIVISION OF LOTS 56 & 57 IN ROBERTSON'S ST. CHARLES ROAD
ADDITION TO WESTMORE, IN THE SOUTHWEST QUARTER OF SECTION 4,
TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL
MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 8,

Ordinance No. 5935

Re: ZBA 06-21

Page 2

1987 AS DOCUMENT R87-13515, AND CERTIFICATE OF CORRECTION
RECORDED AS DOCUMENT R88-43687, IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-04-310-047

SECTION 3: That 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 _____, 2006.

First reading waived by action of the Board of Trustees this 19th day of October, 2006.

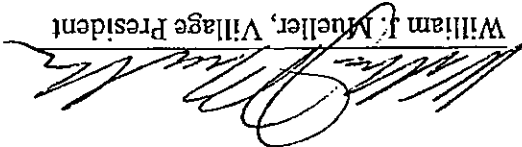
Passed on second reading this 19th day of October, 2006.

Ayes: Trustees Gron, Tross, O'Brien, Seby, Florey and Soderstrom

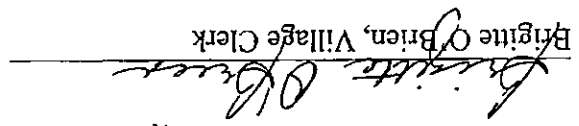
Nays: None

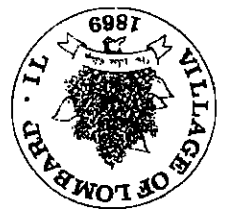
Absent: None

Approved this 19th day of October, 2006.


William J. Mueller, Village President

ATTEST:


Brigitte O'Brien, Village Clerk



I, Barbara A. Johnson, hereby certify that I am the duly qualified Deputy Village Clerk of the Village of Lombard, DuPage County, Illinois, as authorized by Statute and provided by local Ordinance, and as such Deputy Village Clerk, I maintain and am safekeeper of the records and files of the President and Board of Trustees of said Village.

I further certify that attached hereto is a copy of ORDINANCE 5935

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

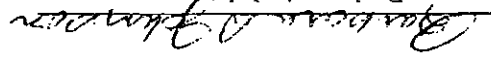
LOMBARD, ILLINOIS

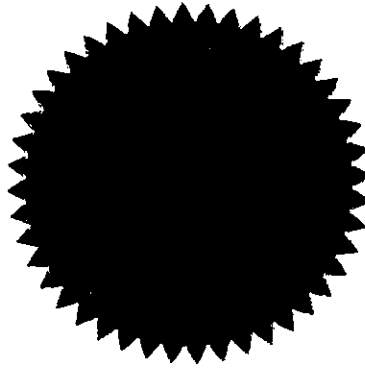
820 E. ST. CHARLES ROAD, LOMBARD

PN: 06-04-310-047

of the said Village as it appears from the official records of said Village duly approved October 19, 2006.

In Witness Whereof, I have hereunto affixed my official signature and the Corporate Seal of said Village of Lombard, DuPage County, Illinois this 2nd day of February, 2007


Barbara A. Johnson
Deputy Village Clerk
Village of Lombard
DuPage County, Illinois



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

Return To:

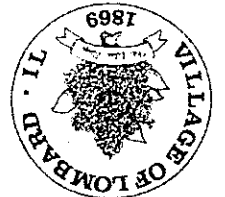
ADDRESS: 820 E. Charles Road, Lombard, IL

PIN: 06-04-0-047

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



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 18th day of October, 2007.

Passed on second reading this 18th day of October, 2007.

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

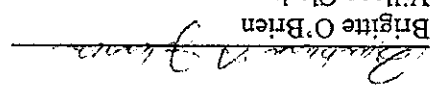
Nays: None

Absent: None

Approved this 18th, day of October, 2007.


William J. Mueller
Village President

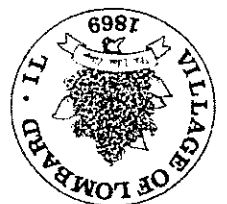
ATTEST:


Brigitte O'Brien
Village Clerk

LOT 1 IN ROSE'S PLAT OF CONSOLIDATION OF LOTS 1, 2 AND 3 IN A
SUBDIVISION OF LOTS 56 & 57 IN ROBERTSON'S ST. CHARLES ROAD
ADDITION TO WESTMORE, IN THE SOUTHWEST QUARTER OF SECTION 4,
TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL
MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 8,
1987 AS DOCUMENT R87-135515, AND CERTIFICATE OF CORRECTION
RECORDED AS DOCUMENT R88-43687, IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-04-310-047

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



I, Barbara A. Johnson, hereby certify that I am the duly qualified Deputy Village Clerk of the Village of Lombard, DuPage County, Illinois, as authorized by Statute and provided by local Ordinance, and as such Deputy Village Clerk, I maintain and am safekeeper of the records and files of the President and Board of Trustees of said Village.

I further certify that attached hereto is a copy of ORDINANCE 6094

GRANTING A TIME

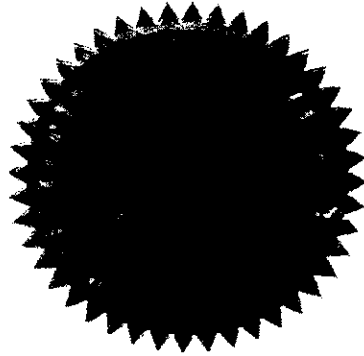
EXTENSION OF ORDINANCE 5935.

ADDRESS: 820 E. ST. CHARLES ROAD, LOMBARD, IL.
PIN: 06-04-310-047

of the said Village as it appears from the official records of said Village duly approved October 18, 2007.

In Witness Whereof, I have hereunto affixed my official signature and the Corporate Seal of said Village of Lombard, DuPage County, Illinois this 22th day of February, 2008.

Barbara A. Johnson
Barbara A. Johnson
Deputy Village Clerk
Village of Lombard
DuPage County, Illinois



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

Return To:

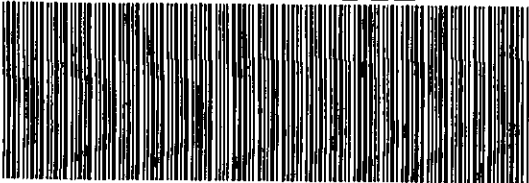
Address: 820 E. St. Charles Road, Lombard, IL 60148

PIN: 06-04-310-047

GRANTING A TIME EXTENSION
OF ORDINANCE 5935

ORDINANCE 6247

FRED BUCHOLZ
DUPAGE COUNTY RECORDER
DEC. 30, 2008 2:50 PM
OTHER 06-04-310-047
005 PAGES R2008-181923



ORDINANCE NO. 6247

**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 Village has received a letter requesting a second 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 _____, 2008.

First reading waived by action of the Board of Trustees this 16 day of October, 2007.

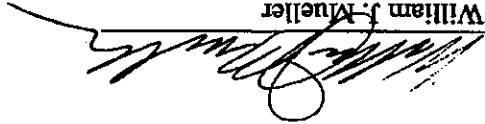
Passed on second reading this 16 day of October, 2008.

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

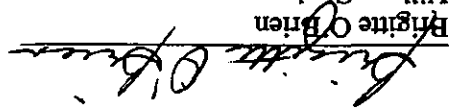
Nays: None

Absent: None

Approved this 16, day of October, 2008.


William J. Mueller
Village President

ATTEST:


Brigitte O'Brien
Village Clerk

LOT 1 IN ROSE'S PLAT OF CONSOLIDATION OF LOTS 1, 2 AND 3 IN A
SUBDIVISION OF LOTS 56 & 57 IN ROBERTSON'S ST. CHARLES ROAD
ADDITION TO WESTMORE, IN THE SOUTHWEST QUARTER OF SECTION 4,
TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL
MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 8,
1987 AS DOCUMENT R87-135515, AND CERTIFICATE OF CORRECTION
RECORDED AS DOCUMENT R88-43687, IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-04-310-047

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



I, **Barbara A. Johnson**, hereby certify that I am the duly qualified Deputy Village Clerk of the **Village of Lombard**, DuPage County, Illinois, as authorized by Statute and provided by local Ordinance, and as such Deputy Village Clerk, I maintain and am safekeeper of the records and files of the President and Board of Trustees of said Village.

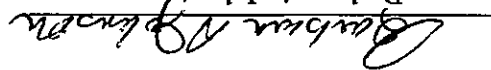
I further certify that attached hereto is a copy of ORDINANCE 6247

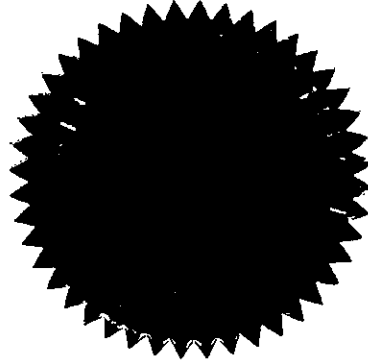
GRANTING A TIME EXTENSION

OF ORDINANCE 5935

of the said Village as it appears from the official records of said Village duly approved this 16th day of October, 2008.

In Witness Whereof, I have hereunto affixed my official signature and the Corporate Seal of said **Village of Lombard**, DuPage County, Illinois this 6th day of November, 2008.


Barbara A. Johnson
Deputy Village Clerk
Village of Lombard
DuPage County, Illinois



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

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

ORDINANCE NO. _____

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, on October 16, 2008, the President and Board of Trustees of the Village of Lombard adopted Ordinance 6247, which a second time extension of said lot area variation to October 16, 2009; 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 a third 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 _____, 2009.
First reading waived by action of the Board of Trustees this _____ day of _____, 2009.
Passed on second reading this _____ day of _____, 2009.

Ayes: _____

Naves: _____

Absent: _____

Approved this _____ day of _____, 2009.

William J. Mueller
Village President

ATTEST:

Brigitte O'Brien
Village Clerk