



MEMORANDUM

TO: David A. Hulseberg, Village Manager *DH*

FROM: William Heniff, AICP, Director of Community Development *WH*

DATE: December 8, 2008

SUBJECT: ZBA 08-15; 1300-1366 S. Finley Road (International Village) – Additional Conditions

The Zoning Board of Appeals (ZBA) recommended approval of a fence variation associated with this petition at their November 19, 2008 meeting. The referral letter and draft ordinance were previously transmitted to the Board as part of their December 4, 2008 Board packet. After consideration of the matter by the ZBA, staff has received a further request to address three nonconforming and/or outstanding issues by Trustee Tross. They are as follows:

1. There are some cut brush and trimmings being stored on the property that should be removed. Additionally, there are some overgrown bushes or hedges near the detached garages that should be trimmed.

2. There may be a drainage issue along the southern property line.

3. There is no sidewalk along the Finley Road frontage of the property. This frontage is approximately seven hundred feet (700').

Staff has met with the owner of the subject property regarding these concerns. The owner has verbally agreed to the four conditions below to resolve these issues. As these conditions were added after the recommendation for approval by the ZBA was made, the Village Board would have to include the conditions of approval prior to the final reading of the ordinance. Staff recommends that the Village Board consider the following additional conditions regarding ZBA 08-15:

9. Within sixty (60) days of the date of approval of this ordinance, the petitioner shall remove any cut brush or trimmings being stored on the property. Any overgrown bushes or hedges shall be trimmed as required by the Director of Community Development by May 1, 2009.

10. Within eighteen (18) months of the date of approval of this ordinance, the petitioner shall ensure the installation and proper functioning of a drainage inlet located at the southwest corner of the property.

11. Within eighteen (18) months of the date of approval of this ordinance, the petitioner shall install two retaining walls not less than eight inches (8") in height with final designs subject to review and approval by the Director of Community Development. The first wall shall be located to the west and south of the drainage inlet located at the southwest corner of the property. The second wall shall be located to the south of the drainage inlet which is located near the southern property line and approximately four hundred and forty five feet (445') from the southeast corner of the property.

12. Within two (2) years of the date of approval of this ordinance, the petitioner shall construct a public sidewalk, five feet (5') in width, within the Finley Road right-of-way. The sidewalk shall extend the full length of the property's eastern frontage along Finley Road with final design subject to review and approval by the Director of Community Development.

Should the Village Board agree with adding the additional conditions as presented, the Board's motion of approval should be to approve the Ordinance previously transmitted subject to inclusion of the additional conditions as set forth within the December 8, 2008 memorandum to the Board.

The petitioner/property owner is requesting a waiver of first reading.