

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES
FROM: Scott R. Niehaus, Village Manager
DATE: October 6, 2014 (B of T) Date: October 16, 2014
TITLE: ZBA 13-07: 330 West Potomac - Time Extension Request
SUBMITTED BY: Department of Community Development *WJ*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration an Ordinance granting a time extension to Ordinance 6878 granting a variation pursuant to Title 15, Chapter 155, Section 155.212 of the Lombard Zoning Ordinance. (DISTRICT #1)

Staff recommends approval of this request.

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 *WH*

DATE: October 16, 2014

SUBJECT: **ZBA 13-07: 330 West Potomac – Time Extension Request**

The Board of Trustees approved Ordinance 6878 (ZBA 13-07) on October 17, 2013 which granted approval for a variation for an unenclosed roofed-over front porch to be setback twenty-two (22) feet where twenty-five (25) feet is required for the property at 330 W. Potomac Ave. Per the variation provisions (Section 155.103(C)(10) of the Zoning Ordinance), if construction has not begun within twelve (12) months from the date of approval, the variation granted is null and void unless an extension is granted by the Board of Trustees.

After being advised that the approved zoning relief would expire prior to their slated construction start in October 2014, the petitioner has submitted the attached letter requesting an extension of the variation approval granted by the Village Board.

A copy of Ordinance 6878 is attached for your reference.

ACTION REQUESTED

Staff recommends that the Village Board approve an Ordinance extending the time period to start construction of the proposed project for an additional six-month period (i.e., until April 17, 2015). The petitioner is requesting a waiver of first reading of the Ordinance.

Nowakowski, Tamara

From: Urish, Tami
Sent: Friday, October 03, 2014 9:05 AM
To: Nowakowski, Tamara
Subject: FW: 330 W Potomac

FYI. I will put a copy in the file.

From: George Webster [<mailto:gwebster@rammechanical.com>]
Sent: Friday, October 03, 2014 9:02 AM
To: Urish, Tami
Subject: RE: 330 W Potomac

As suggested, I am herein requesting that the time extension for the granted variance for the property at 330 W Potomac be waved at the first reading at the upcoming board meeting

Thank You
George Webster

From: Urish, Tami [<mailto:UrishT@villageoflombard.org>]
Sent: Monday, September 29, 2014 5:34 PM
To: George Webster
Subject: RE: 330 W Potomac

Could you please respond to this email requesting a waiver of first reading for your request for a time extension. This request will ensure that there is no interruption of time between the expiration date and the time extension.

Thank you,
Tami Urish
Planner I
Village of Lombard
Community Development Department
255 East Wilson Avenue, Lombard, IL 60148
630-620-5967, urisht@villageoflombard.org

From: Urish, Tami
Sent: Monday, September 29, 2014 1:48 PM
To: 'George Webster'
Subject: RE: 330 W Potomac

I will submit your request for the time extension on October 8 for the October 16 Board of Trustee's meeting. The deadline for the October 2 meeting had passed. I can let you know the status on the 17th and email you the ordinance if the time extension is approved on October 20.

Sincerely,
Tami Urish
Planner I
Village of Lombard
Community Development Department

255 East Wilson Avenue, Lombard, IL 60148
630-620-5967, urisht@villageoflombard.org

From: George Webster [<mailto:gwebster@rammechanical.com>]
Sent: Friday, September 26, 2014 10:19 AM
To: Urish, Tami
Cc: dfloresanchez@hotmail.com
Subject: 330 W Potomac

ATTN: Tammy Urish

Thank You for returning my phone call yesterday regarding the above property. As the message I left you indicated, we have had some difficulties with our Architect in getting the project off the ground and running. We have secured the services of a more competent firm to complete our intended remodeling of this site and hope to have finale drawings to submit by the end of next week. We have engaged a contractor as well who is in a position to start immediately after village approval is received.

As you know we petitioned for and was granted a variance for the site because a section of the new front porch extends slightly into the front setback of the property line. This variance was granted provided the remodeling be performed or under substantial completion within a 1 tear period of the approval. This deadline is quickly approaching and I believe expires mid October.

Under the circumstances this will be impossible to accomplish and therefore we are herein requesting an extension to the variance granted, for a period of no more then 6 months.

If you have any questions concerning this matter or require any additional information concerning this request, please do not hesitate to contact me directly via return to this e-mail or my cell phone @ 630-774-9073

Thank You for your attention to this matter

Sincerely
George Webster
Owner

ORDINANCE NO. _____

**AN ORDINANCE GRANTING A TIME EXTENSION TO
ORDINANCE 6878 GRANTING A VARIATION PURSUANT TO
TITLE 15, CHAPTER 155, SECTION 155.212 OF THE
LOMBARD ZONING ORDINANCE**

(ZBA 13-07; 330 W. Potomac Ave.)

WHEREAS, on October 17, 2013, the President and Board of Trustees of the Village of Lombard adopted Ordinance 6878 which granted approval of a variation pursuant to Title 15, Chapter 155, Section 212 of the Lombard Village Code to provide for an unenclosed roofed-over front porch to be set back twenty-two (22) feet where twenty-five is required in the front yard, located within the R2 Single-Family Residence 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, a variation shall become null and void unless work thereon is substantially underway within twelve (12) months from the date of issuance, 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 6878; and

WHEREAS, the Village has received a letter from the owner requesting a time extension of said Ordinance; 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 6878 is hereby further amended and extended and shall be null and void unless a building permit is obtained and the project is substantially underway within six (6) months of the expiration date of this Ordinance (i.e., April 17, 2015).

SECTION 2: That all other provisions associated with Ordinance 6878 not amended by this Ordinance shall remain in full force and effect.

SECTION 3: That this Ordinance is limited and restricted to the property located at 330 W. Potomac Ave., Lombard, Illinois and legally described as follows:

THE WEST 82.9 FEET OF LOT 4, AS MEASURED ON THE SOUTHERLY LINE THEREOF, LYING SOUTHERLY OF THE SOUTHERLY LINE OF LOT 6 EXTENDED WESTERLY IN BLOCK “C” IN LOMBARD TERRACE, BEING A RESUBDIVISION OF PART OF ELMORE’S NORTHVIEW, A SUBDIVISION IN THE NORTH HALF OF SECTION 6, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID LOMBARD TERRACE RECORDED DECEMBER 20, 1933 AS DOCUMENT 341767, IN DUPAGE COUNTY, ILLINOIS.

Parcel Number: 06-06-208-013; (the “Subject Property”)

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 _____, 2014.

First reading waived by action of the Board of Trustees this ____ day of _____, 2014.

Passed on second reading this ____ day of _____, 2014, pursuant to a roll call vote as follows:

Ayes: _____

Nays: _____

Absent: _____

Approved by me this ____ day of _____, 2014.

Ordinance No. _____
Re: ZBA 13-07 Variation – Time Extension
Page 3

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published in pamphlet from this _____ day of _____, 2014.

Sharon Kuderna, Village Clerk



FRED BUCHOLZ
DUPAGE COUNTY RECORDER
NOV.14,2013 9:59 AM
OTHER 06-06-208-013
005 PAGES R2013-155616

ORDINANCE NO. 6878

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

PIN: 06-06-208-013

ADDRESS: 330 W. Potomac Avenue, Lombard, Illinois 60148

**Return To:
Village of Lombard
255 E. Wilson Avenue
Lombard, IL 60148**

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I, Janet Downer, 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 6878

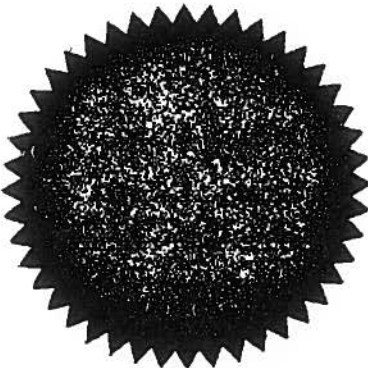
APPROVING A VARIATION OF THE LOMBARD ZONING ORDINANCE
TITLE 15, CHAPTER 155 OF THE CODE OF LOMBARD, ILLINOIS

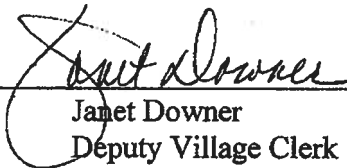
PIN: 06-06-208-013

ADDRESS: 330 W. Potomac Avenue, Lombard, Illinois 60148

of the said Village as it appears from the official records
of said Village duly approved this 17th
day of October, 2013.

In Witness Whereof, I have hereunto affixed my official signature and the
Corporate Seal of said Village of Lombard, Du Page County, Illinois this 4th
day of November, 2013.





Janet Downer
Deputy Village Clerk
Village of Lombard
DuPage County, Illinois

ORDINANCE NO. 6878

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

(ZBA 13-07; 330 W. Potomac Avenue)

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 Section 155.212 of the Lombard Zoning Ordinance to allow an unenclosed roofed-over front porch to be set back twenty-two (22) feet where twenty-five (25) feet is required for the front yard, all located within in the R2 Single-Family Residence District; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on September 25, 2013 pursuant to appropriate and legal notice; and,

WHEREAS, the Zoning Board of Appeals has forwarded its findings with a recommendation of approval to the Board of Trustees 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 155.212 of the Lombard Zoning Ordinance to allow an unenclosed roofed-over front porch to be set back twenty-two (22) feet where twenty-five (25) feet is required.

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

1. The porch shall be developed in accordance with the submitted plans, prepared by James L. Ohle, Architect.
2. The petitioner shall apply for and receive a building permit for the proposed plans.
3. Such approval shall become null and void unless work thereon is substantially under way within 12 months of the date of issuance, unless extended by the Board of Trustees prior to the expiration of the ordinance granting the variation.

4. In the event that the principal structure on the subject property is damaged or destroyed to fifty-percent (50%) of its value, the new structure shall meet the required front yard setback.
5. The roofed-over porch shall remain unenclosed.

SECTION 3: This ordinance is limited and restricted to the property generally located at 330 W. Potomac Avenue, Lombard, Illinois, and legally described as follows:

THE WEST 82.9 FEET OF LOT 4, AS MEASURED ON THE SOUTHERLY LINE THEREOF, LYING SOUTHERLY OF THE SOUTHERLY LINE OF LOT 6 EXTENDED WESTERLY IN BLOCK "C" IN LOMBARD TERRACE, BEING A RESUBDIVISION OF PART OF ELMORE'S NORTHVIEW, A SUBDIVISION IN THE NORTH HALF OF SECTION 6, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID LOMBARD TERRACE RECORDED DECEMBER 20, 1933 AS DOCUMENT 341767, IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-06-208-013

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 _____, 2013.

First reading waived by action of the Board of Trustees this 17th day of October, 2013.


Passed on second reading this 17th day of October, 2013.

Ayes: Trustee Whittington, Fugiel, Foltyniewicz, Breen, Fitzpatrick, and Ware

Nays: None

Absent: None

Approved this 17th day of October, 2013


Keith Giagnorio, Village President

Ordinance No. 6878
Re: ZBA 13-07
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ATTEST:



Janet Downer, Deputy Village Clerk

Published by me this 18th day of October, 2013



Janet Downer, Deputy Village Clerk