

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


     Resolution or Ordinance (Blue)     \_\_\_ 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 :** May 23, 2023                             **(BOT) Date:** June 15, 2023

**SUBJECT:** PC 23-10: 938 E St Charles Rd

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

**BACKGROUND/POLICY IMPLICATIONS:**

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests that the Village take the following actions on the subject property, located within the B4 Corridor Commercial District:

1. Approve of a conditional use pursuant to Section 155.416(C)(11) of the Village of Lombard Code of Ordinances for an expansion to an existing gas station/convenience store building, with the following variations,
2. Variance to the minimum lot area of 21,286 square feet, where 40,000 square feet is required pursuant to Section 155.416(D), and
3. For the proposed canopy expansion, a variance to the front yard setback to 3 feet 3 inches, where 30 feet is required pursuant to Section 155.416(F)(1).

The Plan Commission recommended approval of this petition by a vote of 6-0. Please place this petition on the June 15, 2023 Board of Trustees agenda for first reading.

**Fiscal Impact/Funding Source:**

Review (as necessary):  
Finance Director \_\_\_\_\_ Date \_\_\_\_\_  
Village Manager \_\_\_\_\_ 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 *WJH*

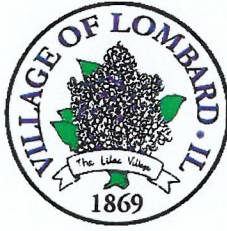
**MEETING DATE:** June 15, 2023

**SUBJECT:** PC 23-10, 938 E St Charles Rd

Please find the following items for Village Board consideration as part of the June 15, 2023 Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 23-10; and
3. An Ordinance granting approval of a conditional use pursuant to Section 155.416(C)(11) of the Village of Lombard Code of Ordinances for an expansion to an existing gas station/convenience store building, with the following variations, a variance to the minimum lot area of 21,286 square feet, where 40,000 square feet is required pursuant to Section 155.416(D), and for the proposed canopy expansion, a variance to the front yard setback to 3 feet 3 inches, where 30 feet is required pursuant to Section 155.416(F)(1).

The Plan Commission recommended approval of this petition by a vote of 6-0. Please place this petition on the June 15, 2023 Board of Trustees agenda for first reading.



## VILLAGE OF LOMBARD

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

June 15, 2023

**Village President**  
Keith T. Giagnorio

**Village Clerk**  
Liz Brezinski

### Trustees

Brian LaVaque, Dist. 1  
Anthony Puccio, Dist. 2  
Bernie Dudek, Dist. 3  
Andrew Honig, Dist. 4  
Dan Militello, Dist. 5  
Bob Bachner, 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 23-10, 938 E St Charles Rd**

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests that the Village take the following actions on the subject property, located within the B4 Corridor Commercial District:

1. Approve of a conditional use pursuant to Section 155.416(C)(11) of the Village of Lombard Code of Ordinances for an expansion to an existing gas station/convenience store building, with the following variations,
2. Variance to the minimum lot area of 21,286 square feet, where 40,000 square feet is required pursuant to Section 155.416(D), and
3. For the proposed canopy expansion, a variance to the front yard setback of 3 feet 3 inches, where 30 feet is required pursuant to Section 155.416(F)(1).

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on May 15, 2023. Sworn in to present the petition were Gregory Ziomek, Jesbin Manuel, and Sebil Joseph the petitioners, and Jennifer Ganser, Assistant Director.

Chairperson Giuliano read the Plan Commission procedures and asked if anyone other than the petitioner intended to cross examine, and proceeded with the petition.



Mr. Ziomek said he is the project architect for the property. He introduced the property owners who want to enlarge the building. The inside would be remodeled as well as exterior work. All driveways will be in the same location so the vehicular circulation would be the same. A canopy is proposed to be added over the southernmost gas dispensers.

Chairperson Giuliano asked if any additional person would like to speak in favor or against this petition, or for public comment.

Mr. Michael Lind said he lives just north of the gas station. He referenced a letter he submitted. He said the new LED lights shine into their home and additional lighting would shine into the house. He is also concerned about the HVAC being on the ground and sound going into their yard. He said there is a lot of traffic on Westmore Meyers Road, and they are concerned about additional traffic. He said there are two smaller issues. Their landscaping is near a cement wall on his property, and he is concerned the wall could be impacted. He said the plan shows a fence on the property line and they would not like the fence in that location.

Mr. Ziomek said his clients would like to be good neighbors. The property owner said the building has been in operation since 1961 and the lighting was never an issue. He said the neighbors had a dense hedge row that was removed and that now allows the light to be seen. He said the property owner could install a shield and ensure they meet photometric codes. He said the fence is a requirement of Code, they would propose to move it 5' from the north property line. He said the HVAC was researched to be on the roof. The existing roof structure won't support an HVAC unit. The addition is not big enough to hold the HVAC unit on the roof. He said they can attach a noise attenuation blanket to absorb the sound on the north side of the building. He said the trees can be moved to the south away from the neighbor's property line.

Chairperson Giuliano asked for the staff report.

Ms. Ganser presented the IDRC report for PC 23-10, which was entered into the public record in its entirety. The petitioner proposes to expand the convenience store and add a canopy over existing gas pumps. Gas stations are a conditional use in the B4 zoning district; therefore, an expansion of a gas station requires a conditional use. Two variances are also requested related to the existing lot area and the front yard setback. The property has been a gas station since 1961. Additional landscaping will be added to the north, as the property borders single-family residential. There is lighting on the property now for the gas pumps and the parking spaces. Lighting will be directed away from residential and cast downward. A six-foot fence is proposed at the north and west property line. The HVAC unit and dumpster would also be screened with a six-foot wood fence. Staff received two letters from residents north of the gas station. Staff notes the convenience store addition is 325 square feet. The majority of the green space north of the gas station will remain. Should the petition be approved, permits will be required and will be reviewed by the Village's private development engineer. Photometrics will be required with future building permits to ensure lighting meets Code and will not spillover onto residential property. Staff notes a traffic study was not required for this development. The canopy is proposed over existing gas pumps and the building addition is minor. The fence can be 5' from the property line and landscaping does need to be added north of the fence.



Chairperson Giuliano opened the meeting to discussion by the Plan Commissioners.

Commissioner Johnston asked if the Police Department reported any issues with traffic. Ms. Ganser said she talked with the Police Department after the letter was received. They did not note any significant concerns with this intersection and the amount of traffic. She said that Foremost Liquors is in Villa Park, which is not under the jurisdiction of the Village of Lombard.

Commissioner Spreenburt asked about the fence and landscaping and if the Plan Commission could eliminate the fence. Ms. Ganser said no, as the fence requirement is in Code and the petitioner did not ask for a variance to eliminate the fence.

Commissioner Verson asked why the landscaping requirement is a part of Code. Ms. Ganser said a transitional landscape yard is required when commercial property abuts residential. She said this has been a part of Code for a long time and was added most likely to provide a buffer between commercial and residential properties.

Commissioner Invergo asked if the addition will include a berm or a foundation. He asked about water runoff. Mr. Ziomek said there will be a solid foundation under the addition. The floor elevations will remain constant. He said the foundation will be taller and then hidden by a berm. Commissioner Invergo asked if that includes the HVAC and Mr. Ziomek said yes.

Commissioner Johnston asked about hours. Mr. Joseph said the hours are daily from 5am to 10pm. He said the lights are turned off at night.

Commissioner Sweetser asked how extra business would be handled, especially extra traffic. Mr. Joseph said he doesn't believe the traffic will be increased. He said the addition will help him provide extra items that he cannot provide now.

Chairperson Giuliano asked if there were any additional comments. Hearing none, she asked for a motion from the Commissioners.

On a motion by Commissioner Invergo, and a second by Commissioner Johnston, the Plan Commission voted 6-0 to recommend that the Village Board approve the petition associated with PC 23-10, subject to the following five (5) conditions:

1. That the petitioner shall develop the site in accordance with plans submitted as part of this request;
2. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report;
3. A plat of consolidation, making the property a lot of record, shall be submitted to the Village recorded at DuPage County;
4. The fence shall be maintained in good conditions at all times;
5. This approval shall be subject to the commencement time provisions as set forth within Section 155.103(F)(11).



PC 23-10  
June 15, 2023  
Page 4

Respectfully,

**VILLAGE OF LOMBARD**

Leigh Giuliano, Chairperson  
Lombard Plan Commission



**May 15, 2023**

**Title**

PC 23-10

**Petitioner**

Sebil Joseph  
643 Jarvis Avenue  
Des Plaines IL 60018

**Property Owner**

Same

**Property Location**

938 E St Charles Road  
PIN: 06-04-311-044  
Trustee District 4

**Zoning**

B4

**Existing Land Use**

Existing gas station and convenience store

**Comprehensive Plan**

Community Commercial

**Approval Sought**

Conditional use and variances

**Prepared By**

Jennifer Ganser, AICP  
Assistant Director



**PROJECT DESCRIPTION**

The petitioner proposes to expand the convenience store and add a canopy over existing gas pumps. Gas stations are a conditional use in the B4 zoning district; therefore, an expansion of a gas station requires a conditional use. Two variances are also requested related to the existing lot area the front yard setback.

**Existing Conditions**

The property is an existing gas station with convenience store.



**PROJECT STATS**

**Lot & Bulk**

Parcel Size: 0.50 acres

**Submittals**

1. Petition for a public hearing;
2. Response to Standards;
3. Plat of Survey, prepared by United Survey Service, LLC dated August 13, 2022;
4. Site plan and drawings, prepared by Proyeckt Studio, LLC, dated April 5, 2023; and
5. Letter from neighbor.

**Approvals Required**

The petitioner requests that the Village take the following actions on the subject property, located within the B4 Corridor Commercial District:

1. Approve of a conditional use pursuant to Section 155.416(C)(11) of the Village of Lombard Code of Ordinances for an expansion to an existing gas station/convenience store building, with the following variations,
2. Variance to the minimum lot area of 21,286 square feet, where 40,000 square feet is required pursuant to Section 155.416(D), and
3. For the proposed canopy expansion, a variance to the front yard setback of 3 feet 3 inches, where 30 feet is required pursuant to Section 155.416(F)(1).

**INTER-DEPARTMENTAL REVIEW**

**Building Division:**

The Building Division has no comments. Additional comments may be forthcoming during permit review.

**Fire Department:**

The Fire Department has no comments. Additional comments may be forthcoming during permit review.

**Public Works:**

The Department of Public Works has no comments on the subject petition. Additional comments may be forthcoming during permit review.

**Private Engineering Services (PES):**

PES has no comments on the subject petition. Additional comments may be forthcoming during permit review.

**Planning Services Division:**

The Planning Services Division (PSD) notes the following:

1. *Surrounding Zoning & Land Use Compatibility*

	<b>Zoning Districts</b>	<b>Land Use</b>
<b>North</b>	R2	Single-Family Home
<b>South</b>	B4	Vacant Land
<b>East</b>	Villa Park	Foremost Liquors
<b>West</b>	B4	Cat Guardians (animal shelter)



The subject property is located on Westmore-Meyers and St. Charles Road, among a mix of single-family residential and commercial uses. The property has been a gas station since 1961. Additional landscaping will be added to the north, as the property borders single-family residential. There is lighting on the property now for the gas pumps and the parking spaces. Lighting will be directed away from residential and cast downward. A six-foot fence is proposed at the north and west property line. The HVAC unit and dumpster would also be screened with a six-foot wood fence.

**2. Comprehensive Plan Compatibility**

The Comprehensive Plan recommends Community Commercial uses for this location. A gas station and convenience store are an appropriate use within this designation.

**3. Zoning Compatibility**

Three pieces of zoning relief are requested for the property.

*Approve of a conditional use pursuant to Section 155.416(C)(11) of the Village of Lombard Code of Ordinances for an expansion to an existing gas station/convenience store building*

As noted, the property has been a gas station since 1961. An expansion of a conditional use requires a new conditional use to be granted. The new convenience store would be 1,000 square feet in total; the addition is 325 square feet. The building would remain one-story in height. Staff is supportive of the request to expand the convenience store and add a canopy.

*Variance to the minimum lot area of 21,286 square feet, where 40,000 square feet is required pursuant to Section 155.416(D)*

The lot size is fixed at 21,286 square feet and has been since the gas station was built. The convenience store expansion will meet setbacks, open space, and other bulk requirements. Three parking spaces will be added for the convenience store, which meets Code. Staff is supportive of the request.

*For the proposed canopy expansion, a variance to the front yard setback of 3 feet 3 inches, where 30 feet is required pursuant to Section 155.416(F)(1)*

The front yard setback in the B4 district is 30', however, the gas pumps are located in the front yard and therefore a setback variance is required. Staff made the same interpretation at 610 S. Main Street when that gas station added a canopy over existing pumps and zoning relief was granted. Traffic circulation and curb cuts will not change. Staff is supportive of the request.

**4. Site History**

PC 93-11: approved a conditional use to allow for the construction of a canopy over existing gas pumps  
1961: gas station constructed

**5. Neighbor Comments**

Staff received a letter from a resident north of the gas station. The resident has concerns with drainage. Staff notes the convenience store addition is 325 square feet. The majority of the green space north of the gas station will remain. Should the petition be approved, permits will be required and will be reviewed by the Village's private development engineer.

**FINDINGS & RECOMMENDATIONS**

Staff finds that the proposed use is consistent with its surrounding context, the Village of Lombard Comprehensive Plan, and Zoning Ordinance.

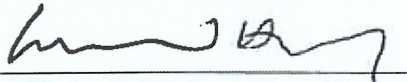


The Inter-Departmental Review Committee has reviewed the standards for the requested conditional use and variances and finds that the proposed use **complies** with the standards established by the Village of Lombard Zoning Ordinance, subject to conditions of approval based on the above considerations. As such, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion for **approval** of PC 23-10:

Based on the submitted petition and the testimony presented, the proposed conditional use and variances does comply with the standards required by the Village of Lombard Zoning Ordinance and that granting the conditional use and variances is in the public interest and, therefore, I move that the Plan Commission accept the findings of the Inter-Departmental Review Committee Report as the findings of the Plan Commission, and recommend to the Village Board **approval** of PC 23-10, subject to the following conditions:

1. That the petitioner shall develop the site in accordance with plans submitted as part of this request;
2. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report;
3. A plat of consolidation, making the property a lot of record, shall be submitted to the Village recorded at DuPage County;
4. The fence shall be maintained in good conditions at all times;
5. This approval shall be subject to the commencement time provisions as set forth within Section 155.103(F)(11).

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP  
Director of Community Development

c. Petitioner



**PROYEKT STUDIO, LLC**  
**Architecture / Engineering**  
2810 RFD, Long Grove IL, 60047  
PHONE (773) 796-5992 / GZIOMEK@SBCGLOBAL.NET

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April 5, 2023

The Village of Lombard  
Community Development and Building Dept.  
255 E Wilson  
Lombard, IL. 60148-3969

Re: Response to Standards for Proposed Commercial Building Remodeling  
938 E St Charles Rd  
Lombard, IL. 60148

Dear Concerned:

The following are our responses to the seven village standards for conditional use.

1) The proposed conditional use will not be detrimental to, or endanger the public health, safety, morals, comfort or general welfare.

The expansion of the building and new canopy on the property will not be detrimental to the public, evidence of this is supported by the fact that the building has been in service for many years as a gas station without creating any detrimental effects.

2) The conditional use will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish or impair property values within the neighborhood in which it is to be located.

The expansion of the building on the property will not be injurious to the public, evidence of this is supported by the fact that the building has been in service for many years as a gas station without creating any injurious effects.

3) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

The expansion of the building and new canopy on the property will not impede development, evidence of this is supported by the fact that the building and canopy will both be located a great distance from neighboring properties.

4) That the adequate public utilities, access roads, drainage and / or facilities have been or will be provided.

The expansion of the building and new canopy on the property have been and / or will be provided with these necessary improvements not only maintain reasonable conditions for the surrounding properties, but also so that this business can operate effectively.

5) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

The existing vehicular circulation to and from the public streets will not be altered. Therefore the circulation design, which is already adequate, will not cause traffic congestion.

6) That the proposed conditional use is not contrary to the objectives of the current Comprehensive Plan or the Village of Lombard

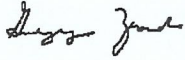
The expansion of the building and new canopy complement the Village's Comprehensive Plan



7) That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which is it located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Plan Commission, The expansion of the building and new canopy will conform to the applicable regulations of the district.

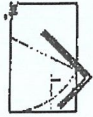
Thank you for your time with these matters. Please contact me if you have any questions.

Regards,



Gregory P Ziomek, A.L.A., N.C.A.R.B., L.E.E.D.-G.A.  
Project Architect

cc: File  
GZ:lg



**PROYEKT STUDIO, LLC**  
**Architecture / Engineering**  
2810 RFD, Long Grove IL. 60047  
PHONE (773) 796-5992 / GZIOMEK@SBCGLOBAL.NET

April 14, 2023

The Village of Lombard  
Community Development and Building Dept.  
255 E Wilson  
Lombard, IL. 60148-3969

Re: Response to Variation Standards for Proposed Commercial Building Remodeling  
938 E St Charles Rd  
Lombard, IL. 60148

Dear Concerned:

The following are our responses to the seven village standards for variations.

A variance is requested for the lot size being less than the required 40,000 sq ft and for the proposed canopy to be over the front yard setback.

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.

The size of the lot is fixed and therefore, the owner has no means by which to increase the size of the lot to fulfill the 40,000 square foot requirement. The location of the proposed canopy cannot be adjusted to be within the setback because of the spatial constraints between the proposed canopy and the existing structures would not allow an alternate location.

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 zoning classification.

Other properties within this zoning classification do not all have this area size. The other properties are also not gas stations with such space issues between the existing structures and street that would prevent the erection of a canopy.

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

The variations are based upon a need by the owner to beautify his property and provide a wider range of products to the neighborhood by increasing the size of the store.

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.

This ordinance is creating the minimum required size of the property as well as the setback for the canopy. No current or previous owner has created these two conditions.

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.

The expansion of the building on the property will not be injurious to the public, evidence of this is supported by the fact that the building has been in service for many years as a gas station without creating any injurious effects.

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

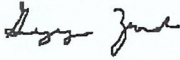
The gas station has been operating for many years with the current non-conforming lot size, therefore there would not be a change to the context of the neighborhood.



-7) The proposed variation will not impair and 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. The expansion of the building on the property will not be injurious to the public, evidence of this is supported by the fact that the building has been in service for many years as a gas station without creating any injurious effects. The existing vehicular circulation to and from the public streets will not be altered. Therefore the circulation design, which is already adequate, will not cause traffic congestion.

Thank you for your time with these matters. Please contact me if you have any questions.

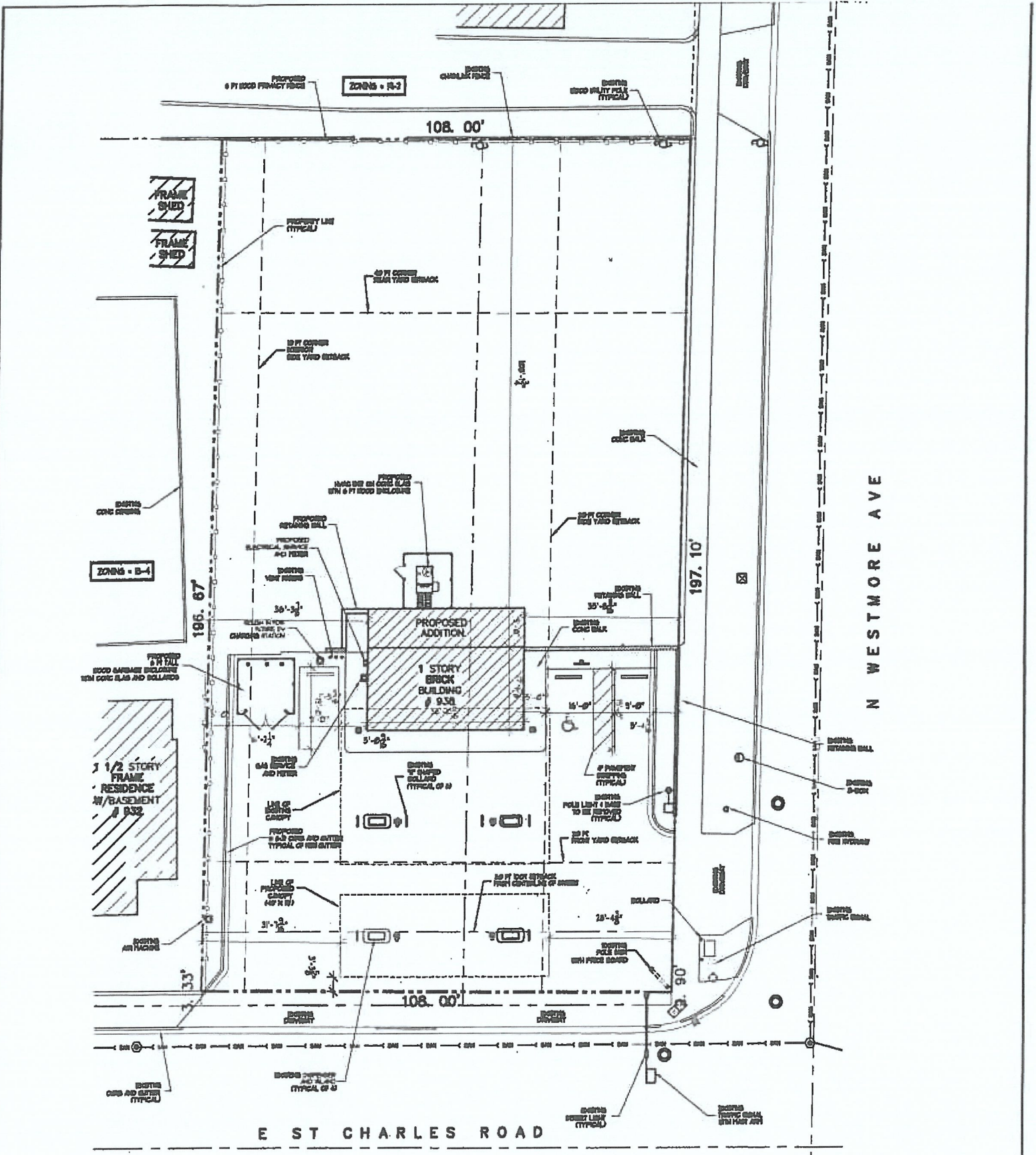
Regards,



Gregory P Ziomek, A.L.A., N.C.A.R.B., L.E.E.D.-G.A.  
Project Architect

cc: File  
GZ:lg





**SITE PLAN**  
 SCALE: 1" = 30'-0"

**PROYEKT STUDIO, LLC.**  
 ARCHITECTURE, ENGINEERING

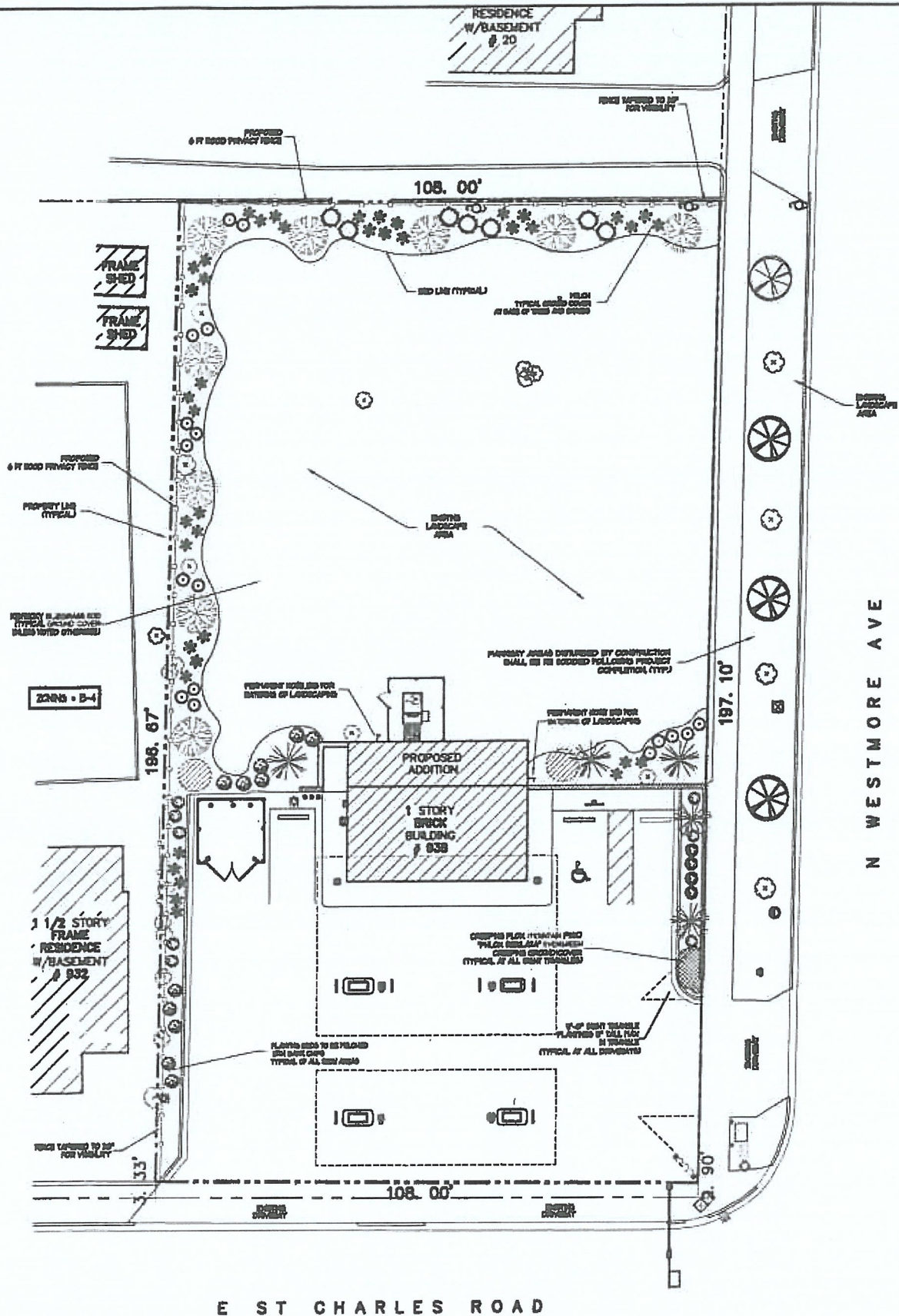
2810 RFD  
 Long Grove, IL. 60047  
 773-798-5992, GZIOEMK@SBCGLOBAL.NET

**PROPOSED MINI-MART REMODEL  
 WITH ADDITION AND NEW CANOPY**

938 E. ST. CHARLES ROAD  
 LOMBARD IL. 60148

REVISIONS			DATE
NO.	DATE	DESCRIPTION	
			4/15/23
			JOB # 22072
			SHEET
			Δ = 4
			1





E ST CHARLES ROAD

LANDSCAPING PLAN

SCALE: 1" = 16'-0"



**PROYEKT STUDIO, LLC**  
**ARCHITECTURE, ENGINEERING**

2810 RFD  
 Long Grove, IL 60047  
 773-796-5992, GZIOMEK@SBCGLOBAL.NET

**PROPOSED MINI-MART REMODEL  
 WITH ADDITION AND NEW CANOPY**

938 E ST. CHARLES ROAD  
 LOMBARD IL 60148

REVISIONS			DATE
NO.	DATE	DESCRIPTION	
			4/8/23
			JOB # 22072
			SHEET A-5
			OF 1 SHEETS



April 29, 2023

Plan Commission  
Lombard Village Hall  
255 E. Wilson Avenue  
Lombard, IL 60148

Ref: Case No.: PC 23-10  
Location of Subject Property: 938 E. St. Charles Road, Lombard, Illinois  
PIN(s): 06-04-311-044

As a property owner living just four houses north of the proposed expansion of this gas station, my main concern is that any expansion or paving over of the grassy field located north of the gas station will add to the already disastrous flooding our street (as well as my house and the four houses north of me) endures every single spring and fall when we have heavy rains. That grassy field helps absorb water run-off from St. Charles Road.

The flooding in our street and neighborhood, as well as raw sewage back-up my neighbor endures in their basement, is due to an archaic combination sewage/storm water drainage system (and deteriorating water lines) that is decades old and needs to be replaced. We are in an area of Lombard that is ignored by the Village for maintenance of the road, sewers and sidewalks because it is shared by Villa Park across the street, while other parts of Lombard (and Villa Park) are receiving upgraded repaved streets, new curbs, sidewalks, sewer systems and water lines.

Until our flooding issues are solved by the Village of Lombard, the sewer system is upgraded into two separate systems (sewer and water) and updated to solve the flooding problem, any expansion of the property listed above into a grassy area that helps absorb water drainage from St. Charles Road may possibly add to this flooding problem. What is the Village going to do about analyzing this potential to make sure it isn't made worse by the expansion of said property?

Thank you for your consideration of my concerns.

Melinda Derfler  
36 N. Westmore Avenue  
Lombard, IL 60148

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

**AN ORDINANCE GRANTING A CONDITIONAL USE AND  
VARIANCES FOR A GAS STATION EXPANSION IN THE B4  
DISTRICT PURSUANT TO SECTION 155.416 OF THE  
LOMBARD VILLAGE CODE.**

PC 23-10; 938 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 as defined below is zoned B4 Corridor Commercial District; and,

WHEREAS, an application has been filed requesting approval for a conditional use and variances pursuant to Section 155.416 of the Lombard Zoning Ordinance to allow for an expansion of an existing gas station; and,

WHEREAS, a public hearing on the forgoing application was conducted by the Village of Lombard Plan Commission on May 15, 2023, pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has recommended the granting of the conditional use, subject to certain terms and conditions; and,

WHEREAS, the President and Board of Trustees of the Village of Lombard have determined that it is in the best interest of the Village of Lombard to approve the requested zoning actions herein by reference as if they were fully set forth herein;

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 the following approval of a conditional use pursuant to Section 155.416(C)(11) of the Village of Lombard Code of Ordinances for an expansion to an existing gas station/convenience store building, with the following variations; a variance to the minimum lot area of 21,286 square feet, where 40,000 square feet is required pursuant to Section 155.416(D), and for the proposed canopy expansion, a variance to the front yard setback of 3 feet 3 inches, where 30 feet is required pursuant to Section 155.416(F)(1) is



hereby granted for the Subject Property legally described in Section 2 and subject to the conditions set forth in Section 3.

SECTION 2: That this Ordinance is limited and restricted to the property located at 938 E St Charles Rd, Lombard, Illinois and legally described as follows:

LOT 20 AND 21 (EXCEPT THAT PORT OF SAID LOTS LYING SOUTH OF A STRAIGHT LINE DRAWN FROM A POINT ON THE WEST LINE OF LOT 28, 5 FEET NORTH OF THE SOUTHWEST CORNER OF SAID LOT 28, 5 FEET OF THE SOUTHWEST CORNER OF SAID LOT 28 TO A POINT IN THE EAST LINE OF LOT 20, 2.90 FEET NORTH OF THE SOUTHEAST CORNER OF SAID LOT 20) IN "ROBERTSON'S ST. CHARLES ROAD ADDITION TO WESTMORE", BEING A SUBDIVISION IN THE WEST ½. OF THE SOUTHWEST ¼ OF SECTION 4, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 20, 1922 AS DOCUMENT 157522, IN DUPAGE COUNTY, ILLINOIS.

Parcel Number: 06-04-311-044 (the "Subject Property").

SECTION 3: This ordinance shall be granted subject to compliance with the following conditions:

1. That the petitioner shall develop the site in accordance with plans submitted as part of this request;
2. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report;
3. A plat of consolidation, making the property a lot of record, shall be submitted to the Village recorded at DuPage County;
4. The fence shall be maintained in good conditions at all times;
5. This approval shall be subject to the commencement time provisions as set forth within Section 155.103(F)(11).

SECTION 4: This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed on first reading this \_\_\_\_ day of \_\_\_\_\_, 2023.

First reading waived by action of the Board of Trustees this \_\_\_\_ day of \_\_\_\_\_, 2023.

Passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2023.

Ordinance No. \_\_\_\_\_  
Re: PC 23-10  
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Ayes: \_\_\_\_\_

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

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

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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

ATTEST:

\_\_\_\_\_  
Elizabeth Brezinski, Village Clerk

Published in pamphlet from this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Elizabeth Brezinski, Village Clerk