

August 9, 2007

Mr. William J. Mueller,
Village President, and
Board of Trustees
Village of Lombard

Subject: PC 07-25: Text Amendments to the Lombard Zoning Ordinance

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. Village staff requests Zoning Ordinance text amendments to Section 155.210 establishing regulations pertaining to the removal of the four (4) foot building separation provision from the Zoning Ordinance in its entirety, as it is already addressed in the Village Building Code. Also, the amendment will no longer include 'structures' as part of the sum of all 'accessory building and structures' when summing the total in comparison to the principal residence. The definition of "Building" will be altered to clarify any misunderstanding that may assimilate a fence as a building.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on July 16, 2007. Michael Toth, Associate Planner, presented the petition. He provided a general description of the cause for concern regarding this issue.

Mr. Toth stated that staff recognizes that the intent of the regulation was to ensure that accessory buildings do not overwhelm the principal residence and become the de facto principal use on the property. He added that while the provision is intended to reduce structural bulk on residential properties, all accessory buildings and structures including pools, decks, patios, sidewalks, or even driveways would by definition be included in the calculation, thus resulting in insufficient allowable square footage for many residential properties. Mr. Toth then mentioned that these accessory structures are typically located at or slightly above grade, excessive bulk is usually not an issue. He noted that this amendment is intended to more closely reflect the practical application of this code and tie the maximum allowable area to accessory buildings only and not accessory structures.

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Mr. Toth stated that the majority of above-grade decks are attached to the principal structure, thus (by definition) making it part of the principal residence (requiring a 35-foot rear yard setback). He noted that if decks were to be considered as accessory structures, a four (4) foot separation between the deck and principal structure would be required. For clarity purposes, Mr. Toth stated that the proposed text amendment would remove the four foot provision within the Zoning Ordinance. Mr. Toth then added that the setback provisions would still need to be followed as required in the Lombard Building Code.

Mr. Toth stated that this amendment alleviates any confusion as to whether a deck would be considered part of the principal residence or as an accessory structure by removing the provision in its entirety. He added that staff notes past cases in which the Building Code would allow the structures to be located closer than four feet, if they were protected by fire walls. He then mentioned that even if this provision was met, the petitioner would still need to apply for zoning relief. Mr. Toth noted that staff believes that as this provision is already outlined in the Building Code and is a life-safety issue, their regulation should take greater precedent over the provisions currently within the Zoning Ordinance, which attempt to address design/aesthetic issues. Mr. Toth stated that for clarity purposes, staff would prefer to have a zero-foot setback (between structures) to eliminate any ambiguity between the zoning and building code.

Vice Chairperson Flint opened the meeting for public comment. No one spoke in favor or against this petition. He then opened the meeting for comments from the Plan Commission members.

Commissioner Sweetser stated that the petition is very straight-forward and made a motion to recommend approval.

After due consideration of the petition and the testimony presented, the Plan Commission found that the proposed text amendment complies with the standards of the Zoning Ordinance. Therefore, the Plan Commission, by a roll call vote of 4 to 0, recommended to the Corporate Authorities, **approval** of the petition associated with PC 07-25.

Respectfully,

VILLAGE OF LOMBARD

Stephen Flint, Vice-Chairperson
Lombard Plan Commission

att-

c. Petitioner
Lombard Plan Commission