

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


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

TO : PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott Niehaus, Village Manager

DATE : August 9, 2017 (BOT) Date: August 17, 2017

SUBJECT: ZBA 17-01: 54 S. Highland Avenue

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

**BACKGROUND/POLICY IMPLICATIONS:**

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioner requests that the Village approve a variation from the Lombard Zoning Ordinance to provide for a front yard setback of thirty-five (35) feet in lieu of the formulated front yard setback requirements set forth within Section 155.407 (F)(1) for a principal structure located within in the R2 Single-Family Residence District.

The petitioner requests a waiver of first reading of the Ordinance.

**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:** August 17, 2017

**SUBJECT:** **ZBA 17-01; 54 S. Highland Avenue**

Please find the following items for Village Board consideration as part of the August 17, 2017 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 17-01;
3. An Ordinance granting approval of the requested variation; and
4. Supporting documentation (plans, response to standards, pictures, etc.) associated with the petition.

The Zoning Board of Appeals recommended approval of this petition by a vote of 4-0. Please place this petition on the August 17, 2017 Board of Trustees consent agenda. The petitioner requests a waiver of first reading of the Ordinance.



## VILLAGE OF LOMBARD

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

August 17, 2017

**Village President**  
Keith T. Giagnorio

**Village Clerk**  
Sharon Kuderna

**Trustees**  
Dan Whittington, Dist. 1  
Michael A. Fugiel, Dist. 2  
Reid Foltyniewicz, Dist. 3  
Bill T. Johnston, Dist. 4  
Robyn Pike, Dist. 5  
William "Bill" Ware, 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 Giagnorio  
Village President, and  
Board of Trustees  
Village of Lombard

**Subject: ZBA 17-01; 54 S. Highland Avenue**

Dear President and Trustees:

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioner requests that the Village approve a variation from the Lombard Zoning Ordinance to provide for a front yard setback of thirty-five (35) feet in lieu of the formulated front yard setback requirements set forth within Section 155.407 (F)(1) for a principal structure located within in the R2 Single-Family Residence District.

The Zoning Board of Appeals conducted a public hearing on July 26, 2017.

Daniel Timken, petitioner was sworn in by Acting Chairperson Young to offer testimony and presented the request. He introduced and reviewed the various documents included in his submittal. He noted that they seek to construct a new single family home of the vacant lot. He referenced an exhibit showing the setbacks of the existing residences along Highland Avenue and stated that their request would not differ from the existing setbacks on the block.

He then discussed the reason for the variation, referencing the proposed site development plan. Based upon the sign of the proposed house, patio and driveway, they need to address stormwater drainage matters by constructing a drywell on the premises. The preferred location for the drywell is the northwest corner of the property, which is the lowest elevation on the property. To ensure that there is adequate area for the drywell and to ensure that drainage issues do not develop in the neighborhood, their engineer recommended that the residence be shifted closer to Highland Avenue.

Acting Chairperson Young asked if anyone present wanted to speak in favor of or against the petition. Julie Hansen, 28 S. Highland Avenue stated that she was originally not in support of the request, but upon review of other house setbacks on the block, she does not think that the relief would not cause an eyesore. So she supports the request. Acting Chairperson Young then asked for the staff report.

William Heniff, Community Development Director, presented the staff report, which was entered into the record in its entirety. He noted that the request was sought to address requisite drainage requirements. As the property slopes to the northwest, the goal is to provide for a drywell in the rear of the property, which would require the home to be shifted to the east. The formulated setback would be 43 feet; the petitioner is seeking relief to allow for their setback to be 35 feet from the front property line. This was supported by the Village's Private Development Engineer as well as the petitioner's engineer. The petitioner's engineer also submitted a written narrative to the file, which was also shared with the ZBA members, explaining the drainage conditions in further detail.

He concluded by noting that one of the standards for variations pertains to unique physical or geographical conditions on a property and he noted that this property meets that standard. As such, staff recommends approval of the request.

Acting Chairperson Young then opened the meeting for discussion among the ZBA members. Mr. Bedard asked for a clarification regarding the rear patio area and a proposed pool. Mr. Timken confirmed that they do want to add that to their residence. Mr. Heniff noted that all impervious services need to be accounted for in consideration of the sizing of the drywell.

On a motion by Mr. Bedard, and a second by Dr. Corrado, the Zoning Board of Appeals voted 4-0 that the Village Board approve ZBA 16-05, subject to the following conditions:

1. The subject property shall be developed in substantial conformance with the Proposed Site Plan, dated June 3, 2017 by WDN Architecture;
2. The petitioner shall apply for and receive a building permit for the proposed plans; and
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.

Respectfully,

VILLAGE OF LOMBARD

Greg Young, Acting Chairperson  
Zoning Board of Appeals

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

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

(ZBA 17-01; 54 S. Highland 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 155.407(F)(1) of the Lombard Zoning Ordinance to reduce the front yard setback to thirty-five (35) feet in lieu of the formulated front yard setback requirements for a principal structure; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on July 26, 2017 pursuant to appropriate and legal notice; and,

WHEREAS, the Zoning Board of Appeals has forwarded its findings to the Board of Trustees with a recommendation of approval 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 155.407(F)(1) of the Lombard Zoning Ordinance to reduce the front yard setback to thirty-five (35) feet in lieu of the formulated front yard setback requirements for a principal structure.

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

1. The subject property shall be developed in substantial conformance with the Proposed Site Plan, dated 6/03/17 by WDN Architecture;
2. The petitioner shall apply for and receive a building permit for the proposed plans; and

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Re: ZBA 17-01

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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.

**SECTION 3:** This ordinance is limited and restricted to the property generally located at 54 S. Highland Avenue, Lombard, Illinois, and legally described as follows:

LOT 1 IN HORIST HIGHLANDS RESUBDIVISION, BEIN A SUBDIVISION OF PART OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 9, TOWNSHIP 39 NORTH RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 24, 2015 DOCUMENT NUMBER R2015-068021.

Parcel No: 06-09-103-071

**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 \_\_\_\_\_, 2017.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Ayes: \_\_\_\_\_

Nayes: \_\_\_\_\_

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

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2017

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

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Re: ZBA 17-01

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ATTEST:

\_\_\_\_\_  
Sharon Kuderna, Village Clerk

Published by me this \_\_\_\_\_ day of \_\_\_\_\_, 2017

\_\_\_\_\_  
Sharon Kuderna, Village Clerk

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