

PROPERTY INFORMATION

Existing Zoning: R2 Single Family Residential District

Existing Land Use: Single Family Residence

Size of Property: 9,114 square feet

Surrounding Zoning and Land Use:

North: Union Pacific Rail Road, R2 Single Family Residence District developed as Single Family Residences, and R4 Limited General Residential District developed as Multi-Family Residential Building

South: R2 Single Family Residence District developed as Single Family Residences

East: R2 Single Family Residence District developed as Single Family Residences

West: R2 Single Family Residence District developed as Single Family Residences

ANALYSIS

SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development on November 17, 2006.

1. Petition for Public Hearing
2. Response to the Standards for Variation
3. Plat of Survey prepared by Mid-America Survey Company and dated March 9, 1992.
4. Site Plan prepared by Timothy J. Scmitt and Bridget E. Fallon and dated November 1, 2006.
5. Proposed building plans and elevations prepared by Timothy J. Scmitt and Bridget E. Fallon and dated November 1, 2006.

DESCRIPTION

The petitioner wishes to construct a garage located three (3) feet from the rear property line and three feet (3) feet from the side property line with an overall roof height of twenty-three (23) feet. The petitioner is proposing two options for constructing the garage. The first option is construct the garage as a detached accessory structure. Two variations are needed with this option- a variation for

a detached garaged to exceed the maximum allowable height of seventeen (17) feet and a variation to allow an accessory structure to exceed the height of the principal structure. The second option is to attach the garage to the principal structure with a trench foundation and pergola. Attaching the garage to the principal structure eliminates the seventeen (17) foot height restriction. However, the garage must meet the setbacks for the principal structure. This option would therefore require two variations- a variation to reduce the rear yard setback from thirty-five (35) feet to three (3) feet and a variation to reduce the interior side yard setback from six (6) feet to three (3) feet. The petitioner has already poured the trench foundation associated with the second option. It is still possible to construct the garage as a detached accessory structure as described in the first option. A portion of the trench foundation would have to be removed and the remaining foundation and pergola would have to maintain a four (4) foot separation from the garage.

INTER-DEPARTMENTAL REVIEW COMMENTS

ENGINEERING

Private Engineering Services

The Private Engineering Services Division has no comments on this petition.

Public Works Engineering

Public Works Engineering has no comments regarding this request.

FIRE AND BUILDING

The Fire Department/Bureau of Inspectional Services offers the following timeline of as it relates to the garage at 506 W. Maple St.

- 8/18/06 -Ada Vaughan came to the building with a store bought garage plan that was not acceptable for permit submittal. Keith Steiskal spent some time making notes and corrections to the plan and took the permit application in. He told the applicant the Building Department would call when it was ready to be issued.
- 09/13/06 -The applicant was called and notified that the permit was ready.
- 09/14/06 -The permit was picked up by Ada Vaughan
- 09/29/06 -Ted Kloris and Keith Steiskal met with applicant at the Building Department to discuss the applicants desire to change her approved design. She expressed an interest in changing the look of the garage as well as the height. She asked the minimum attachment to the house to be considered an attached garage. The applicant was told that a trench foundation system and a 3' wide concrete walkway with a roof system between the two buildings would be the minimum attachment. On a blank piece of paper the two buildings were sketched by the applicant and the Building Department staff sketched a covered 3'

covered walkway between house and garage. It was told to the applicant that 3 new plats and 3 new plans would need to be submitted for review to approve any such changes to the approved plan.

- 10/20/06 -Applicant submitted revisions
- 11/14 or 11/15/06 -Keith Steiskal and Michelle Kulikowski called the applicant separately to ask the applicant to call the Village due to a Zoning issue discovered with the proposed changes to the approved permit.
- 11/17/06 -The applicant meet with Community Development staff to discuss the Zoning issue and the ZBA process.
- It was discovered that during the time the plan revisions were under review the applicant called for an inspection of the foundation. The applicant has never been told it was OK to proceed with out receiving approval of the revised plan. It has also been discovered that the applicant has added a floor drain that was not on the original approved plan or the revised plan. The applicant has been instructed that they can only proceed with approved work.

PLANNING

The petitioner received a permit for a detached garage approximately fifteen (15) feet in height. The proposed location was three (3) feet from the side property line and three (3) feet from the rear property line. The driveway access to the garage would be from the alley to the rear of the subject property. After receiving the building permit the petitioner decided that they would like to revise the garage plan to build a taller garage. The timeline relating to the revised plans is noted in the Building Department's comments.

Staff does not find a substantial hardship related to the subject property that warrants any of the requested variations. The petitioner can construct a two-car detached garage that would not require any zoning relief. The hardship is a personal preference for the proposed design for a taller garage.

The detached garage height restrictions have been uniformly applied throughout the Village. The intent of the garage height restrictions is to make detached garages clearly subordinate to the principal single-family residence. They also help ensure that secondary uses on the property such as business occupations and second residences are not being created within the Single Family Residential District.

The current height restrictions for detached garages were established in 2004 (PC 04-12) after concerns were raised about the overall height of detached garages and the formula used to determine the maximum height permitted. The maximum height was fifteen (15) feet, however, the definition of building height in the Zoning Ordinance states that the calculation of the building height is

determined by the mean height for pitched roofs. Roof pitches could be manipulated to allow for a two-story garage that would meet the fifteen (15) foot calculated building height limitation. The 2004 text amendment limited the overall height for detached garages measured from average grade to the highest point of the roof to seventeen feet (17').

Staff finds that the first option for a detached garage with a height of twenty-three (23) feet is inconsistent with the intent of the ordinance, especially considering that the principal structure is only one story. A variation is needed for the garage height and to allow the garage to be taller than the principal structure. The proposed garage would not appear to be ancillary to the residence.

Attached garages are considered part of the principal structure and therefore do not have the seventeen (17) foot overall height limitation. With the second option, the garage would technically be considered attached, but it would appear to be detached. The three (3) foot walkway covered by the pergola would be the only visible connection to the principal structure. Staff is not supportive of any setback relief that is needed for a plan that attempts to circumvent the height restrictions within the ordinance.

Furthermore, to be granted a variation the petitioners must show that they have affirmed each of the "Standards for Variation". The following standards have not been affirmed:

1. *That because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner has been shown, as distinguished from a mere inconvenience if the strict letter of the regulations were to be applied.*

Staff finds that the petitioner's property does not have unique physical limitations that limit the owner from meeting the intent of the ordinance. The petitioner has already received a building permit for a detached garage based on plans that comply with code.

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 same zoning classification.*

Staff finds that while there are some conditions that are unique to the subject property, these conditions do not prevent the petitioner from complying with the Zoning Ordinance. The petitioner has demonstrated with the original approved permit plans that a garage can be built on the property in compliance with the Zoning Ordinance.

3. *The alleged difficulty or hardship is shown to be caused by this ordinance and has not been created by any person presently having an interest in the property.*

Staff finds that the hardship has not been caused by the ordinance and has instead been created by the petitioner's preference for a taller garage. The petitioner proceeded with revised plans before receiving approval from the Village.

4. *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.*

Staff believes that the granting of the requested relief will set an undesirable precedent.

FINDINGS AND RECOMMENDATIONS

The Department of Community Development has determined that the information presented **has not affirmed** the Standards for Variations for the requested variation to reduce the rear yard setback. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make the following motion recommending **denial** of the aforementioned variation:

Based on the submitted petition and the testimony presented, the requested variation to reduce the corner side yard setback **does not comply** with the Standards required for a variation by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals find that the findings included as part of the Inter-departmental Review Report be the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **denial** of ZBA 06-27.

Inter-Departmental Review Group Report Approved By:

David A. Hulseberg, AICP

Assistant Village Manager/Director of Community Development

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c: Petitioner