


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

 X Resolution or Ordinance (Blue) X *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: January 29, 2014 (B of T) Date: February 6, 2014
TITLE: ZBA 14-02; 321 E. Madison Street
SUBMITTED BY: Department 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 grant a variation from Section 155.210(A)(2)(a) of the Lombard Zoning Ordinance to allow a detached garage to be constructed with a setback of 13.7 feet where twenty (20) feet is required for the corner side yard, located within the R2 Single-Family Residence District. (DISTRICT #6)

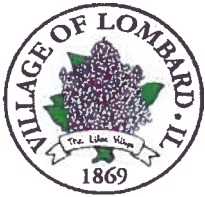
The Zoning Board of Appeals unanimously recommended approval of this petition, subject to conditions.

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 

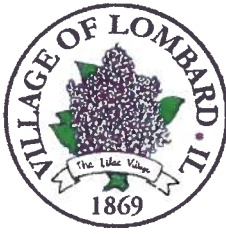
DATE: February 6, 2014

SUBJECT: ZBA 14-02; 321 E. Madison Street

Please find the following items for Village Board consideration as part of the February 6, 2014 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 14-02;
3. An Ordinance granting approval of a requested variation; and
4. Supporting documentation (response to standards and pictures, etc.) associated with the petition.

The Zoning Board of Appeals unanimously recommended approval of this petition, subject to conditions. Please place this petition on the February 6, 2014 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

February 6, 2014

Village President
Keith T. Giagnorio

Village Clerk
Sharon Kuderna

Trustees
Dan Whittington, Dist. 1
Michael A. Fugiel, Dist. 2
Reid Foltyniewicz, Dist. 3
Peter Breen, Dist. 4
Laura A. Fitzpatrick, Dist. 5
William "Bill" Ware, Dist. 6

Village Manager
Scott 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 14-02; 321 E. Madison Street

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 grant a variation from Section 155.210(A)(2)(a) of the Lombard Zoning Ordinance to allow a detached garage to be constructed with a setback of 13.7 feet where twenty (20) feet is required for the corner side yard, located within the R2 Single-Family Residence District.

The Zoning Board of Appeals conducted a public hearing on January 22, 2014.

Mr. Tony Balinski said he recently purchased the house with intentions to make improvements. The garage is in poor shape and he does not want it to be a safety hazard. A new garage would be safer.

Chairperson DeFalco questioned if there was anyone present to speak in favor of or against the petition.

Kim Ryan, a neighbor, said the garage has been leaning. She is very happy for a new garage to be constructed since it has been in disrepair for a while.

Matt Panfil, Senior Planner, stated that the IDRC report is to be entered into the public record in its entirety. Mr. Panfil stated that the petitioner intends to build the new garage in the exact same location as the existing garage and will not be expanding past the existing encroachment. Mr. Panfil pointed out that because of the unique angling of the home and garage only approximately sixteen percent (16%) of the garage's total area is within the corner side yard.

Re: ZBA 14-02
February 6, 2014
Page 2

Mr. Panfil stated that because of the unique angling of the home, staff finds that requiring the petitioner to locate the new garage entirely in the corner side yard would negatively impact the front yard of the property to the south even more than allowing the garage in its existing location.

Mr. Panfil concluded that it is for these reasons that staff recommends approval of the requested variance.

Chairman DeFalco then opened the meeting for discussion by the ZBA members.

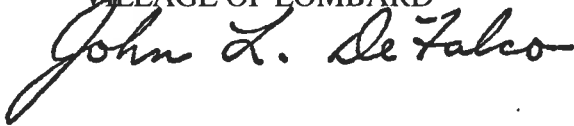
Chairman DeFalco questioned why the ordinance does not cause a hardship since the property could have been built before the ordinance was in effect. Mr. Panfil agreed this could be the case and that the age of the home could not be verified.

On a motion by Mr. Bedard and a second by Mr. Bartels, the Zoning Board of Appeals recommended by a vote of 5 to 0 that the Village Board **approve** the variation associated with ZBA 14-02, subject to the following conditions.

1. The plans for the proposed detached garage replacement shall not exceed the dimensions of the existing garage.
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 twelve (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

A handwritten signature in black ink that reads "John L. DeFalco". The signature is written in a cursive style with a long, sweeping underline.

John DeFalco
Chairperson
Zoning Board of Appeals

JANUARY 22, 2014

Title

ZBA 14-02

Petitioner

Anthony Balinski
321 E. Madison Street
Lombard, IL 60148

Property Owner

Anthony Balinski
321 E. Madison Street
Lombard, IL 60148

Property Location

321 E. Madison Street
(06-17-104-028)

Zoning

R2 Residential Single Family

Existing Land Use

Residential Single Family

Comprehensive Plan

Low Density Residential

Approval Sought

A variation to allow a detached garage to be set back thirteen and seven tenths (13.7) feet where twenty (20) feet is required for the corner side yard.

Prepared By

Tami Urish
Planner I



LOCATION MAP

PROJECT DESCRIPTION

The petitioner is proposing to construct a replacement detached garage. The size of the proposed detached garage is two hundred and eighty-eight (288) square feet; twenty (20) feet by fourteen (14) feet.

APPROVAL(S) REQUIRED

Per Section 155.210 (A)(2)(a), Accessory Uses, Activities, Buildings and Structures in Required Yards of the Lombard Zoning Ordinance, “unless otherwise provided for in this ordinance, no accessory building, structure or use shall be located in a required front, corner side or interior side yard.” Therefore, a variation is needed to allow a detached garage to be set back 13.7 feet where twenty (20) feet is required for the corner side yard within the R-2 Residential Single Family Zoning District is required.

EXISTING CONDITIONS

The property contains a one-story frame single family residence with an existing two hundred and eighty-eight (288) square foot detached garage and associated driveway. The property is located at the southwest corner of Madison Street and Lombard Avenue. The corner side property line is along Lombard Avenue. Additionally, this property is a reverse corner lot, according to the Zoning Ordinance.

PROJECT STATS

Lot & Bulk

Parcel Size:	8,733 sq. ft.
Building Size:	1085 sq. ft.
Tenant Space:	N/A
Lot Coverage:	Approx. 40%

Setbacks

Front (North)	30 feet
Side Corner (East)	13.7 feet
Side (West)	6 feet
Rear (South)	49 feet

Parking Spaces

Not applicable

Surrounding Zoning & Land Use Compatibility

North, East, South and West:
R-2; Single Family Residential

Submittals

1. Petition for Public Hearing
2. Response to Standards for Variation
3. Proof of Ownership
4. Plat of Survey
5. Existing conditions photo submitted by petitioner on 12/31/13.

INTER-DEPARTMENTAL REVIEW

Building Division:

A full review will be conducted during the building permit review process.

Fire Department:

The Fire Department has no issues/concerns regarding the project.

Private Engineering Services:

Private Engineering Services has no issues or concerns regarding the project.

Public Works:

The Department of Public Works has no issues or concerns regarding the project.

Planning Services Division:

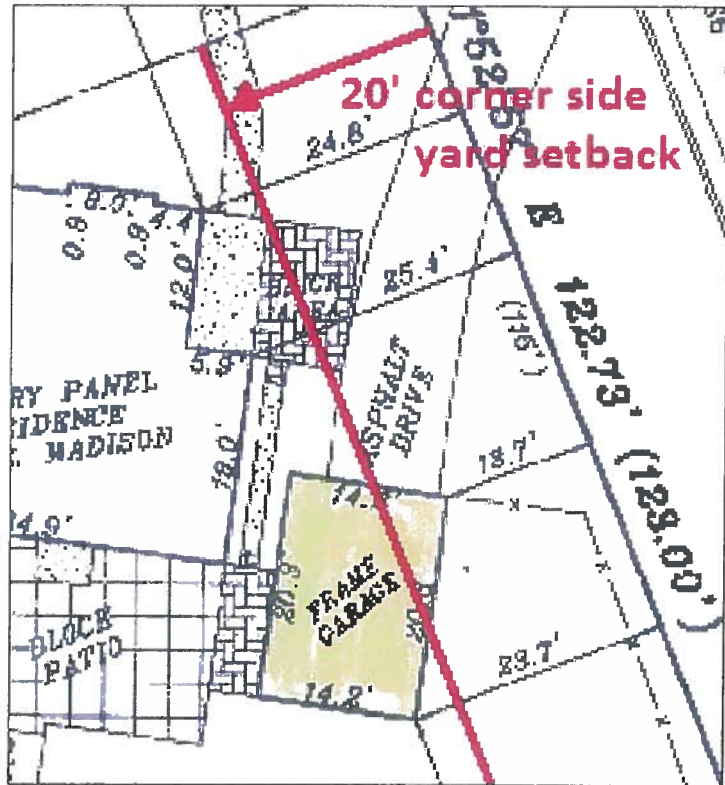
The subject property was developed with the principal structure many years ago; and, according to the petitioner, the detached garage was constructed around the same time period. The existing detached garage is two-hundred and eighty-eight (288) square feet and located 13.7 feet from the eastern property line, within the corner side yard. The petitioner indicated that the garage was in a state of disrepair and proposes to replace the detached garage in the exact footprint as it exists.

Corner Side Yard Setback

Detached garages are not permitted within corner side yards due to the visual obstruction they create. As such, the petitioner's replacement of the detached garage requires that the new garage meet the twenty (20) foot corner side yard setback or that a variation be granted. A variation may only be granted if there is a demonstrated hardship that distinguishes the subject property from all other properties in the area.

The proposed replacement of the detached garage would be located 13.7 feet at the northwest corner of the structure from the eastern property line. The southwest corner of the structure would be located 23.7 feet from the eastern property line. Detached garages are not permitted within corner side yards not only due to the visual obstruction they create, but also because they must provide adequate space to park vehicles. According to Village Code, parking vehicles over the sidewalk or on the Village parkway is prohibited. In this case, the existing drive in relation to the existing garage location maintains over 30 feet from the public right of way.

The principal structure and detached garage is estimated to be over 50 years old according to the petitioner. The building permit for either the house or garage could not be found on file with the Village. Both structures when built were not placed squarely on the subject property. Instead both structures are shifted approximately 20 degrees to the east in relation to the property lines. In order to comply with the current Zoning Ordinance, the garage would have to be relocated approximately fifteen (15) feet to the south or rotated further away from the principle structure. In addition, relocating the existing garage's location would negatively impact the front yard of the property located adjacent to the subject property's southern property line.



To be granted a variation the petitioners must show that they have affirmed each of the "Standards for Variation" outlined in Section 155.210 (A) (2) (a). Not all of the following standards have been affirmed but consideration of the circumstances for items a., b., d. and e. must be examined in further detail:

- a. *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 lot does not have unique physical limitations, however the placement of the existing structures on the property does limit the owner from meeting the intent of the ordinance. The principal structure and detached garage were constructed prior to current yard setback provisions.

- b. *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 properties within the same zoning classification.*

Staff finds that the orientation of the structure on the subject property is unique. The design and layout of the petitioner's property is not typical of any R2 Single Family Residential lot in the Village and the surrounding neighborhood.

- c. *The purpose of the variation is not based primarily upon a desire to increase financial gain.*

This standard is affirmed.

- d. *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 need to replace a legal nonconforming detached garage. Staff finds that the hardship for this variation is due to the location of the principal structure and detached garage in relation to the corner side yard setback. Although this setback deficiency is minimal, it does reduce the property owner's ability to reconstruct the existing detached garage.

- e. 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 finds that granting the request would not be injurious to neighboring properties.

- f. The granting of the variation will not alter the essential character of the neighborhood.*

This standard is affirmed.

- g. The proposed variation will not impair an 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*

This standard is affirmed.

FINDINGS & RECOMMENDATIONS

The Department of Community Development has determined that the information presented has affirmed the Standards for Variations for the requested variation. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make the following motion recommending **approval** of the corner side yard setback variation to allow a detached garage:

Based on the submitted petition and the testimony presented, the requested variations **do comply** with the Standards required for a variation by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals adopt that the findings included as part of the Inter-departmental Review Report as the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **approval** of ZBA 14-02; subject to the following conditions:

1. The plans for the proposed detached garage replacement shall not exceed the dimensions of the existing garage.
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.

Inter-Departmental Review Committee Report approved by:



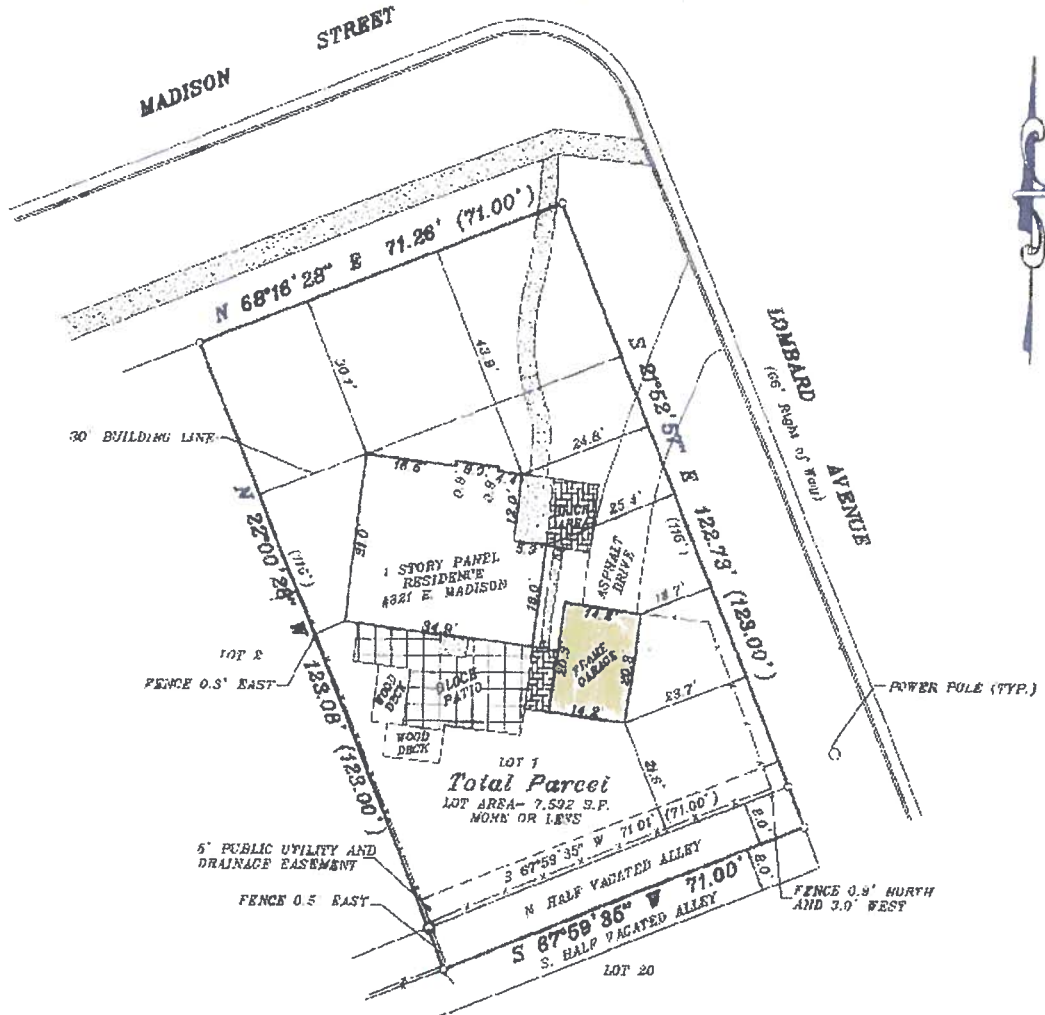
William J. Heniff, AICP
Director of Community Development

c. Petitioner

EXHIBIT A – PLAT OF SURVEY

PLAT OF SURVEY

of
 LOT 1 AND THE NORTH HALF OF THE VACATED ALLEY LYING SOUTH OF AND ADJOINING SAID LOT,
 VACATED BY DOCUMENT 814889, IN ROATH-WARD SUBDIVISION IN THE NORTHWEST QUARTER OF
 SECTION 17, TOWNSHIP 29 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO
 THE PLAT THEREOF RECORDED MAY 31, 1928 AS DOCUMENT 268856, IN DUPAGE COUNTY, ILLINOIS.



ALL DIMENSIONS AND BEARINGS SHOWN IN () ARE RECORD. ALL OTHER DIMENSIONS AND BEARINGS ARE MEASURED.

BEARINGS ARE ASSUMED THE SOUTH LINE OF MADISON STREET BEARING NORTH 08 DEGREES 16 MINUTES 26 SECONDS EAST.

LEGAL DESCRIPTION, EASEMENTS AND SERVICITUDES SHOWN HEREON ARE BASED UPON A TITLE COMMITMENT ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY IDENTIFIED AS NUMBER 3493466 WITH AN EFFECTIVE DATE OF NOVEMBER 08, 2015.

THIS SURVEY IS NOT VALID WITHOUT THE SURVEYOR'S IMPRESSED SEAL.

COMPARE THE DESCRIPTION ON THIS PLAT WITH YOUR DEED, ABSTRACT, OR CERTIFICATE OF TITLE; ALSO COMPARE ALL POINTS BEFORE BUILDING BY SAME, AND AT ONCE REPORT ANY DIFFERENCE.

BUILDING LINES ARE SHOWN ONLY WHERE THEY ARE SO RECORDED ON THE MAPS REFER TO YOUR DEED OR ABSTRACT.

STATE OF ILLINOIS 33
 COUNTY OF DUPAGE 33

- LEGEND**
- = FOUND SURVEY MARKER
 - = SET SURVEY MARKER
 - ▭ = CONC. AREA
 - - - - - = FENCE LINE

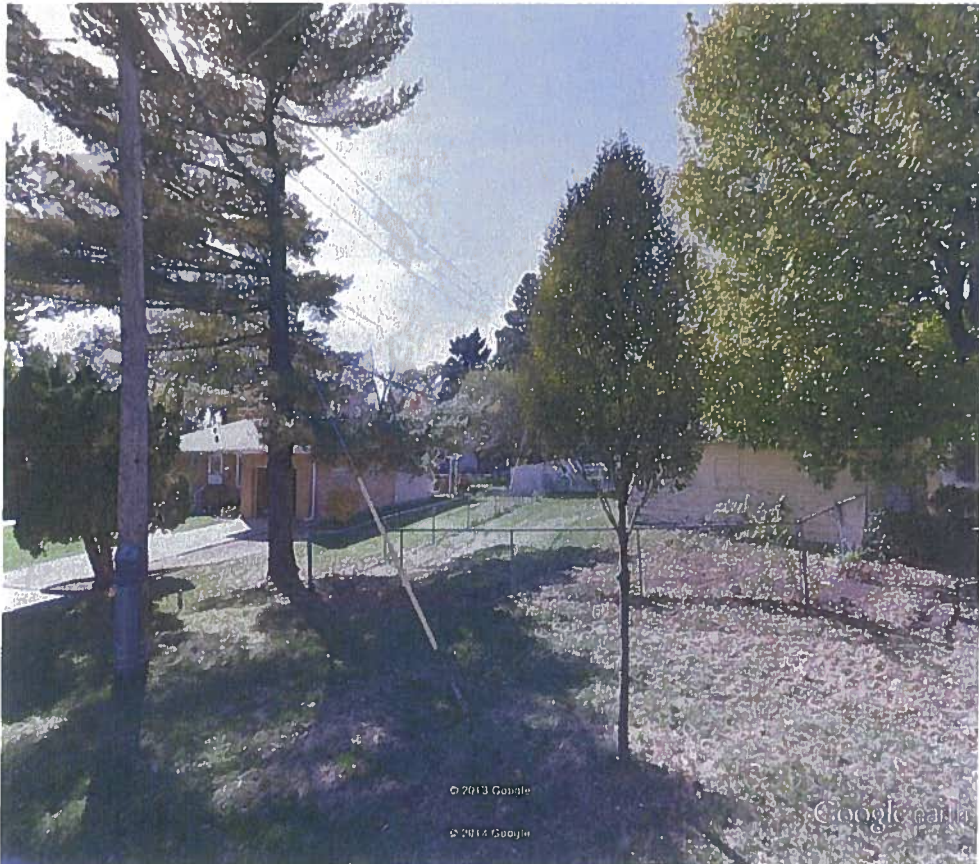
I, DEAN L. BAUER, AN ILLINOIS PROFESSIONAL LAND SURVEYOR HEREBY CERTIFY THAT THE PLAT HEREON DRAWN OF THE ABOVE DESCRIBED PROPERTY WAS SURVEYED UNDER MY DIRECTION AND THAT THIS PLAT CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

DATED THIS 23RD DAY OF NOVEMBER, A.D., 2015

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 096-002060
 MY REGISTRATION EXPIRES ON NOVEMBER 30, 2014

Vacant			11-23-15/DLB
Type of Survey	Date	Ek.-Pg.	Date Dwn. / By
Common Address : 321 EAST MADISON STREET			
Client: HUD			
Job No.: 19-099		Scale: 1" = 20'	
Dean L. Bauer, Land Surveyor			
P.O. Box 292 Winfield, Illinois 60190 (630) 293-3842			
Copyright © 2015 Geocon Land Surveyors, Inc. All rights reserved.			

EXHIBIT C –321 E. MADISON STREET, EXISTING CONDITIONS



Nowakowski, Tamara

From: Tony Balinski <ajbconstruction@sbcglobal.net>
Sent: Friday, January 24, 2014 4:39 PM
To: Urish, Tami
Subject: Re: 321 E. Madison

Tami,

Could you please submit necessary paperwork to waive the first reading and possibly have the approval on February 6.

Thank you in advance for your help.

Best Regards,

Anthony J. Balinski Sr.
AJB Construction, Inc.
(708) 369-7500

> On Jan 24, 2014, at 8:42 AM, "Urish, Tami" <UrishT@villageoflombard.org> wrote:

>

> Mr. Balinski,

> Your petition will be forwarded to the Village Board of Trustees on February 6, 2014 with a recommendation of approval from the Zoning Board of Appeals. The standard procedure is a petition goes before the Board of Trustees twice to give ample opportunity for public input. However, you have the option to request a waiver of first reading so that the final approval will be granted on February 6, 2014 instead of the second meeting on February 20. If you would like to waive the first reading please email me back with a statement indicating this and I can put it in your file and proceed from there.

>

> 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

>

>

[Type text]

ORDINANCE NO. _____

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

(ZBA 14-02; 321 E. Madison Street)

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 155.210(A)(2)(a) of the Lombard Zoning Ordinance to allow a detached garage to be constructed in the corner side yard; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on January 22, 2014 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 variations; 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 variations.

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 155.210(A)(2)(a) of the Lombard Zoning Ordinance to allow a detached garage to be constructed with a setback of 13.7 feet into the corner side yard where twenty (20) feet is required.

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

1. The plans for the proposed detached garage replacement shall not exceed the dimensions of the existing garage.
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 twelve (12) months of the date of issuance, unless extended by the Board of Trustees prior to the expiration of the ordinance granting the variation.

Ordinance No. _____

Re: ZBA 14-02

Page 2

SECTION 3: This ordinance is limited and restricted to the property generally located at 321 E. Madison Street, Lombard, Illinois, and legally described as follows:

LOT 1 AND THE NORTH HALF OF THE VACATED ALLEY LYING SOUTH OF AND ADJOINING SAID LOT, VACATED BY DOCUMENT 814999, IN ROATH-WARD SUBDIVISION IN THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 31, 1928 AS DOCUMENT 258858, IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-17-104-028

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.

Ayes: _____

Nayes: _____

Absent: _____

Approved this _____ day of _____, 2014

Keith Giagnorio, Village President

ATTEST:

Janet Downer, Deputy Village Clerk

Published by me this _____ day of _____, 2014

Ordinance No. _____

Re: ZBA 14-02

Page 3

Janet Downer, Deputy Village Clerk

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Response to Standards:

- 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 applied.**

The home and associated detached garage is over 50 years old and I believe this current dilapidated garage to be the original and therefore in need of replacement.

- 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 properties within the same zoning classification.**

The garage is over 50 years old and a portion of the garage was built slightly closer to the road than current code allows.

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

The purpose is to have a safe garage that retains the value of the property.

- 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.**

The current garage pre-dates this ordinance.

- 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.**

I seek to replace what currently exists.

- 6. The granting of the variation will not alter the essential character of the neighborhood.**

I seek to replace what currently exists.

- 7. The proposed variation will not impair as adequate supply of light and air to adjacent properties 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.**

I seek to replace what currently exists. The new garage would increase safety and maintain property value.

Submitted by Anthony Balinski