

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: David A. Hulseberg, Village Manager *dah*
DATE: September 8, 2010 (B of T) Date: September 16, 2010
TITLE: ZBA 10-10: 460 S. Main Street (Babcock's Grove) Cemetery
SUBMITTED BY: Department of Community Development *W*

BACKGROUND/POLICY IMPLICATIONS:

The Zoning Board of Appeals transmits for your consideration its recommendation relative to the above-mentioned petition. This petition requests approval of the following actions for the subject property located within the R2 Single-Family Residence District:

1. A variation from Section 155.205(A)(1)(c)(4) of the Lombard Zoning Ordinance to allow a fence within a front yard to exceed four feet (4') in height.
2. A variation from Section 153.219(B) of the Lombard Sign Ordinance to allow a freestanding sign to exceed six feet (6') in height.

The ZBA recommended approval of this petition with conditions.

Please place this item on the September 16, 2010 Board of Trustees consent agenda.

Fiscal Impact/Funding Source:

Review (as necessary):


Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X *dahulseberg* _____ Date 9/16/10

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: David A. Hulseberg, Village Manager

FROM: William Heniff, AICP,
Director of Community Development 

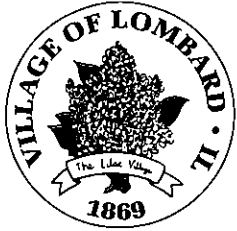
DATE: August 26, 2010

SUBJECT: ZBA 10-10; 460 S. Main Street, Lombard Cemetery

Please find the following items for Village Board consideration as part of the September 16, 2010 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. An Ordinance granting approval of a variation from Section 155.205(A)(1)(c)(4) the Lombard Zoning Ordinance to allow a fence within a front yard to exceed four feet (4') in height and a variation from Section 153.219(B) the Lombard Sign Ordinance to allow a freestanding sign to exceed six feet (6') in height;
3. IDRC report for ZBA 10-10; and
4. Plans associated with the petition.

The Zoning Board of Appeals recommended approval of this petition with conditions. Please place this petition on the September 16, 2010 Board of Trustees consent agenda.



VILLAGE OF LOMBARD

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Lombard, Illinois 60148-3926
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Village President
William J. Mueller

September 16, 2010

Village Clerk
Brigitte O'Brien

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

Trustees
Greg Alan Gron, Dist. 1
Richard J. Tross, Dist. 2
Zachary C. Wilson, Dist. 3
Dana L. Moreau, Dist. 4
Laura A. Fitzpatrick, Dist. 5
William "Bill" Ware, Dist. 6

Subject: ZBA 10-10; 460 S. Main Street, Lombard Cemetery

Dear President and Trustees:

Village Manager
David A. Hulseberg

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioner requests that the Village approve the following actions for the subject property located within the R2 Single-Family Residence District:

- 1) A variation from Section 155.205(A)(1)(c)(4) the Lombard Zoning Ordinance to allow a fence within a front yard to exceed four feet (4') in height.
- 2) A variation from Section 153.219(B) the Lombard Sign Ordinance to allow a freestanding sign to exceed six feet (6') in height.

"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 Zoning Board of Appeals conducted a public hearing on August 25, 2010.

"The Mission of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."

Michael Toth, Planner I, stated that staff will be petitioner for this case. He then presented the staff report. The subject property is located at 460 S. Main Street, the intersection of West Washington Boulevard and South Main Street, which is known as the Lombard Cemetery. For the past few years, the property has been updated with numerous improvements. The most recent is an arch to be installed over the entrance gate of the cemetery. The arch will contain lettering, which will read "Lombard Cemetery". The arch will be supported by posts, which extend up from the fence/gate. For purposes of clarity staff is considering the arch to be a sign, but also an extension of the fence.

The proposed arch is affiliated with a public institution and contains text; therefore, it is considered an 'Institutional Sign'. According to the Sign Ordinance, freestanding institutional signs shall not exceed six (6) feet in height. The proposed arch is 7.4 feet above grade, thus requiring a height variation. The proposed arch is twenty-six (26) feet in area. Institutional Signs shall not exceed

thirty-two square feet; therefore, the signage portion of the arch is within the size parameters. The proposed arch meets all other Sign Ordinance requirements.

The subject property is located in the R2 – Single Family District. The proposed arch is to be located in the front yard of the subject property. According to the Zoning Ordinance, fences located in the front yard of a residential district shall not exceed four (4) feet in height. As previously mentioned the arch will be supported by posts, which extend up from the fence/gate. Therefore, staff is considering the arch to also be an extension of the existing fence. The proposed arch is 7.4 feet above grade, thus also requiring a fence height variation

There are no previous cases that provide precedence in this particular matter. However, staff believes that the sign is well integrated into the existing fence. Furthermore, staff is supportive of the proposed variation due to the historic significance of the site.

Concluding, Mr. Toth stated that staff is recommending approval of ZBA 10-10, subject to the two conditions outlined in the staff report.

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

Mrs. Newman asked why the height variation was needed.

Mr. Toth stated that the height of the arch element created the need for the variation.

Dr. Corrado asked why the sign does not say ‘Babcock’s Grove’.

Tom Fetters, of the Lombard Historical Commission, discussed the significance of the different cemetery names and mentioned that there are plans to place an additional sign on the property using the ‘Babcock’s Grove’ name.

Jeanne Schultz Angel, Executive Director of the Lombard Historical Society, also discussed the naming of the cemetery.

Mr. Bartels asked about the historic significance of the site.

Jeanne Schultz Angel stated that the cemetery was established in 1871, but is not a registered historic landmark. She added that the cemetery does play an important role in the education of the history of the Village of Lombard.

Dr. Corrado asked when the last burial occurred.

Tom Fetters discussed the logistics of the most recent burials and added that, technically, the last burial was last month.

Chairperson DeFalco asked about the hardship associated with the variation.

Jeanne Schultz Angel stated that the cemetery is used for public awareness and discussed the different restoration projects that have been recently completed. She added that the cemetery is a "point of pride" and that the construction of the proposed sign is typical to the time period. She then stated that 15,000 cars drive by the cemetery each day.

Mr. Toth stated that there are two hardships associated with the case. He stated that the first hardship involves the use of the property – the hardship has less to do with the historic significance of the sign and more to do with the historic significance of the property itself. He added that there are a limited number of cemeteries in the Village and none as historic as this. The second hardship involved the change in grade. Mr. Toth stated that the grade, where the arch sign is to be located, is almost a foot lower than surrounding grade where the fence is located.

Chairperson DeFalco then discussed the recent ZBA case that involved the Lombard Cemetery. He stated that the fence and column project was completed before and zoning relief was obtained. He thanked the petitioner for requesting approval prior to starting the project. He then added that he didn't believe that that sign is of any historic significance because the sign is not recreating anything that once existed. He then asked the petitioner if the sign could be placed on the fence, within the parameters of Code.

Jeanne Schultz Angel stated that the Historical Commission explored placing the lettering on the fence, but decided to go with the proposed construction. She added that the sign would be more visible as proposed. She added that the arch element could be seen through the night sky at its proposed location.

Mr. Bedard asked about the grade change on the subject property.

Chairperson DeFalco stated that the Zoning Ordinance allows fences to fluctuate three inches to accommodate grade changes.

Mr. Toth stated that the three inch provision is meant to address drainage under the fence and decorative elements on top of the fence – not to accommodate grade change. The grade change hardship has been established in past cases involving fence height.

Mr. Bedard asked if any precedence has been established for this sort of case.

Mr. Toth stated that this is a unique case and there is no similar precedence established.

Mr. Young stated that the use of the property is non-residential, but is in the R2 District. He added that it is important to note (for purposes of precedence) that the property is non-residential.

Chairperson DeFalco asked about the number of signs that could be permitted on the subject property.

Mr. Toth stated that the Sign Ordinance allows one freestanding sign per street frontage in residential districts. He added that the subject property has four street frontages and could therefore erect four freestanding signs.

Mrs. Newman asked about the hardship at placing the sign at six (6) feet.

Mr. Bartels responded that the added height is caused by the arch of the sign. He then stated that the entire sign is not at 7.4 feet.

Mr. Toth stated that the ZBA has considered grade changes as a hardship in recent cases.

Mr. Bartels asked if the sign was to be illuminated.

Tom Fetters stated that the sign will be non-illuminated, but the arch element would allow it to be illuminated by the moonlight.

Jeanne Schultz Angel stated that the property is in contention for the Governors Award.

Chairperson DeFalco asked if the award could be obtained without the sign.

Tom Fetters replied, yes.

Lastly, Chairperson DeFalco stated that the case before the ZBA involves a sign over a gate to name a cemetery. He added that (in his opinion) the variation is not required. He then stated that there is no hardship and the proposed sign is a preference based upon aesthetics.

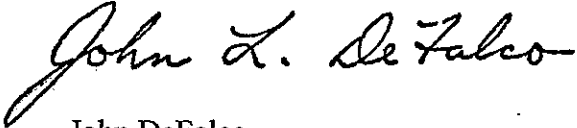
On a motion by Young and a second by Bartels, the Zoning Board of Appeals recommended by a vote of 6 to 1 that the Village Board **approve** the variation associated with ZBA 10-10, subject to the following conditions:

1. The arch shall be developed in substantial conformance with the elevation plan prepared by T.R. Knapp Architects dated August 1, 2010.
2. The height of the arched sign over the fence shall not exceed 7.4 feet above grade.

Re: ZBA 10-10
September 16, 2010
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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 large initial 'J' and a long, sweeping underline.

John DeFalco
Chairperson
Zoning Board of Appeals

H:\CD\WORDUSER\ZBA Cases\2010\ZBA 10-10\Referral Let.doc

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 August 5, 2010.

1. Elevation Plan prepared by T.R. Knapp Architects dated August 1, 2010.

DESCRIPTION

The subject property is located at 460 S. Main Street, the intersection of West Washington Boulevard and South Main Street, which is known as the Lombard Cemetery. For the past few years, the property has been updated with numerous improvements. The most recent is an arch to be installed over the entrance gate of the cemetery. The arch will contain lettering, which will read "Lombard Cemetery". The arch will be supported by posts, which extend up from the fence/gate. For purposes of clarity staff is considering the arch to be a sign, but also an extension of the fence.

INTER-DEPARTMENTAL REVIEW COMMENTS

ENGINEERING

The Private Engineering Services Division has no comments on the subject petition.

PUBLIC WORKS

Public Works Engineering has no comments regarding this request.

FIRE

The Fire Department has no comments regarding this request.

BUILDING

The Building Division has no comments.

PLANNING

Compatibility with the Sign Ordinance

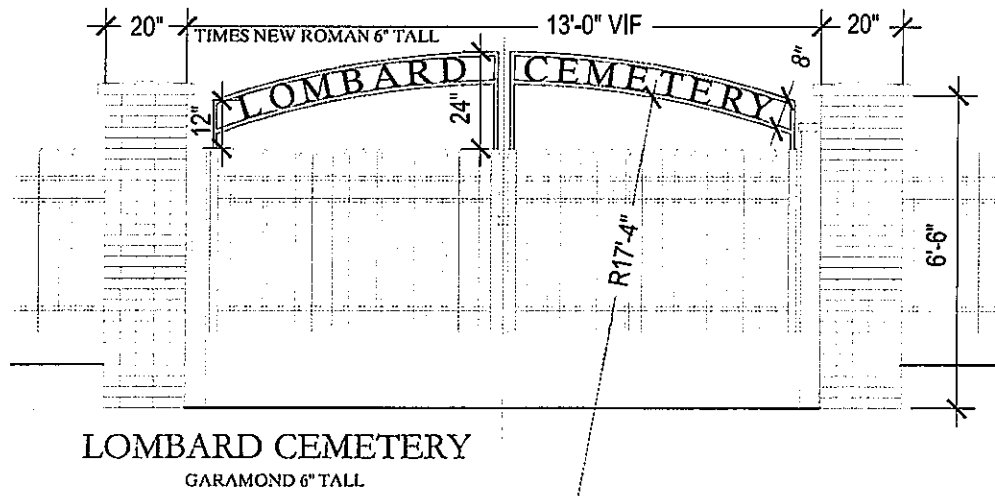
The proposed arch is affiliated with a public institution and contains text; therefore, it is considered an 'Institutional Sign'. According to the Sign Ordinance, freestanding institutional signs shall not exceed six (6) feet in height. The proposed arch is 7.4 feet above grade, thus requiring a height variation. The proposed arch is twenty-six (26) feet in area. Institutional Signs shall not exceed

thirty-two square feet; therefore, the signage portion of the arch is within the size parameters. The proposed arch meets all other Sign Ordinance requirements.

Compatibility with the Zoning Ordinance

The subject property is located in the R2 – Single Family District. The proposed arch is to be located in the front yard of the subject property. According to the Zoning Ordinance, fences located in the front yard of a residential district shall not exceed four (4) feet in height. As previously mentioned the arch will be supported by posts, which extend up from the fence/gate. Therefore, staff is considering the arch to also be an extension of the existing fence. The proposed arch is 7.4 feet above grade, thus also requiring a fence height variation

In 2009, the Public Works Department replaced the deteriorated fencing at Lombard Cemetery with a new wrought iron-style fence four feet (4') in height. As part of this replacement, six brick pillars at the corners of the fence were subsequently replaced. As part of the replacement, the brick pillars were reconstructed at their original dimensions and locations. Per ZBA 09-05, the two pillars at the corners of Washington Blvd. and Main St. were approved to allow them to have a width greater than six inches (6") within clear line of sight areas.



There are no previous cases that provide precedence in this particular matter. However, staff believes that the sign is well integrated into the existing fence. Furthermore, staff is supportive of the proposed variation due to the historic significance of the site.

FINDINGS AND RECOMMENDATIONS

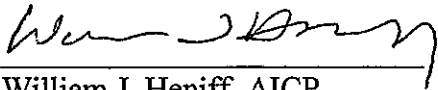
The Department of Community Development has determined that the information presented **has affirmed** the Standards for Variations for the requested variation. Based on the above

considerations, the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make the following motion recommending **approval** of the aforementioned variations:

Based on the submitted petition and the testimony presented, the requested variations **do comply** with the Standards required for variations 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 **approval** of ZBA 10-10, subject to the following condition:

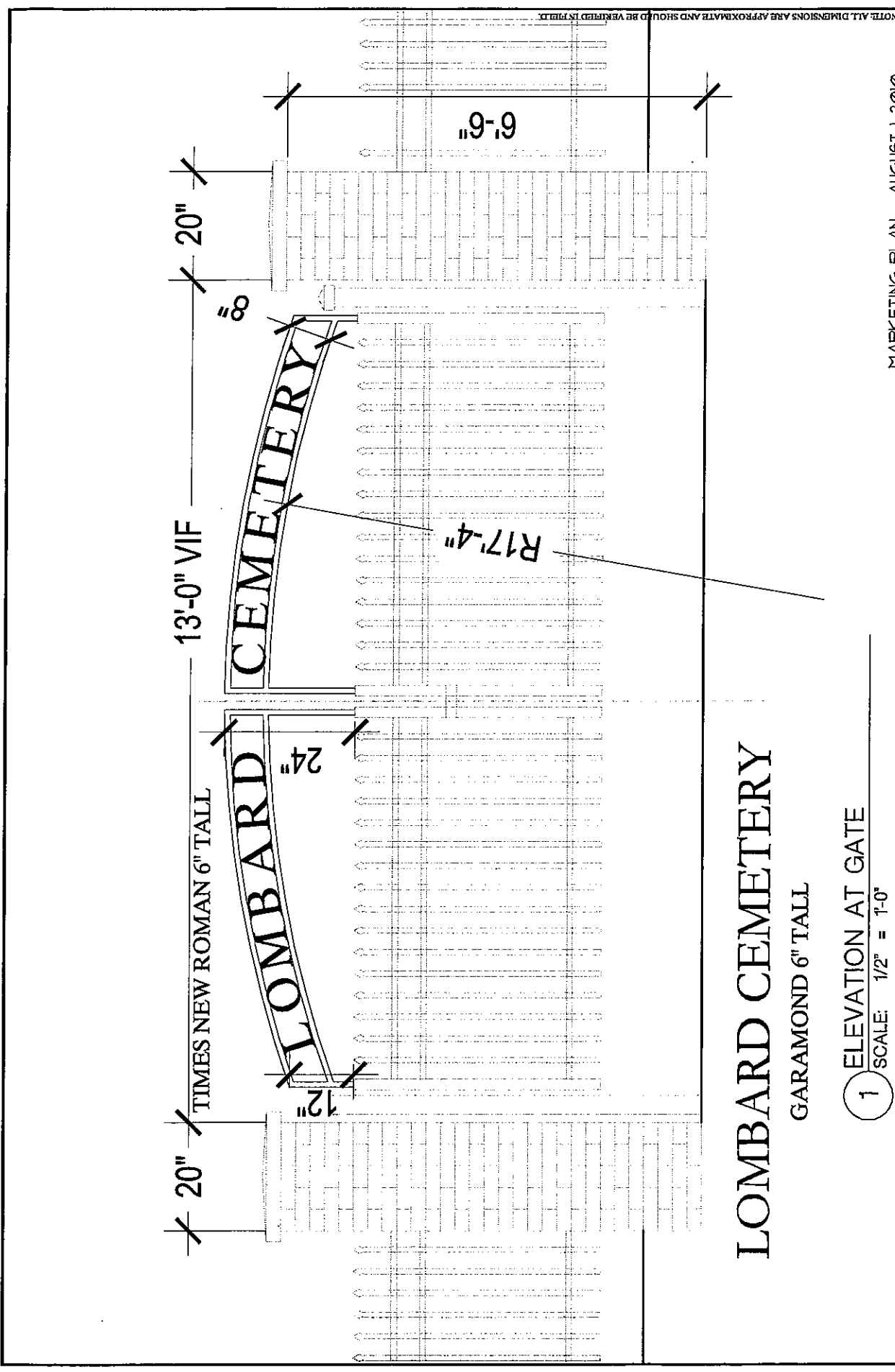
1. The arch shall be developed in substantial conformance with the elevation plan prepared by T.R. Knapp Architects dated August 1, 2010.
2. The height of the arched sign over the fence shall not exceed 7.4 feet above grade.

Inter-Departmental Review Group Report Approved By:



William J. Heniff, AICP
Director of Community Development

WJH



NOTE: ALL DIMENSIONS ARE APPROXIMATE AND SHOULD BE VERIFIED IN FIELD.

MARKETING PLAN - AUGUST 1, 2010

FILE NAME: HISTORICAL
JOB NUMBER: 210020
SHEET NO: SK-1 OF

LOMBARD CEMETERY
NEW ENTRY GATE SIGNAGE
LOMBARD HISTORICAL SOCIETY
620 SOUTH MAIN STREET
LOMBARD, IL

LOMBARD CEMETERY
GARAMOND 6" TALL

1 ELEVATION AT GATE
SCALE: 1/2" = 1'-0"

T. R. Knapp ARCHITECTS
320 N. Main St.
Lombard, IL 60148
ph / fax: (630) 620-6512

ORDINANCE NO. _____

**AN ORDINANCE APPROVING A VARIATION OF THE LOMBARD ZONING
ORDINANCE TITLE 15, CHAPTER 155 AND A VARIATION
OF THE LOMBARD SIGN ORDINANCE TITLE 15, CHAPTER 153 OF THE
CODE OF LOMBARD, ILLINOIS**

(ZBA 10-10; 460 S. Main Street, Lombard Cemetery)

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 President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Sign Ordinance, otherwise known as Title 15, Chapter 153 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 155.205(A)(1)(c)(4) of the Lombard Zoning Ordinance to allow a fence within a front yard to exceed four feet (4') in height.

WHEREAS, an application has been filed with the Village of Lombard requesting a variation from Section 153.219(B) of the Lombard Sign Ordinance to allow a freestanding sign to exceed six feet (6') in height.

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on August 25, 2010 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 155.205(A)(1)(c)(4) of the Lombard Zoning Ordinance to allow a fence within a front yard to exceed four feet (4') in height.

SECTION 2: That a variation is hereby granted from the provisions of Title 15, Chapter 153, Section 153.219(B) of the Lombard Sign Ordinance to allow a freestanding sign to exceed six feet (6') in height.

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

1. The arch shall be developed in substantial conformance with the elevation plan prepared by T.R. Knapp Architects dated August 1, 2010.
2. The height of the arched sign over the fence shall not exceed 7.4 feet above grade.

SECTION 4: This ordinance is limited and restricted to the property generally located at 460 S. Main Street , Lombard, Illinois, and legally described as follows:

BLOCK 21 IN GREEN VALLEY, BEING A SUBDIVISION IN SECTIONS 7 AND 18, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE VILLAGE OF LOMBARD, ACCORDING TO THE PLATE THEREOF RECORDED JULY 25, 1941 AS DOCUMENT NO. 465288, EXCEPTING THEREFROM THAT PART MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE MOST NORTHEASTERLY CORNER OF SAID BLOCK 21 AND RUNNING THENCE S00°25'38"E ALONG THE EASTERLY LINE OF SAID BLOCK 21 A DISTANCE OF 10.00 FEET; THENCE S88°55'56"W, 216.43 FEET TO THE POINT OF BEGINNING; THENCE S00°46'58"E, 247.83 FEET; THENCE S88°55'56"W, 10.00 FEET; THENCE N00°46'58"W, 247.83 FEET; THENCE N88°55'56"E, 10.00 FEET TO THE POINT OF BEGINNING, ALL IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-07-410-001,002

SECTION 5: 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 _____, 2010.

First reading waived by action of the Board of Trustees this _____ day of _____, 2010.

Passed on second reading this _____ day of _____, 2010.

Ayes: _____

Ordinance No. _____

Re: ZBA 10-10

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Nayes: _____

Absent: _____

Approved this _____ day of _____, 2010

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published by me this _____ day of _____, 2010

Brigitte O'Brien, Village Clerk