

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: William T. Lichter, Village Manager

DATE: October 11, 2005 (B of T) Date: October 20, 2005

TITLE: ZBA 05-16: 332 S. Edson Street

SUBMITTED BY: Department of Community Development *WTL*

BACKGROUND/POLICY IMPLICATIONS:

The Zoning Board of Appeals transmits for your consideration its recommendation relative to the above-mentioned petition. This petition requests a variation to Section 155.210 (A) (2) (b) of the Lombard Zoning Ordinance to allow an accessory structure in front of the front wall of the principal building in the R2 Single-Family Residence District. (DISTRICT #1)

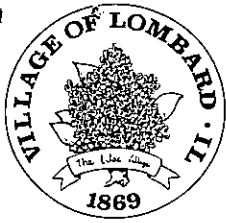
The Zoning Board of Appeals recommended approval of this petition with one condition.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X *W. T. Lichter* Date *10/11/05*

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.



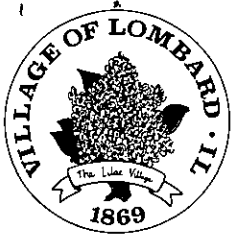
MEMORANDUM

TO: William T. Lichter, Village Manager
FROM: David A. Hulseberg, AICP, Director of Community Development
DATE: October 20, 2005
SUBJECT: ZBA 05-16: 332 S. Edson Street

Attached please find the following items for Village Board consideration as part of the October 20, 2005, Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 05-16;
3. An Ordinance granting approval of the requested variation; and
4. Site Plan associated with the petition.

Please contact me if you have any questions regarding the aforementioned materials.



VILLAGE OF LOMBARD

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Village President
William J. Mueller

Village Clerk
Brigitte O'Brien

Trustees
Greg Alan Gron, Dist. 1
Richard J. Tross, Dist. 2
John "Jack" T. O'Brien, Dist. 3
Steven D. Sebby, Dist. 4
Kenneth M. Florey, Dist. 5
Rick Soderstrom, Dist. 6

Village Manager
William T. Lichter

October 20, 2005

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

Subject: ZBA 05-16; 332 S. Edson Street

Dear President and Trustees:

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioner requests a variation to Section 155.210 (A) (2) (b) of the Lombard Zoning Ordinance to allow an accessory structure in front of the front wall of the principal building in the R2 Single-Family Residence District.

The Zoning Board of Appeals conducted a public hearing on September 28, 2005. Jim Felbinger, owner of the property, presented the petition. He distributed a drawing illustrating staff's options for locating a garage in the rear and his proposal. Mr. Felbinger noted that there is only one other house on the block that is set as far back. He also mentioned that with the house set so far back there is limited space for placing a garage on the property. He mentioned that there is a bay window on the rear wall of the house that is not shown on the plat of survey. He stated the bay window would not allow the required four-foot (4') distance between the house and the garage.

Chairperson DeFalco opened the meeting for public comment. No one spoke for or against the petition.

Michelle Kulikowski, Associate Planner presented the staff report. She noted that the subject property is fifty feet (50') wide by two hundred feet (200') deep with an existing house set back approximately one hundred twenty feet (120') from the front property line. She stated that a detached one-car garage previously existed in front of the front wall of the house. She mentioned that the petitioner's wife received a building permit to demolish the garage in June 2005, and staff notified her that the Zoning Ordinance would not permit a garage to be rebuilt in front of the residence.

"Our shared *Vision* for Lombard is a community of excellence exemplified by its government working together with residents and business 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."

Ms. Kulikowski stated that prior to 2001, the Zoning Ordinance only prohibited accessory structures in required front, corner side and interior side yards. In 2001, a text amendment was approved that required accessory structures to be located behind the front wall of the principal structure in the R-1 and R-2 Single Family Residence Districts. She noted that the rationale for the text amendment was that accessory structures should be clearly subordinate to the principal structure and should be placed at least behind the front wall of the principal structure.

Ms. Kulikowski stated that the location of the principal structure on the lot is unique, but in and of itself did not constitute a hardship. She stated that there are other alternatives for constructing a two-car garage on the property that would comply with code. She stated that a detached garage could be placed behind the house. She stated that for practical purposes the garage would have to be placed at the northwest corner of the lot with the garage door facing south so that vehicles could maneuver in and out of the garage. She also stated that a two-car garage could also be built attached to the house. She noted that the Building Code would require that the foundation be tied into the foundation of the house.

Ms. Kulikowski reviewed the standards for variations. She stated that staff finds that there is no demonstrated physical hardship, nor are there any unique topographical conditions related to this property that would prevent compliance with the ordinance. She noted that there are other options for constructing a garage that meets code. She mentioned that the provision requiring accessory structures to be located behind the front wall of the principal structure has been consistently applied throughout the Village. She stated that the requested relief is needed due to a personal preference for the location of the garage. She mentioned that while complying with the Zoning Ordinance may be more expensive than the proposed site plan, staff does not find that financial cost in this circumstance constitutes a hardship. Ms. Kulikowski noted that granting of the requested relief could set an undesirable precedent. She stated that the houses in the neighborhood are generally set closer to the front property line, and none of the other houses have a detached garage in front of the principal structure. She mentioned that the petitioner is also proposing to build a larger garage than the one that previously existed in front of the house, which would further increase the visual bulk of the accessory structure in front of the house.

Chairperson DeFalco opened the meeting for discussion among the members.

Mr. Young asked what room was behind the eastern wall of the house behind the garage. Mr. Felbinger stated that the master bedroom was behind that wall. Mr. Young asked if there was a window on that wall. Mr. Felbinger stated there was a window there. Chairperson DeFalco stated that the window looked new and asked if the window was just installed. Mr. Felbinger stated that there was always a window there, but they just recently

had the window replaced. Chairperson DeFalco asked if that was the only window in the bedroom. Mr. Felbinger stated that there was another window on the adjacent wall facing south.

Mr. Young asked for confirmation that the foundation for an attached garage would have to be connected to the house. William Heniff, Senior Planner, stated that an attached garage is considered a structural element of the house, and Building Code would require that the foundations would be connected.

Mr. Young stated that by squeezing a detached garage behind the house, there would virtually be no back yard to the property. He also commented that the visual bulk would be no different if the garage were attached or detached in front of the house. Mr. Bedard stated that the garage would still be setback further than most detached garages.

Chairperson DeFalco asked whether light was able to get into the window to the bedroom on the east wall. Mr. Felbinger said that there would be thirteen feet (13') between the window and the garage, which would provide enough room for light to come through.

Chairperson DeFalco asked for confirmation that his wife was informed that the Zoning Ordinance would prevent the garage from being rebuilt if were demolished. Mr. Felbinger stated his wife was notified about the Zoning Ordinance regulation, and was given a Zoning Board of Appeals packet.

Chairperson DeFalco asked whether the petitioner considered an attached garage. Mr. Felbinger stated that he did consider it, but the cost was too much because of the roof lines would need to be changed and a perimeter foundation would be required. He asked whether he considered attaching the garage before applying for the variation. Mr. Felbinger stated he had.

Dr. Corrado stated that a detached garage behind the house was not an option because of the bay window.

Mrs. Newman asked if a detached garage in front of the house would have to be setback six feet (6'). Mr. Heniff stated that detached garages only require a three -foot (3') side yard setback. He stated that staff tried to institute a five foot (5') setback, but the Village Board denied the amendment. Mr. Bedard stated that even if the garage were placed in front of the house, it would still be as far back as the detached garage on the property to the south.

Mr. Polley asked when the house was built. Mr. Felbinger stated the house was built in 1934. He stated that the house did not meet the required setback from the north property

Re: ZBA 05-16
October 10, 2005
Page 4

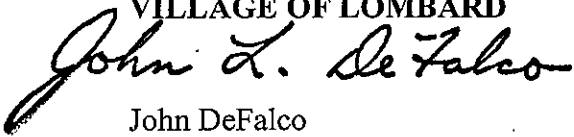
line. He asked if they could rebuild on the existing foot print should the house be destroyed by a fire. Mr. Heniff stated that they could not rebuild with the existing footprint without zoning relief.

After due consideration of the submitted petition and the testimony presented, the Zoning Board of Appeals, by a roll call vote of 5-1, submits this petition to the Corporate Authorities with a recommendation of approval for the requested variation, subject to the following condition:

1. The variation shall be limited to the existing residence and proposed detached garage. Should the existing residence be reconstructed due to damage or destruction by any means, the residence and the detached garage shall meet the full provisions of the Zoning Ordinance.

Respectfully,

VILLAGE OF LOMBARD

A handwritten signature in cursive script that reads "John L. DeFalco". The signature is written in black ink and is positioned to the left of the printed name.

John DeFalco
Chairperson
Zoning Board of Appeals

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Zoning Board of Appeals

HEARING DATE: September 28, 2005

FROM: Department of Community
Development

PREPARED BY: Michelle Kulikowski
Associate Planner

TITLE

ZBA 05-16; 332 S. Edson: The petitioner requests a variation to Section 155.210 (A) (2) (b) of the Lombard Zoning Ordinance to allow an accessory structure in front of the front wall of the principal building in the R2 Single-Family Residence District.

GENERAL INFORMATION

Petitioner/Property Owner: James Felbinger
346 W. Harding
Lombard, IL 60148

PROPERTY INFORMATION

Existing Zoning: R2 Single-Family Residence District

Existing Land Use: Single-Family Residence

Size of Property: Approximately 10,000 Square Feet

Surrounding Zoning and Land Use:

North: R2 Single-Family Residence District; developed as Single-Family Residences

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 August 22, 2005.

1. Petition for Public Hearing
2. Response to the Standards for Variation
3. Plat of Survey, prepared by MM Surveying Co., dated August 17, 2004
4. Proposed Site Plan

DESCRIPTION

The subject property is fifty feet (50') wide by two hundred feet (200') deep. The existing residence is set back approximately one hundred twenty feet (120') from the front property line. A detached one-car garage previously existed in front of the front wall of the house. The petitioner's wife received a building permit to demolish the garage in June 2005. Staff notified her that the Zoning Ordinance would not permit a garage to be rebuilt in front of the residence. The petitioner is requesting a variation to allow for the construction of a two-car garage in the approximate location where the previous garage existed.

ENGINEERING

Private Engineering Services

From an engineering or construction perspective, PES has no comments.

Public Works Engineering

Public Works Engineering has no comments or changes.

FIRE AND BUILDING

The Fire Department/Bureau of Inspectional Services has no comments.

PLANNING

Prior to 2001, the Zoning Ordinance only prohibited accessory structures in required front, corner side and interior side yards. In 2001, staff did a comprehensive review of the Zoning Ordinance. One of the changes included in the text amendments (PC 01-19) required accessory structures such as detached garages and sheds to be located behind the front wall of the principal structure in the R-1 and R-2 Single Family Residence Districts. This amendment was made pursuant to direction from the Village Board to prevent the exact situation that is presented in the subject petition. The rationale for the text amendment was that accessory structures should be clearly

subordinate to the principal structure and should be placed at least behind the front wall of the principal structure.

In consideration of the petition, staff finds that the location of the principal structure on the lot is unique in that the front yard setback is over one hundred twenty feet (120') and the rear yard setback is only twenty-eight (28'). However, there are other alternatives for constructing a two-car garage on the property that would comply with code. One option would be to construct a detached garage behind the principal structure. The Zoning Ordinance requires a minimum three-foot (3') side yard setback and a minimum three-foot (3') rear yard setback. Both the Zoning Ordinance and Building Code require a minimum four-foot (4') separation between structures. A detached garage would fit within those parameters behind the house in line with the existing driveway. However, there would not be sufficient space for a car to maneuver into the second parking space within the garage. The garage could be located at the northwest corner of the property with the garage door on the south wall of the garage. This would allow enough space for the existing driveway to extend behind and around the southwest corner of the house, leading to the garage.

The second option would be to construct an attached garage in front of the principal structure. The Zoning Ordinance requires a six-foot (6') side yard setback. There is sufficient space for a twenty-foot 20' wide garage to be attached to the southeast corner of the house. The garage would be located just over thirteen feet (13') to the west and just under three feet (3') to the north of the proposed location for the garage. However, staff would like to note that in constructing an attached garage, the Building Code would require that the foundation be tied into the foundation of the house.

In order to grant a variation, the petitioner must show that they have affirmed each of the "Standards for Variation". The following standards have not been affirmed:

- 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 to be applied.*

Staff finds that there is no demonstrated physical hardship, nor are there any unique topographical conditions related to this property that would prevent compliance with the ordinance. Staff finds that there are other options for constructing a garage that meets 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 the location of the house on the property is unique to the property. However, this condition in and of itself does not prevent the petitioner from complying with the Zoning Ordinance.
- 3. The alleged difficulty or hardship is caused by the ordinance and has not been created by any person presently having an interest in the property.*

The provision in the Zoning Ordinance requiring accessory structures to be located behind the front wall of the principal structure has been consistently applied throughout the Village. Staff finds that the hardship has not been created by the ordinance. The requested relief is needed due to a personal preference for the location of the garage. While complying with the Zoning Ordinance may be more expensive than the proposed site plan, staff does not find that financial cost in this circumstance constitutes a hardship.

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.

5. *The granting of the variation will not alter the essential character of the neighborhood.*
The proposed improvements would alter the essential character of the neighborhood. The houses in the neighborhood are generally set closer to the front property line. None of the other houses in have a detached garage in front of the principal structure. The petitioner is also proposing to build a larger garage than the one that previously existed in front of the house. This will further increase the visual bulk of the accessory structure in front of the house.

Aerial Photo



Zoning Board of Appeals

Re: ZBA 05-16

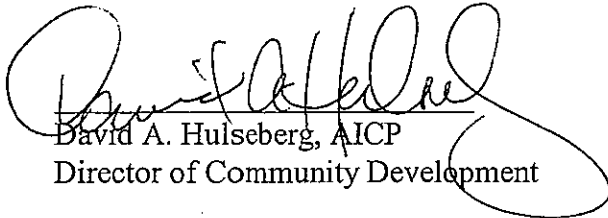
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FINDINGS AND RECOMMENDATIONS

The Department of Community Development has determined that the information presented **has not affirmed** the Standards for Variations for the requested variation. 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 variation:

Based on the submitted petition and the testimony presented, the requested variation **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 accept the findings on the Inter-Departmental Review Committee as the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **denial** of ZBA 05-16.

Inter-Departmental Review Group Report Approved By:



David A. Hulseberg, AICP
Director of Community Development

DAH:MK

att-

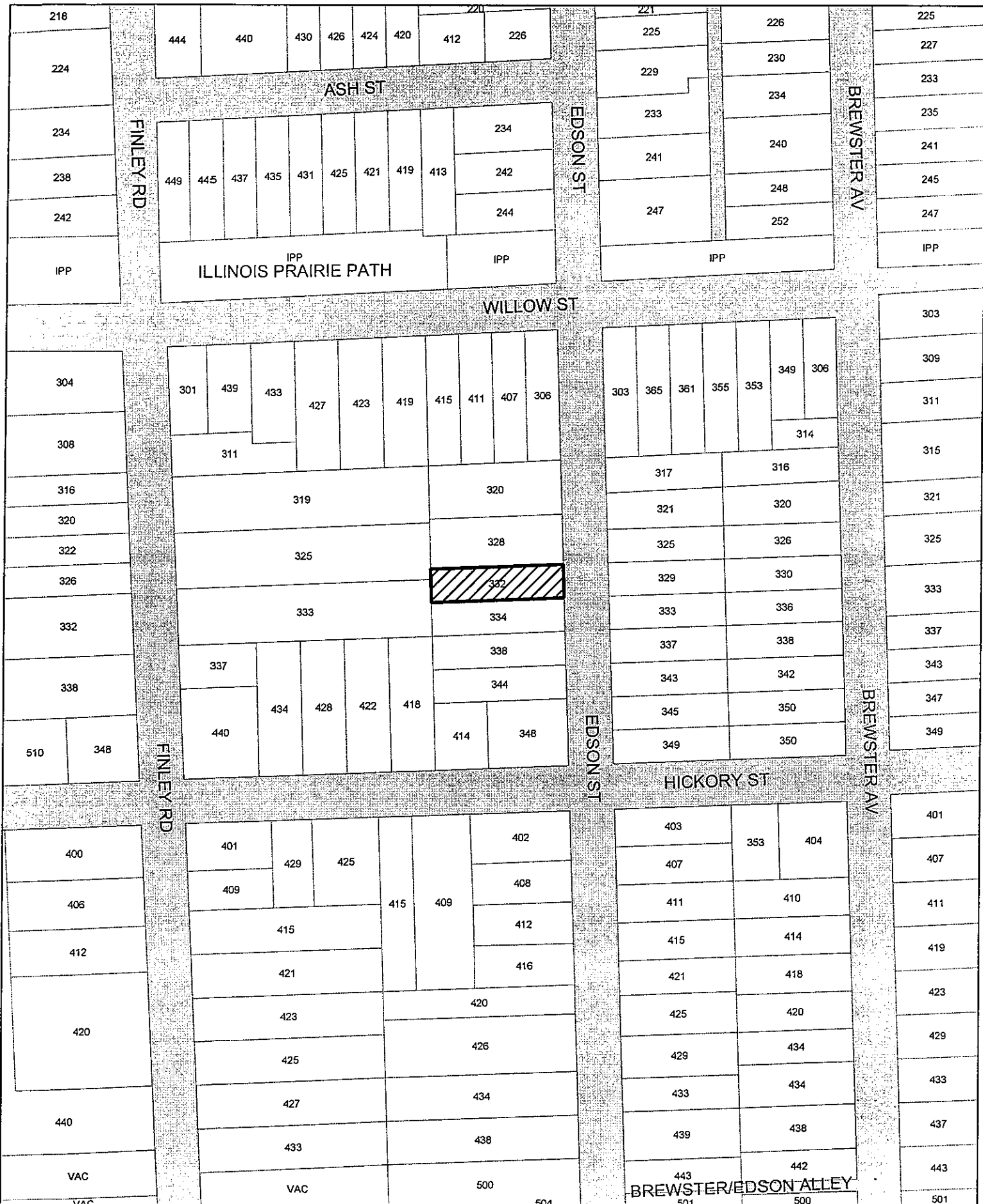
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Location Map

ZBA 05-16

332 S. Edson St



332 EDSON Replacement Garage
Section 155.103.C.7 of Lombard Zoning Ordinance

- 1) ^{YES} Due to the location of the house on the lot the garage can not be placed in back of the house. The dim. from back of house to lot line = 27.62' - 4' set back on each side front & back lines 19.62'. Also note it would consume most of the backyard, currently small.
- 2) YES. Due to the house location being so far back on the lot makes this unique.
- 3) NO, just would like to replace rotten old garage with a new one. 2 cars wide.
- 4) NO, due to location of house on lot.
- 5) NO, in fact this should improve the property.
- 6) NO, due to the fact the house is so far back on the lot.
- 7) NO. There already was a 1 1/2 car garage there for many years.

Thanks for your
help

James D. Fellingner
8-22-05

ORDINANCE NO. _____

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

(ZBA 05-16: 332 S. Edson)

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) (b) of the Lombard Zoning Ordinance to allow an accessory structure in front of the front wall of the principal building in the R2 Single-Family Residence District; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on September 28, 2005 pursuant to appropriate and legal notice; and,

WHEREAS, the Zoning Board of Appeals has forwarded its findings with a recommendation of approval to the Board of Trustees 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 subject to conditions.

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) (b) of the Lombard Zoning Ordinance for the property described in Section 2 below, so as to allow an accessory structure in front of the front wall of the principal building.

SECTION 2: This ordinance is limited and restricted to the property generally located at 332 S. Edson, Lombard, Illinois, and legally described as follows:

LOT 14 IN BLOCK 1 IN LOMBARD FARMS SUBDIVISION BEING A SUBDIVISION IN SECTION 7 AND 18, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 15, 1917 AS DOCUMENT NO. 128539, IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-07-302-024

Ordinance No. _____

Re: ZBA 05-16

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

1. The variation shall be limited to the existing residence and proposed detached garage. Should the existing residence be reconstructed due to damage or destruction by any means, the residence and the detached garage shall meet the full provisions of the Zoning Ordinance.

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 _____, 2005.

First reading waived by action of the Board of Trustees this ____ day of _____, 2005.

Passed on second reading this _____ day of _____, 2005.

Ayes: _____

Nayes: _____

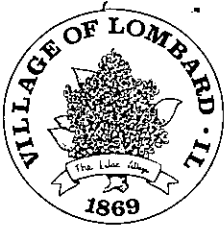
Absent: _____

Approved this _____ day of _____, 2005.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

WTL
10/26/05**MEMORANDUM**

TO: William T. Lichter, Village Manager

FROM: David A. Hulseberg, AICP, Director of Community Development *DH/WTH*

DATE: October 26, 2005

SUBJECT: ZBA 05-16; 332 S. Edson Street

At the October 20, 2005 Village Board meeting, the Board tabled the first reading of zoning actions associated with ZBA 05-16.

Attached is an amended Ordinance for consideration by the Village Board at the November 3, 2005 meeting. The amended ordinance includes additional conditions of approval, as requested by Trustee Greg Gron. The additional conditions will require the garage to have a similar roof pitch and roof shingles as the existing residence and the garage door shall be constructed with two single-car doors. Also, at such time that the existing driveway needs to be repaired or replaced, the owner shall relocate the driveway at least three feet off of the southern property line.

ORDINANCE NO. _____

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

(ZBA 05-16: 332 S. Edson)

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) (b) of the Lombard Zoning Ordinance to allow an accessory structure in front of the front wall of the principal building in the R2 Single-Family Residence District; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on September 28, 2005 pursuant to appropriate and legal notice; and,

WHEREAS, the Zoning Board of Appeals has forwarded its findings with a recommendation of approval to the Board of Trustees 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 subject to conditions.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

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SECTION 2: This ordinance is limited and restricted to the property generally located at 332 S. Edson, Lombard, Illinois, and legally described as follows:

LOT 14 IN BLOCK 1 IN LOMBARD FARMS SUBDIVISION BEING A SUBDIVISION IN SECTION 7 AND 18, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 15, 1917 AS DOCUMENT NO. 128539, IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-07-302-024

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

1. The variation shall be limited to the existing residence and proposed detached garage. Should the existing residence be reconstructed due to damage or destruction by any means, the residence and the detached garage shall meet the full provisions of the Zoning Ordinance.
2. The construction of the garage shall incorporate the following:
 - a. The garage shall be constructed with a 5.5/12 roof pitch to match the roof pitch of the existing residence.
 - b. The gable end of the garage roof shall use scalloped shingles to match the shingles used on the front of the existing residence.
 - c. The garage shall be constructed with two single-car doors.
3. At such time that the existing driveway on the subject property needs to be repaired or replaced, the owner shall relocate the driveway so that the driveway is located at least three feet (3') north of the southern property line. The owner shall sod and/or landscape the area between the relocated driveway and the southern property line, consistent with Village Code.

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 _____, 2005.

First reading waived by action of the Board of Trustees this _____ day of _____, 2005.

Passed on second reading this _____ day of _____, 2005.

Ayes: _____

Nayes: _____

Absent: _____

Approved this _____ day of _____, 2005.

Ordinance No. _____

Re: ZBA 05-16

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William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this _____ day of _____, 2005.

Brigitte O'Brien, Village Clerk

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