

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: October 19, 2010 (B of T) Date: November 4, 2010

TITLE: DuPage County Case Z10-045 – 21W133 Kensington Road

SUBMITTED BY: Department of Community Development *[Signature]*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation relative to the above-mentioned DuPage County filing. This filing requests a variation to reduce the interior side yard setback to one (1) foot from the required three (3) feet to allow for an existing shed in an R-4 Single Family Residence District.

The Plan Commission recommended approval of a Resolution of Objection.

Please place this item on the November 4, 2010 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X \_\_\_\_\_ Date \_\_\_\_\_  
Finance Director X \_\_\_\_\_ Date \_\_\_\_\_  
Village Manager X *DAH* \_\_\_\_\_ Date 10/20/10


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 J. Heniff, AICP, Director of Community Development 

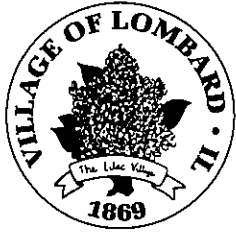
**DATE:** November 4, 2010

**SUBJECT: DuPage County Public Hearing Z10-045 - Stimac**

DuPage County has received a filing for a public hearing for a variation to reduce the interior side yard setback to 1 foot from the required 3 feet to allow for an existing shed in an R-4 Single Family Residence District. The petition is for the property at 21W133 Kensington Road. As the subject property is located within the ultimate municipal boundaries of the Village of Lombard, the Village has received notice of the public hearing from the County and has been asked to provide comments or concerns regarding this petition.

On October 18, 2010, staff presented this case to the Plan Commission to solicit their input. In their deliberations, the Lombard Plan Commission found that the petition is inconsistent with the Village's established codes and ordinances of the Village of Lombard, and did not meet the standards for variations as expressed within the DuPage County Zoning Ordinance. As such, the Plan Commission unanimously recommended that the Lombard Village Board adopt a Resolution of Objection for Z10-045, to be forwarded to the County Board before the subject case is presented before them.





## VILLAGE OF LOMBARD

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

November 4, 2010

**Village President**  
William J. Mueller

**Village Clerk**  
Brigitte O'Brien

### Trustees

Greg Alan Gron, Dist. 1  
Keith T. Giagnorio, Dist. 2  
Zachary C. Wilson, Dist. 3  
Dana L. Moreau, Dist. 4  
Laura A. Fitzpatrick, Dist. 5  
William "Bill" Ware, Dist. 6

**Village Manager**  
David A. Hulseberg

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

### **Subject: DuPage County ZBA Case Z10-045-Stimac**

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced case under review by DuPage County.

Christopher Stilling, Assistant Community Development Director, presented the petition. DuPage County has received a filing for a public hearing for a variation to reduce the interior side yard setback to 1 foot from the required 3 feet to allow for an existing shed in an R-4 Single Family Residence District. The petition is for the property at 21W133 Kensington Road. As the subject property is located within the ultimate municipal boundaries of the Village of Lombard, the Village has received notice of the public hearing from the County and has been asked to provide comments or concerns regarding this petition.

Staff would like to solicit the input and a recommendation of the Plan Commission regarding this petition. Staff has informed the County that this matter is being brought forward to the Plan Commission and the Village Board for consideration.

According to discussions with the County representatives, the existing shed on the property does not achieve code compliance concerning County and Village Codes. Both the Village Code and County Codes require a minimum 3 foot setback for accessory structures.

As the petitioner's plan shows, the property is 10,050 square feet in size (75' wide by 134' deep). The property is bordered by single family residences on all sides. The Village's Comprehensive Plan included the subject property and identifies the site for Low Density Residential use.

Staff finds that based upon the site plan, a great deal of flexibility exists for the property owner to locate the shed to an area that meets County and Village Codes. Furthermore, staff finds that the shed's current location may present a negative impact upon the adjacent property owners. Based upon established County and Village codes, there are alternative locations to construct the shed within the buildable area of the lot. Staff also finds that the need for the variation is created by the petitioner and is not unique to the property. Moreover, the variation may also establish a precedent for yard setback relief for other properties in the area. As a practical matter, reductions in side yard setbacks can give an appearance of overcrowding within a subdivision.

Lastly, the existing shed does encroach into an existing public utility easement. Staff does not object to the encroachment so long as it is not permanently affixed to a foundation.

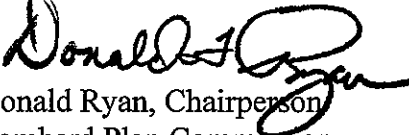
Chairperson Ryan then opened the meeting for comments among the Commissioners.

Commissioner Sweetser stated she agreed with staff

After due consideration, the Plan Commission recommended by a roll call vote of 5 to 0, that the Board of Trustees adopt a Resolution of Objection for DuPage County ZBA Case Z10-045.

Respectfully,

**VILLAGE OF LOMBARD**




Donald Ryan, Chairperson  
Lombard Plan Commission

c. Lombard Plan Commission



## MEMORANDUM

**TO:** LOMBARD PLAN COMMISSION  
Donald Ryan, Plan Commission Chairperson

**FROM:** Christopher Stilling, AICP   
Assistant Director of Community Development

**DATE:** October 18, 2010

**SUBJECT:** DuPage County Public Hearing Z10-045- Stimac (21W133 Kensington Road)

### BACKGROUND

DuPage County has received a filing for a public hearing for a variation to reduce the interior side yard setback to 1 foot from the required 3 feet to allow for an existing shed in an R-4 Single Family Residence District. The petition is for the property at 21W133 Kensington Road. As the subject property is located within the ultimate municipal boundaries of the Village of Lombard, the Village has received notice of the public hearing from the County and has been asked to provide comments or concerns regarding this petition.

Staff would like to solicit the input and a recommendation of the Plan Commission regarding this petition. Staff has informed the County that this matter is being brought forward to the Plan Commission and the Village Board for consideration.

### ANALYSIS

According to discussions with the County representatives, the existing shed on the property does not achieve code compliance concerning County and Village Codes. Both the Village Code and County Codes require a minimum 3 foot setback for accessory structures.

As the petitioner's plan shows, the property is 10,050 square feet in size (75' wide by 134' deep). The property is bordered by single family residences on all sides. The Village's Comprehensive Plan included the subject property and identifies the site for Low Density Residential use.

Staff finds that based upon the site plan, a great deal of flexibility exists for the property owner to locate the shed to an area that meets County and Village Codes. Furthermore, staff finds that the shed's current location may present a negative impact upon the adjacent property owners. Based upon established County and Village codes, there are alternative locations to construct the shed

within the buildable area of the lot. Staff also finds that the need for the variation is created by the petitioner and is not unique to the property. Moreover, the variation may also establish a precedent for yard setback relief for other properties in the area. As a practical matter, reductions in side yard setbacks can give an appearance of overcrowding within a subdivision.

Lastly, the existing shed does encroach into an existing public utility easement. Staff does not object to the encroachment so long as it is not permanently affixed to a foundation.

### **FINDINGS AND RECOMMENDATION**

Based upon this review, the petition would be inconsistent with established Village policies. Additionally, the petition would be inconsistent with the objectives included as part of the Comprehensive Plan, creates an adverse impact on a neighboring property, and constitutes an excessive encroachment into a required yard. Therefore, staff recommends that the Plan Commission make the following motion regarding the petition:

Based upon a review of the petition submitted to DuPage County, the Plan Commission finds that the petition is inconsistent with the Village's Comprehensive Plan, the established codes and ordinances of the Village of Lombard, and does not meet the standards for variations as expressed within the DuPage County Zoning Ordinance. Therefore, the Plan Commission recommends that the Village Board adopt a Resolution of Objection for DuPage County ZBA Case Z10-045.

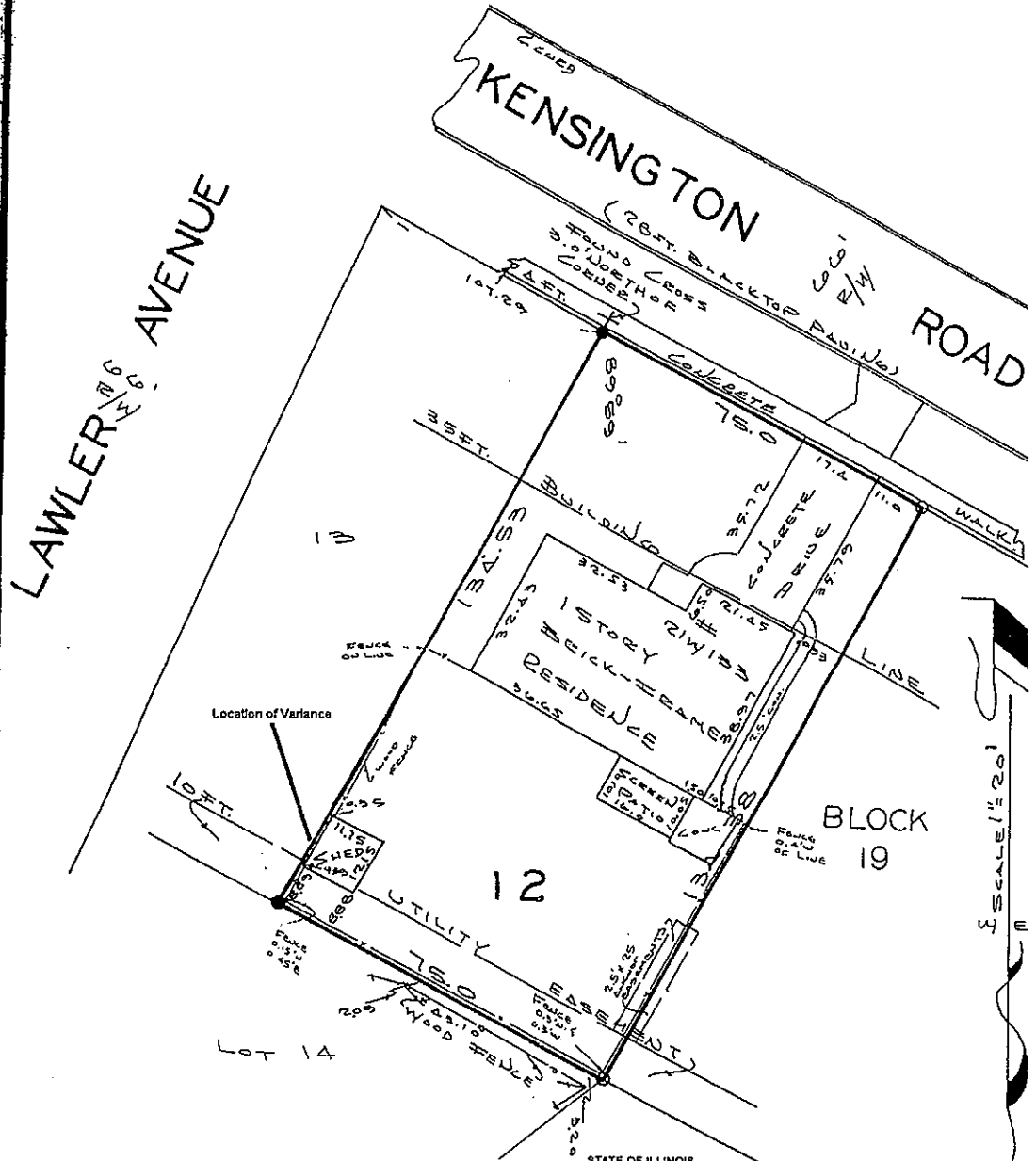




# PLAT OF SURVEY

of Lot 12 in Block 19 in Butterfield Unit No. 5, being a subdivision in Section 25, Township 39 North, Range 10, East of the Third Principal Meridian, according to the plat thereof recorded May 29, 1963, as document RE3-17077, in DuPage County, Illinois.

PIN# 05-25-212-002



STATE OF ILLINOIS  
 COUNTY OF DUPAGE  
 THIS IS TO CERTIFY THAT I AN ILLINOIS LAND SURVEYOR HAVE SURVEYED  
 PROPERTY DESCRIBED IN THE ABOVE CAPTIONS AS SHOWN BY THE ANNEXED  
 WHICH IS A CORRECT AND TRUE REPRESENTATION OF SAID SURVEY  
 GIVEN UNDER MY HAND AND SEAL AT LOMBARD, ILLINOIS, THIS  
 23<sup>RD</sup> DAY OF OCT. A. D. 19  
 Michael G. Krusch  
 ILLINOIS LAND SURVEYOR

SURVEY UPDATED ON THIS  
 2<sup>ND</sup> DAY OF AUG. A. D. 19 84  
 Michael G. Krusch  
 ILLINOIS LAND SURVEYOR NO. 2501  
 BUILDINGS LOCATED AS SHOWN ON THIS  
 23<sup>RD</sup> DAY OF OCT. A. D. 19 84  
 Michael G. Krusch  
 ILLINOIS LAND SURVEYOR NO. 2501

REFER TO DEED OR GUARANTEE POLICY FOR BUILDING LINE RESTRICTION  
 EASEMENTS NOT SHOWN ON PLAT OF SURVEY  
**GLEN D. KRISCH LAND SURVEYOR, INC.**  
 LOMBARD, ILLINOIS 60148 PHONE 85  
 ORDER NO. 72547-86  
 INDICATES FOUND IRON PIPE  
 INDICATES DROVE IRON PIPE





RECEIVED  
OCT 8 2010

**DU PAGE COUNTY ZONING BOARD OF APPEALS**

JACK T. KNUEPFER ADMINISTRATION BUILDING

421 NORTH COUNTY FARM ROAD, WHEATON, ILLINOIS 60187/ 630-407-6700/630-407-6702 (fax)

**Zoning Petition Z10-045 Stimac**

Please review the information herein and return with your comments to: Paul Lauricella, DuPage County Department of Economic Development & Planning, 421 North County Farm Road, Wheaton, Illinois 60187 or via email at Paul.Lauricella@dupageco.org , or via facsimile at 630-407-6702 by October 20, 2010.

<b>COMMENT SECTION:</b>	
: NO OBJECTION/CONCERNS WITH THE PETITION.	
: NO OBJECTION/CONCERNS WITH THE CONCEPT OF THE PETITION. ADDITIONAL INFORMATION MAY BE REQUIRED AT TIME OF PERMIT APPLICATION.	
: I CAN NOT COMMENT AT THIS TIME. ADDITIONAL INFORMATION REQUIRED.	
: I OBJECT/ HAVE CONCERNS WITH THE PETITION.	
<b>COMMENTS:</b>	
<b>SIGNATURE:</b> _____	<b>DATE:</b> _____
<b>MUNICIPALITY/TOWNSHIP/AGENCY/DEPARTMENT:</b> _____	

GENERAL ZONING CASE INFORMATION		
<b>CASE #/PETITIONER</b>	Z10-045 Stimac	
<b>OWNER</b>	Suzanne M. Stimac, 21W133 Kensington Rd., Lombard, IL 60148	
<b>ADDRESS/LOCATION</b>	21W133 Kensington Rd., Lombard, IL 60148	
<b>PUBLICATION DATE</b>	<b>Daily Herald:</b>	<b>October 6, 2010</b>
<b>ZONING REQUEST</b>	Variation to reduce west side yard setback from 3 ft. to approximately 1 ft. for an existing shed.	
<b>PIN/TWSP./ COUNTY BOARD DIST.</b>	05-25-212-002	Milton Township/District 4
<b>ZONING/LUP</b>	R-4 Single Family Res.	0-5 DU/AC
<b>AREA/ UTILITIES</b>	10,078 sq. ft. (.23 Acres)	Water and Sewer
<b>PUBLIC HEARING</b>	<b>October 21, 2010, 7:00 p.m.</b>	

**PLEASE NOTE: FILING OF THIS FORM DOES NOT SUBSTITUTE FOR A FORMAL OBJECTION PURSUANT TO THE ILLINOIS STATE STATUTES.**



DU PAGE COUNTY ZONING BOARD OF APPEALS  
JACK T. KNUEPFER ADMINISTRATION BUILDING  
421 NORTH COUNTY FARM ROAD WHEATON, ILLINOIS 60187/ 630-407-6700

Zoning Petition Z10-045 Stimac

The DuPage County Zoning Board of Appeals will conduct the following public hearing:

PUBLIC HEARING: 7:00 p.m., October 21, 2010, Room 3500-A, JACK T. KNUEPFER  
ADMINISTRATION BUILDING 421 NORTH COUNTY FARM ROAD WHEATON, ILLINOIS 60187

PETITIONER: Suzanne M. Stimac, 21W133 Kensington Rd., Lombard, IL 60148

REQUEST: Variation to reduce west side yard setback from 3 ft. to approximately 1 ft.  
for an existing shed.

ADDRESS OR GENERAL LOCATION: 21W133 Kensington Rd., Lombard, IL 60148

LEGAL DESCRIPTION:

OF LOT 12 IN BLOCK 19 IN BUTTERFIELD UNIT NO. 5, BEING A SUBDIVISION IN SECTION 25,  
TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE  
PLAT THEREOF RECORDED MAY 29, 1963, AS DOCUMENT R63-17077, IN DUPAGE COUNTY, ILLINOIS.

Respectfully Submitted,  
ROBERT J. KARTHOLL, CHAIRMAN,  
DUPAGE COUNTY ZONING BOARD OF APPEALS

Notice of this hearing is being sent to property owners within 300 feet of the subject  
property and as one of them you are invited to attend the meeting and comment on the  
petition. A sketch or drawing of the petitioner's request is included for your review.  
If you have any questions, please contact the Zoning Division at (630) 407-6700.

Please be advised that access to the 421 JACK T. KNUEPFER ADMINISTRATION BUILDING is  
limited to the main entrance located in the center on the east side of the building.





## VILLAGE OF LOMBARD

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October 8, 2010

**Village President**  
William J. Mueller

**Village Clerk**  
Brigitte O'Brien

### Trustees

Greg Alan Gron, Dist. 1  
Keith T. Giagnorio, Dist. 2  
Zachary C. Wilson, Dist. 3  
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Laura A. Fitzpatrick, Dist. 5  
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Paul Lauricella  
DuPage County Dept. of Economic Development & Planning  
421 North County Farm Road  
Wheaton, Illinois 60187

### **RE: DuPage County Public Hearing Z10-045- Stimac - Village of Lombard Comments**

Dear Mr. Lauricella:

In anticipation of the upcoming public hearing regarding ZBA Case Z10-045, this letter serves as notice that the Village of Lombard objects to the variation for the property located at 21W133 Kensington Road, Lombard, IL. Formal consideration and/or action regarding the proposed variation may be taken by the Lombard Village Board at a later date.

In order to ensure that our comments are included as part of the public hearing proceedings, Village staff is transmitting these comments to your attention at this time. These concerns include, but are not necessarily limited to, the following:

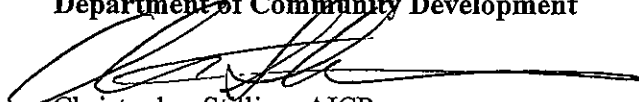
#### **Shed Variation**

With regard to the shed variation, staff notes that the Village of Lombard Codes require a minimum setback of 3 feet be provided from the interior side lot line. Staff believes that the need for the variation for the shed is created by petitioner and that simply moving the shed 2 feet away from the side lot line could achieve code compliance for County and Village Codes. In addition, staff objects to the shed being located in a public utility easement, if the shed is not permanently affixed to a foundation.

Staff will be presenting this case to the Village of Lombard Plan Commission at their regularly scheduled meeting on October 18, 2010 and will solicit additional input. In the interim, please include this letter as part of the case file and advise the DuPage County Zoning Board of Appeals of the Village's position with respect to this matter.

Respectfully,

**VILLAGE OF LOMBARD**  
**Department of Community Development**



Christopher Stilling, AICP  
Assistant Director of Community Development



RESOLUTION NO. \_\_\_\_\_-11

**A RESOLUTION OF OBJECTION  
TO A REQUEST FOR A VARIATION TO REDUCE THE SIDE YARD SETBACK TO  
ALLOW FOR AN EXISTING SHED LOCATED AT 21W133 KENSINGTON RD,  
IN UNINCORPORATED DU PAGE COUNTY**

WHEREAS, the Corporate Authorities of the Village of Lombard have been advised that DuPage County is considering a request for a variation to reduce the interior side yard setback to 1 foot from the required 3 feet to allow for an existing shed in an R-4 Single Family Residence District for the property located at 21W133 Kensington Road DuPage County, Case Number Z10-045; and,

WHEREAS, the subject property is currently zoned R-4 Single Family Residence District as designated within the DuPage County Zoning Ordinance; and

WHEREAS, the subject property is located within one and one-half mile of the Village of Lombard's corporate limits and is therefore within the Village of Lombard's planning jurisdiction pursuant to 65 ILCS 5/7-4-1; and

WHEREAS, the property owner desires to maintain an existing shed on the subject property; and

WHEREAS, the Corporate Authorities find that the variations are inconsistent with the intent of the Ordinance as no hardship or practical difficulties exist; and

WHEREAS, the Corporate Authorities find that the petition is inconsistent with the established codes and ordinances of the Village of Lombard and does not meet the standards for variations as expressed within the DuPage County Zoning Ordinance.

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

SECTION 1: That the DuPage County Board be and hereby is notified of the opposition of the Corporate Authorities of the Village of Lombard to the granting of the action requested in ZBA Case Z10-045.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2010.



Resolution No. \_\_\_\_\_  
DuPage County Case Z10-045  
Page 2

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

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

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

Approved this \_\_\_\_\_, day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
William J. Mueller, Village President

ATTEST:

\_\_\_\_\_  
Brigitte O'Brien, Village Clerk