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:	September 3, 2015 (B of T) Date: Septem	nber 17, 2015			
TITLE:	ZBA 15-10; 530 W. St. Charles Road				
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 approve a variation from Section 155.205(A) (1)(c) of the Lombard Zoning Ordinance to increase the permitted height of a fence from six feet (6') to eight feet (8') for the subject property located within the R2 Single-Family Residential Zoning District. The Zoning Board of Appeals recommended approval of this petition by a vote of 4-0. 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: September 17, 2015

SUBJECT: ZBA 15-10; 530 W. St. Charles Road

Please find the following items for Village Board consideration as part of the September 17, 2015 Village Board meeting:

1. Zoning Board of Appeals referral letter;

2. IDRC report for ZBA 15-10;

3. An Ordinance granting approval of the requested variation; and

4. Supporting documentation (plans, response to standards, pictures, etc.) associated with the petition.

The Zoning Board of Appeals recommended approval of this petition by a vote of 4-0. Please place this petition on the September 17, 2015 Board of Trustees consent agenda. The petitioner requests a waiver of first reading of the Ordinance.

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VILLAGE OF LOMBARD

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

September 17, 2015

Mr. Keith Giagnorio Village President, and Board of Trustees Village of Lombard

Subject: ZBA 15-10 - 530 W. St. Charles Road

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 approve a variation from Section 155.205(A) (1)(c) of the Lombard Zoning Ordinance to increase the permitted height of a fence from six feet (6') to eight feet (8') for the subject property located within the R2 Single-Family Residential Zoning District. (DISTRICT #1)

The Zoning Board of Appeals conducted a public hearing on August 26, 2015.

Mr. Dave Berryhill said he is the contractor for the project. He agrees with the staff report. He noted this is a privacy fence on a deck and since the fence is raised the deck is higher. The home previously had a deck with a fence.

Chairperson DeFalco questioned if there was anyone else present to speak in favor of or against the petition. Hearing none, staff was asked for their presentation.

Tami Urish Planner I, stated that the IDRC report is to be entered into the public record in its entirety. Ms. Urish said the privacy screening is on the deck which creates the variance. Staff researched other cases and found that a fence variance was the appropriate request. If the petitioner asked for a variance of the side yard setback a home addition could then be built in the side yard setback. Ms. Urish noted the picture on page 3 of the staff report and that the house is not built squarely on the lot. Staff feels the proposed fence would not impact the neighborhood and noted the variance is for a fence on a deck only, not a fence on the ground.

Village President Keith T. Giagnorio

Village Clerk Sharon Kuderna

Trustees

Dan Whittington, Dist. 1 Michael A. Fugiel, Dist. 2 Reid Foltyniewicz, Dist. 3 Bill T. Johnston, Dist. 4 Robyn Pike, Dist. 5 William "Bill" Ware, Dist. 6

Village Manager Scott R. 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." Re: ZBA 15-10 September 17, 2015 Page 2

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

Mr. Bartels asked if the original fence was eight feet and Ms. Urish said yes, though the permit could not be located. Ms. Ganser said that because the previous fence was demolished a variance is needed for the new fence. Chairman DeFalco said he visited the property and asked about the steps and levels of the deck. Mr. Berryhill said the steps are off the main level to step down to a lower deck. Chairman DeFalco noted the variance is for a very small area and doesn't believe it will impact the neighborhood. Ms. Newman clarified that an eight tall fence from the ground would not be allowed and Ms. Urish agreed. Chairman DeFalco noted condition 1 and asked Ms. Urish to explain condition 4. Ms. Urish said if the principle structure (the house) were to be rebuilt it would be built squarely on the lot, which could eliminate the need for this variance. Mr. Bartels noted this was similar to a variance from Trustee Tross and Ms. Urish agreed.

On a motion by Mr. Bartels, and a second by Ms. Newman, that the Zoning Board of Appeals recommend a variation from Section 155.205(A) (1)(c) of the Lombard Zoning Ordinance to increase the permitted height of a fence from six feet (6') to eight feet (8') for the subject property located within the R2 Single-Family Residential Zoning District for approval of ZBA 15-10 by a vote of 4 to 0 to the Village Board, subject to the four (4) conditions:

- 1. The subject property shall be developed in substantial conformance with the site plan and elevations, prepared and submitted by Archadeck of Chicagoland, dated July 1, 2015. The height variance applies to the deck screening only and does not apply to any portion of a fence on the ground level.
- 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.
- 4. In the event that the principal structure on the subject property is damaged or destroyed to fifty-percent (50%) of its value, the deck shall meet the requirements of the Village Code of Ordinances.

Respectfully,

John DeFalco

Chairperson

Zoning Board of Appeals

John L. De Falco

ZONING BOARD OF APPEALS

INTER-DEPARTMENTAL REVIEW COMMITTEE REPORT

530 W. ST. CHARLES ROAD

AUGUST 26, 2015

Title

ZBA 15-10

Petitioner

Karen Teeter Archadeck of Chicagoland 3445 Kirchoff Rd. Rolling Meadows, IL 60008

Property Owner

Cindy and Pat Keating 530 W. St. Charles Rd. Lombard, IL 60148

Property Location

530 W. St. Charles (06-07-101-024) Trustee District: #1

Zoning

R2 Single Family Residence (Harris' Lombard Hills Subdivision)

Existing Land Use

Single Family Home

Comprehensive Plan

Low Density Residential

Approval Sought

A variation to increase the permitted height of a fence from six feet (6') to eight feet (8').

Prepared By

Tami Urish Planner I



LOCATION MAP

PROJECT DESCRIPTION

The petitioner is proposing to replace the existing deck with one of identical dimensions. The existing principal structure is not positioned squarely on the lot in relation to the property lines. The proposed deck follows the line of the house it is to be attached to and is nearly seven feet (7') from the side yard property line at the point it is attached to the house. Moving in the direction from the house to the rear property line, the deck gradually encroaches upon the required side yard setback at its approximate mid-point. Ultimately, the northwest corner of the deck encroaches four feet into the side yard setback. Per Section 155.212 Table 2.1, a deck over three feet (3') with the additional height of a privacy fence/wall is not a permitted obstruction within the six foot (6') side yard setback.

APPROVALS REQUIRED

Section 155.205(A)(1)(c) requires a maximum of six feet (6') in height for a fence. The proposed screening on the deck within the six foot side yard setback is eight feet (8') in height exceeding the maximum allowed six feet (6') by two feet (2'). Therefore, a variation is required.

PROJECT STATS

Lot & Bulk (Proposed)

Parcel Size:

14,400 sq. ft.

Building

Footprint:

1,356 sq. ft.

Lot Coverage:

37%

Reqd. Setbacks & Proposed Dimensions (in parens.)

Front (south)	30' (75')
Side (east)	6' (16')
Side (west)	6' (6')
Rear (north)	35' (116')

Submittals

- Petition for Public Hearing;
- 2. Response to Standards for Variation;
- 3. Plat of Survey and Site Plan, prepared by Schlaf-Sedig & Associates, Inc., dated August 2, 1999; and
- 4. Deck and Fence Plans, prepared and submitted by Archadeck of Chicagoland, dated July 1, 2015.

EXISTING CONDITIONS

The property contains a frame two-story single-family residence with a detached garage. The house was built prior to 1950. The Subdivision was created in 1947.

Surrounding Zoning & Land Use Compatibility

	Zoning Districts	Land Use	
North	R2	Single Family (SF)	
		Residential	
South	R2/St. Charles Road	SF Residential	
East	R2	SF Residential	
West	R2	SF Residential	

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no issues or concerns regarding the project. A full review will be conducted during the building permit review process.

Fire Department:

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

Private Engineering Services:

Private Engineering Services (PES) 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:

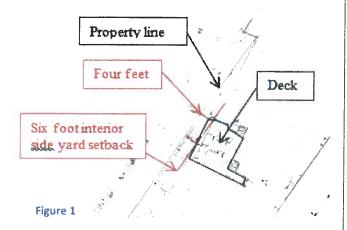
The Zoning Ordinance requires a maximum fence height of six feet (6') within the R2 Single-Family Residential Zoning District. The proposed deck (under three feet in height) with a handrail is a permitted obstruction within the six foot (6') side yard setback. While a two foot, ten inch (2'10") deck is a permitted obstruction, the total height of the fence is calculated by adding the height of the deck to the height of the fence, resulting in an overall height of eight feet (8'). The proposal to build the five foot (5') fence/screening on the deck with an overall fence height of eight feet (8') requires a variance.

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 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 structure impacts the placement of the deck within the required side yard setback.

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.



The alignment of the principal structure on the property is not typical of R2 Single Family Residential lots 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 desire to replace an existing deck with a privacy screen. Staff finds that the hardship for this variation is due to the alignment of the principal structure in relation to the property line.

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.

Staff can support the requested variance of the fence height requirements for the following reasons:

- 1. The alignment of the house is not square with the property lines. Approximately half of the deck screening is allowed per code however the other half encroaches into the side yard setback due to the alignment of the house sitting at an angle. The yellow portion depicted in Figure 1 is the nonconforming area.
- 2. The proposed improvements will not adversely affect this or other properties in the neighborhood and will be consistent with the existing structure and surrounding neighborhood. The deck is adjacent to the neighboring property's garage and driveway. The proposed deck is replacing an existing deck however a permit for the existing deck could not be located within the Building Division files. Therefore, it is unknown how long the existing deck has been present on the property.

FINDINGS & RECOMMENDATIONS

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

Based on the submitted petition and the testimony presented, the requested variation to reduce the rear yard setback **does comply** with the Standards for Variations in 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 Committee Report be the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **approval** of ZBA 15-10, subject to the following conditions:

- 1. The subject property shall be developed in substantial conformance with the site plan and elevations, prepared and submitted by Archadeck of Chicagoland, dated July 1, 2015. The height variance applies to the deck screening only and does not apply to any portion of a fence on the ground level.
- 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.
- 4. In the event that the principal structure on the subject property is damaged or destroyed to fifty-percent (50%) of its value, the deck shall meet the requirements of the Village Code of Ordinances.

Inter-Departmental Review Committee Report approved by:

William J. Heniff, AICP

Director of Community Development

c. Petitioner

EXHIBIT A: RESPONSE TO STANDARDS AS PREPARED BY THE PETITIONER



7/22/15

To : Village of Lombard – Zoning Dept.

From : Archadeck of Chicagoland - Wendy Posey

Re : 530 W. St. Charles Road - Standards for Variation

We are asking to install a 5' privacy fence on the northwest side of the deck which would require granting a 2' variance to maintain the 6' side set5back requirement.

STANDARDS FOR VARIATIONS

- 1. The homeowner currently has a privacy fence on their current deck which creates a barrier so they don't look right at their next door neighbor's driveway and garage. They would like to put another privacy fence on the new deck they are having built just like they have currently.
- 2. The location of the current deck and the replacement deck is right along the side setback requirements which doesn't allow privacy when the homeowner is out on their deck and a privacy fence will help shield the neighbor and their driveway and garage.
- 3. The purpose of this variation request is not based primarily upon a desire to increase financial gain but to gain privacy from the neighbor which is desired due to the limited lot size.
- 4. The request for this variance is caused by the requirement of the 6 foot side yard setback.
- 5. The granting of the variance will not be detrimental to the public welfare or injurious to other property Or improvements in the neighborhood in which the property is located because the new deck is similar to the current deck which also has a privacy fence. Also, this project will be built by a licensed contractor that adheres to all building codes and safety standards.
- 6. The granting of the variation will not alter the character of the neighborhood; we are replacing a deck with a deck.
- 7. The proposed variation will allow us to add a privacy fence as the current deck does and it will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets. There will be no increased danger of fire and this variation will not impair natural drainage or create drainage problems on adjacent properties. This new deck project will increase the home value as well.

Feel free to contact me if you have any questions or need any additional information.

Director of Production
Archadeck of Chicagoland

Integrity Enterprises Inc., dba Archadeck of Chicagoland / chicagoland.archadeck.com 3445 Kirchoff Rd, Rolling Meadows, IL 60008 / Office (847) 749 2373 / Fax: (224) 735-3233



EXHIBIT B: PLAT OF SURVEY AND SITE PLAN

PLAT OF SURVEY

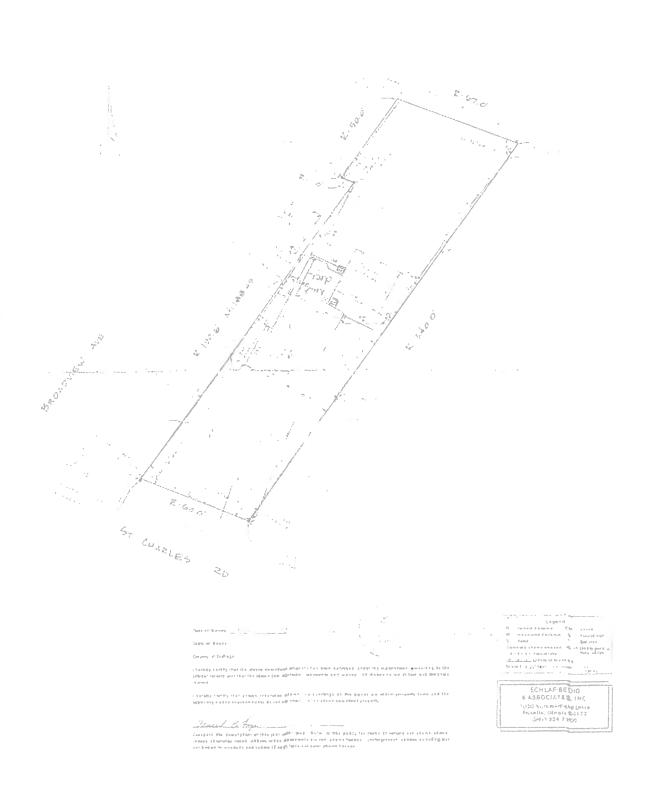


EXHIBIT C: DECK PLANS

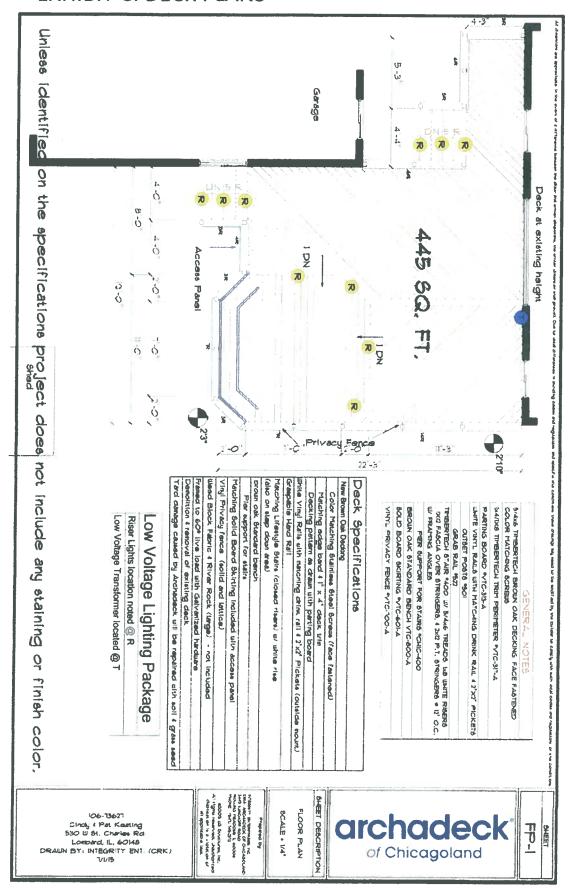
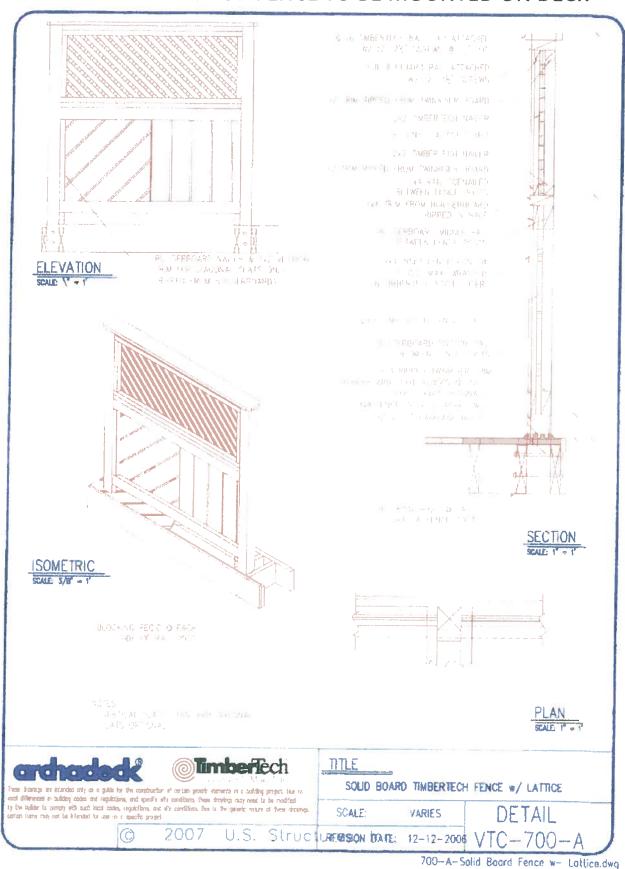


EXHIBIT D: PLANS FOR FENCE TO BE MOUNTED ON DECK



,

Urish, Tami

From:

Wendy Posey <wposey@archadeck.net>

Sent:

Monday, August 31, 2015 10:23 AM

To:

Urish, Tami

Cc: Subject: David Berryhill; Karen Teeter; tiltup2@yahoo.com

variance for 530 W. St. Charles Road, Lombard

Hello Tami,

I understand the reading for the variance for our project at the above address is on a consent agenda to be read both September 17th, 2015 & October 1st, 2015. I would like to request a

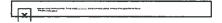
'waiver of first' which will waive the reading of our variance at the October 1st meeting and therefore will only be read at the September 17th meeting.

I am requesting this 'waiver of first' because we would like to complete the construction of this project asap in order to beat any weather delays and waiting until after October 1st poses that danger. If granted the 'waiver of first' we would like to pick up the permit on Friday, September 18th.

Please confirm receipt of this email and let me know if you need any additional information from us.

Thank you very much.

Wendy Posey | Director of Production



3445 Kirchoff Road | Rolling Meadows, IL 60008

Tel 847-749-2373 | Fax 224-735-3233

wposey@archadeck.net

ORDINANCE NO.

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

(ZBA 15-10; 530 W. St. Charles Road)

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 155.205 (A)(1)(c)(i) of the Lombard Zoning Ordinance to increase the maximum allowable fence height from six feet (6') to eight feet (8'); and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on August 26, 2015 pursuant to appropriate and legal notice; and,

WHEREAS, the Zoning Board of Appeals has forwarded its findings and recommendations to the Board of Trustees with a recommendation of approval of 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)(i) of the Lombard Zoning Ordinance to increase the maximum allowable fence height from six feet (6') to eight feet (8').

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

- 1. The subject property shall be developed in substantial conformance with the site plan and elevations, prepared and submitted by Archadeck of Chicagoland, dated July 1, 2015. The height variance applies to the deck screening only and does not apply to any portion of a fence on the ground level.
- 2. The petitioner shall apply for and receive a building permit for the proposed plans.

Ordinance Re: ZBA Page 2	No 15-10			
3.	Such approval shall bec way within 12 months Trustees prior to the exp	of the date of issu	ance, unless extende	ed by the Board of
4.	In the event that the destroyed to fifty-percer the Village Code of Ord	nt (50%) of its value	2 1 1	-
located at	SECTION 3: This 530 W. St. Charles Road,		and restricted to the	
CC AN MI RE	F LOT 7 IN JAMESON OMPANY'S ADDITION ND 12, TOWNSHIP 39 I ERIDIAN, ACCORDIN ECORDED APRIL 21, LINOIS.	TO LOMBARD, NORTH, RANGE 1 G TO THE PLA	A SUBDIVISION II 1, EAST OF THE T T OF JAMESON'S	N OF SECTION 1 HIRD PRINCIPAL S SUBDIVISION
Parcel No:	: 06-07-101-024			
passage, a	SECTION 4: This opproval and publication in		full force and effect forovided by law.	rom and after its
Passed on	first reading this	_ day of	, 2015.	
First reading 2015.	ng waived by action of th	e Board of Trustees	this day of _	
Passed on	second reading this	day of	, 2015.	
Ayes:				
Nayes:				
Absent: _				
Approved	this day of		_, 2015	

Keith Giagnorio, Village President

ATTEST:

Ordinance No Re: ZBA 15-10 Page 3	
Sharon Kuderna, Village Clerk	
Published by me this day of	, 2015
Sharon Kuderna, Village Clerk	

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