

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

\_\_\_\_\_  
  X    
\_\_\_\_\_

Resolution or Ordinance (Blue) \_\_\_\_\_ *Waiver of First Requested*  
Recommendations of Boards, Commissions & Committees (Green)  
Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: December 19, 2006 (B of T) Date: January 4, 2007

TITLE: ZBA 06-27: 506 W. Maple

SUBMITTED BY: Department of Community Development



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 one of the following sets of actions on the subject property located within the R2 Single-Family Residence District:

1. Relating to a detached accessory structure:
  - a. A variation from Section 155.210 (A) (3) (a) of the Lombard Zoning Ordinance to allow the height of a detached accessory structure to exceed the height of the principal structure; and
  - b. A variation from Section 155.210 (A) (3) (b) of the Lombard Zoning Ordinance to allow the vertical distance from the average grade to the highest point on the roof for a detached accessory structure to measure twenty-three (23) feet where a maximum of seventeen (17) feet is permitted;

OR in the alternative:

2. Relating to a principal structure:
  - a. A variation from Section 155.406 (F) (3) of the Lombard Zoning Ordinance to allow a principal building to be located three (3) feet from an interior side property line where a minimum setback of six (6) feet is required; and
  - b. A variation from Section 155.406 (F) (4) of the Lombard Zoning Ordinance to allow a principal building to be located three (3) feet from a rear property line where a minimum setback of thirty-five (35) feet is required.

The Trustee of the district concurs with the staff recommendation to deny the first option and requests that the Board deny all requested variations. The Zoning Board of Appeals forwards no recommendation associated with the first option to construct a detached garage, and forwards a recommendation of denial for the two variations associated with second option to construct an attached garage.

(DISTRICT 1)

Fiscal Impact/Funding Source:

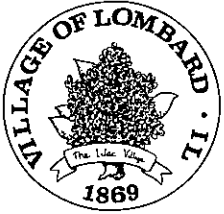
Review (as necessary):

Village Attorney X \_\_\_\_\_ Date \_\_\_\_\_

Finance Director X \_\_\_\_\_ Date \_\_\_\_\_

Village Manager X W. H. T. [Signature] Date 12/20/06

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  
Assistant Village Manager/ Director of Community Development

**DATE:** January 4, 2007

**SUBJECT:** ZBA 06-27: 506 W. Maple Street

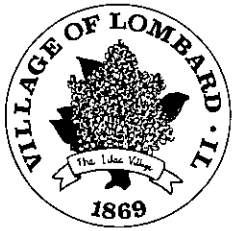
Please find the following items for Village Board consideration as part of the January 4, 2007 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 06-27;
3. Plat of Survey; and
4. Plans associated with the petition.

The petitioner's request includes two options for constructing a garage. The first option proposes to construct the garage as a detached accessory structure. This request requires variations to allow an accessory structure to exceed the height of the principal structure and to allow a detached garage to be twenty three feet (23') in height where a maximum height of seventeen feet (17') is permitted. The petitioner indicated that they would be willing to consider a third option for a detached garage of twenty feet (20') in height. The Zoning Board of Appeals (ZBA) voted 3 to 2 in favor of a motion recommending approval of a variation to allow a detached garage twenty feet (20') in height. The motion included conditions limiting the variation to the garage currently under construction. As the ZBA by-laws require at least four favorable votes for a motion to pass, the ZBA forwards no recommendation associated with the first option to construct a detached garage.

The second option proposes to construct an attached garage, which requires variations to reduce the rear yard setback and the interior side yard setback for the principal structure. The ZBA forwards a recommendation of denial for the two variations associated with this option. The Trustee of the district concurs with the staff recommendation to deny the first option and requests that the Board deny all requested variations.

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

January 4, 2007

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

**Subject: ZBA 06-27; 506 W. Maple Street.**

Dear President and Trustees:

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

1. Relating to a detached accessory structure:
  - a. A variation from Section 155.210 (A) (3) (a) of the Lombard Zoning Ordinance to allow the height of a detached accessory structure to exceed the height of the principal structure; and
  - b. A variation from Section 155.210 (A) (3) (b) of the Lombard Zoning Ordinance to allow the vertical distance from the average grade to the highest point on the roof for a detached accessory structure to measure twenty-three (23) feet where a maximum of seventeen (17) feet is permitted;

OR in the alternative:

2. Relating to a principal structure:
  - a. A variation from Section 155.406 (F) (3) of the Lombard Zoning Ordinance to allow a principal building to be located three (3) feet from an interior side property line where a minimum setback of six (6) feet is required; and
  - b. A variation from Section 155.406 (F) (4) of the Lombard Zoning Ordinance to allow a principal building to be located three (3) feet from a rear property line where a minimum setback of thirty-five (35) feet is required.

The Zoning Board of Appeals conducted a public hearing on December 13, 2006. Ava Vaughn, owner of the subject property, presented the petition. She stated that

"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."

her property is unique in that it borders the railroad. She noted that she would like to replace the demolished garage at approximately the same location. She mentioned that her house is a 1926 Sears Craftsman Bungalow with limited storage space, and they would like to construct a larger garage for additional storage space. She noted that they do not intend to use the garage for a business occupation or a second dwelling unit. She stated that they would like the garage to mirror the design of the house by incorporating a dormer. She also mentioned that the timeline in the staff report did not include the inspection they had on October 31<sup>st</sup>. She noted that there was a misperception in that they thought it was alright to proceed with the revised plans. She also mentioned that she would be willing to reduce the garage height to twenty (20) feet to bring it closer to code. She noted that she doesn't really care whether the garage is attached or detached. Her main concern is the height.

Chairperson DeFalco opened the meeting for public comment. No one spoke for or against the petition. He then requested the staff report.

Michelle Kulikowski, Planner I, presented the staff report. She stated that the petitioner wishes to construct a garage located three (3) feet from the rear property line and three feet (3) feet from the side property line with an overall roof height of twenty-three (23) feet. She noted the two proposed options for constructing the garage and the variations that were needed with each option.

Ms. Kulikowski mentioned that the petitioner received a permit for a detached garage approximately fifteen (15) feet in height to be located three (3) feet from the side property line and three (3) feet from the rear property line. She noted that the driveway access to the garage would be from the rear of the subject property. She explained that the plat of survey submitted with the petition denotes a 30 foot alley right-of-way to the rear of the subject property. She noted that the alley is unimproved and remains as grass. She stated that adjacent to the alley is Glen Oaks Road which is actually located within the railroad right-of-way. She mentioned that the driveway apron is off of Glen Oaks Road and the driveway crosses the alley to the rear of the subject property. Ms. Kulikowski noted that after receiving the building permit the petitioner decided that they would like to revise the garage plan to build a taller garage, and the timeline relating to the revised plans is noted in the Building Department's comments.

Ms. Kulikowski stated that staff does not find a substantial hardship related to the subject property that warrants any of the requested variations. She noted that the petitioner can construct a two-car detached garage that would not require any zoning relief. She mentioned that the hardship is a personal preference for the proposed design for a taller garage.

Ms. Kulikowski noted that the detached garage height restrictions have been uniformly applied throughout the Village, and the intent of the garage height restrictions is to make detached garages clearly subordinate to the principal single-family residence. She also noted that they help

ensure that secondary uses on the property such as business occupations and second residences are not being created within the Single Family Residential District.

Ms. Kulikowski explained that the current height restrictions for detached garages were established in 2004 (PC 04-12) after concerns were raised about the overall height of detached garages and the formula used to determine the maximum height permitted. She noted that the maximum height was fifteen (15) feet. However, the definition of building height in the Zoning Ordinance states that the calculation of the building height is determined by the mean height for pitched-roofs. She mentioned that roof pitches could be manipulated to allow for a two-story garage that would meet the fifteen (15) foot calculated building height limitation. She stated that the 2004 text amendment limited the overall height for detached garages measured from average grade to the highest point of the roof to seventeen (17) feet.

Ms. Kulikowski stated that the first option for a detached garage with a height of twenty-three (23) feet is inconsistent with the intent of the ordinance, especially considering that the principal structure is only one story. She noted that a variation is also needed for the garage height and to allow the garage to be taller than the principal structure, which would not make the proposed garage to appear ancillary to the residence. She mentioned that attached garages are considered part of the principal structure and therefore do not have the seventeen (17) foot overall height limitation. She stated that with the second option, the garage would technically be considered attached, but it would appear to be detached. She mentioned that the three (3) foot walkway covered by the pergola would be the only visible connection to the principal structure. She stated that staff is not supportive of any setback relief that is needed for a plan that attempts to circumvent the height restrictions within the ordinance.

Ms. Kulikowski introduced Keith Steiskal and Ted Klioris from the Building Department. She noted that they will answer any questions that the Zoning Board of Appeals members may have.

Chairperson DeFalco opened the meeting for discussion among the members.

Chairperson DeFalco stated that he had already asked staff about the clear line of sight regulations for through lots. He noted that staff explained that code would not require a clear line of sight area for the subject property.

Mr. Young asked how far the garage was from the street. Jennifer Backensto, Planner II, noted the distance from the rear property line to the sidewalk and from the sidewalk to the curb of Glen Oak Road.

Chairperson DeFalco asked if the alley was Village property. Ms. Kulikowski stated it was Village right-of-way. Mr. Bedard asked if Glen Oak Road was a County street or a Village street. Ms. Backensto stated it was a Village street.

Mr. Young confirmed that the reason they considered attaching the garage was to avoid the height restrictions for detached garage. He asked whether the petitioner was aware of the setback requirements.

Chairperson DeFalco noted that the Building Department's timeline stated that she asked about the type of attachment needed for an attached garage. He asked whether the petitioner inquired about any other restrictions associated with the revised plans. Mrs. Vaughn noted that they asked what they could do to achieve a taller height. Chairperson DeFalco stated that they wanted to go around the regulation on a technicality. Mrs. Vaughn stated that they wanted to know how they could be within the rules and still get what they wanted.

Mr. Young referenced the room next to the parking area for the hot tub. Mrs. Vaughn indicated that they plan to use that as a three-season room.

Chairperson DeFalco stated that the parking area was approximately 24 feet by 24 feet and the three-season room was approximately twelve (12) feet by twenty-four (24) feet. He noted that the proposed garage appears to be closer to the rear property line than the previous garage shown on the plat of survey. Mrs. Vaughn stated that the new garage is bigger in every direction and she thought that it would be approximately 18" closer to the rear property line.

Mr. Young noted that the petitioner was willing to revise the plan to reduce the garage height to twenty (20) feet.

Chairperson DeFalco noted that there have been petitions in the past where the structure was built and didn't meet code, and the Zoning Board of Appeals had made the petitioners tear off the roof and bring it into compliance.

Chairperson DeFalco noted that the petitioner was proposing two options. He asked whether the Zoning Board of Appeals members whether they had any thoughts regarding the attached option versus the detached option.

Mr. Bedard stated that he preferred the detached option with a roof height of twenty (20) feet.

Chairperson DeFalco asked whether there was a hardship.

Mr. Bedard stated that he didn't feel that there was a hardship, but he felt that the garage height restrictions were established to minimize the impact on lots that are back to back. He said he didn't see a problem with a twenty (20) feet garage in this circumstance because there isn't a neighbor to the rear and the garage would help screen the railroad.

Mr. Bedard made a motion to deny the variations associated with option two to construct an attached garage. The motion was seconded by Mr. Young. The motion passed by a roll call vote of 5 to 0.

Chairperson DeFalco asked for further discussion as to whether there is a hardship associated with the first option to construct a detached garage.

Mr. Bedard noted that there isn't a property owner to the rear that would be encumbered by a taller garage. He also mentioned that the reasoning for the height restriction is applicable in this circumstance.

Mr. Young stated that there isn't a hardship in this case but he agreed that there was a unique situation with the property backing up to the railroad. He noted that the garage would shield the railroad and serve as a sound barrier.

Mrs. Newman noted that the garage height would affect the neighbors on the side.

Mr. Young noted the orientation of the adjacent corner lot. He stated that the rear of the residence abuts the side yard on the subject property.

Mrs. Vaughn also noted that the adjacent corner lot is heavily wooded.

Chairperson DeFalco asked Keith Steiskal and Ted Kloris with the Building Department about room height for 2<sup>nd</sup> story garages.

Keith Steiskal stated that with a height of seventeen (17) feet there is only enough room to crawl on the second story. He noted that you can get more room if dormers are added, but a person can't really stand up.

Ted Kloris noted that most garages are built with cross-ties, which limits the weight that can be stored above. He stated that solid structural members would be needed to increase the amount of weight that can be stored above.

After due consideration of the submitted petition and the testimony presented for ZBA 06-27, a motion was made by Mr. Bedard to approve the variations associated with option 1 to construct a detached garage with the conditions limiting the garage height to twenty (20) feet and limiting to the existing residence. The motion was seconded by Mr. Young. The result of the roll call vote was 3 to 2. However, that was not sufficient for a recommendation to the Board. The reverse motion was made by Mrs. Newman and seconded by Mr. Polley. The result of the roll call vote was 3 to 2. As such, the ZBA forwards no recommendation relative to the requested relief for a detached garage.



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The ZBA then noted on the requested relief associated with option 2 pertaining to relief from the principal building requirements. The ZBA voted 5-0 to forward a recommendation for denial of the variations associated with option two to construct an attached garage.

Respectfully,

**VILLAGE OF LOMBARD**

John DeFalco  
Chairperson  
Zoning Board of Appeals



### PROPERTY INFORMATION

Existing Zoning: R2 Single Family Residential District

Existing Land Use: Single Family Residence

Size of Property: 9,114 square feet

#### Surrounding Zoning and Land Use:

North: Union Pacific Rail Road, R2 Single Family Residence District developed as Single Family Residences, and R4 Limited General Residential District developed as Multi-Family Residential Building

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 November 17, 2006.

1. Petition for Public Hearing
2. Response to the Standards for Variation
3. Plat of Survey prepared by Mid-America Survey Company and dated March 9, 1992.
4. Site Plan prepared by Timothy J. Scmitt and Bridget E. Fallon and dated November 1, 2006.
5. Proposed building plans and elevations prepared by Timothy J. Scmitt and Bridget E. Fallon and dated November 1, 2006.

#### DESCRIPTION

The petitioner wishes to construct a garage located three (3) feet from the rear property line and three feet (3) feet from the side property line with an overall roof height of twenty-three (23) feet. The petitioner is proposing two options for constructing the garage. The first option is construct the garage as a detached accessory structure. Two variations are needed with this option- a variation for

a detached garaged to exceed the maximum allowable height of seventeen (17) feet and a variation to allow an accessory structure to exceed the height of the principal structure. The second option is to attach the garage to the principal structure with a trench foundation and pergola. Attaching the garage to the principal structure eliminates the seventeen (17) foot height restriction. However, the garage must meet the setbacks for the principal structure. This option would therefore require two variations- a variation to reduce the rear yard setback from thirty-five (35) feet to three (3) feet and a variation to reduce the interior side yard setback from six (6) feet to three (3) feet. The petitioner has already poured the trench foundation associated with the second option. It is still possible to construct the garage as a detached accessory structure as described in the first option. A portion of the trench foundation would have to be removed and the remaining foundation and pergola would have to maintain a four (4) foot separation from the garage.

## **INTER-DEPARTMENTAL REVIEW COMMENTS**

### **ENGINEERING**

#### **Private Engineering Services**

The Private Engineering Services Division has no comments on this petition.

#### **Public Works Engineering**

Public Works Engineering has no comments regarding this request.

### **FIRE AND BUILDING**

The Fire Department/Bureau of Inspectional Services offers the following timeline of as it relates to the garage at 506 W. Maple St.

- 8/18/06 -Ada Vaughan came to the building with a store bought garage plan that was not acceptable for permit submittal. Keith Steiskal spent some time making notes and corrections to the plan and took the permit application in. He told the applicant the Building Department would call when it was ready to be issued.
- 09/13/06 -The applicant was called and notified that the permit was ready.
- 09/14/06 -The permit was picked up by Ada Vaughan
- 09/29/06 -Ted Kloris and Keith Steiskal met with applicant at the Building Department to discuss the applicants desire to change her approved design. She expressed an interest in changing the look of the garage as well as the height. She asked the minimum attachment to the house to be considered an attached garage. The applicant was told that a trench foundation system and a 3' wide concrete walkway with a roof system between the two buildings would be the minimum attachment. On a blank piece of paper the two buildings were sketched by the applicant and the Building Department staff sketched a covered 3'

covered walkway between house and garage. It was told to the applicant that 3 new plats and 3 new plans would need to be submitted for review to approve any such changes to the approved plan.

- 10/20/06 -Applicant submitted revisions
- 11/14 or 11/15/06 -Keith Steiskal and Michelle Kulikowski called the applicant separately to ask the applicant to call the Village due to a Zoning issue discovered with the proposed changes to the approved permit.
- 11/17/06 -The applicant meet with Community Development staff to discuss the Zoning issue and the ZBA process.
- It was discovered that during the time the plan revisions were under review the applicant called for an inspection of the foundation. The applicant has never been told it was OK to proceed with out receiving approval of the revised plan. It has also been discovered that the applicant has added a floor drain that was not on the original approved plan or the revised plan. The applicant has been instructed that they can only proceed with approved work.

## **PLANNING**

The petitioner received a permit for a detached garage approximately fifteen (15) feet in height. The proposed location was three (3) feet from the side property line and three (3) feet from the rear property line. The driveway access to the garage would be from the alley to the rear of the subject property. After receiving the building permit the petitioner decided that they would like to revise the garage plan to build a taller garage. The timeline relating to the revised plans is noted in the Building Department's comments.

Staff does not find a substantial hardship related to the subject property that warrants any of the requested variations. The petitioner can construct a two-car detached garage that would not require any zoning relief. The hardship is a personal preference for the proposed design for a taller garage.

The detached garage height restrictions have been uniformly applied throughout the Village. The intent of the garage height restrictions is to make detached garages clearly subordinate to the principal single-family residence. They also help ensure that secondary uses on the property such as business occupations and second residences are not being created within the Single Family Residential District.

The current height restrictions for detached garages were established in 2004 (PC 04-12) after concerns were raised about the overall height of detached garages and the formula used to determine the maximum height permitted. The maximum height was fifteen (15) feet, however, the definition of building height in the Zoning Ordinance states that the calculation of the building height is

determined by the mean height for pitched roofs. Roof pitches could be manipulated to allow for a two-story garage that would meet the fifteen (15) foot calculated building height limitation. The 2004 text amendment limited the overall height for detached garages measured from average grade to the highest point of the roof to seventeen feet (17').

Staff finds that the first option for a detached garage with a height of twenty-three (23) feet is inconsistent with the intent of the ordinance, especially considering that the principal structure is only one story. A variation is needed for the garage height and to allow the garage to be taller than the principal structure. The proposed garage would not appear to be ancillary to the residence.

Attached garages are considered part of the principal structure and therefore do not have the seventeen (17) foot overall height limitation. With the second option, the garage would technically be considered attached, but it would appear to be detached. The three (3) foot walkway covered by the pergola would be the only visible connection to the principal structure. Staff is not supportive of any setback relief that is needed for a plan that attempts to circumvent the height restrictions within the ordinance.

Furthermore, to be granted a variation the petitioners must show that they have affirmed each of the "Standards for Variation". The following standards have not been affirmed:

1. *That because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner has been shown, as distinguished from a mere inconvenience if the strict letter of the regulations were to be applied.*

Staff finds that the petitioner's property does not have unique physical limitations that limit the owner from meeting the intent of the ordinance. The petitioner has already received a building permit for a detached garage based on plans that comply with 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 while there are some conditions that are unique to the subject property, these conditions do not prevent the petitioner from complying with the Zoning Ordinance. The petitioner has demonstrated with the original approved permit plans that a garage can be built on the property in compliance with the Zoning Ordinance.

3. *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 preference for a taller garage. The petitioner proceeded with revised plans before receiving approval from the Village.

Zoning Board of Appeals

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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.*

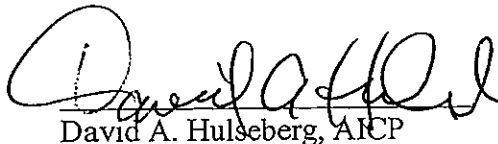
Staff believes that the granting of the requested relief will set an undesirable precedent.

#### 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 to reduce the 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 **denial** of the aforementioned variation:

Based on the submitted petition and the testimony presented, the requested variation to reduce the corner side yard setback **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 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 **denial** of ZBA 06-27.

Inter-Departmental Review Group Report Approved By:



David A. Hulseberg, AICP

Assistant Village Manager/Director of Community Development

att-

c: Petitioner

# Location Map

ZBA 06-27

