

July 22, 2004

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

Subject: PC 04-17: Text Amendments to the Lombard Zoning Ordinance

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The Village of Lombard requests amendments to the Zoning Ordinance to revise the maximum height, size and location of accessory structures in residential zoning districts.

After due notice and as required by law, the Plan Commission conducted public hearings for this petition on May 17, 2004 and June 21, 2004.

On May 17, 2004 William Heniff, Senior Planner, gave the staff report. He stated that two changes are proposed to the Zoning Ordinance. He indicated that staff has put together a number of text amendments for Plan Commission and Village Board consideration. Staff has brought forth these items to the Plan Commission in previous workshops for discussion. Staff is now looking at text amendments to modify the maximum allowable height, size, and yard requirements of detached garages in single family residential districts. The intent of the text amendment is to ensure that accessory structures, particularly detached garages, remain accessory to the principal residential use of properties.

He noted comments from the various inter-departmental entities. Engineering did not have a problem with the current setbacks and that the proposed increase in the side and rear yard setbacks will allow more room for utilities.

Public Works and Building and Fire had no comments, but Building and Fire noted that the proposed interior side yard setback modifications are consistent with the code amendments recently approved by the Board in 2004.

Mr. Heniff then presented the following amendments from a Planning standpoint. Staff is proposing language to amend the Zoning Ordinance to change the current formulated height of 15' to the "vertical distance measured from the average grade to the highest point on the roof or parapet for any detached accessory building or structure shall not exceed 17 feet."

Staff has seen two-story accessory structures become commonplace and a gambrel or other pitches of roofs could enable the height of the accessory structure to go above the allowable 15' height. This height issue was raised by the Village Board as being inconsistent with the character of the neighborhood. The proposed amended language would be similar to DuPage County's code in that a "not to exceed" number is established. This element would relate to accessory structures and create a gap of 17'. This proposed height would allow people an opportunity to utilize area above their garage for storage purposes but would not create in-law apartment and/or office areas. From a neighborhood standpoint, this would be compatible with the adjacent properties as that it would keep the accessory structures smaller in scope as it relates to height.

Mr. Heniff referred to the standards for the text amendments found on page 3 of the staff report. In summation, staff finds that as more detached garages are becoming two story in design, this was a code issue that should be addressed.

Mr. Heniff then requested comments from the Plan Commissioners relative to the height of accessory structures.

Commissioner Flint stated the proposed height regulation was reasonable and would allow storage above the garage.

Chairperson Ryan referred to the illustration shown on page 2 of the staff report, which shows 8' to the roof. He questioned the standard of the garage door opening and how garages are getting larger to accommodate larger vehicles. He was concerned that if developers starting making garage doors larger, the 17' limit could be insufficient. Mr. Heniff stated the proposed height would still be sufficient as builders could make it work by modifying the pitch of the roof and also by having a "not to exceed" number which could provide flexibility.

Commissioner Burke asked if the sketch was part of the proposed amendment. Mr. Heniff indicated that it would not be but was included for illustrative purposes. Commissioner Burke stated that 8' is not standard anymore. Architecturally, it could be grim, but from a storage standpoint, it could be worse. He recalled from previous discussions that some of the dimensions from surrounding communities were higher than 17'. Mr. Heniff stated that there were some higher, but those heights hinged on other variables. Staff felt that 17' was a good compromise to allow storage but not to create a room.

Commissioner Sweetser asked for a recalculation to see how a typical garage would look with a 10' clearance with the same type of roof pitch. She then stated she would be willing to go with a "no higher than" number but is not sure if that would be satisfactory to staff.

Chairperson Ryan stated his concern was that the proposed amendment would include the accommodation of bigger vehicle trends but also be limiting architectural components by only being able to have a flat roof. He then deferred to Commissioner Flint for his opinion.

Commissioner Flint stated that he was comparing this proposed height amendment to his garage. He stated that they have a tight fit. He indicated they have a 12/12 slope, the cross bracing requires you to duck to get through, and they have a 7' garage door. He indicated that if you wanted an oversized vehicle you would have to have an additional foot for clearance. If that were the case, it would be tough to walk up there.

Mr. Heniff then continued to the second proposed amendment, which is Area Requirements for Accessory Buildings and Structures. He mentioned this was previously introduced and that a 1,000 foot accessory structure could be construed as being rather sizeable and taking up too much of the property. When this issue was previously brought forward in 2002 by staff, there was no cap on the size of the accessory structure. Concerns by the public and questions by the Village Board indicated that the 1,000 square foot cap is still too permissive and that a 750 square feet limit is being proposed. He referred to a sample text amendment to ground floor area, which could be found in the staff report. He stated that 750' is 10 percent of the zoning lot or 750 square feet in ground floor area, which would still allow for three cars. The 1,000 cap could be conducive to other activities that are not permitted by code such as home occupations or other storage issues. One of the concerns raised at the workshop was that the 1,000 square foot cap would allow for extra storage space, especially if you had a smaller home. Staff believes this new area amendment would still allow for three vehicles within the 750', and should more space be required, an addition to the home might be a solution or to attach the garage to the home.

He stated that staff did meet the standards for text amendments based on the 750' provision and requested comments/discussion by the Plan Commissioners.

Commissioner Sweetser asked if staff considered what would happen if a lot width variation was granted in an R2 to be narrower than 60' and the possible impact that might have on the 750 square foot limit or 10 percent of the buildable lot. Mr. Heniff stated that there are other controlling factors such as open space, setbacks, and other bulk requirements that would affect the property more than the 750 square foot provision.

Commissioners Burke and Sweetser questioned the wording of the amendment and asked for clarification specifically the 10 percentage versus the 750' cap. Mr. Heniff recited what is existing code and what was being proposed. Chairperson Ryan indicated it might be best to eliminate the percentage factor and just have a 750' cap, as the wording was confusing. Commissioner Sweetser concurred to leave it as just a number and not have the percentage.

Commissioner Burke asked if this amendment was applicable to the other residential districts such as the R3. Mr. Heniff indicated this amendment was specific to the residential districts. Chairperson Ryan asked the Commissioners if they concurred with just the 750 cap and no mention of a percentage. The Commissioners agreed.

Commissioner Olbrysh pointed out that this amendment applies to detached garages. He asked if 750 square feet for an attached garage is standard. Mr. Heniff stated that attached garages have an unlimited square footage amount. Commissioner Olbrysh asked what the normal square footage of an attached garage would be. Mr. Heniff stated that it tends to be less and he could provide that information at a later date. Commissioner Olbrysh declined the information and indicated he wanted to know for comparison purposes.

Commissioner Sweetser suggested modifying B1a. by taking out the first sentence and leaving the rest and B1b. to include “detached garages and any single accessory building or structure” and asked if that would reflect the amendment they wanted. Mr. Heniff stated that staff could prepare it in that fashion.

Mr. Heniff indicated that the third item for consideration is the Setback Requirements for Accessory Buildings and Structures. He referred to the suggested amendment in the staff report and stated that staff struck and added a considerable amount of language. Staff proposes that detached accessory buildings or structures that require a foundation, footings or piers shall be set back a minimum of ten feet from the rear property line. All other accessory structures shall be set back a minimum of three feet from the rear property line. For the interior side yard requirements, staff is proposing that detached accessory buildings or structures that require a foundation, footings or piers shall be set back a minimum of five feet from the interior side property line. If an accessory building or structure does not require a foundation, footings, or piers and is located in the rear 25 percent of the lot, the building or structure shall be set back a minimum of three feet from an interior side property line.

This amendment is being proposed to establish uniform development regulations as it relates to the legally permitted location of accessory structures. Currently, accessory structures can be located up to three feet from the property line. Within the Subdivision and Development Ordinance new lots of record require five foot public utility and drainage easements along the interior side lot lines and ten foot easements along the rear lot line. Staff identified cases where adjacent properties have different standards for accessory structures. This amendment proposes to treat all parcels the same regardless of whether easements were recorded on the lot as well as to codify past staff interpretations pertaining to accessory structure location on lots with easements. He referred to the exhibit in the staff report and mentioned that when a plat of subdivision is being done, you are changing the setback regulations for those properties. The need for the easements are still there but are not recorded. Whether recorded or not, staff is proposing that all parcels should be treated equally. He then mentioned staff's interpretation of a temporary structure versus a poured foundation. Mr. Heniff then stated how this amendment would be compatible with the Building Code provisions of having a ten-foot requisite setback as well as addressing concerns raised as part of previous cases in which it was suggested or required that additional open space be provided between properties. This amendment would move accessory structures away from the property lines.

Mr. Heniff then asked for the Commissioners comments on this amendment.

Chairperson Ryan questioned how much room would be left for a backyard or green space if using this theory and he was concerned about how close a shed would be located to the house for a temporary structure. Commissioner Sweetser clarified that temporary was 3 feet and permanent was 10 feet.

Commissioner Burke agreed with this amendment and felt that it works.

Commissioner Olbrysh agreed and did not have a problem with the amendment but asked to go back to the height amendment. He felt that the text amendment is making the accessory structures dimension more restrictive except for one instance, which is with a flat roof. He asked from a building code standpoint if someone could come in proposing a flat roof. Mr. Heniff stated that it wasn't realistic but theoretically possible.

Commissioner Sweetser referred to the maximum height number and asked if 18' or 19' feet would be out of the question. Mr. Heniff stated that staff could revisit that request and come back to the Plan Commission providing more examples. He also indicated he would get with the Building Department to look at roof pitches and roof heights to find if 17' or 18' might be more appropriate. He will share his findings at the next meeting.

Commissioner Sweetser asked if they could make a motion to approve the petition and incorporate the suggested changes so that this petition would not have to be before the Commissioners again. George Wagner said that due to many issues that need to be addressed, they entertain a motion to continue the petition to the following Plan Commission meeting.

Commissioner Olbrysh stated his concern with the accessory structure height is that the pitch would not be as high, and he agreed with the 17' foot height limit.

Commissioner Sweetser commented that the pitch is a big deal as far as aesthetics.

Commissioner Olbrysh suggested that examples from staff include a lower pitch so they can see what it would look like.

Commissioner Flint wanted to review the height. He indicated that 9' to the eaves leaving an 8' opening, then there would be the beams, and then another foot for the floor and that puts you roughly about 7' from floor to the peak. You will have cross ties 2' below the ties, so you will have 5 feet where you will still have to crouch down and couldn't stand up straight and walk around. If that is what you want people to have then the height needs to be raised up. It would be doable but not comfortable. Mr. Heniff stated that was staff's intention - to give people the capacity for storage but not making it so attractive to become a room.

After due consideration of the petition and testimony presented, the Plan Commission found that additional research and discussion regarding the petition, particularly as it related to garage heights, would be beneficial. Therefore, the Plan Commission, by a roll call vote of 5 to 0, to continue the hearing to the June 21, 2004 Plan Commission meeting.

June 21, 2004

William Heniff, presented a supplemental staff report. He summarized the discussion of the previous meeting and indicated that staff had addressed the concerns of the Plan Commissioners at the last meeting by providing additional information for their consideration.

In response to the comments that were specifically raised by the Commissioners at the last Plan Commission meeting relative to garage height, he provided three examples of different garage heights and rooflines. Mr. Heniff indicated that he reviewed building permits issued in 2003 and selected three garages that reflect how the code amendments would affect garage styles. These plans are being presented to show the range of garage types found in the Village.

The first plan showed the traditional gable roof - a one-story garage design having standard elevations and includes the issue with the ties. The second plan showed the other extreme where the builder chose a gambrel roof, also known as a barn roof, to maximize space on the second level. This plan shows the ties, truss and the substantial amount of space on the second level. Staff is concerned that this space could allow for an in-law apartment or a home occupation. If the overall garage height was capped at 17 feet, it would decrease the clearance height for the second level. The overall square footage of the depicted garage is 936 square feet, which is at the high end of the code. This accessory structure almost equals the residential structure.

The third example indicates a gable roof with a high peak. If the 17-foot maximum height limit was applied, it would decrease the roof pitch. Staff does not believe it would be inconsistent with the house design as it still allows the ability for architectural embellishments to be added.

Chairperson Ryan then opened the meeting for public comment. No was no one in the audience speaking in favor or in opposition to the petition.

Chairperson Ryan opened the meeting for discussion among the Plan Commission members.

Commissioner Burke questioned how one would bring the garage in example three into compliance. Mr. Heniff answered that the roof pitch would need to be modified. This change would still have a greater roof pitch than compared to a 12/4 roof pitch in the first example.

Commissioner Burke stated that he thought the most attractive garage was the one represented in example 3, which has a height of 20.5 feet. He stated that if you bring the height down to 17 feet it would look like example one.

Commissioner Flint stated that if you drop the roofline, you could drop the ceiling line, which is unusually high. Mr. Heniff stated that you could drop it another foot and a half. Commissioner Flint indicated that would reduce the height.

Commissioner Flint indicated that at the last meeting, he shared his garage experience and has measured it. His garage has a 16' 3" height and an 8'6" floor to ceiling height on the first level.

The pitch of the roof is 8/12. His garage design is very close to what we are talking about restricting to 17 feet. It is doable for storage but does not provide for office space.

Commissioner Sweetser asked if these figures were absolutes or could a resident apply for a variation. Mr. Heniff stated they could apply for a variation. Commissioner Sweetser agreed with Commissioner Burke in that the picture presented in example three is very attractive and wants the process to remain as an option.

Commissioner Olbrysh indicated that he likes the 17-foot height restriction.

Commissioner Burke stated that he thought the height should be higher as he did not want to see variances for an 18-foot high garage.

Mr. Heniff indicated that the staff report also provided additional information regarding the setback requirements as well as having the overall percentage being eliminated. He confirmed that they selected 750 square feet with an absolute formula.

Commissioner Melarkey asked how many garages were permitted over 750 square feet in size. Mr. Heniff answered maybe 15 to 20. Commissioner Melarkey asked how many of those were for properties over 7,500 square feet. Mr. Heniff said that staff did not research this issue.

Commissioner Melarkey asked if 750 square feet would accommodate a three-car garage. Mr. Heniff answered that it would.

After due consideration of the petition and the testimony presented, the Plan Commission found that the proposed text amendments do comply with the standards of the Lombard Zoning Ordinance. Therefore, the Plan Commission, by a roll call vote of 6 to 0, recommended to the Corporate Authorities, approval of the petition associated with PC 04-17.

Respectfully,

VILLAGE OF LOMBARD

Donald F. Ryan
Chairperson
Lombard Plan Commission

WJH:
att-

c Petitioner
 Lombard Plan Commission