

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

 X

Resolution or Ordinance (Blue) X *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: April 9, 2007 (B of T) Date: April 19, 2007
TITLE: ZBA 07-04: 314 S. Brewster
SUBMITTED BY: Department of Community Development *WTL*

BACKGROUND/POLICY IMPLICATIONS:

The Zoning Board of Appeals transmits for your consideration its recommendation relative to the above-mentioned petition. This petition requests approval of a variation to Section 155.406 (H) to reduce the amount of open space on the subject property to 46 percent where a minimum of 50 percent open space is required, to allow for the construction of a detached garage located within the R2 Single Family Residential District. (DISTRICT #1)

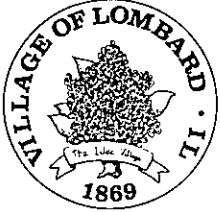
The petitioner is requesting a waiver of first reading.

The Zoning Board of Appeals recommended approval of this petition with amended conditions.

Fiscal Impact/Funding Source:


Review (as necessary):
Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X *William T. Lichter* _____ Date 4/12/07

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: April 19, 2007

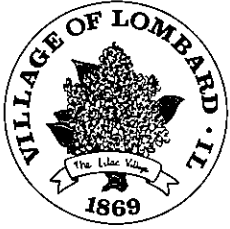
SUBJECT: ZBA 07-04: 314 S. Brewster Avenue

Attached please find the following items for Village Board consideration as part of the April 19, 2007 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 07-04;
3. An Ordinance granting approval of a variation from the lot area coverage requirements in the R2 District; and
4. Plans associated with the petitioner's request.

The petitioner is requesting a waiver of first reading.

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



VILLAGE OF LOMBARD

255 E. Wilson Avenue
Lombard, IL 60148-3926
(630) 620-5700 FAX: (630) 620-8222
TDD: (630) 620-5812
www.villageoflombard.org

March 29, 2007

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

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

Subject: ZBA 07-04: 314 S. Brewster

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 a variation to Section 155.406 (H) to reduce the amount of open space on the subject property to forty-six (46) percent where a minimum of fifty (50) percent open space is required, to allow for the construction of a detached garage and within the R2 Single Family Residential District.

The Zoning Board of Appeals conducted a public hearing on March 28, 2007. Bob Janetka, owner of the property, presented the petition. Mr. Janteka stated that he is proposing to build a detached garage on his property that would be the same size as his current garage. Mr. Janteka mentioned that his lot is only 4,400 square feet, so he does not have adequate space available to construct a larger detached garage. He stated that the new garage will be the same footprint as the garage being replaced, but he said that he will also move the garage six inches (6") in from the northern property line to meet the side yard setback requirement. Mr. Janetka also mentioned that the present detached garage is old and trees have fallen on it in the past, so it not only very unsightly, but also very unsafe.

Chairperson DeFalco then opened the meeting for public comment.

"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."

Park Basham wished to speak against the petition. Mr. Basham is a resident of Lombard and lives behind the petitioner's property. Mr. Basham stated that there have been some drainage issues on his property, which concerned the petitioner's property. He said that there haven't been any flooding issues in the twelve (12) years that he has lived there but the construction of new larger garage concerns him. Mr. Basham went on to explain to the Board that he had the opportunity to speak with the petitioner before the meeting and the petitioner explained to him that the new garage would be the same size as the original. Next Mr. Basham declared that he was no longer speaking against the petitioner's proposals. Lastly, Mr. Basham

stated that the current garage located on the petitioner's property is in need of repair or replacement.

Michael Toth, Associate Planner, presented the staff report. He stated that the subject property currently has approximately 2,312 square feet of lot coverage, leaving 46 percent open space. He then stated that the petitioner is proposing to replace the 280 square foot detached garage with a new garage of a similar size, to be located on the northwest portion of the property.

Mr. Toth mentioned that staff typically has not recommended approval for open space variations unless there is an existing legal nonconforming situation and the amount of open space is not being increased. Mr. Toth stated that in the case of the subject property, there will be no expansion of any non-conformity. Mr. Toth explained that the petitioner will actually be decreasing the amount of non-conformity on the property by bringing the side yard setback to the required three (3') feet, whereas it is currently only at two and a half (2.5') feet.

Mr. Toth later stated that the subject property is only 4,400 total square feet. Mr. Toth explained that the petitioner proposes to replace the current detached garage, which is in poor condition not only for the safety of his family, but also to improve the characteristics of the neighborhood. Mr. Toth stated that after further reviewing the plat of survey, it was determined that there would be no better solution for the placement of the garage, due to the insufficient amount of space. Mr. Toth mentioned that the garage will only have enough space to accommodate one automobile at 280 square feet. Mr. Toth then stated that if the garage were to be demolished and rebuilt according the fifty (50) percent open space specification; the detached garage could only be 155 square feet, which is basically the size of a shed.

Chairperson DeFalco then opened the meeting for discussion by the Board Members.

Chairperson DeFalco asked Mr. Basham if his concern was with lot coverage.

Mr. Basham stated that the only concern he has is related to drainage on the lot.

Mr. Young asked that staff look into the drainage issue.

Mr. Toth stated that these petitions are reviewed by Private Engineering Services and their comments are part of the IDRC Report. Mr. Toth then stated that P.E.S. made no comments pertaining to any drainage issues.

Chairperson DeFalco made a comment relating to the deck located on the subject property. Chairperson DeFalco asked if the deck was built after the garage was constructed.

Mr. Toth responded to Chairperson DeFalco's question by stating that there is no permit on record for the deck.

Mr. Janetka stated that he plans to replace the deck in the future and understands that he will have to reduce the size of the deck to adhere to the lot coverage provision of the Zoning Ordinance.

Mr. Bedard made the motion to approve the petition provided that a third condition is added.

Chairperson DeFalco made the suggestion that the third condition states that variation only applies to existing construction. He explained that if any of the structures were removed or destroyed beyond the fifty percent allowed, any lot coverage issues would be subject to a new variation.

Mr. Janetka then asked if he would be able to replace his house if it were to be destroyed beyond the fifty percent.

Chairperson DeFalco replied that in the instance the house were destroyed, the lot coverage would have to conform to Code.

Mr. Young then asked if the Zoning Board of Appeals were approving the house or the garage.

Chairperson DeFalco responded by stating that the approval of this petition only pertains to the garage being constructed. He then stated that any future construction projects shall conform to the fifty percent coverage provision outlined on the Zoning Ordinance.

Mr. Polley then made the motion to second the approval.

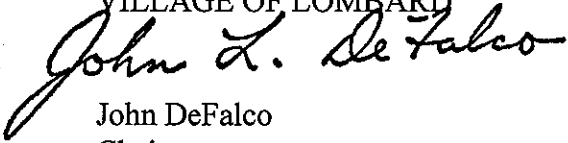
After due consideration of the petition and testimony presented, the Zoning Board of Appeals found that the requested corner side yard variation complied with the Standards of the Zoning Ordinance. Therefore, on a motion by Mr. Young and a second by Mr. Polley, the Zoning Board of Appeals recommended approval of the requested variation associated with ZBA 07-04 by a roll call vote of 5 to 0, subject to the following conditions:

1. The petitioner shall apply for and receive a building permit for the proposed detached garage.
2. The petitioner shall develop the site in accordance with the plans submitted as part of ZBA 07-04.
3. The approval related to this petition shall only apply to the existing construction. Any future construction on the subject property shall meet all current Code requirements.

Re: ZBA 07-04
April 19, 2007
Page 4

Respectfully,

VILLAGE OF LOMBARD

A handwritten signature in black ink that reads "John L. DeFalco". The signature is written in a cursive style with a large initial "J".

John DeFalco
Chairperson
Zoning Board of Appeals

att-

H:\CD\WORDUSER\ZBA Cases\2007\ZBA 07-04\Referral Let 07-04.doc

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Zoning Board of Appeals HEARING DATE: March 28, 2007
FROM: Department of Community PREPARED BY: Michael S. Toth
Development Associate Planner

TITLE

ZBA 07-04; 314 S. Brewster Avenue: The petitioner requests approval of a variation to Section 155.406 (H) to reduce the amount of open space on the subject property to 46 percent where a minimum of 50 percent open space is required, to allow for the construction of a detached garage and within the R2 Single Family Residential District.

GENERAL INFORMATION

Petitioner/Property Owner: Robert Janetka and Ingrid Berg
314 S. Brewster
Lombard, IL 60148

PROPERTY INFORMATION

Existing Zoning: R2 Single Family Residential District
Existing Land Use: Single Family Residential
Size of Property: Approximately 4,400 Square Feet

Surrounding Zoning and Land Use

North: R2 Single Family Residential District; developed as Single Family Residences
South: R2 Single Family Residential District; developed as Single Family Residences
East: R2 Single Family Residential District; developed as Single Family Residences
West: R2 Single Family Residential 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 February 26, 2007.

1. Petition for Public Hearing
2. Response to the Standards for Variation
3. Plat of Survey, prepared by ARS Surveying Service, LLC, dated May 19, 2001.
4. Site Plan showing existing and proposed improvements.

DESCRIPTION

The petitioner is requesting a variation to decrease the required open space from 50 percent of the lot area to 46 percent of the lot area. The subject property currently does not meet code with only 46 percent open space. The petitioner does not wish to expand the non-conformity, only to replace the 280 square foot detached garage currently located on the property.

INTER-DEPARTMENTAL REVIEW COMMENTS

Fire and Building

Fire and Building have no comments on this petition.

Public Works Engineering

Public Works Engineering has no comments on this petition.

Private Engineering

As this is a pre-existing condition, The Private Engineering Services Division has no comment on the above petition.

Planning

Background

The subject property currently has approximately 2,312 square feet of lot coverage, leaving 46 percent open space. The petitioner is proposing to replace the 280 square foot detached garage with a new garage of a similar size, to be located on the northwest portion of the property.

Standards for Variations

The standards of the Zoning Ordinance are set for the provision of open space, to preserve green space, and maintain the aesthetics of a suburban setting. The Village's Comprehensive Plan

states "the existing visual and environmental character of Lombard's various residential neighborhoods should be preserved and enhanced." The open space standards within the R2 District help to achieve that goal by ensuring that lots do not have the appearance of being overbuilt and that a more intensive use of the property is prevented.

Staff typically has not recommended approval for open space variations unless there is an existing legal nonconforming situation and the amount of open space is not being increased. In the case of the subject property, there will be no expansion of any non-conformity. The petitioner will actually be decreasing the amount of non-conformity on the property by bringing the side yard setback to the required three (3') feet, whereas it is currently only at two and a half (2.5') feet.

The subject property is only 4,400 total square feet. The petitioner proposes to replace the current detached garage, which is in poor condition (see Appendix A); not only for the safety of his family, but also to improve the characteristics of the neighborhood. After further reviewing the plat of survey, it was determined that there would be no better solution for the placement of the garage, due to the insufficient amount of space. The garage will only have enough space to accommodate one automobile at 280 square feet. If the garage were to be demolished and rebuilt according the fifty (50) percent open space specification; the detached garage could only be 155 square feet, which is basically the size of a shed.

FINDINGS AND RECOMMENDATIONS

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

Based on the submitted petition and the testimony presented, the requested variation **does comply** with the Standards required for a variation by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals accept the findings on the Inter-Departmental Review Committee as the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **approval** of ZBA 07-04, subject to the following conditions:

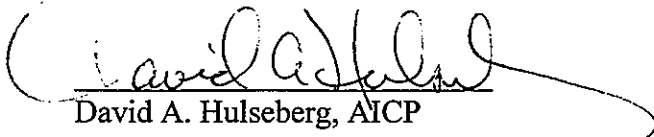
1. The petitioner shall apply for and receive a building permit for the proposed detached garage.
2. The petitioner shall develop the site in accordance with the plans submitted as part of ZBA 07-04.

Zoning Board of Appeals

Re: ZBA 07-04

Page 4

Inter-Departmental Review Group Report Approved By:

A handwritten signature in black ink, appearing to read "David A. Hulseberg", written over a horizontal line.

David A. Hulseberg, AICP

Assistant Village Manager/Director of Community Development

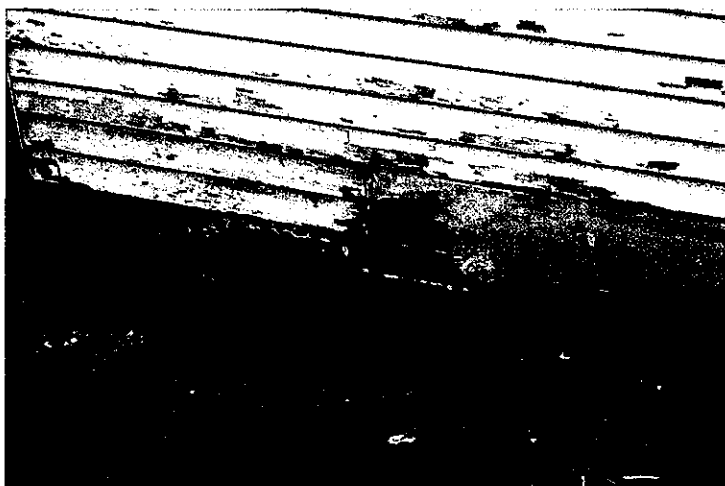
DAH:MT

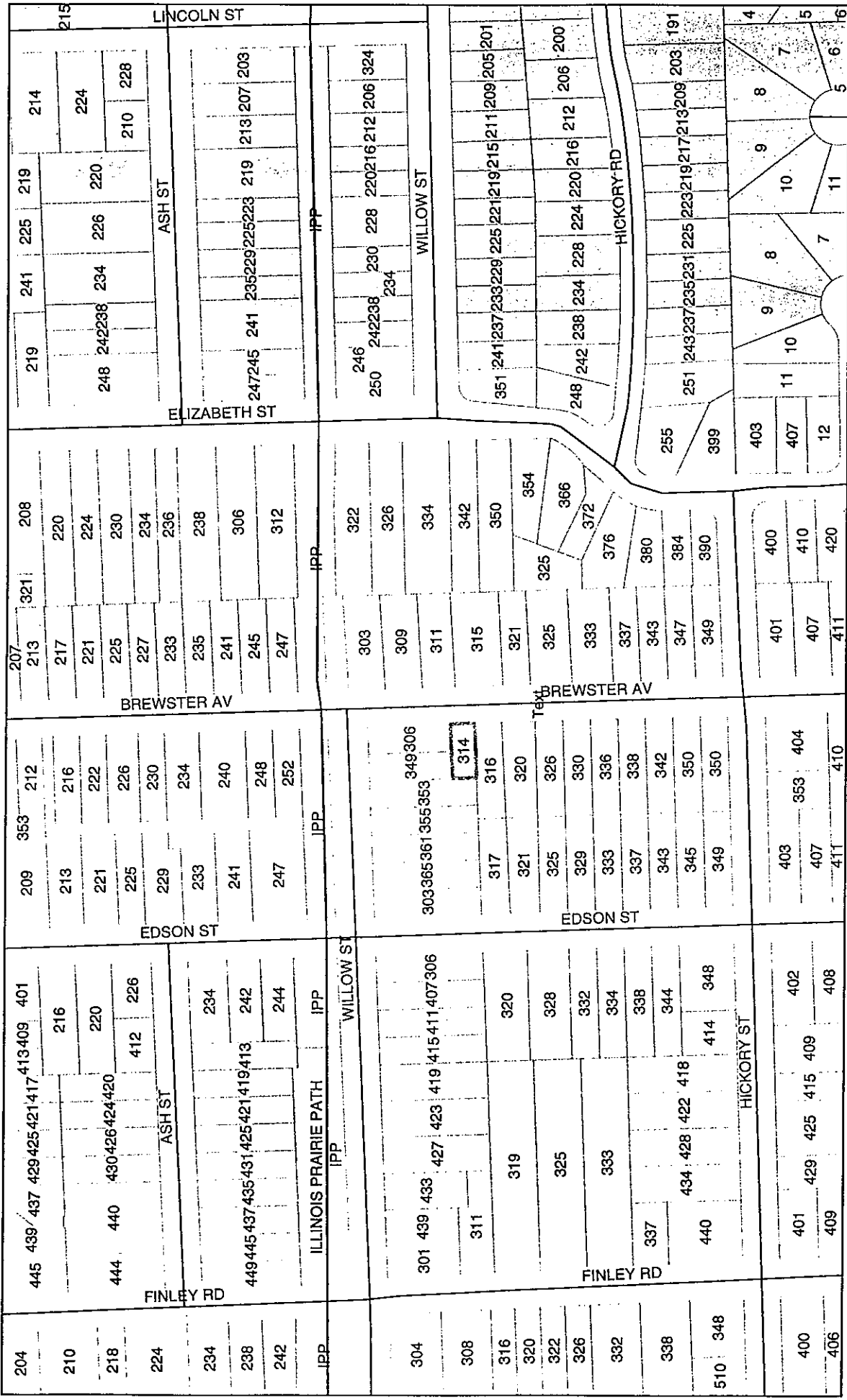
att-

c: Petitioner

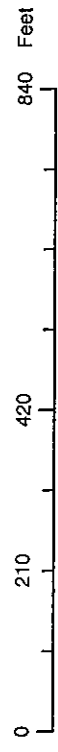
H:\CD\WORDUSER\ZBA Cases\2007\ZBA 07-04\Report 07-04.doc

APPENDIX A





314 S. Brewster



Description of Request:

We would like to replace our old 1 ½ car garage with a new garage of the same size. The new structure will occupy no more ground space than the current structure and will be a pleasant, aesthetic improvement to the property and neighborhood.

Response to Standards for Variations:

1. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.

Our lot measures 4,400 square feet, a very small lot by any standard. We also have a small, 975 square foot house on this small lot. I am aware of no smaller lot in our neighborhood (or the entire village for that matter). We would like to replace our 1½ car garage with a new one of the same size. One of the many reasons we purchased the house was the fact it had a garage (albeit an old one in need of replacement, not just repair). A garage helps increase the value of the land, protect our investments (car and lawn equipment) and provides necessary storage for items that do not fit in our house. In this way, the lack of a garage would cause my family a hardship both financially and in terms of quality of life.

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.

As mentioned in my response to Standard No. 1, our lot is uniquely small in our neighborhood, zoning classification and the Village in general. The small size of our lot makes the minimum 50% Open Space requirement an especially difficult requirement to meet.

3. The purpose of the variation is not based primarily upon a desire to increase financial gain

In no way would this variation result in a financial gain for me or my family. This is a tough one to prove, but we are replacing an old garage with a new garage of the same size.

4. The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in this property.

We contend this hardship was created by whoever subdivided this property into the small size that it is now; I think the garage predates the ordinance and most certainly predates our ownership of the property.

5. 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.

Rather than being detrimental or injurious, we believe the granting of this variance will enhance the public welfare by allowing us to eliminate a failing structure and replace it with a sound structure. The storage space for our car and lawn equipment will maintain a tidy appearance for our property.

6. The granting of the variation will not alter the essential character of the neighborhood.

We took this standard most seriously of all. We reviewed options with our builder to ensure the roofing style, roofing materials and siding matched our house. We chose this neighborhood because of its character and we believe (though we may be slightly biased) that our house has as much character and curb appeal as any in our Village.

7. 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 in the neighborhood.

The new garage would not lead to any of the negative situations above. Further, it may reduce the danger of fire by replacing the existing wiring with newer, safer technology; I also believe it would increase the value of other properties in the neighborhood.

Village of Lombard

Board of Trustees
255 E. Wilson Ave.
Lombard, IL 60148-3969

Via Facsimile: ATTN: Michael Toth, (630) 629-2374

April 12, 2007

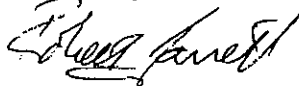
Dear Board of Trustees of the Village of Lombard:

I would like to request a waiver of first hearing for the variance I am requesting for my property. I would like to demolish my current, somewhat dilapidated, one and one-half car garage and replace it with a new garage of the same size. The reason I am requesting this waiver is I have been under contract with the builder since January and would like to remove the blighted garage and get construction started as soon as possible.

Thank you for your consideration of both my variance and my request for a waiver of first hearing.

Please feel free to call me with any questions at 630-916-1864.

Sincerely,



Robert Janetka
314 S. Brewster Ave.

ORDINANCE NO. _____

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

(ZBA 07-04: 314 S. Brewster Ave)

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 Title 15, Chapter 155, Section 155.406 (H) of the Lombard Zoning Ordinance to reduce the required open space on a lot from fifty (50) percent to forty-six (46) percent; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on March 28, 2007 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 does concur with the findings of the Zoning Board of Appeals; and

WHEREAS, the President and Board of Trustees have determined that it is in the best interest of the Village of Lombard to approve the requested variation subject to conditions.

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

SECTION 1: That a variation is hereby granted from the provisions of Title 15, Chapter 155, Section 155.406 (H) of the Lombard Zoning Ordinance to reduce the required open space on a lot from fifty (50) percent to forty-six (46) percent.

SECTION 2: This ordinance is limited and restricted to the property generally located at 314 S. Brewster Avenue , Lombard, Illinois, and legally described as follows:

THE WEST 44 FEET OF LOTS 6 AND 7 IN BLOCK 2 LOMBARD FARMS SUBDIVISION, BEING A SUBDIVISION OF SECTIONS 7 AND 18, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 15, 1917 AS DOCUMENT R128539, IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-07-400-008

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

1. The petitioner shall apply for and receive a building permit for the proposed detached garage.
2. The petitioner shall develop the site in accordance with the plans submitted as part of ZBA 07-04.
3. The approval related to this petition shall only apply to the existing construction. Any future construction on the subject property shall meet all current Code requirements.

SECTION 4: This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this _____ day of _____, 2007.

First reading waived by action of the Board of Trustees this _____ day of _____, 2007.

Passed on second reading this _____ day of _____, 2007.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2007.

Ordinance No. _____
Re: ZBA 07-04
Page 3

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

H:\CD\WORDUSER\ZBA Cases\2007\ZBA 07-04\ORDINANCE 07-04.doc