

April 25, 2018

Title

ZBA 18-01

Petitioner

United Home Builders
738 S. Elizabeth Street
Lombard, IL 60148

Property Owner

Steven Elder
327 Maple Street
Glen Ellyn, IL 60137

Property Location

342 S. Stewart Avenue
(06-08-303-019)
Trustee District #5

Zoning

R2 Single Family Residence

Existing Land Use

Single Family Home

Comprehensive Plan

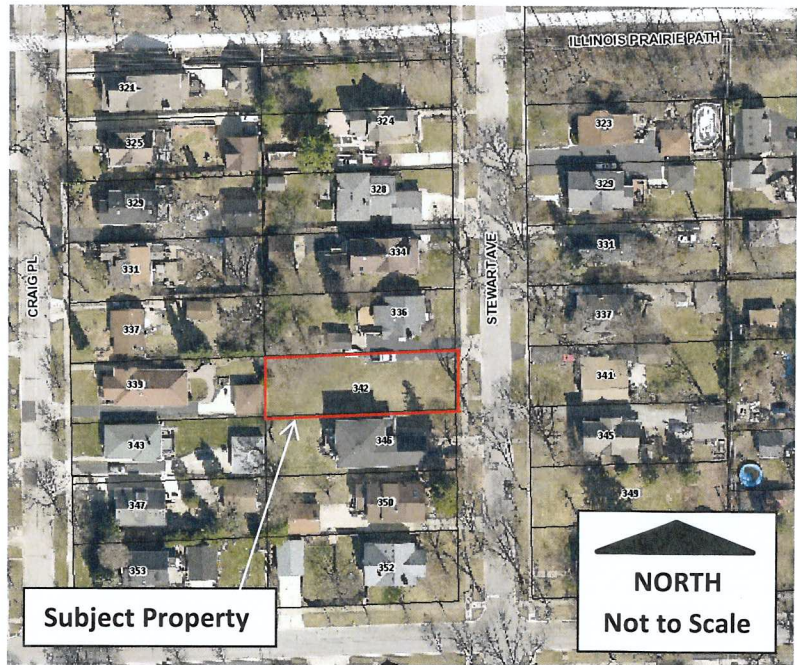
Low Density Residential

Approval Sought

A variation from Section 155.210 (A)(3)(b) of the Lombard Zoning Ordinance to increase the permitted height of an accessory structure (garage) from seventeen feet (17') to nineteen feet, seven inches (19'7").

Prepared By

Tami Urish



LOCATION MAP

PROJECT DESCRIPTION

In 2017, the property owner applied for and received a building permit for a new single-family residence and a new, detached garage. When construction of the house and garage was underway in March 2018, staff was alerted that the height of the garage exceeded the Village's 17 foot-maximum allowable height for accessory structures. The height is measured at 18 feet, 10 inches (18'-10") and the submitted plans in fact showed a height of 19 feet, 7 inches (19'-7"); therefore, a variation is required. Staff met with the petitioner/contractor and informed him that the garage must either be brought into compliance with code, or he could attempt to receive a variation.

APPROVALS REQUIRED

The petitioner requests a variation from Section 155.210 (A)(3)(b) of the Lombard Zoning Ordinance to increase the permitted height of an accessory structure (garage) from seventeen feet (17') to nineteen feet, seven inches (19'7") in the R2 Single-Family Residence District.

EXISTING CONDITIONS

It appears that the property was vacant as there are no permits other than for the new house issued to this address on October 31, 2017. According to York Township records, the property has been vacant since at least 2014.

PROJECT STATS

Lot & Bulk

Parcel Size:	8,000 sq. ft.
Building (Single Family Home) Size:	1,096 sq. ft.
Lot Coverage:	47%
Lot Width:	50 ft.

Reqd. Setbacks & Proposed Dimensions (approx. in parens.)

Front (east)	30' (30')
Side (north)	6' (6')
Side (south)	9' (9')
Rear (west)	25' (89')

Submittals

1. Petition for public hearing submitted on March 22, 2018;
2. Response to Standards for Variations prepared and submitted on March 22, 2018;
3. Plat of Survey, dated January 4, 2018 prepared by Gentile and Associates obtained from permit #2017-01826 on March 22, 2018;
4. Plans and proposed elevation of garage prepared August 22, 2017 and obtained from permit #2017-01826 on March 22, 2018.

The subject property is surrounded by single-family homes.

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no issues or concerns regarding the project.

Fire Department:

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

Private Engineering Services (PES):

Private Engineering Services has no comments.

Public Works:

The Department of Public Works has no issues or concerns regarding the project.

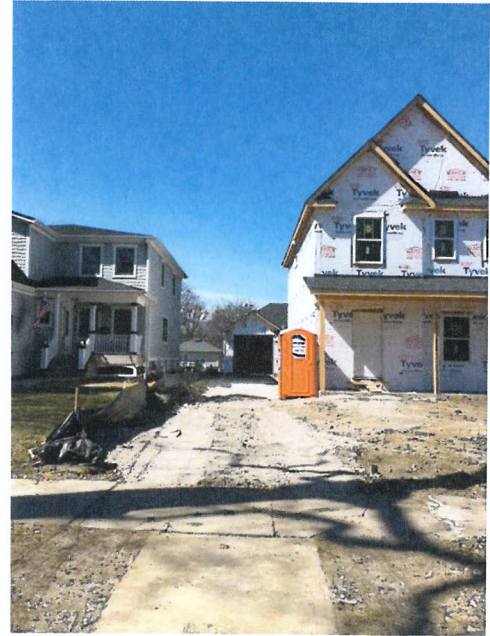
Planning Services Division:

The existing house and garage is currently under construction. The petitioner was issued a building permit for the proposed garage due to an oversight by staff. Despite these circumstances, the property still must adhere to the regulations of the zoning ordinance.

In consideration of the surrounding neighborhood, two properties directly abutting (339 S. Craig Place) and to the south (343 S. Craig Place) of the subject property's rear yard maintain detached garages three feet (3') from the rear property line with heights of approximately twelve feet (12'). The property to the south (346 S. Stewart) of the subject property has an attached garage and the property to the north (336 S. Stewart) has what appears to be a detached one-car garage (no permit on file to determine size). There are three detached garages on the 300 block of Stewart (334, 339 and 350) that have building permits on file with the Village dated in the 1980s however the heights are not noted in the plans. The remainder of the detached garages on the 300 block of Stewart where presumed to have been built with the house prior to the 1960s and permits are not available to review building heights.

In addition, two properties (321 and 325 S. Craig Place) behind and to the north of the subject property have identical garages that exceeded the seventeen feet (17') maximum allowable height for an accessory structure. Both measure twenty feet (20') from the highest point of the structure to the grade (see page 9). The garages were issued permits and built in 2001 prior to the zoning code amendment to accessory structure heights.

Staff finds that lot width of the subject property's lot is fifty feet. The lot width meets code with the 80% provision provided by code and all the lots in the neighborhood were developed with fifty foot wide lots several years ago. A fifty foot lot width could be considered unique when compared to the overall Village housing stock. The narrowness of the lot resulted in a house design that appears to have a steeper roof line. The detached garage was designed to be compatible to the house (see attached Exhibit C). Also, the detached garage is set back twenty-four feet from the rear property line which backs up to another detached garage that is set back the minimum three feet from the property line. Therefore, the additional two feet of the detached garage has minimal impact on the overall appearance of the neighborhood.



In consideration of precedent, staff has identified two cases that appeared before the Zoning Board of Appeals within the last ten (10) years.

CASE NO.	DATE	ADDRESS	SUMMARY	ZBA	BoT
ZBA 15-04	5/8/2015	131 Goebel Drive	Accessory structure exceeded height of principal structure (not max. allowable height of 17').	Approved, 6-0	Approved, 6-0
ZBA 10-03	6/3/2010	119 N. Main Street	Accessory structure exceeded max. allowable height of 17' feet by 12' (29' high garage).	Approved, 5-0	Approved, 5-0

FINDINGS & RECOMMENDATIONS

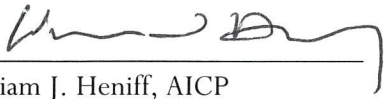
The Department of Community Development has determined that the information presented **has affirmed** the Standards for Variations for the requested variation. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make the following motion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

Based on the submitted petition and the testimony presented, the requested variation **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 18-01; subject to the following conditions:

1. The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report;
2. In the event that the principal structure on the subject property is damaged or destroyed to fifty-percent (50%) of its value, the new accessory structure shall meet all Code provisions.

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

XI. 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.

The lot width of the property is somewhat unique in that the subdivision was created years ago and the lot width is 50 feet when a new lot is required to be 60 feet. This prompted the necessity of constructing a detached garage instead of a more desirable attached garage which has a height restriction of the house or 30 feet.

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.

A permit for the garage along with the house was obtained. Due to a staff error, the plans were approved for a garage with a height of 19 feet. The garage was nearly finished and built according to the approved plans and staff noticed the error during an inspection. The staff error could be considered unique and would not apply to other properties.

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

The difference in garage height does not result in financial gain.

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

The ordinance does create a hardship in relation to the pitch of the roof of the garage being consistent with the pitch of the roof of the house. The restriction of 17 feet in height for accessory structures does create a very shallow roof pitch of a garage that is 24 feet by 35 feet.

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.

The square foot (size) of the garage meets the Village Code of Ordinances however the height of 19 feet does not. The minimal height difference is not detrimental to the public welfare of injurious to neighboring properties.

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

EXHIBIT A: RESPONSE TO STANDARDS AS PREPARED BY THE PETITIONER, PAGE 2

Most of the properties on the 300 block of S. Stewart maintain detached garages therefore the character of the neighborhood is not altered.

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 within the neighborhood.

The additional 2 feet of height of the garage accounts for the peak and this difference is not significant enough to impact an adequate supply of light or air. The height of a building does not affect public streets, danger of fire, drainage, public safety or neighborhood property values.

EXHIBIT B: PLAT OF SURVEY AND SITE PLAN

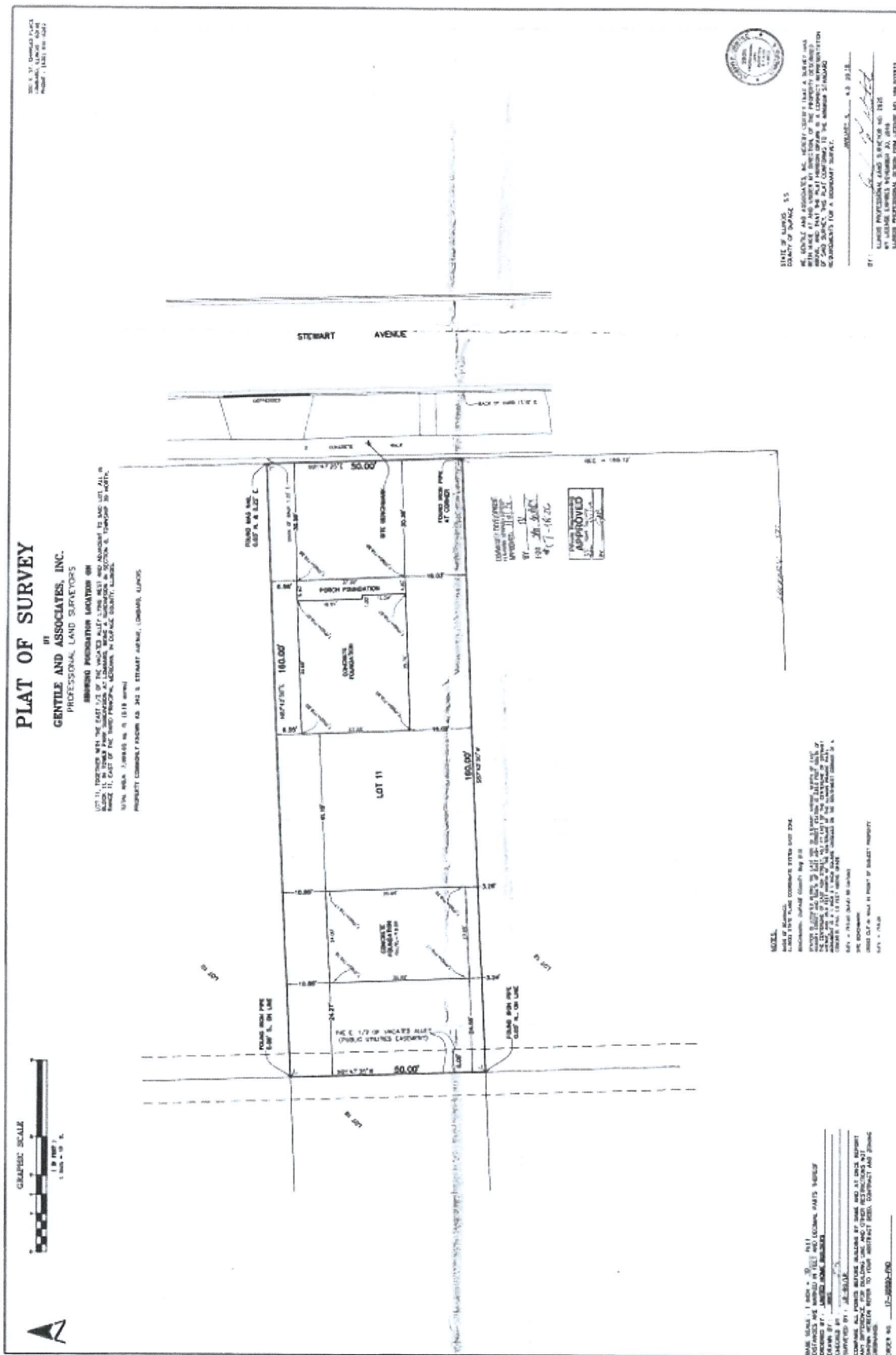


EXHIBIT C: ELEVATIONS

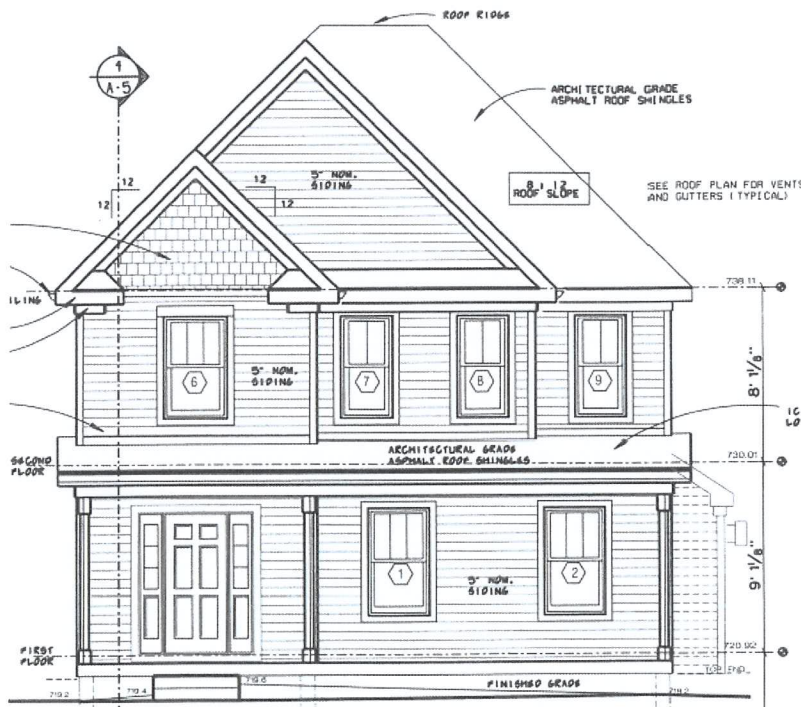
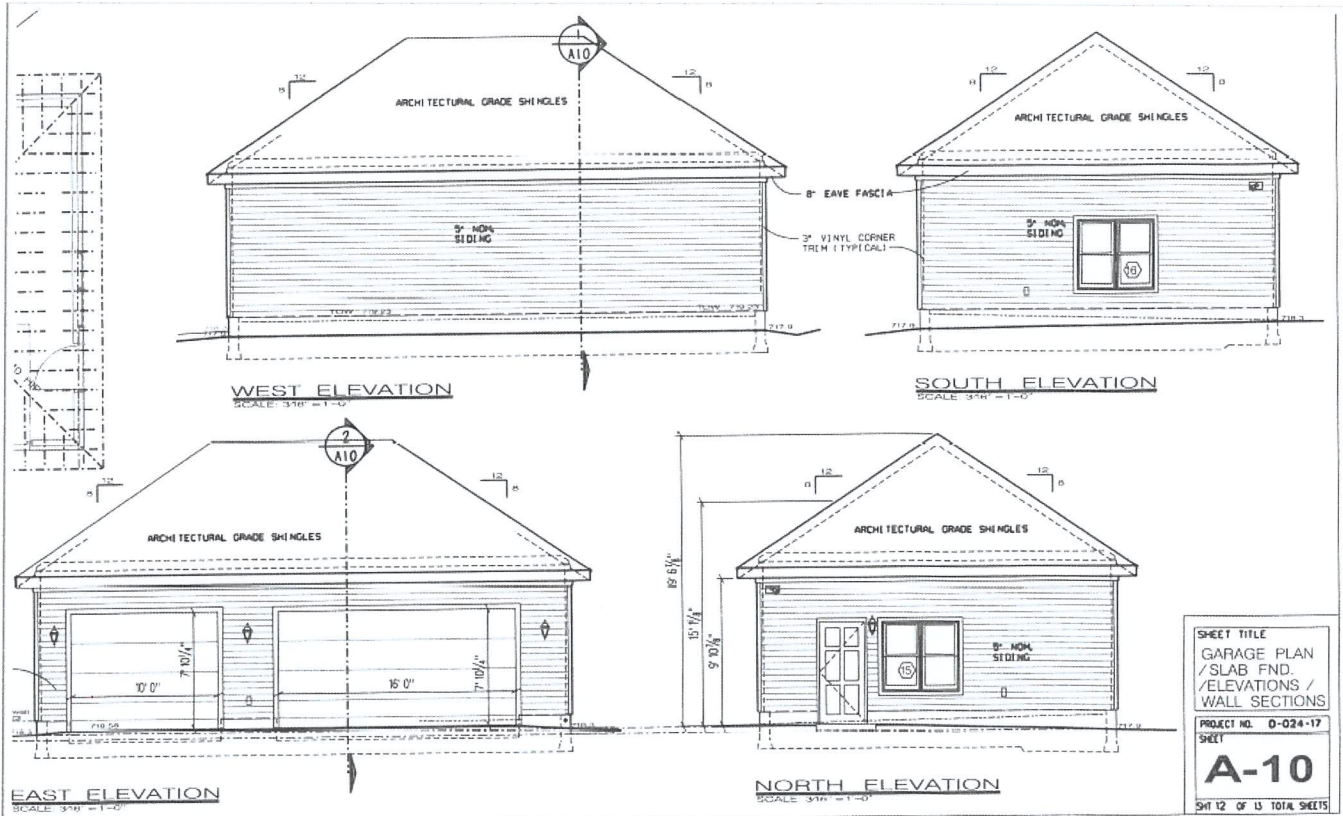


EXHIBIT D: PHOTOS



342 S. Stewart: Subject property, existing conditions

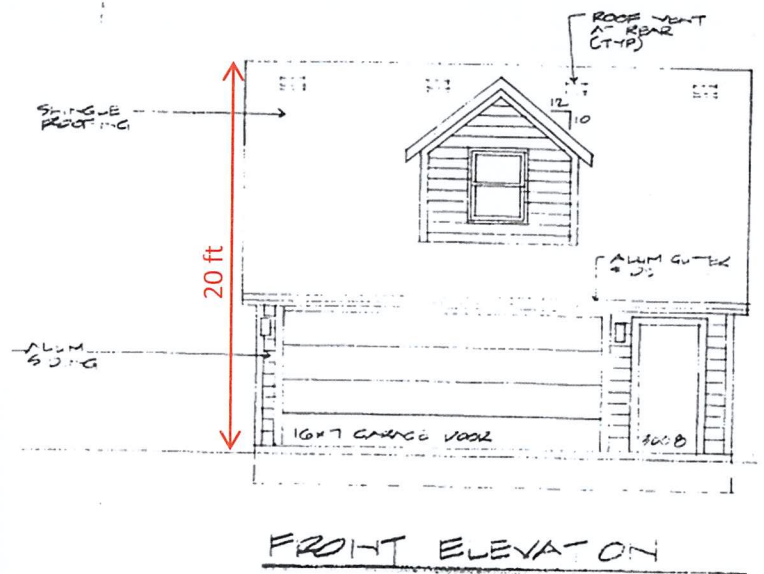


353 S. Stewart

Surrounding neighborhood: property is located across the street and south at the end of the block of the subject property with a measurement from highest point to grade of 17 feet. View from Hickory Street.



EXHIBIT D: PHOTOS



321 S. Craig Place and 325 S. Craig Place
 Surrounding neighborhood: above properties are located behind and to the north of the subject property. Both garages were built in 2001 and are the same design with a measurement from highest point to grade of 20 feet.