

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

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: August 4, 2004 (B of T) Date: August 19, 2004

TITLE: ZBA 04-09: 345 S. Stewart

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 a variation from Section 155.406 (H) of the Lombard Zoning Ordinance to decrease the required open space from 50% of the lot area to 47.4% of the lot area, allowing the petitioner a total variation of 210 square feet of impervious area. (DISTRICT #5)

The Zoning Board of Appeals recommended approval of this petition.

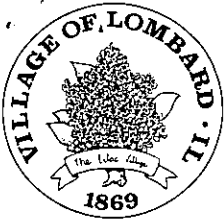
The petitioner is requesting a waiver of first reading.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____	Date _____
Finance Director X _____	Date _____
Village Manager X <i>W. T. Lichter</i>	Date <u>8/10/04</u>

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, Director of Community Development

DATE: August 19, 2004

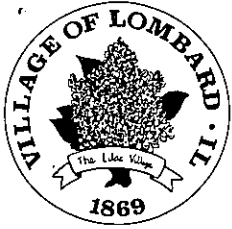
SUBJECT: ZBA 04-09: 349 S. Stewart Avenue *DLH*

Attached please find the following items for Village Board consideration as part of the August 19, 2004 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 04-09;
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 Ave.

Lombard, Illinois 60148

630/620-5700 FAX: 630/620-8222

TDD: 630/620-5812

www.villageoflombard.org

Village President
William J. Mueller

August 19, 2004

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

Trustees

Joan DeStephano, Dist. 1
Richard J. Tross, Dist. 2
Karen S. Koenig, Dist. 3
Steven D. Sebby, Dist. 4
Kenneth M. Florey, Dist. 5
Rick Soderstrom, Dist. 6

Subject: ZBA 04-09; 345 S. Stewart

Village Manager
William T. Lichter

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 take the following actions for the subject property located within the R2 Single Family Residence District:

Approve a variation from Section 155.406 (H) of the Lombard Zoning Ordinance to decrease the required open space from 50% of the lot area to 47.4% of the lot area, allowing the petitioner a total variation of 210 square feet of impervious area.

"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."

The Zoning Board of Appeals conducted a public hearing on July 28, 2004. Mr. Leonard J. Flood, property owner, presented the petition. Mr. Flood stated that he and his family have been residents of the Village for twenty-seven years and resided at the subject property for the last twenty years. He stated that the house is ninety-five years old and is the second oldest home on the block. Mr. Flood stated that he wanted to replace a two and a half car garage with a new garage and noted the dimensions. He stated that the existing garage is eighty to eighty-five years old. They intended to build the new garage in the same location as the existing however there's an existing utility easement in the rear of the property so the new garage would be located slightly closer into the yard creating an increase in ninety-six square feet of open space. He stated that the actual increase in coverage for the garage would be seventeen square feet. He stated that they would also provide a new driveway slope and drainage. Mr. Flood stated that the net increase with the driveway and garage would be one hundred and eight square feet combined. He referred to the staff report mentioning that when he purchased the property it was over the fifty-percent lot coverage and noted the subsequent improvements including an addition and replacement of a front porch. He stated that he was not notified that the lot exceeded the fifty-percent lot coverage when those building

permits were issued. He stated that all of the garages in the neighborhood were in the rear of the lots and the new garage would be an improvement functionally and aesthetically.

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

Angela Clark, Planner I, presented the staff report. She stated that the lot exceeded fifty- percent lot coverage when the petitioner purchased the property. She mentioned that the zoning regulations regarding lot coverage were instituted in 1990 and previous building permits that the petitioner obtained were issued in error. Ms. Clark stated that there were no comments from the Inter-departmental Review Committee. She stated that the fifty percent open space requirement identified open space as a portion of a lot or property maintained as lawn, garden, field, woods, wetland, or other natural landscape area and is free of buildings, structures, and impervious surfaces. She stated that the petitioner is moving the new garage forward and modifying the driveway for a total of 109 square feet of new coverage. She stated that the additional square footage noted within the request was meant to address the existing nonconformity. Ms. Clark referred to the table in the staff report noting that there have been three requests approved since the year 2000 to exceed open space. She noted that two of the approvals were for replacement structures and one was for a new addition to a lot that already exceeded the open space requirement. Ms. Clark stated that given staff's close working relationship with the petitioner the report was submitted without a recommendation to avoid the appearance of any impropriety.

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

Mr. Polley asked if the petitioner owned the vacant property to the south of the subject property. Mr. Flood stated that the neighbors on the corner owned the property.

Mr. Bedard asked if Mr. Flood had an elevation of the garage. Mr. Flood stated that he did not submit one for the petition, but the garage would be a standard two and a half car garage with a sixteen-foot door with a side door for access. He stated that the garage would have a gable roof style to match the existing style of the house. Mr. Flood said that it was not a garage with a second floor with rafters.

Dr. Corrado asked why the petitioner was planning on a larger garage. Mr. Flood stated that the additional space would be for storage.

Mrs. Newman asked if it was possible to move the garage in an additional two feet. Ms. Clark stated that new code requirements would require garages to be located ten feet from the rear and five feet from the side property lines. Mr. Flood stated that the existing garage was built within a utility easement. Mrs. Newman stated that she was referring to the north side of the garage. Mr.

Flood stated that they considered moving to the side property line, but there was a tree that would have to be removed to accommodate that.

Mr. Bedard asked if the garage could be moved forward. Mr. Flood stated that he believed that would change the character of the neighborhood as well as provide him with less usable space in the backyard.

Chairperson DeFalco asked about the status of the current review on the ten-foot rear yard setback for garages. Ms. Clark stated that the requirements were awaiting the Board of Trustee's approval.

Chairperson DeFalco asked if the requirement were passed would the petitioner have to move the garage an additional four feet forward. Mr. Flood stated that it was his understanding that the garage could be approved without moving it forward if the permit were submitted prior to the passage of the requirement. Ms. Clark stated that anyone that had applied for a permit prior to adoption of the new requirement would be subject to the current setback requirements.

Chairperson DeFalco stated that very soon the ten-foot requirement would be the mandate of the neighborhood and other replacement garages would be subject to the new requirements, thereby changing the look of the neighborhood. Mr. Flood stated that the properties that currently exist on Stewart and Lombard have had new garages built six feet off of the property line.

Chairperson DeFalco asked if the property to the south were to rebuild a garage after the new requirements they would be subject to the ten-foot rear yard setback requirement. Mr. Flood stated that was true. Chairperson DeFalco asked if a two-car garage wouldn't be adequate due to storage issues. He noted that another petition appeared before the Zoning Board and stated that the increased space was identified as necessary for storage. He noted that the ZBA had suggested using a pulley system for overhead storage rather than creating a second floor. He asked if the petitioner had considered such a system. Mr. Flood stated that they had not. Chairperson DeFalco stated that the ZBA did recommend approval for a replacement pool that was of the exact same dimensions and for an existing garage with a slight increase in area. He stated that this request was for a replacement garage with an increase in size of over twenty percent. Mr. Flood mentioned the amendments that are before the Board of Trustees noting that they are for maximum size of garages and that his proposed garage is smaller than the maximum allowed within the new requirements.

Mr. Young stated that moving the garage forward was only going to be an increase of seventeen square feet of impervious surface and the rest is due to the driveway being larger. He stated that they should not get hung up on an issue that is seventeen square feet. Mr. Bedard stated that the existing garage would be considered a semi dilapidated structure and the new structure would be

Re: ZBA 04-09
August 19, 2004
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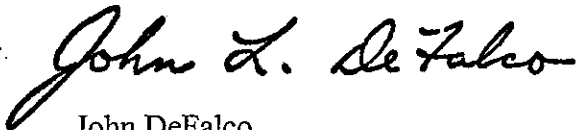
an increase of seventeen square feet. Mr. Flood stated that the driveway would be increased to straighten it out.

Chairperson DeFalco questioned the comment in the petitioner's response to the Standards for Variation regarding drainage in the basement. He asked what the petitioner was planning to do for additional drainage relief. Mr. Flood stated that in the northeast corner of the house they currently get seepage due to water accumulating in the cracks. He stated that when the driveway is redone that should alleviate the water leakage. Chairperson DeFalco stated that he was concerned about water run off on other properties and asked if there was anything that staff could do to address that. Ms. Clark stated that Private Engineering Services reviewed all garage permits and if there were additional drainage provisions needed they would address them during the permitting process.

After due consideration of the petition and testimony presented the Zoning Board of Appeals found that the proposed variation does comply with the Standards of the Zoning Ordinance. Therefore the Zoning Board of Appeals recommended approval of ZBA 04-09 by a roll call vote of 6 to 0.

Respectfully,

VILLAGE OF LOMBARD



John DeFalco
Chairperson
Zoning Board of Appeals

att-

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Zoning Board of Appeals HEARING DATE: July 28, 2004

FROM: Department of Community PREPARED BY: Angela Clark, AICP
 Development Planner I

TITLE

ZBA 04-09; 345 S. Stewart: The petitioner requests that the Village approve a variation from Section 155.406 (H) of the Lombard Zoning Ordinance to decrease the required open space from 50% of the lot area to 47.4% of the lot area, allowing the petitioner a total variation of 210 square feet of impervious area, for the subject property located within the R2 Single Family Residential Zoning District.

GENERAL INFORMATION

Petitioner/Owner: Leonard J. and Janet L. Flood
 345 S. Stewart
 Lombard, IL 60148

PROPERTY INFORMATION

Existing Zoning: R2 Single Family Residential District

Existing Land Use: Residential

Size of Property: 8,000 square feet

Surrounding Zoning and Land Use:

North: R2 Single Family Residence District; Single Family Residences
South: R2 Single Family Residence District; Single Family Residences
East: R2 Single Family Residence District; Single Family Residences
West: R2 Single Family Residence District; Single Family Residences

ANALYSIS

SUBMITTALS

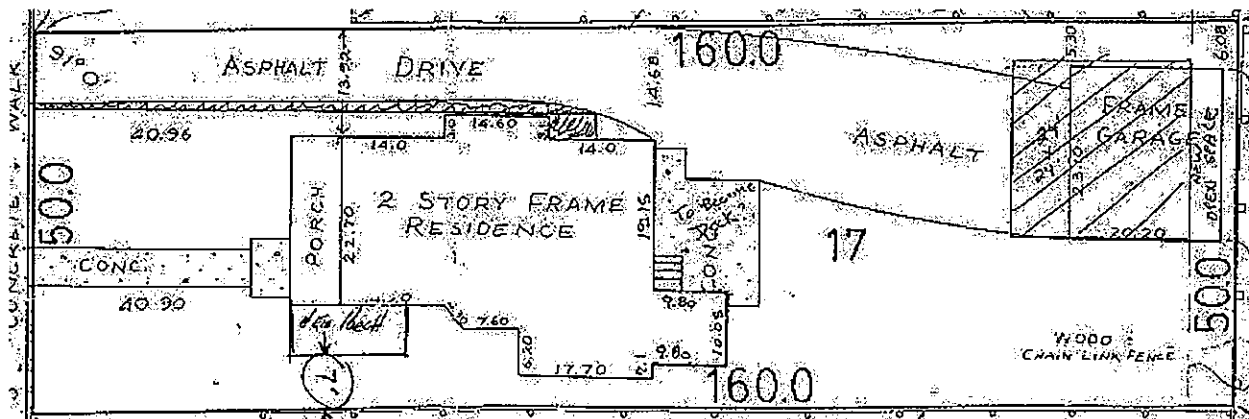
This report is based on the following documents, which were filed with the Department of Community Development on June 17, 2004.

1. Petition for Public Hearing
2. Response to the Standards for Variation
3. Undated Plat of Survey

DESCRIPTION

The petitioner's property had more than 50% lot coverage when purchased in 1983. The fifty-percent open space provision was added to the Zoning Ordinance in 1990. The petitioner applied for and received two permits since the open space requirements were instituted. Both permits were issued in error since the lot was already beyond the maximum allowable coverage. When the petitioner recently applied for a building permit for the construction of a new garage staff informed him that the lot exceeded the open space requirement and that a variation would be necessary to proceed.

Site Plan



ENGINEERING

Private Engineering Services

From an engineering or construction perspective, PES has no comments.

Public Works Engineering

Public Works Engineering has no comments regarding this request.

FIRE AND BUILDING

The Fire Department/Bureau of Inspectional Services has no comments on this petition.

PLANNING

The Zoning Ordinance requires that each permitted use in the R2 Single Family Residence District shall preserve a minimum of 50% of the lot in open space. The Zoning Ordinance identifies open space as “a portion of a lot or property maintained as lawn, garden, field, woods, wetland or other natural landscape area and is free of buildings, structures, and impervious surfaces.” As the petitioner’s property currently exceeds the open space requirement, he is pursuing a variation to accommodate the replacement garage as well as address the existing non-conformity.

The petitioner’s existing garage is approximately 467 square feet in area and the proposed garage will be 576 square feet. While the difference in square footage is 109 square feet, the petitioner intends to move the garage forward approximately six feet from the current location. This relocation will create an additional 92 square feet of open space. A portion of the new location is existing asphalt - therefore the actual additional covered area for the proposed garage will be 17 square feet.

The petitioner also proposes to expand the driveway that will result in an additional 91 square feet of lot coverage. The total increase in lot coverage for the new garage and driveway expansion would be 108 square feet. The total lot coverage with the proposed garage and driveway improvements would be approximately 4,210 square feet, thereby reducing the lots open space to 47%. The new garage would meet all other aspects of the zoning requirements and there are no reported flooding issues from neighboring properties.

Since the year 2000 there have been three requests for reduction of open space in single family residential districts. The Village Board of Trustees granted all of the requests. The table below shows the requests and resulting open space upon approval.

Single Family Residential Open Space Variation Requests Since 2000

Address	Request	% Open Space	Board Decision
528 S. Lalonde (ZBA 01-14)	Replacement of pool with same dimensions as previous structure.	43	Approved
112 N. Main (ZBA 02-11)	Replacement of an existing garage. The new structure increased the non-conformity by 42 square feet.	42	Approved
342 N. Martha (ZBA 02-27)	New deck addition that increased the non-conformity by 313 square feet.	46	Approved

Zoning Board of Appeals

Re: ZBA 04-09

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Given the petitioner's close working relationship with staff, staff submits the report without a recommendation to avoid any appearance of impropriety or conflicts of interest.

FINDINGS AND RECOMMENDATIONS

Based on the above considerations, the Inter-Departmental Review Committee **makes no recommendation** to the Zoning Board of Appeals regarding the requested variation.

Inter-Departmental Review Group Report Approved By:



David A. Hulseberg, AICP

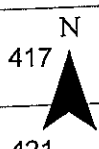
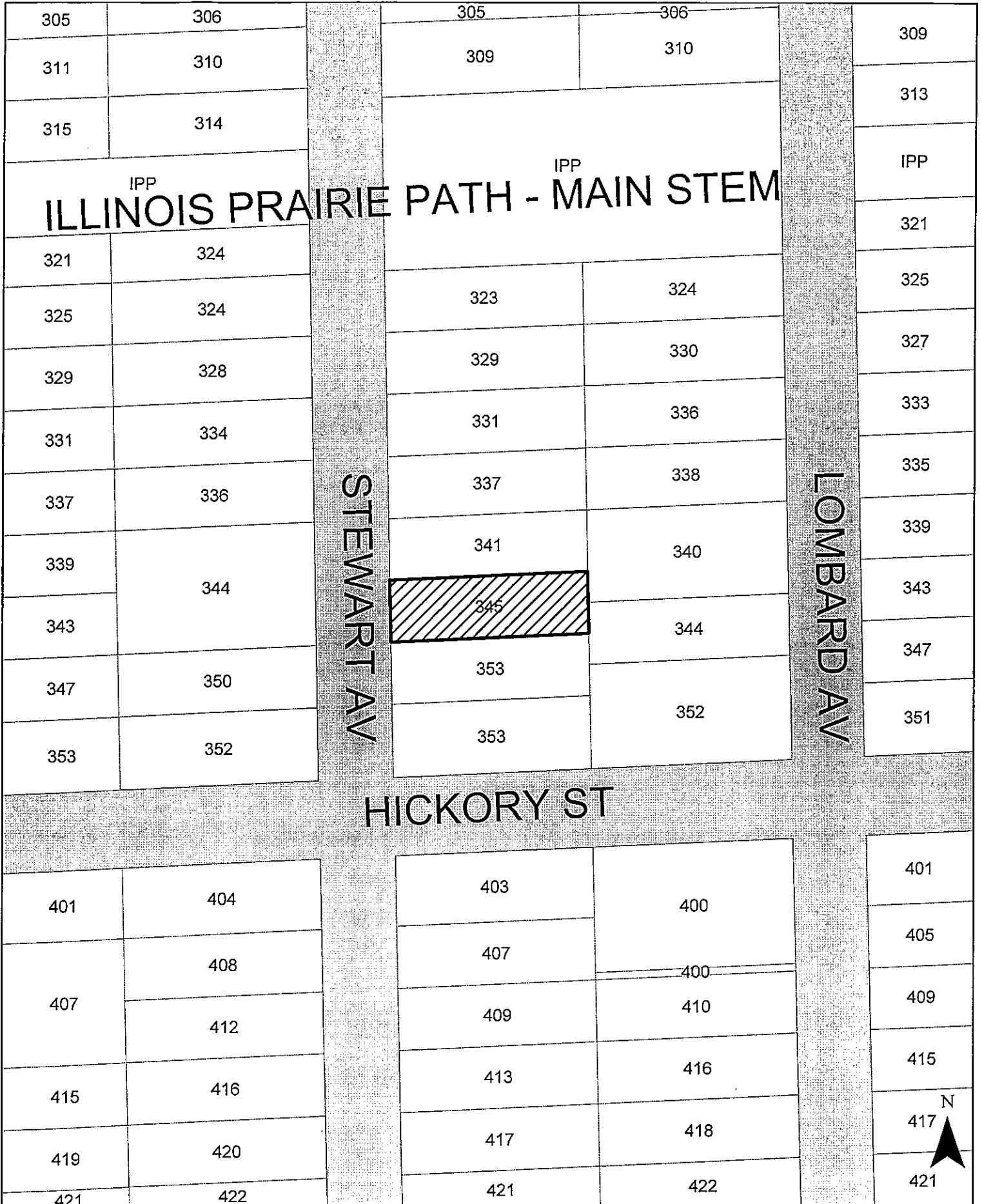
Director of Community Development

att-

c: Petitioner

Location Map

ZBA 04-09: 345 S. Stewart Avenue



July 29, 2004

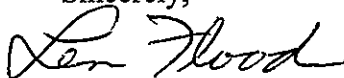
Ms. Angela Clark
Village of Lombard
255 E. Wilson Ave.
Lombard, IL 60148

Dear Angela,

I have received the letter from the Village dated July 28, 2004 advising me that the Zoning Board of Appeals has recommended approval of my variation request. I further understand that the Village Board will be considering this item at their August 19, 2004 meeting.

I have had construction of our new garage under contract since the middle of June. I understand that the building plans have been approved by BIS and that the building permit is ready to be issued pending final action on the variation request. Therefore, I respectfully request waiver first reading on the ordinance approving the variation so that I can proceed with construction as soon as possible.

Sincerely,

A handwritten signature in cursive script that reads "Len Flood".

Len Flood
345 S. Stewart Ave.
Lombard, IL 60148

ORDINANCE NO. _____

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

(ZBA 04-09: 345 S. Stewart)

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-seven (47) percent; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on July 28, 2004 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-seven (47) percent.

SECTION 2: This ordinance is limited and restricted to the property generally located at 345 S. Stewart, Lombard, Illinois, and legally described as follows:

Ordinance No. _____

Re: ZBA 04-09

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LOT 17 IN BLOCK 10 OF THE TOWER PARK SUBDIVISION AT LOMBARD, A SUBDIVISION OF PART OF THE NORTHWEST QUARTER AND THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 1, 1892 AS DOCUMENT 49334, IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-08-304-006

SECTION 3: 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 _____, 2004.

First reading waived by action of the Board of Trustees this _____ day of _____, 2004.

Passed on second reading this _____ day of _____, 2004.

Ayes: _____

Nayes: _____

Absent: _____

Approved this _____ day of _____, 2004.

William J. Mueller, Village President

ATTEST:

Barbara A. Johnson, Deputy Village Clerk