


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

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

TO: PRESIDENT AND BOARD OF TRUSTEES
FROM: William T. Lichter, Village Manager
DATE: July 12, 2005 (B of T) Date: July 21, 2005
TITLE: ZBA 05-10: 67 S. Chase
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 a variation to Section 155.210(A)(3)(b) of the Lombard Zoning Ordinance to increase the maximum allowable height of a detached accessory structure from seventeen (17) feet to seventeen point six (17.6) feet in the R2 Single-Family Residence District. (DISTRICT #5)

The Zoning Board of Appeals recommended approval of this petition.

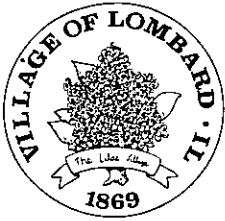
Staff is requesting a waiver of first reading.

Fiscal Impact/Funding Source:

Review (as necessary):


Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X William T. Lichter Date 7/14/05

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 

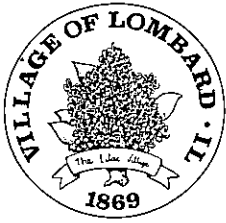
DATE: July 13, 2005

SUBJECT: ZBA 05-10: 67 S. Chase

Attached please find the following items for Village Board consideration as part of the July 21, 2005 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 05-10;
3. An Ordinance granting approval of the requested variation;
4. Elevations of the proposed structure; and
5. Plat of survey associated with the petition.

In light of the fact that there is one board meeting during August, staff requests waiver of first reading for the petition. Please contact me if you have any questions regarding the aforementioned materials.



July 13, 2005

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

Subject: ZBA 05-10; 67 S. Chase

Dear President and Trustees:

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioner requests a variation from Section 155.210(A)(3)(b) of the Lombard Zoning Ordinance to increase the maximum allowable height of a detached accessory structure from seventeen (17) feet to seventeen point six (17.6) feet in the R2 Single-Family Residence District.

The Zoning Board of Appeals conducted a public hearing on June 22, 2005. Thomas Ludlow, property owner, presented the petition. He stated that he constructed a detached garage in light of his growing family. He stated that due to a builder's error the garage exceeded the maximum height by seven inches.

Chairperson DeFalco then opened the meeting for public comment. Scott Wendell, the contractor, stated that the error was an honest mistake. He stated that there was a recent change in the measurement of garages in the Village. He stated that the approved plans did note a maximum of seventeen (17) feet. He stated that measurements are calculated five different ways depending on the locale. Mr. Wendell said that the intent of the ordinance was to keep neighborhoods uniform. He stated that he was asking for mercy since it was a mistake. He stated that they had a signed petition from neighboring properties.

David Trucano, a neighboring property owner, stated that he lives across the street from the property. He stated that the petitioner has done lots of work on the house. He stated that he did not have a problem with the requested variation. No one spoke against the petition.

Angela Clark, Planner II, presented the staff report. Ms. Clark stated the maximum garage height allowed is seventeen feet measured from grade to the highest point on the structure. She stated that the petitioner applied for and received a building permit to construct a garage that was seventeen feet in height. Ms. Clark noted that the Village Board approved a text amendment in 2004 modifying the measurement of accessory structure height. She stated that structures were previously measured according to a formulated height, thereby giving a structure slightly more height than the measured height. She stated that due to a number of concerns from both residents and trustees regarding the increasing height of structures, the text was changed to allow an overall measurement of seventeen feet. Ms. Clark stated that staff could not support the variation, as there was not a hardship present. Ms. Clark stated that the seventeen-foot requirement was identified on the permit. She stated that staff has historically recommended denial for requests that resulted from both staff and contractor errors.

Chairperson DeFalco opened the meeting for discussion among the members.

Mrs. Newman asked if staff typically indicated that the measurement of height takes place from grade. Ms. Clark stated that the maximum height is noted on the plans if measurements are close to the maximum, however the permit did not note measurement from grade. She stated that the measurement of height from grade is identified in handouts for structures.

Chairperson DeFalco read aloud the comments from the Building Department that were included in the staff report. He stated that the Village has made builders remove incorrect foundations in the past.

Mr. Bedard asked if the height could be corrected by crowning the roof. Mr. Wendell replied that because of the gable roof it could not be done without going down to the wall.

Chairperson DeFalco asked if it could be done with an A-frame. Mr. Wendell stated that it wouldn't look right. He stated that there was a water holding situation. He stated that the Village required the installation of a dry well.

Mr. Bedard asked if the garage was completely constructed. Mr. Ludlow stated that it was.

Ms. Clark stated that the error was discovered during a final inspection. She noted that previous structures were required to be removed after exceeding height requirements.

Mr. Ludlow stated that the inspector did not know the maximum height required. He stated that the inspector asked him if the permit was approved for seventeen (17) feet or for

Re: ZBA 05-10
July 13, 2005
Page 3

nineteen (19) feet. He stated that the inspector called the office and told him that it was seventeen (17).

Mr. Wendell stated that the garage was actually only one inch above the height requirement depending on where it was measured. He described the base and foundation. He noted that the permit did not indicate where the measurements would be taken.

Mr. Bedard stated that the intent of the change to the ordinance was to prohibit the large, two story garages that were being constructed in some neighborhoods.

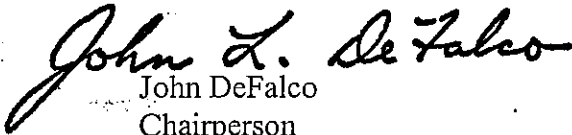
Dr. Corrado concurred with Mr. Bedard's comments. He stated that it was an honest mistake and not the intention to construct a larger garage.

After due consideration of the submitted petition and the testimony presented, the Zoning Board of Appeals submits this petition to the Corporate Authorities with a recommendation for **approval** of the requested variation.

The roll call vote was 5 to 0 to recommend approval of ZBA 05-10.

Respectfully,

VILLAGE OF LOMBARD



John DeFalco
Chairperson
Zoning Board of Appeals

att-

FIRE AND BUILDING

Garage heights have posed a problem in the past, regarding how to formulate the proper height. The current requirements are that all garages meet the new maximum height of 17'0". If the builder and/or owner cannot correctly determine the proper height of the garage and build it correctly, they should redo the framing and correct the issue.

PLANNING

In May 2004, the Village Board approved a text amendment to modify the calculation of accessory structure height. Previously, structures were permitted to be a maximum of fifteen feet in height based on a formulated mean height of the roof pitch. In essence a structure could meet the fifteen-foot requirement based on the formula for height yet would measure slightly higher if an overall height were taken. There were a number of concerns voiced by residents and trustees regarding the increasing bulk and two story garages. The approved text amendments regulated garages to a maximum height of seventeen feet when measured from grade to the highest point on the structure. As such, garages constructed prior to the amendment are considered legal nonconforming while new structures must meet the new height requirements.

The petitioner obtained a building permit for a new garage in March 2005. The permit indicated that the garage would be seventeen feet in height. The Building Department failed the garage on the final inspection for exceeding the maximum height requirement. The overall height of the garage is seventeen feet, seven inches. The petitioner states that the height was exceeded due to a contractor error.

Staff cannot support the requested variation for the following reasons. In order for a variation to be granted a hardship unique to the subject property must be demonstrated. Staff finds that a contractor error does not constitute a hardship. Historically staff has recommended denial for requests that resulted from both staff and contractor errors. Furthermore, all Standards for Variations must be met in order to grant a variation. Staff finds that the following Standards for Variations have not been met.

- 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. Staff finds that there are not any physical attributes of the subject property that would prevent the garage from meeting the height requirements.*
- 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 the subject property is comparable to other properties with the same zoning designation.*

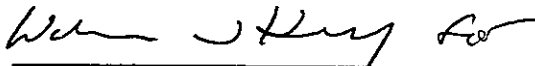
3. *The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.* Staff finds that the alleged difficulty is not caused by the ordinance, but rather a contractor error.
4. *The granting of the variation will not alter the essential character of the neighborhood.* Staff finds that granting the variation would be inconsistent with the intent of the ordinance. The ordinance was drafted to address the expressed concerns of residents and trustees who believed that the height of accessory structures was effecting the character of neighborhoods. Staff finds that granting the variation would be contradictory to that intention and would produce the opposite of the desired effect, which was to reduce the overall height of accessory structures.

FINDINGS AND RECOMMENDATIONS

The Department of Community Development has determined that the information presented **has not affirmed** the Standards for Variations for the requested relief. 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 requested variation:

Based on the submitted petition and the testimony presented, the requested height variation **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 05-10.

Inter-Departmental Review Group Report Approved By:

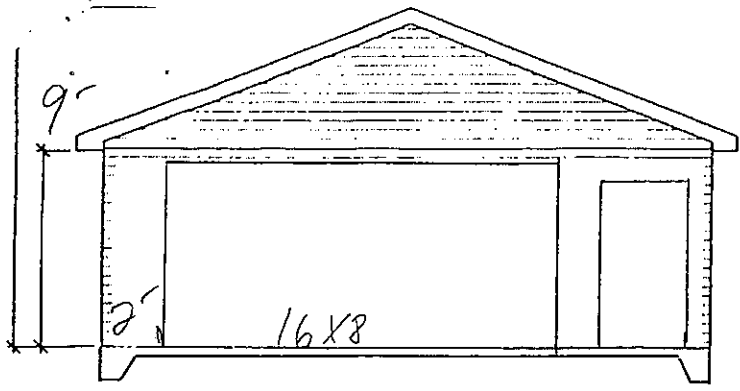


David A. Hulseberg, AICP
Director of Community Development

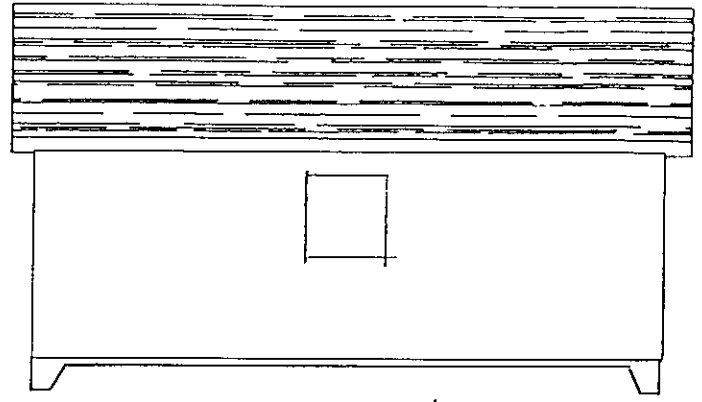
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c: Petitioner

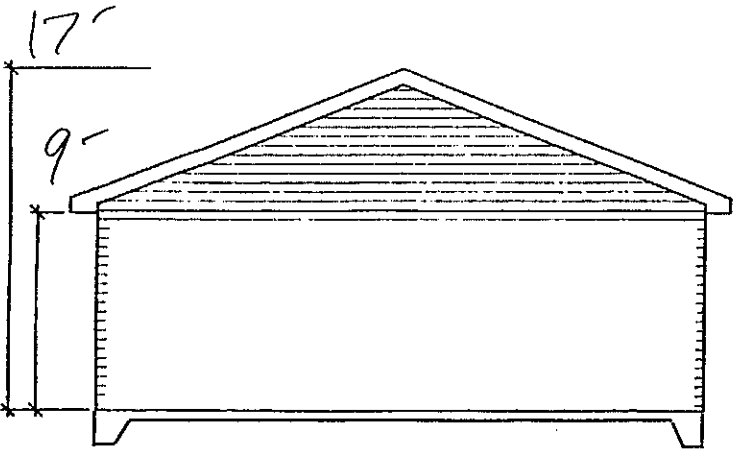
17 15 MIN. WATER MAIN



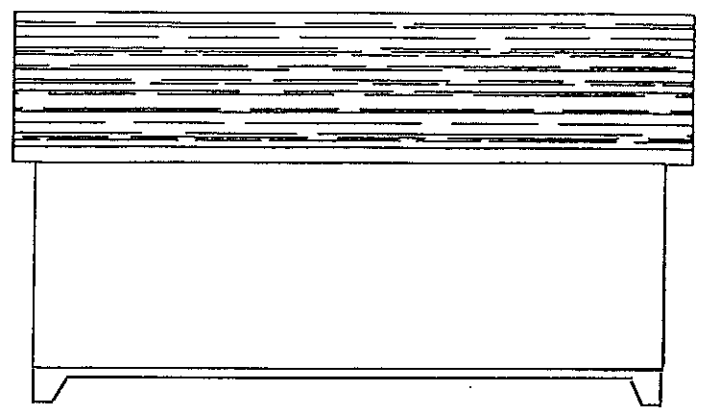
24' West Elevation Front



24' South Elevation Side

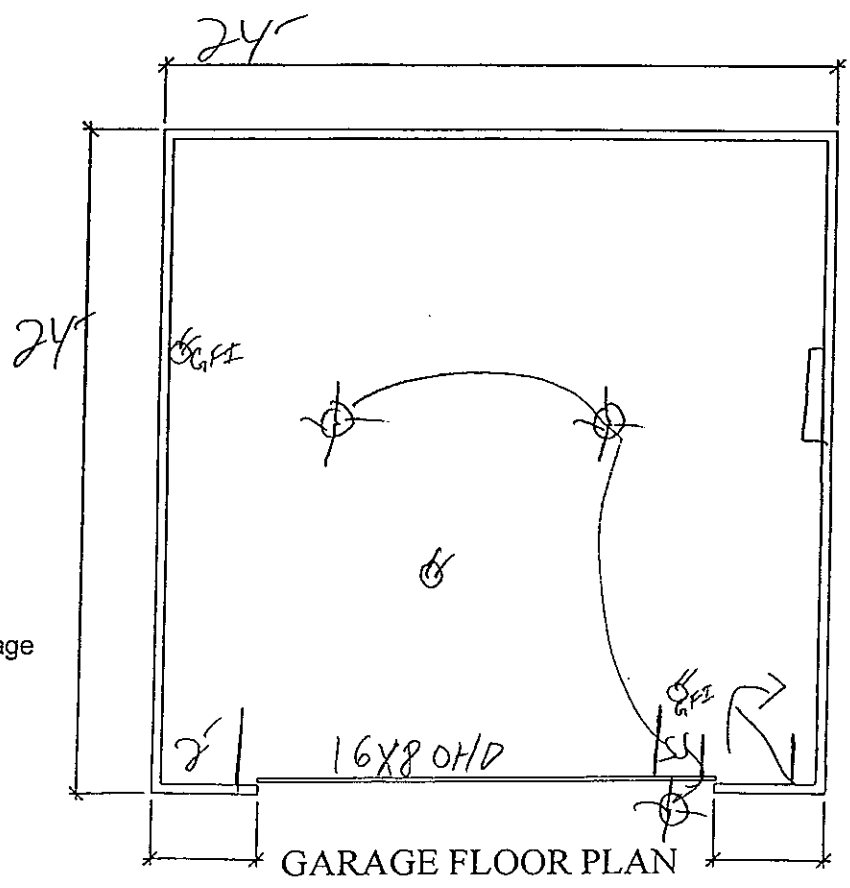


24' East Elevation Back



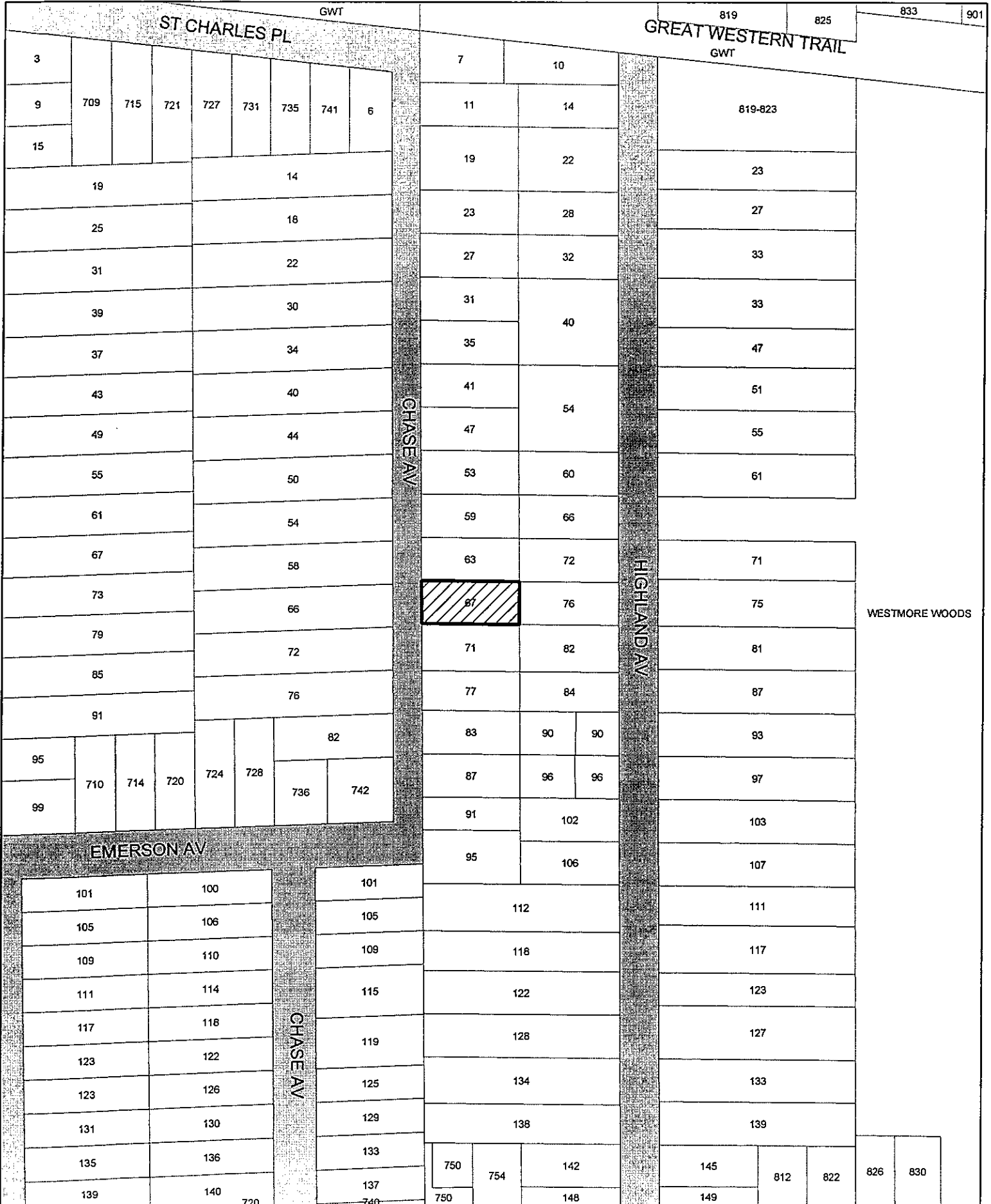
24' North Elevation Side

B 12/2 with Ground
" Deep with Rigid Pipe
trance @ House & Garage



Location Map

ZBA 05-10: 67 S. Chase



June 1, 2005

NOTICE OF PUBLIC HEARING

Dear Property Owner:

The Village of Lombard Zoning Board of Appeals hereby provides notice that a public hearing will be conducted to consider the following petition:

The petitioner requests a variation to Section 155.210(A)(3)(b) of the Lombard Zoning Ordinance to increase the maximum allowable height of a detached accessory structure from seventeen (17) feet to seventeen point six (17.6) feet in the R2 Single-Family Residence District.

The petitioner applied for and received a building permit to construct a detached garage at seventeen (17) feet in height. A contractor error resulted in the garage exceeding the maximum allowed height by seven inches.

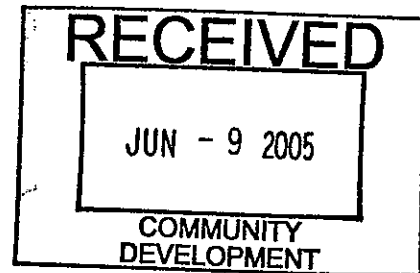
The petition is referred to as ZBA 05-10. The property is located at 67 S. Chase, Lombard, Illinois.

The public hearing to consider this petition is scheduled for:

Date: Wednesday, June 22, 2005

Time: 7:30 P.M.

Location: Lombard Village Hall
255 E. Wilson Avenue
Lombard, IL 60148



For more information, please visit or call the:

Department of Community Development
255 East Wilson Avenue
Lombard, Illinois 60148
630 620-5749 (TDD No. 630 620-5812)

All persons desiring to comment on the proposed request will be given an opportunity to do so at the public hearing. Written statements are encouraged and will be distributed to the Zoning Board of Appeals and the petitioner if received at the Village Hall, 255 E Wilson Avenue, Lombard, IL, on or before June 13, 2005. Interested parties are also encouraged to attend the public hearing. *6/7/05*

Angela Clark
Angela Clark, AICP
Planner II

ATTN: Zoning Board of Appeals

I live @ 63 S. Chase, immediately north of 67 S. Chase. I do not have a problem with the additional height of the garage.
Janice Torii

Case No. ZBA 05-10
Parcel No: 06-09-103-012

REQUEST FOR VARIENCE

Tom Ledlow
67 S. Chase
Lombard, IL, 60148

My request for variation is simple and straight forward. I ask humbly for your consideration in allowing my new detached garage to vary from the newly required maximum height of 17' to its current finished height of 18'. My request is based on the following information.

Previous to 2005 the height regulation for garages was determined by a 15' mean height calculation which resulted in garages of up to 22' tall. An honest mistake by the carpenter craftsmen led them to believe that the new 17' maximum height regulation was also a mean height calculation since that is how they had always been calculated in the past. Since my new garage was only 18' tall they mistakenly thought they were easily within compliance.

My hardship results from the time, effort and unnecessary waste to completely remove and rebuild a brand new roof only 1' below its current existing height. This represents only a 5% difference from the new requirements and would not generally be noticeable by any adjacent homeowner or neighbor.

The hardship was not created by the property owner but rather by the carpenter craftsmen and would not result in any financial gain to the homeowner. If the variation were granted, it will not create any situation detrimental to the public welfare or affect other property or improvements in the neighborhood nor will it alter the essential character of the neighborhood. In fact, hundreds of garages in town are taller than 18' and the garage will not represent an unusual or odd structure.

The proposed variation also will not impair an adequate supply of light or air to adjacent properties or increase congestion of the public streets. No property values will be adversely affected and at the request of the Village of Lombard substantial changes at considerable expense have been completed, inspected and approved to manage the natural drainage of the property so that it will not impact the neighbors. Thank you for your time and consideration.

Tom Ledlow

To the honorable trustees of the City of Lombard,

This letter is for the ease and ability of the neighbor's of Thomas and Carla Ledlow at 67 South Chase Lombard, IL 60148. We have all heard and have received letters about the height issue of their recently built garage. We each say, by signing this letter that the garage is not too high or obstructive, damaging to the neighborhood theme or to us.

1. Donna Rene 44 S. CHASE LOMBARD IL.
2. Tom Galante 60 S Chase Lombard IL
3. Marquett Ryan 53 S. Chase Lombard IL
4. Judy Seattle 47 S. Chase Lombard IL
5. Richard Mika 72 S. Chase Lombard IL.
6. Richard A. Padgett 27 S. Chase
7. Kristi M. Flory 41 S. Chase Lombard, IL.
8. Marquet Fuscant 58 S. Chase Lombard, IL.
9. Larry Hollenbeck 66 S. Chase Lombard IL
10. Spud Schreff 59 S. Chase Lombard, IL.

ORDINANCE NO. _____

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

(ZBA 05-10: 67 S. Chase)

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 155.210(A)(3)(b) of the Lombard Zoning Ordinance to increase the maximum allowable height of a detached accessory structure from seventeen (17) feet to seventeen point six (17.6) feet in the R2 Single-Family Residence District; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on June 22, 2005 pursuant to appropriate and legal notice; and,

WHEREAS, the Zoning Board of Appeals has forwarded its findings with a recommendation of approval to the Board of Trustees for the requested variation; 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 155.210(A)(3)(b) of the Lombard Zoning Ordinance for the property described in Section 2 below, so as to increase the maximum allowable height of a detached accessory structure from seventeen (17) feet to seventeen point six (17.6) feet in the R2 Single Family Residence District.

SECTION 2: This ordinance is limited and restricted to the property generally located at 67 S. Chase, Lombard, Illinois, and legally described as follows:

THE WEST 150 FEET OF THE SOUTH HALF OF LOT 32 IN ROBERTSON'S ADDITION TO "HOME ACRES" BEING A SUBDIVISION IN THE WEST ½ OF THE NORTHWEST ¼ OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL

Ordinance No. _____

Re: ZBA 05-10

Page 2

MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 16, 1909 AS DOCUMENT 96660, IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-09-103-012

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 _____, 2005.

First reading waived by action of the Board of Trustees this _____ day of _____, 2005.

Passed on second reading this _____ day of _____, 2005.

Ayes: _____

Nayes: _____

Absent: _____

Approved this _____ day of _____, 2005.

William J. Mueller, Village President

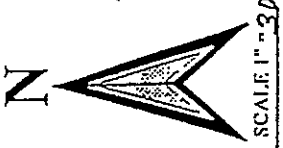
ATTEST:

Barbara A. Johnson, Deputy Village Clerk

Associated Surveying Services, P.C.

P.O. Box 810 Bolingbrook, IL 60440
PH (630) 759-0205 FAX (630) 759-9291

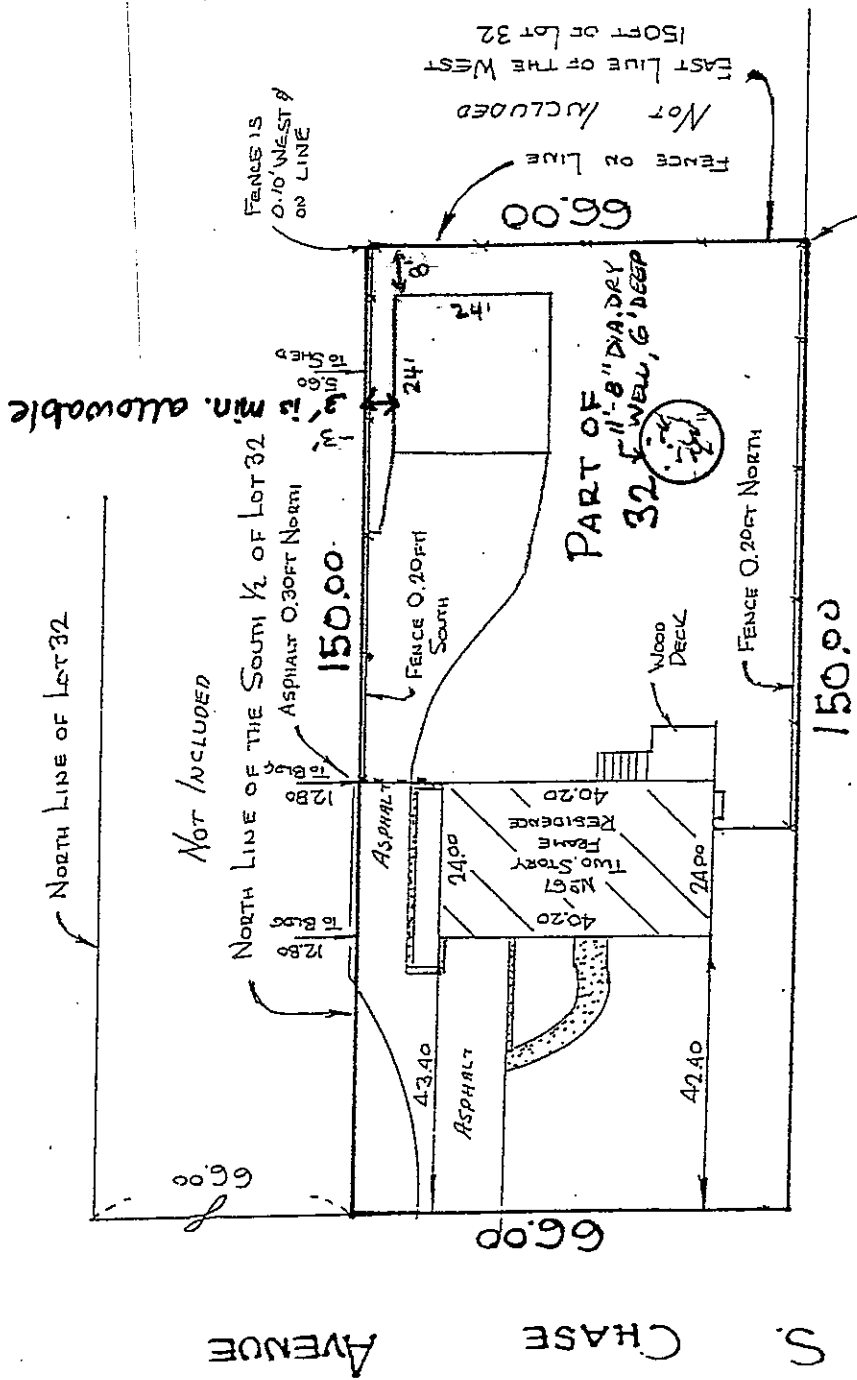
PLAT OF SURVEY



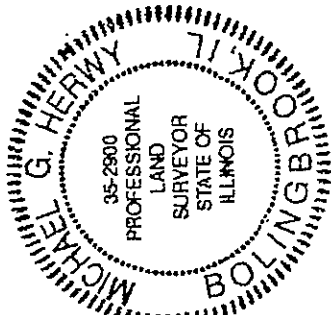
THE WEST 150 FEET OF THE SOUTH HALF OF LOT 32 IN ROBERTSON'S ADDITION TO "HOME ACRES", BEING A SUBDIVISION IN THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 16, 1909 AS DOCUMENT 96660, IN DUPAGE COUNTY, ILLINOIS.

MUST MAINTAIN FOUR FEET (4') SEPERATION BETWEEN BUILDINGS / STRUCTURES.

PERMANENT STRUCTURES OR BUILDINGS ARE NOT PERMITTED WITHIN PUBLIC EASEMENTS



PLEASE REFER TO PROPERTY COVENANTS PRIOR TO CONSTRUCTING SITE IMPROVEMENTS



IRON PIPES FOUND AT ALL CORNERS

A 6-foot deep, 11'-8" diameter dry well must be installed prior to start on the garage superstructure. Garage downspouts, if any, shall discharge into the well. It is recommended that the house downspouts and sump pump also discharge into the well. Call 620-5749 for an inspection once the well is excavated and lined with geotextile.

State of Illinois }
County of Will } SS

I, Michael G. Herwy, an Illinois Professional Land Surveyor, do hereby certify that I have surveyed the parcel of land hereon described and that the Plat hereon drawn is a correct representation of said survey.

Dated, this 26th day of JUNE, A.D., 2007, at Bolingbrook, Illinois.

Michael G. Herwy
Illinois Professional Land Surveyor No. 35-2900

CLIENT YACOVACCI

JOB No. 51062-01

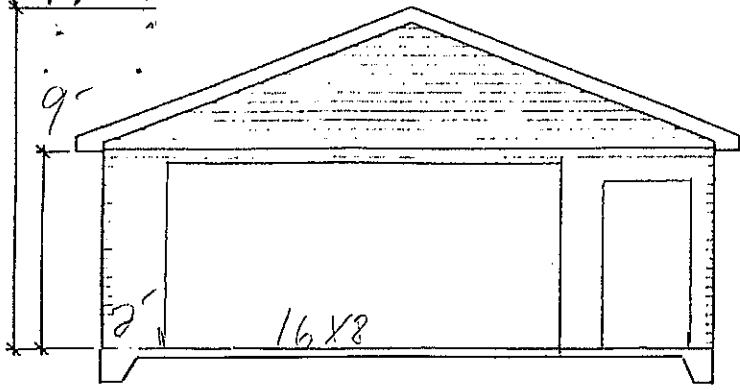
Private Engineering
APPROVED
Date: 3/31/05
By: [Signature]

COMMUNITY DEVELOPMENT
PLANNING SERVICES DIVISION
APPROVED 3/29/05

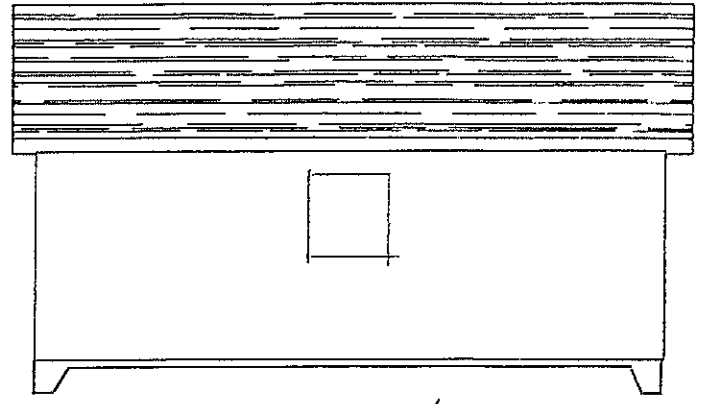
BY MMK
FOR Garage

For Building Lines, Easements and Other Restrictions not shown hereon refer to your Deed, Title Policy, Ordinance, etc.

*17'7"

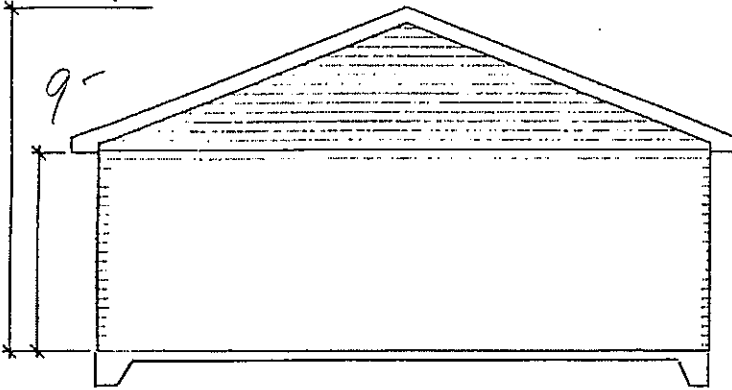


24' West Elevation Front

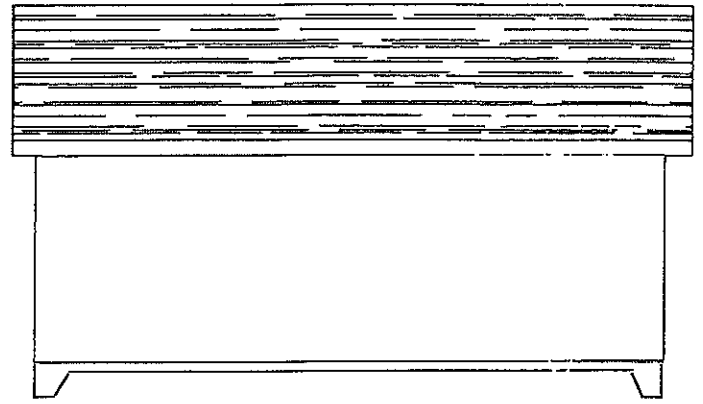


24' South Elevation Side

*17'7"

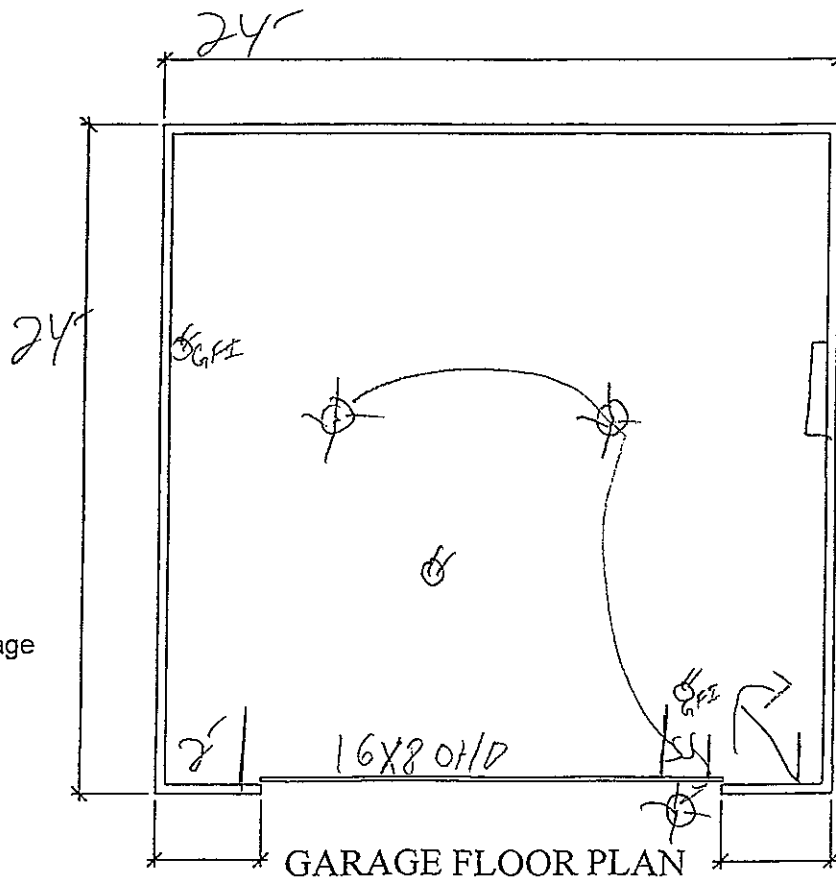


24' East Elevation Back



24' North Elevation Side

UFB 12/2 with Ground
18" Deep with Rigid Pipe
Entrance @ House & Garage



GARAGE FLOOR PLAN

