

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

  X   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: Scott R. Niehaus, Village Manager

DATE: September 23, 2014 (B of T) Date: October 2, 2014

TITLE: ZBA 14-09; 317 N. Main Street

SUBMITTED BY: Department of Community Development *WA*

BACKGROUND/POLICY IMPLICATIONS:

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioner requests that the Village grant a variation from Section 155.407 (F)(3) of the Lombard Zoning Ordinance to allow an attached garage to encroach three feet (3') into the required six feet (6') interior side yard setback of the subject property, within the R2 Single-Family Residence District. (DISTRICT #4)

The Zoning Board of Appeals recommended approval of this petition by a vote of 5-0.

The petitioner requests a waiver of first reading of the Ordinance.

Fiscal Impact/Funding Source:

Review (as necessary):  
Village Attorney X \_\_\_\_\_ Date \_\_\_\_\_  
Finance Director X \_\_\_\_\_ Date \_\_\_\_\_  
Village Manager X \_\_\_\_\_ Date \_\_\_\_\_

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:** Scott R. Niehaus, Village Manager

**FROM:** William J. Heniff, AICP, Director of Community Development *WJH*

**DATE:** October 2, 2014

**SUBJECT: ZBA 14-09; 317 N. Main Street**

Please find the following items for Village Board consideration as part of the October 2, 2014 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 14-09;
3. A Memorandum dated September 3, 2014, staff requesting a fifth condition of approval;
4. An Ordinance granting approval of a requested variation;
5. Supporting documentation (plans, response to standards, pictures, etc.) associated with the petition; and

The Zoning Board of Appeals recommended approval of this petition by a vote of 5-0. Please place this petition on the October 2, 2014 Board of Trustees consent agenda. The petitioner requests a waiver of first reading of the Ordinance.



## VILLAGE OF LOMBARD

255 E. Wilson Ave.  
Lombard, Illinois 60148-3926  
(630) 620-5700 Fax (630) 620-8222  
www.villageoflombard.org

October 2, 2014

**Village President**  
Keith T. Giagnorio

**Village Clerk**  
Sharon Kuderna

**Trustees**  
Dan Whittington, Dist. 1  
Michael A. Fugiel, Dist. 2  
Reid Foltyniewicz, Dist. 3  
Peter Breen, Dist. 4  
Laura A. Fitzpatrick, Dist. 5  
William "Bill" Ware, Dist. 6

**Village Manager**  
Scott R. Niehaus

*"Our shared Vision for Lombard is a community of excellence exemplified by its government working together with residents and businesses 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."*

Mr. Keith Giagnorio  
Village President, and  
Board of Trustees  
Village of Lombard

**Subject: ZBA 14-09; 317 N. Main Street**

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 grant a variation from Section 155.407 (F)(3) of the Lombard Zoning Ordinance to allow an attached garage to encroach three feet (3') into the required six feet (6') interior side yard setback of the subject property, within the R2 Single-Family Residence District.

The Zoning Board of Appeals conducted a public hearing on September 3, 2014.

Mr. Al Gorr presented the petition stating he has three daughters that live in Lombard. When he and his wife moved to Lombard they found the perfect house, but it had a one-car garage. They hired an architect to draw plans for a new two-car garage that would keep with the character of the house and neighborhood. The backyard isn't a suitable place for a new garage. Therefore they are asking for a variance to allow the garage to encroach three (3) feet.

Chairperson DeFalco questioned if there was anyone present to speak in favor of or against the petition. Hearing none, staff was asked for their presentation.

Tami Urish, Planner I, stated that the IDRC report and staff memo are to be entered into the public record in their entirety. The staff memo adds a fifth condition that "In the event that the principal structure on the subject property is damaged or destroyed to fifty-percent (50%) of its value, the new structure shall meet the required side yard setback". Ms. Urish said staff supports the petition due to the unique shape of the lot and precedence in recent years to grant such a variance. Since 2007, there has been one case each year for a similar variance.

Chairman DeFalco then opened the meeting for discussion by the ZBA members.

Mr. Tap said that Exhibit C and D look the same and questioned if the only difference was a different façade option. Mr. Gorr said yes, the layout is the same.

Chairman DeFalco said he drove by the property and noted that the neighbor's driveway is approximately eight (8) to ten (10) feet away and there is also a fence and trees dividing the property. He felt it met the intent of the setback.

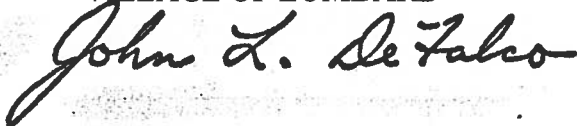
Mr. Tap said the sight lines were clear.

A motion was made by Dr. Corrado, seconded by Mr. Tap, that the Zoning Board of Appeals recommends the side yard setback variation for approval by a vote of 5 to 0 to the Village Board, subject to the five conditions:

1. The petitioner shall provide an updated plat of survey.
2. The subject property shall be developed in substantial conformance with the plans submitted by the petitioner and prepared by B.L.R Architects, dated July 24, 2014.
3. The petitioner shall apply for and receive a building permit for the proposed plans.
4. Such approval shall become null and void unless work thereon is substantially under way within 12 months of the date of issuance, unless extended by the Board of Trustees prior to the expiration of the ordinance granting the variation.
5. In the event that the principal structure on the subject property is damaged or destroyed to fifty-percent (50%) of its value, the new structure shall meet the required side yard setback.

Respectfully,

VILLAGE OF LOMBARD



John DeFalco  
Chairperson  
Zoning Board of Appeals



**AUGUST 27, 2014**

**Title**

ZBA 14-09

**Petitioner**

Al and Georgene Gorr  
317 N. Main Street  
Lombard, IL 60148

**Property Owner**

Al and Georgene Gorr  
317 N. Main Street  
Lombard, IL 60148

**Property Location**

317 N. Main Street  
(06-05-300-009)

Trustee District #4

**Zoning**

R2 Residential Single Family

**Existing Land Use**

Residential Single Family

**Comprehensive Plan**

Low Density Residential

**Approval Sought**

A variation to allow an attached garage to encroach three (3) feet into the required six (6) foot interior side yard setback

**Prepared By**

Tami Urish  
Planner I



**LOCATION MAP**

**PROJECT DESCRIPTION**

The petitioner is proposing to construct an attached two car garage in front of the existing attached one car garage and four season room. The size of the proposed attached garage is six hundred and twenty-five (625) square feet; twenty-five (25) feet by twenty-five (25) feet.

**APPROVAL(S) REQUIRED**

The petitioner requests that the Village grant a variation from Section 155.407(F)(3) of the Lombard Zoning Ordinance to allow an attached garage to encroach three (3) feet into the required six (6) foot interior side yard setback for the subject property located within the R2 Single-Family Residence District.

**EXISTING CONDITIONS**

The property contains a one-story frame and brick single family residence. The front property line is located along Main Street. The home was constructed prior to 1967. The lot was subdivided in 1868 with a unique configuration (See Exhibit A, attached). Instead of the lot being a standard rectangular shape, the lot is two rectangles conjoined with the 75 feet by 100 feet section to the front and the 33 feet by 121 feet section to the rear creating an "L" shape. The home is situated 146 feet from the rear property line for the northern 33 feet width of the lot and 24 feet from the rear property line for the southern 42 feet width of the lot.

## PROJECT STATS

### Lot & Bulk

Parcel Size:	11,493 sq. ft.
Building Size:	1085 sq. ft.
Lot Cover:	30%

### Reqd. Setbacks & Existing Dimensions (in parens.)

Front (West)	30' (51')
Side (North)	6' (7.3')
Side (South)	6' (3')
	35' (146'
Rear (East)	north; 24'
	south half)

### Surrounding Zoning & Land Use Compatibility

North, East, South and West:  
R-2; Single Family Residential

### Submittals

1. Petition for Public Hearing
2. Response to Standards.
3. Plat of Survey, ARS Surveying Service LLC, dated 5/29/14; submitted 7/29/14. (Requires lot of record update per Section 155.220.)\*
4. Proposed Design Plan, with a variation dated 7/24/14; without a variation dated 7/22/14 by B.L.R Architects; submitted 7/29/14.
5. Existing conditions; street and site plan view photos submitted by petitioner on 7/29/14.

## INTER-DEPARTMENTAL REVIEW

### Building Division:

A full review will be conducted during the building permit review process.

### Fire Department:

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

### Private Engineering Services:

The Private Engineering Services (PES) Division had comments and questions on the project. PES asked if the driveway will be left as is and what will happen to the portion of the driveway between the garage addition and the property line. PES also asked if the driveway will be widened to the maximum allowance at the property line of twenty (20) feet and if the apron would also be widened.

Staff spoke with the petitioner who responded that there are no current plans to widen the driveway and apron. They plan to leave the current concrete walk between the existing garage and lot line as is and continue that walk between the new garage and lot line.

PES will conduct a full review of the plans during the building permit process with particular attention to drainage concern of the walk located less than 5 feet from the property line along the proposed garage.

### Public Works:

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

### Planning Services Division:

The subject property was constructed with the principal structure situated three feet from the southern interior side property line prior to 1967. The petitioner proposes to follow the existing line of the house three feet from the property line with the proposed addition of the attached garage. The petitioner indicated that other options such as constructing a detached garage in the rear yard with the existing attached garage being removed and replaced with an extension to the drive were considered. This option was determined not to be viable due to the turning radius required to maneuver a car at two right angles and the additional lot coverage of lengthening the driveway.



Interior Side Yard Setback

Obstructions are not permitted within side yards due to the close proximity to the adjacent properties. As such, the petitioner's request to construct an attached garage requires that the new garage meet the six (6) foot interior side yard setback or that a variation be granted. A variation may only be granted if there is a demonstrated hardship that distinguishes the subject property from all other properties in the area.

The principal structure is estimated to be over 50 years old. The building permit for the house could not be found on file with the Village. The structure when built was not placed squarely on the subject property. In order to comply with the current Zoning Ordinance, the attached garage would have to be located six (6) feet to the north of the south property line. This plan (see Figure 1) would impact the interior layout of conjoining the existing attached garage in tandem with the proposed attached garage. It would be difficult to maneuver a car around the existing three foot existing exterior wall from the new portion of the garage with a car parked in the northern bay of the proposed attached two car garage.

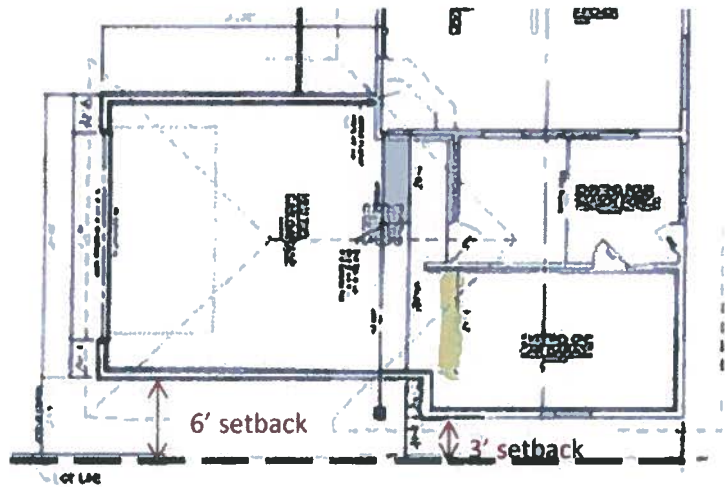


Figure 1

To be granted a variation the petitioners must show that they have affirmed each of the "Standards for Variation" outlined in Section 155.210 (A) (2) (a). Not all of the following standards have been affirmed but consideration of the circumstances for items a., b., d. and e. must be examined in further detail:

- a. *That because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner has been shown, as distinguished from a mere inconvenience if the strict letter of the regulations were to be applied.*

Staff finds that the petitioner's lot does have unique physical limitations and the placement of the existing structures on the property does limit the owner from meeting the intent of the ordinance. The principal structure was constructed prior to current yard setback provisions.

- b. *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 properties within the same zoning classification.*

Staff finds that the shape of the lot (see Exhibit A, attached) and the location of the structure set back approximately fifty feet (forty-nine feet from the northwest corner of the house and fifty-one feet from the southwest corner of the house) from the front property line on the subject property are unique. The design and layout of the petitioner's property is not typical of R2 Single Family Residential lot in the Village and the surrounding neighborhood.

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

This standard is affirmed.

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

Staff finds that the hardship has not been caused by the ordinance and has instead been created by the petitioner's need to replace a legal nonconforming detached garage. Staff finds that the hardship for this variation is due to the location of the principal structure in relation to the interior side yard setback.

e. *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.*

Staff finds that granting the request would not be injurious to neighboring properties.

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

This standard is affirmed.

g. *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*

This standard is affirmed.

## **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 side yard setback variation to allow an attached garage:

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 adopt that the findings included as part of the Inter-departmental Review Report as the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **approval** of ZBA 14-09; subject to the following conditions:

1. The petitioner shall provide an updated plat of survey.
2. The subject property shall be developed in substantial conformance with the plans submitted by the petitioner and prepared by B.L.R Architects, dated July 24, 2014.



3. The petitioner shall apply for and receive a building permit for the proposed plans.
4. Such approval shall become null and void unless work thereon is substantially under way within 12 months of the date of issuance, unless extended by the Board of Trustees prior to the expiration of the ordinance granting the variation.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP  
Director of Community Development

c. Petitioner

**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.

*The irregular property shape prohibits building additional garage space anywhere but in front of the existing garage. If the new garage is set 6 feet from the property line, it narrows the entrance into the existing garage space to 7' 9.875" which prevents car entry into the existing garage space(See Plans Without Variation).*

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.

*This property shape is not only irregular, but is unique to this property. This variation would not be applicable to other residential properties, as most lots accommodate garages in multiple locations of the lot.*

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

*The purpose of this variation is based solely on the desire of the homeowner to increase garage space.*

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 hardship has not been created by the property owners or anyone having an interest in 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.

*The granting of the variation will not be detrimental to the public welfare. It will not be injurious to other property or improvements in the neighborhood.*

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

*As seen from Google street view, the granting of the variation will add an updated façade to the house with a new garage and large front porch. Granting this variation will not only update the 1950s ranch but will help the home match more closely the character of the neighborhood of larger two-story homes.*

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 proposed variation will not impair an adequate supply of light and air to adjacent property. There is a large amount of space (over 25 ft.) between the property's lot line and the adjacent property's attached garage (See Google Earth picture). Also, as mentioned before, a granted variation will allow for updating the façade of the current home which should have a positive impact on property values within the neighborhood.*



**ADDITIONAL EXHIBITS SUBMITTED BY THE PETITIONER:**

**EXHIBIT B - PLAT OF SURVEY**

**EXHIBIT C - PROPOSED PLANS WITH A VARIATION**

**EXHIBIT D - PROPOSED PLANS WITHOUT A VARIATION**

**EXHIBIT E - EXISTING CONDITIONS, STREET VIEW**

**EXHIBIT F - EXISTING CONDITIONS, SITE PLAN VIEW**





## MEMORANDUM

September 3, 2014

**TO:** John De Falco, Chairman  
Members of the Zoning Board of Appeals

**FROM:** Tami Urish, Planner I

**SUBJECT: ZBA 14-09; 317 N. Main Street**

During the preparation of the staff report for ZBA 14-09, a standard condition for recommended approval in the Findings and Recommendations section was inadvertently omitted. If ZBA 14-09 is recommended for approval, please consider adding item number 5 below to the list of conditions:

1. The petitioner shall provide an updated plat of survey.
2. The subject property shall be developed in substantial conformance with the plans submitted by the petitioner and prepared by B.L.R Architects, dated July 24, 2014.
3. The petitioner shall apply for and receive a building permit for the proposed plans.
4. Such approval shall become null and void unless work thereon is substantially under way within 12 months of the date of issuance, unless extended by the Board of Trustees prior to the expiration of the ordinance granting the variation.
5. *In the event that the principal structure on the subject property is damaged or destroyed to fifty-percent (50%) of its value, the new structure shall meet the required side yard setback.*

If ZBA 14-09 is recommended for approval, the above list of conditions can be transferred to the proposed ordinance for the Board of Trustees consideration.

## Nowakowski, Tamara

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**From:** Urish, Tami  
**Sent:** Thursday, September 18, 2014 3:25 PM  
**To:** Nowakowski, Tamara  
**Subject:** FW: Board of Trustee Meeting, October 2

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**From:** Bonnie Flanagan [<mailto:mrsflanagan@sbcglobal.net>]

**Sent:** Wednesday, September 10, 2014 6:13 AM

**To:** Urish, Tami

**Subject:** Re: Board of Trustee Meeting, October 2

Good Morning, Tami,

My parents are confident they will be beginning the construction process as soon as their construction plans are ready, and WOULD like to waive the first reading at the October 2nd meeting.

Thank you so much for your help along this entire process,

Bonnie Flanagan

On Tuesday, September 9, 2014 11:26 AM, "Urish, Tami" <[UrishT@villageoflombard.org](mailto:UrishT@villageoflombard.org)> wrote:

The Board of Trustees next meeting scheduled for September 18 has been cancelled. Therefore your petition will be heard on October 2, 2014. It will be on the consent agenda and you can request a waiver of first reading so it will only be heard once by replying to this email. If you have no plans to start the project until 2015, you may consider not requesting a waiver if you believe the project will not be substantially underway by October 2, 2015 to avoid a time extension. The second reading will extend your 1 year time period by two weeks (to October 16, 2015). It is totally up to you, there is no additional cost associated with a time extension request but there is the risk of not getting approval for a time extension.

Sincerely,  
Tami Urish  
Planner I  
Village of Lombard  
Community Development Department  
255 East Wilson Avenue, Lombard, IL 60148  
630-620-5967, [urisht@villageoflombard.org](mailto:urisht@villageoflombard.org)

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**From:** Urish, Tami  
**Sent:** Wednesday, September 03, 2014 1:45 PM  
**To:** Bonnie Flanagan ([mrsflanagan@sbcglobal.net](mailto:mrsflanagan@sbcglobal.net)); 'dad@gorrfamily.net'  
**Subject:** Zoning Board of Appeals Meeting Tonight

The Zoning Board of Appeals will convene tonight at 7:30 p.m. to hear your petition. A representative is required to attend in order to present the petition. A two minute explanation is sufficient or longer to emphasize your hardship.

**ORDINANCE NO. \_\_\_\_\_**

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

**(ZBA 14-09; 317 N. Main Street)**

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 Section 155.407(F)(3) of the Lombard Zoning Ordinance to reduce the interior side yard setback to three (3) feet where six (6) feet is required; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on September 3, 2014 pursuant to appropriate and legal notice; and,

WHEREAS, the Zoning Board of Appeals has forwarded its findings to the Board of Trustees with a recommendation of approval 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.

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 155.407(F)(3) of the Lombard Zoning Ordinance to reduce the interior side yard setback to three (3) feet where six (6) feet is required.

**SECTION 2:** This ordinance shall be granted subject to compliance with the following conditions:

1. The petitioner shall provide an updated plat of survey.
2. The subject property shall be developed in substantial conformance with the plans submitted by the petitioner and prepared by B.L.R Architects, dated July 24, 2014.

Ordinance No. \_\_\_\_\_

Re: ZBA 14-09

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- 3. The petitioner shall apply for and receive a building permit for the proposed plans.
- 4. Such approval shall become null and void unless work thereon is substantially under way within 12 months of the date of issuance, unless extended by the Board of Trustees prior to the expiration of the ordinance granting the variation.
- 5. In the event that the principal structure on the subject property is damaged or destroyed to fifty-percent (50%) of its value, the new structure shall meet the required side yard setback.

**SECTION 3:** This ordinance is limited and restricted to the property generally located at 317 N. Main Street, Lombard, Illinois, and legally described as follows:

LOT 1, BEING A RESUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-05-300-009

**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 \_\_\_\_\_, 2014.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2014

\_\_\_\_\_  
Keith Giagnorio, Village President



Ordinance No. \_\_\_\_\_

Re: ZBA 14-09

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ATTEST:

\_\_\_\_\_  
Sharon Kuderna, Village Clerk

Published by me this \_\_\_\_\_ day of \_\_\_\_\_, 2014

\_\_\_\_\_  
Sharon Kuderna, Village Clerk