

January 4, 2007

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

Subject: ZBA 06-27; 506 W. Maple Street.

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 one of the following sets of actions on the subject property located within the R2 Single-Family Residence District:

1. Relating to a detached accessory structure:
 - a. A variation from Section 155.210 (A) (3) (a) of the Lombard Zoning Ordinance to allow the height of a detached accessory structure to exceed the height of the principal structure; and
 - b. A variation from Section 155.210 (A) (3) (b) of the Lombard Zoning Ordinance to allow the vertical distance from the average grade to the highest point on the roof for a detached accessory structure to measure twenty-three (23) feet where a maximum of seventeen (17) feet is permitted;

OR in the alternative:

2. Relating to a principal structure:
 - a. A variation from Section 155.406 (F) (3) of the Lombard Zoning Ordinance to allow a principal building to be located three (3) feet from an interior side property line where a minimum setback of six (6) feet is required; and
 - b. A variation from Section 155.406 (F) (4) of the Lombard Zoning Ordinance to allow a principal building to be located three (3) feet from a rear property line where a minimum setback of thirty-five (35) feet is required.

The Zoning Board of Appeals conducted a public hearing on December 13, 2006. Ava Vaughn, owner of the subject property, presented the petition. She stated that

her property is unique in that it borders the railroad. She noted that she would like to replace the demolished garage at approximately the same location. She mentioned that her house is a 1926 Sears Craftsman Bungalow with limited storage space, and they would like to construct a larger garage for additional storage space. She noted that they do not intend to use the garage for a business occupation or a second dwelling unit. She stated that they would like the garage to mirror the design of the house by incorporating a dormer. She also mentioned that the timeline in the staff report did not include the inspection they had on October 31st. She noted that there was a misperception in that they thought it was alright to proceed with the revised plans. She also mentioned that she would be willing to reduce the garage height to twenty (20) feet to bring it closer to code. She noted that she doesn't really care whether the garage is attached or detached. Her main concern is the height.

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

Michelle Kulikowski, Planner I, presented the staff report. She stated that the petitioner wishes to construct a garage located three (3) feet from the rear property line and three feet (3) feet from the side property line with an overall roof height of twenty-three (23) feet. She noted the two proposed options for constructing the garage and the variations that were needed with each option.

Ms. Kulikowski mentioned that the petitioner received a permit for a detached garage approximately fifteen (15) feet in height to be located three (3) feet from the side property line and three (3) feet from the rear property line. She noted that the driveway access to the garage would be from the rear of the subject property. She explained that the plat of survey submitted with the petition denotes a 30 foot alley right-of-way to the rear of the subject property. She noted that the alley is unimproved and remains as grass. She stated that adjacent to the alley is Glen Oaks Road which is actually located within the railroad right-of-way. She mentioned that the driveway apron is off of Glen Oaks Road and the driveway crosses the alley to the rear of the subject property. Ms. Kulikowski noted that after receiving the building permit the petitioner decided that they would like to revise the garage plan to build a taller garage, and the timeline relating to the revised plans is noted in the Building Department's comments.

Ms. Kulikowski stated that staff does not find a substantial hardship related to the subject property that warrants any of the requested variations. She noted that the petitioner can construct a two-car detached garage that would not require any zoning relief. She mentioned that the hardship is a personal preference for the proposed design for a taller garage.

Ms. Kulikowski noted that the detached garage height restrictions have been uniformly applied throughout the Village, and the intent of the garage height restrictions is to make detached garages clearly subordinate to the principal single-family residence. She also noted that they help

ensure that secondary uses on the property such as business occupations and second residences are not being created within the Single Family Residential District.

Ms. Kulikowski explained that the current height restrictions for detached garages were established in 2004 (PC 04-12) after concerns were raised about the overall height of detached garages and the formula used to determine the maximum height permitted. She noted that the maximum height was fifteen (15) feet. However, the definition of building height in the Zoning Ordinance states that the calculation of the building height is determined by the mean height for pitched-roofs. She mentioned that roof pitches could be manipulated to allow for a two-story garage that would meet the fifteen (15) foot calculated building height limitation. She stated that the 2004 text amendment limited the overall height for detached garages measured from average grade to the highest point of the roof to seventeen (17) feet.

Ms. Kulikowski stated that the first option for a detached garage with a height of twenty-three (23) feet is inconsistent with the intent of the ordinance, especially considering that the principal structure is only one story. She noted that a variation is also needed for the garage height and to allow the garage to be taller than the principal structure, which would not make the proposed garage to appear ancillary to the residence. She mentioned that attached garages are considered part of the principal structure and therefore do not have the seventeen (17) foot overall height limitation. She stated that with the second option, the garage would technically be considered attached, but it would appear to be detached. She mentioned that the three (3) foot walkway covered by the pergola would be the only visible connection to the principal structure. She stated that staff is not supportive of any setback relief that is needed for a plan that attempts to circumvent the height restrictions within the ordinance.

Ms. Kulikowski introduced Keith Steiskal and Ted Klioris from the Building Department. She noted that they will answer any questions that the Zoning Board of Appeals members may have.

Chairperson DeFalco opened the meeting for discussion among the members.

Chairperson DeFalco stated that he had already asked staff about the clear line of sight regulations for through lots. He noted that staff explained that code would not require a clear line of sight area for the subject property.

Mr. Young asked how far the garage was from the street. Jennifer Backensto, Planner II, noted the distance from the rear property line to the sidewalk and from the sidewalk to the curb of Glen Oak Road.

Chairperson DeFalco asked if the alley was Village property. Ms. Kulikowski stated it was Village right-of-way. Mr. Bedard asked if Glen Oak Road was a County street or a Village street. Ms. Backensto stated it was a Village street.

Mr. Young confirmed that the reason they considered attaching the garage was to avoid the height restrictions for detached garage. He asked whether the petitioner was aware of the setback requirements.

Chairperson DeFalco noted that the Building Department's timeline stated that she asked about the type of attachment needed for an attached garage. He asked whether the petitioner inquired about any other restrictions associated with the revised plans. Mrs. Vaughn noted that they asked what they could do to achieve a taller height. Chairperson DeFalco stated that they wanted to go around the regulation on a technicality. Mrs. Vaughn stated that they wanted to know how they could be within the rules and still get what they wanted.

Mr. Young referenced the room next to the parking area for the hot tub. Mrs. Vaughn indicated that they plan to use that as a three-season room.

Chairperson DeFalco stated that the parking area was approximately 24 feet by 24 feet and the three-season room was approximately twelve (12) feet by twenty-four (24) feet. He noted that the proposed garage appears to be closer to the rear property line than the previous garage shown on the plat of survey. Mrs. Vaughn stated that the new garage is bigger in every direction and she thought that it would be approximately 18" closer to the rear property line.

Mr. Young noted that the petitioner was willing to revise the plan to reduce the garage height to twenty (20) feet.

Chairperson DeFalco noted that there have been petitions in the past where the structure was built and didn't meet code, and the Zoning Board of Appeals had made the petitioners tear off the roof and bring it into compliance.

Chairperson DeFalco noted that the petitioner was proposing two options. He asked whether the Zoning Board of Appeals members whether they had any thoughts regarding the attached option versus the detached option.

Mr. Bedard stated that he preferred the detached option with a roof height of twenty (20) feet.

Chairperson DeFalco asked whether there was a hardship.

Mr. Bedard stated that he didn't feel that there was a hardship, but he felt that the garage height restrictions were established to minimize the impact on lots that are back to back. He said he didn't see a problem with a twenty (20) foot garage in this circumstance because there isn't a neighbor to the rear and the garage would help screen the railroad.

Mr. Bedard made a motion to deny the variations associated with option two to construct an attached garage. The motion was seconded by Mr. Young. The motion passed by a roll call vote of 5 to 0.

Chairperson DeFalco asked for further discussion as to whether there is a hardship associated with the first option to construct a detached garage.

Mr. Bedard noted that there isn't a property owner to the rear that would be encumbered by a taller garage. He also mentioned that the reasoning for the height restriction is applicable in this circumstance.

Mr. Young stated that there isn't a hardship in this case but he agreed that there was a unique situation with the property backing up to the railroad. He noted that the garage would shield the railroad and serve as a sound barrier.

Mrs. Newman noted that the garage height would affect the neighbors on the side.

Mr. Young noted the orientation of the adjacent corner lot. He stated that the rear of the residence abuts the side yard on the subject property.

Mrs. Vaughn also noted that the adjacent corner lot is heavily wooded.

Chairperson DeFalco asked Keith Steiskal and Ted Klioris with the Building Department about room height for 2nd story garages.

Keith Steiskal stated that with a height of seventeen (17) feet there is only enough room to crawl on the second story. He noted that you can get more room if dormers are added, but a person can't really stand up.

Ted Klioris noted that most garages are built with cross-ties, which limits the weight that can be stored above. He stated that solid structural members would be needed to increase the amount of weight that can be stored above.

After due consideration of the submitted petition and the testimony presented for ZBA 06-27, a motion was made by Mr. Bedard to approve the variations associated with option 1 to construct a detached garage with the conditions limiting the garage height to twenty (20) feet and limiting to the existing residence. The motion was seconded by Mr. Young. The result of the roll call vote was 3 to 2. However, that was not sufficient for a recommendation to the Board. The reverse motion was made by Mrs. Newman and seconded by Mr. Polley. The result of the roll call vote was 3 to 2. As such, the ZBA forwards no recommendation relative to the requested relief for a detached garage.

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The ZBA then noted on the requested relief associated with option 2 pertaining to relief from the principal building requirements. The ZBA voted 5-0 to forward a recommendation for denial of the variations associated with option two to construct an attached garage.

Respectfully,

VILLAGE OF LOMBARD

John DeFalco
Chairperson
Zoning Board of Appeals