

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES
FROM: David A. Hulseberg, Village Manager
DATE: November 22, 2011 (BOT) Date: December 1, 2011
TITLE: DuPage County Case Z11-055 – 21 W 174 Hemstead Road
SUBMITTED BY: Department of Community Development *MS*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation relative to the above-mentioned petition. The Plan Commission recommends that a Resolution of Objection be adopted by the Corporate Authorities pertaining to variations to the DuPage County Zoning Ordinance for the property at 21W174 Hemstead Road.

Please place this item on the December 1, 2011 Board of Trustees agenda.

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: David A. Hulseberg, Village Manager

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

DATE: December 1, 2011

SUBJECT: DuPage County Public Hearing Z11-055 - Adolfo

DuPage County has received a public hearing filing for variations associated with a detached garage on an unincorporated property located at 21W174 Hemstead Rd. As the subject property is located within the ultimate municipal boundaries of the Village of Lombard, the Village has received notice of the public hearing from the County and has been asked to provide comments or concerns regarding this petition.

On November 21, 2011, staff presented this case to the Plan Commission to solicit their input. In their deliberations, the Lombard Plan Commission found that the petition is inconsistent with the Village's established codes and ordinances of the Village of Lombard. As such, the Plan Commission unanimously recommended that the Lombard Village Board adopt a Resolution of Objection for Z11-055, to be forwarded to the County Board before the subject case is presented before them.



VILLAGE OF LOMBARD

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

December 1, 2011

Village President
William J. Mueller

Village Clerk
Brigitte O'Brien

Trustees
Greg Alan Gron, Dist. 1
Keith T. Giagnorio, Dist. 2
Zachary C. Wilson, Dist. 3
Peter Breen, Dist. 4
Laura A. Fitzpatrick, Dist. 5
William "Bill" Ware, Dist. 6

Village Manager
David A. Hulseberg

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

Subject: DuPage County Public Hearing Z11-055 Adolfo (21W174 Hemstead Rd.)

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced case under review by DuPage County.

Michael Toth, Planner I, presented the petition. DuPage County has received a public hearing filing for variations associated with a detached garage on an unincorporated property located at 21W174 Hemstead Rd. As the subject property is located within the ultimate municipal boundaries of the Village of Lombard, the Village has received notice of the public hearing from the County and has been asked to provide comments or concerns regarding this petition.

Staff would like to solicit the input and a recommendation of the Plan Commission regarding this petition. Staff has informed the County that this matter is being brought forward to the Plan Commission and the Village Board for consideration.

Section 155.210 (A)(2)(a) of the Lombard Zoning Ordinance states that no accessory building shall be located in a required front and/or corner side yard. In addition, Section 155.210 (A)(2)(b) also requires accessory buildings to be located behind the front wall of the principal building that is nearest to the front lot line.

The following table illustrates the DuPage County and Village of Lombard yard requirements for accessory buildings in contrast with the proposed setbacks:

	DuPage County	Lombard	Proposed Setback
Corner Side Yard	30'	20'	20'
Front Yard	30'	Average (30' minimum)	21.40'

Table 1

Under the current property configuration, the proposed detached garage would be placed in front of the front line of the principal structure, in the required front yard. As the proposed garage would be located twenty (20) feet from the corner side yard property line, the garage meets the Village of Lombard corner side yard setback requirements. However, as Table 1 illustrates, the County Zoning Ordinance requires a thirty (30) foot corner side yard setback. As such, variations are required for the corner side yard setback, placement in front of the principal structure and the front yard setback.

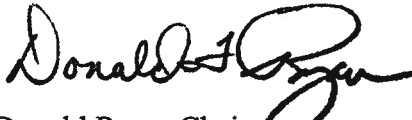
Staff finds that the petitioner's property does not have physical surroundings, shape, or topographical features that differ substantially from other corner lots in the neighborhood as to be demonstrative of a hardship. It is staff's opinion that the garage could be attached to the principal structure in a fashion that would not warrant the need for a variation, under the Lombard Zoning Ordinance provisions.

Chairperson Ryan then opened the meeting for comments among the Commissioners. The Commissioners had no comments.

On a motion made by Commissioner Burke and seconded by Commissioner Flint, the Plan Commission recommended by a roll call vote of 6 to 0, that the Board of Trustees adopt a Resolution of Objection for DuPage County ZBA Case Z11-055.

Respectfully,

VILLAGE OF LOMBARD



Donald Ryan, Chairperson
Lombard Plan Commission

c. Lombard Plan Commission



MEMORANDUM

TO: LOMBARD PLAN COMMISSION
Donald Ryan, Plan Commission Chairperson

FROM: Michael S. Toth, Planner *M.S.T.*

DATE: November 21, 2011

SUBJECT: DuPage County Public Hearing Z11-055 Adolfo - Village of Lombard Comments

BACKGROUND

DuPage County has received a public hearing filing for variations associated with a detached garage on an unincorporated property located at 21W174 Hemstead Rd. As the subject property is located within the ultimate municipal boundaries of the Village of Lombard, the Village has received notice of the public hearing from the County and has been asked to provide comments or concerns regarding this petition.

Staff would like to solicit the input and a recommendation of the Plan Commission regarding this petition. Staff has informed the County that this matter is being brought forward to the Plan Commission and the Village Board for consideration.

ANALYSIS

Section 155.210 (A)(2)(a) of the Lombard Zoning Ordinance states that no accessory building shall be located in a required front and/or corner side yard. In addition, Section 155.210 (A)(2)(b) also requires accessory buildings to be located behind the front wall of the principal building that is nearest to the front lot line.

The following table illustrates the DuPage County and Village of Lombard yard requirements for accessory buildings in contrast with the proposed setbacks:

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SUMMARY OF FINDINGS

Staff finds that the petitioner's property does not have physical surroundings, shape, or topographical features that differ substantially from other corner lots in the neighborhood as to be demonstrative of a hardship. It is staff's opinion that the garage could be attached to the principal structure in a fashion that would not warrant the need for a variation, under the Lombard Zoning Ordinance provisions.

RECOMMENDATION

Based upon this review, the petition would be inconsistent with established Village Codes and would create adverse impact on neighboring properties. Therefore, staff recommends that the Plan Commission make the following motion regarding the petition:

Based upon a review of the petition submitted to DuPage County, the Plan Commission finds that the petition is inconsistent with the established codes and ordinances of the Village of Lombard. Therefore, the Plan Commission recommends that the Village Board adopt a Resolution of Objection for DuPage County ZBA Case Z11-055.



DU PAGE COUNTY ZONING BOARD OF APPEALS

JACK T. KNUEPFER ADMINISTRATION BUILDING

421 NORTH COUNTY FARM ROAD, WHEATON, ILLINOIS 60187/ 630-407-6700/630-407-6702 (fax)

Zoning Petition Z11-055 Adolfo

Please review the information herein and return with your comments to: Paul Lauricella, DuPage County Department of Economic Development & Planning, 421 North County Farm Road, Wheaton, Illinois 60187 or via email at Paul.Lauricella@dupageco.org , or via facsimile at 630-407-6702 by November 9, 2011.

COMMENT SECTION:	
<input type="checkbox"/>	: NO OBJECTION/CONCERNS WITH THE PETITION.
<input type="checkbox"/>	: NO OBJECTION/CONCERNS WITH THE CONCEPT OF THE PETITION. ADDITIONAL INFORMATION MAY BE REQUIRED AT TIME OF PERMIT APPLICATION.
<input type="checkbox"/>	: I CAN NOT COMMENT AT THIS TIME. ADDITIONAL INFORMATION REQUIRED.
<input checked="" type="checkbox"/>	: I OBJECT/ HAVE CONCERNS WITH THE PETITION.
COMMENTS:	<i>See attached letter</i>
SIGNATURE:	DATE: <i>11/3/11</i>
MUNICIPALITY/TOWNSHIP/AGENCY/DEPARTMENT: <i>Lombard</i>	

GENERAL ZONING CASE INFORMATION		
CASE #/PETITIONER	Z11-055 Adolfo	
OWNER	Joseph Adolfo, 21W174 Hemstead Rd., Lombard, IL 60148	
ADDRESS/LOCATION	21W174 Hemstead Rd., Lombard, IL 60148	
PUBLICATION DATE	Daily Herald:	October 26, 2011
ZONING REQUEST	1. Variation to allow accessory structure (a new detached garage) in front of principal structure. (Sec. 37-704.1). 2. Variation to reduce west corner side yard setback from 30 ft. to approximately 20 ft. for a new detached garage. (Sec. 37-704.1) 3. Variation to reduce front yard setback from 30 ft. to approximately 21.4 ft. for a new detached garage. (Sec. 37-704.4)	
PIN/TWSP./ COUNTY BOARD DIST.	05-25-212-012	Milton Township/District 4
ZONING/LUP	R-4 Single Family Res.	0-5 DU/AC
AREA/ UTILITIES	11,868 sq. ft. (.27 Acres)	Water and Sewer
PUBLIC HEARING	November 10, 2011, 6:00 p.m.	

PLEASE NOTE: FILING OF THIS FORM DOES NOT SUBSTITUTE FOR A FORMAL OBJECTION PURSUANT TO THE ILLINOIS STATE STATUTES.



DU PAGE COUNTY ZONING BOARD OF APPEALS
JACK T. KNUEPFER ADMINISTRATION BUILDING
421 NORTH COUNTY FARM ROAD WHEATON, ILLINOIS 60187/ 630-407-6700

Zoning Petition Z11-055 Adolfo

The DuPage County Zoning Board of Appeals will conduct the following public hearing:

PUBLIC HEARING: 6:00 p.m., November 10, 2011. Room 3500-B, JACK T. KNUEPFER ADMINISTRATION BUILDING 421 NORTH COUNTY FARM ROAD WHEATON, ILLINOIS 60187

PETITIONER: Joseph Adolfo, 21W174 Hemstead Rd., Lombard, IL 60148

REQUEST:

1. Variation to allow accessory structure (a new detached garage) in front of principal structure. (Sec. 37-704.1).
2. Variation to reduce west corner side yard setback from 30 ft. to approximately 20 ft. for a new detached garage. (Sec. 37-704.1)
3. Variation to reduce front yard setback from 30 ft. to approximately 21.4 ft. for a new detached garage. (Sec. 37-704.4)

ADDRESS OR GENERAL LOCATION: 21W174 Hemstead Rd., Lombard, IL 60148

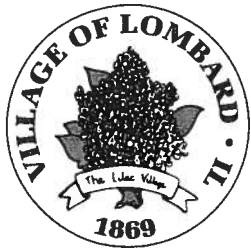
LEGAL DESCRIPTION:

LOT 1 IN BLOCK 19 IN BUTTERFIELD UNIT NUMBER 5, BEING A SUBDIVISION IN SECTION 25, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 29, 1963, AS DOCUMENT R63-17077, IN DUPAGE COUNTY, ILLINOIS.

Respectfully Submitted,
ROBERT J. KARTHOLL, CHAIRMAN,
DUPAGE COUNTY ZONING BOARD OF APPEALS

Notice of this hearing is being sent to property owners within 300 feet of the subject property and as one of them you are invited to attend the meeting and comment on the petition. A sketch or drawing of the petitioner's request is included for your review. If you have any questions, please contact the Zoning Division at (630) 407-6700.

Please be advised that access to the 421 JACK T. KNUEPFER ADMINISTRATION BUILDING is limited to the main entrance located in the center on the east side of the building.



VILLAGE OF LOMBARD

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

October 31, 2011

Village President
William J. Mueller

Village Clerk
Brigitte O'Brien

Trustees
Greg Alan Gron, Dist. 1
Keith T. Giagnorio, Dist. 2
Zachary C. Wilson, Dist. 3
Peter Breen, Dist. 4
Laura A. Fitzpatrick, Dist. 5
William "Bill" Ware, Dist. 6

Village Manager
David A. Hulseberg

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Paul Lauricella
DuPage County Dept. of Economic Development & Planning
421 North County Farm Road
Wheaton, Illinois 60187

RE: DuPage County Public Hearing Z11-055 Adolfo - Village of Lombard Comments

Dear Mr. Lauricella:

In anticipation of the upcoming public hearing regarding ZBA Case Z11-055 Adolfo, this letter serves as notice that the Village of Lombard objects to the front yard setback variation and the variation to allow an accessory structure to be placed in front of the principal structure, which are both associated with the proposed detached garage for the property located at 21W174 Hemstead Rd., Lombard, IL. Formal consideration and/or action regarding the variations may be taken by the Lombard Village Board at a later date.

In order to ensure that our comments are included as part of the public hearing proceedings, Village staff is transmitting these comments to your attention at this time. These concerns include, but are not necessarily limited to, the following:

Detached Garage Variations

Staff notes that Section 155.210 (A)(2)(a) of the Lombard Zoning Ordinance states that no accessory building shall be located in a required front yard. In addition, Section 155.210 (A)(2)(b) also requires accessory buildings to be located behind the front wall of the principal building that is nearest to the front lot line. The submitted plans illustrate that the proposed garage is located twenty (20) feet from the western property line. Staff notes that the corner side yard setback in the R2 – Single-family District is twenty (20) feet. As such, the proposed garage meets the Village of Lombard corner side yard setback requirement.

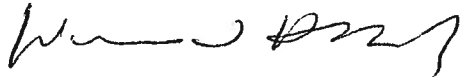
Furthermore, staff finds that the petitioner's property does not have physical surroundings, shape, or topographical features that differ substantially from other corner lots in the neighborhood as to be demonstrative of a hardship. It is staff's opinion that the garage could be attached to the principal structure in a

fashion that would not warrant the need for a variation, under the Lombard Zoning Ordinance provisions.

Staff will be presenting this case to the Village of Lombard Plan Commission at their regularly scheduled meeting on November 21, 2011 and will solicit additional input. In the interim, please include this letter as part of the case file and advise the DuPage County Zoning Board of Appeals of the Village's position with respect to this matter.

Respectfully,

VILLAGE OF LOMBARD
Department of Community Development

A handwritten signature in black ink, appearing to read "William J. Heniff". The signature is fluid and cursive, with a prominent initial "W" and a long, sweeping underline.

William J. Heniff, AICP
Director of Community Development

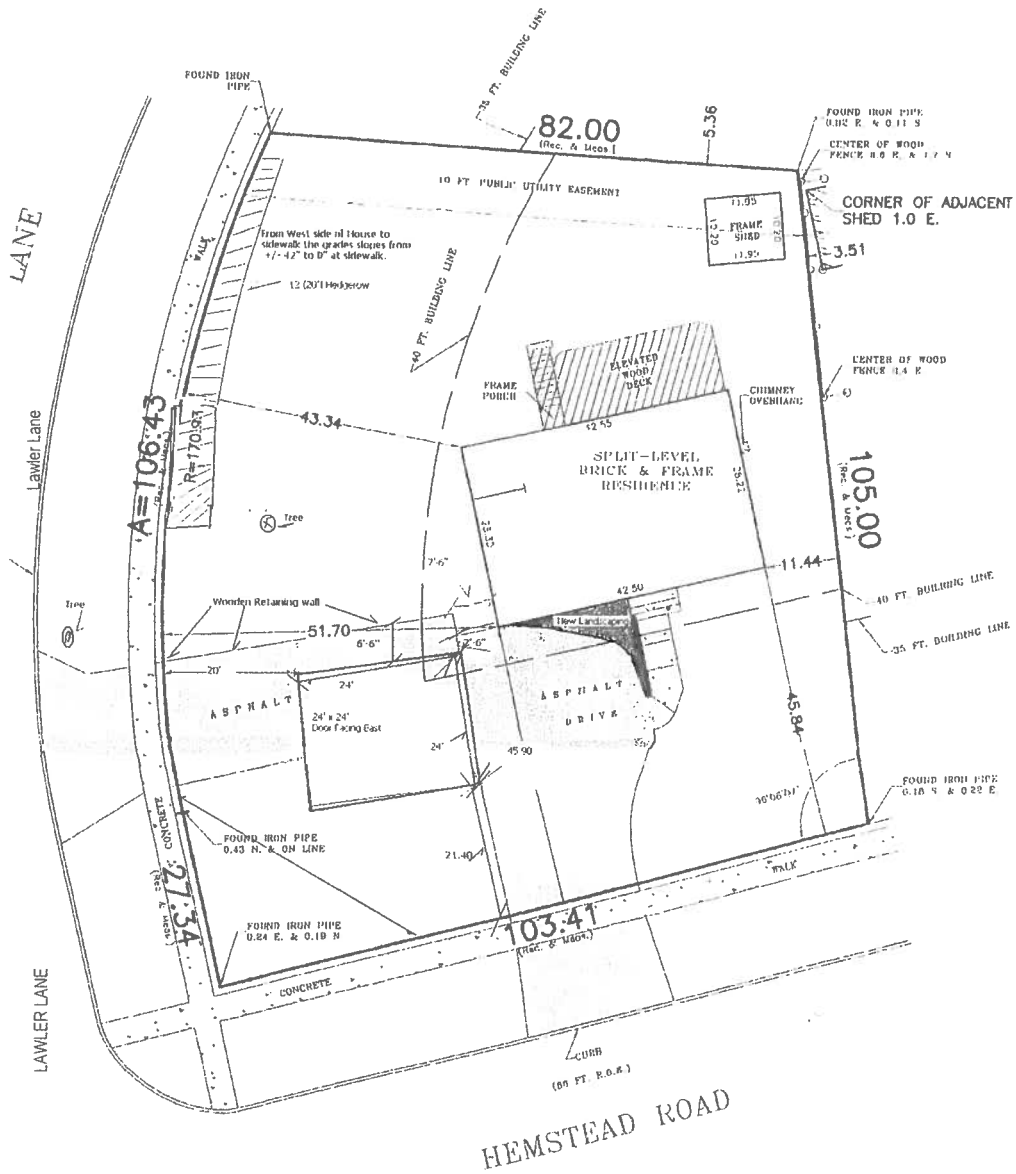
PLAT OF SURVEY

of

LOT 1 IN BLOCK 19 IN HUNTERFIELD UNIT NUMBER 5, BEING A SUBDIVISION IN SECTION 25, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 29, 1963, AS DOCUMENT R63-17077, IN DuPAGE COUNTY, ILLINOIS.



ADDRESS: 21 W 174 HEMSTEAD ROAD, LOMBARD, ILLINOIS



GENERAL NOTES:

- AS BEEN PROVIDED BY THE CLIENT OR THEIR AGENT.
- BUILDING LINES AND EASEMENTS AS INDICATED BY THE JOBS NOT SHOW ANY RESTRICTIONS ESTABLISHED BY SUPPLIED BY THE CLIENT.
- THIS SURVEY IS AS THE NORTH ARROW INDICATES, AND IS UNLESS OTHERWISE INDICATED, THE RELATIONSHIP OF THE BOUNDARY LINES.
- ON THIS SURVEY, REPRESENT THE TRUE CORNERS OF THE PROPERTY.
- THESE DIMENSIONS MAY BE EXAGGERATED FOR CLARITY, NO DIMENSIONS TO BE TAKEN FROM THE INFORMATION SHOWN HEREON.
- THE ORIGINAL SIGNATURE AND SEAL ARE OFFICIAL LEGAL INSTRUMENTS. THIS SURVEY IS COPYRIGHTED MATERIALS WITH ALL RIGHTS RESERVED.

Survey Registration #184-002785

RED SURVEY, INC.

118 STREET, BRIDGEVIEW, IL, 60455

458-7845 / Fax 708-468-7855

www.psisurvey.com

07/21/11 FLD CREW: AMZ/RS



STATE OF ILLINOIS)
COUNTY OF COOK) S.S.

SURVEY ORDERED BY: BRIAN J. O'HARA

I, JOSEPH P. MAIKISCH, AS AN EMPLOYEE OF PREFERRED SURVEY INC., DO HEREBY STATE THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARD FOR A SURVEYING SERVICE. PROPERTY CORNERS HAVE BEEN SET OR NOT IN ACCORDANCE WITH CLIENT AGREEMENT. DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF AND ARE CORRECTED TO A TEMPERATURE OF 68 DEGREES FAHRENHEIT.

GIVEN UNDER MY HAND AND SEAL THIS 25th DAY OF JULY

MAIKISCH
No. 118
BRIDGEVIEW
ILLINOIS

MY LICENSE EXPIRES ON 07/21/11

RESOLUTION NO. _____ 12

**A RESOLUTION OF OBJECTION
TO A REQUEST FOR VARIATIONS ASSOCIATED WITH A DETACHED GARAGE
FOR THE PROPERTY LOCATED AT 21W174 HEMSTEAD RD.,
IN UNINCORPORATED DU PAGE COUNTY**

WHEREAS, the Corporate Authorities of the Village of Lombard have been advised that DuPage County is considering variations associated with a detached garage on an unincorporated property located at 21W174 Hemstead Rd., DuPage County, Case Number Z11-055; and,

WHEREAS, the subject property is currently zoned R-4 Single Family Residence District as designated within the DuPage County Zoning Ordinance; and

WHEREAS, the subject property is located within one and one-half mile of the Village of Lombard's corporate limits and is therefore within the Village of Lombard's planning jurisdiction pursuant to 65 ILCS 5/7-4-1; and

WHEREAS, the property owner desires to erect a new detached garage on the subject property; and

WHEREAS, the Corporate Authorities find that the petition is inconsistent with the established codes and ordinances of the Village of Lombard, in the following respects:

1. The proposed detached accessory structure's proposed location within the front yard is inconsistent with the Village's Comprehensive Plan for the subject property. The Village's Comprehensive Plan identifies the subject property for Low Density Residential use. The Plan also states that "the existing visual and environmental character of Lombard's various residential neighborhoods should be preserved and enhanced." The petitioner's proposal to encroach into a requisite yard would be inconsistent with the overall provisions and objectives expressed in the Comprehensive Plan as it would be contrary to intent of the Ordinance.\
2. The relief would be inconsistent with DuPage County's and the Village's prohibition of detached accessory garages in front of the front wall of the principal residence.
3. The relief would be inconsistent with the development patterns of neighboring properties.

Resolution No. _____
DuPage County Case Z11-055
Page 2

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That the DuPage County Board be and hereby is notified of the opposition of the Corporate Authorities of the Village of Lombard to the granting of the action requested in ZBA Case Z11-055.

Adopted this ____ day of _____, 2011.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____, day of _____, 2011.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk