

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

  X   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:** Scott Niehaus, Village Manager

**DATE :** May 4, 2018 (BOT) Date: May 17, 2018

**SUBJECT:** ZBA 18-01: 342 S. Stewart Avenue

**SUBMITTED BY:** William J. Heniff, AICP, Director of Community Development 

**BACKGROUND/POLICY IMPLICATIONS:**

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 permitted height of an accessory structure (garage) from seventeen feet (17') to nineteen feet, seven inches (19'7") in the R2 Single-Family Residence District.

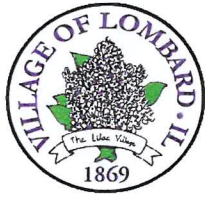
The Zoning Board of Appeals recommended for this petition for approval by a vote of 3-1. However, the motion failed as it did not carry four votes. A motion for a recommendation for denial was made, but it did not have a second. Therefore the petition goes to the Village Board with no recommendation.

Please place this petition on the May 17, 2018 Board of Trustees agenda under Items for Separate Action. The petitioner requests a waiver of first reading of the Ordinance, as well as a motion to waive applicable public hearing fees.

**Fiscal Impact/Funding Source:**


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

**MEETING DATE:** May 17, 2018

**SUBJECT:** **ZBA 18-01; 342 S. Stewart Avenue**

Please find the following items for Village Board consideration as part of the May 17, 2018 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 18-01;
3. An Ordinance granting approval of the requested variation; and
4. Supporting documentation (plans, response to standards, pictures, etc.) associated with the petition.

The Zoning Board of Appeals recommended for this petition for approval by a vote of 3-1. However, the motion failed as it did not carry four votes. A motion for a recommendation for denial was made, but it did not have a second. Therefore the petition goes to the Village Board with no recommendation.

Please place this petition on the May 17, 2018 Board of Trustees agenda under Items for Separate Action. The petitioner requests a waiver of first reading of the Ordinance.



## VILLAGE OF LOMBARD

255 E. Wilson Ave.  
Lombard, Illinois 60148-3926  
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[www.villageoflombard.org](http://www.villageoflombard.org)

May 17, 2018

**Village President**  
Keith T. Giagnorio

**Village Clerk**  
Sharon Kuderna

**Trustees**  
Dan Whittington, Dist. 1  
Michael A. Fugiel, Dist. 2  
Reid Foltyniewicz, Dist. 3  
Bill T. Johnston, Dist. 4  
Robyn Pike, 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 18-01; 342 S. Stewart Avenue**

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 permitted height of an accessory structure (garage) from seventeen feet (17') to nineteen feet, seven inches (19'7") in the R2 Single-Family Residence District.

The Zoning Board of Appeals conducted a public hearing on April 25, 2018.

Robert Mueller, the petitioner and staff were sworn in by Chairperson DeFalco to offer testimony and present the request. Mr. Mueller stated that he had obtained a permit from the Village and assumed it was approved as submitted. He requests a variance for the height of the garage as it is built and almost complete. Also, the garage was built lower at eighteen feet, ten inches (18'10") than the plans called out for the sake of being careful not to exceed the height as drawn.

Chairperson DeFalco asked if anyone present wanted to speak in favor of or against the petition. Chairperson DeFalco swore in Greg Leston, 343 and 347 S. Craig Place. Mr. Leston stated that he is not in support of the request. He stated that he has issues with the staff report. He does not believe that a fifty foot (50') wide lot is unique and that most of Lombard is made up of fifty foot (50') wide lots. He does understand the view of the garage from the street is hidden however both of his properties back up to the subject property and the garage drastically effects his view. If all of the garages on the block were built that high it would create a feeling of being closed in. Mr. Leston also stated that there is not an economic hardship as the builder should have been notified that the garage did not meet code when it was reviewed by staff. Approving this variance would set a bad precedence Village wide with taller garages.

Chairperson DeFalco asked if anyone else would like to speak for or against the petition, hearing none he asked for the staff report.

Tami Urish, Planner I, presented the staff report, which was entered into the record in its entirety. She noted that the request was sought due to a staff error. She believes that in her experience that the majority of lots in the Village are sixty foot (60') wide or more but could research that if necessary. Staff found that the narrowness of the lot resulted in a house design that appears to have a steeper roof line. The detached garage was designed to be compatible to the house. In addition, if the garage was located three feet (3') from the rear property line instead of twenty-four feet (24') and built at a height of seventeen feet (17') per code, it would impact the abutting property greater than the subject garage. Also, two garages within the immediate neighborhood were found to be twenty feet (20') in height in order to complement the associated houses. They were built prior to the text amendment that provided provisions for the highest point of an accessory structure. The impact on the neighborhood appears to be minimal. As such, staff recommends approval of the request.

Chairperson DeFalco then opened the meeting for discussion among the ZBA members. Chairperson DeFalco identified the subject property and the property to the south of it as having an element of largess within the neighborhood. He asked the petitioner if the roof line can be modified to reduce the height. Mr. Mueller stated that he and his carpenter have studied the roof and found that the entire roof would have to be rebuilt due to the design and modifying the roof was not an option. Chairperson DeFalco stated that financial aspects cannot be considered for a variance.

Chairperson DeFalco asked staff how this mistake was made. Ms. Urish responded that she reviewed the plans of the house in August 2017 and had overlooked the portion pertaining to the detached garage in the set of plans. Mr. DeFalco asked staff if the fee for the petition was waved. Ms. Urish responded that a request was made by the petitioner to the Board as staff cannot wave fees. Chairperson DeFalco stated that the Zoning Board of Appeals should recommend to the Board the waiver of fees.

Mr. Bedard asked if staff has adjusted their review process to prevent future errors. Ms. Urish responded that the checklist used by planners for plan reviews was updated to include detached garage height as a line item.

Mr. Bartels asked what the lot coverage was for the lot since it seemed possible that it was over the allowed 50% lot coverage. Chairperson DeFalco responded that the lot coverage is in the staff report on the second page in the purple column. The staff report indicated 47% lot coverage. Mr. Bartels asked staff if this included the garage and the house. Ms. Urish responded that the lot coverage included all impervious coverage which included the house, garage and driveway.

Mr. Tap stated that Exhibit C had dimensions that were too small to read and asked for clarification and the size of the garage. Ms. Urish offered the set of full size plans submitted for the permit. Mr. Tap reviewed the plans.

On a motion by Mr. Tap, and a second by Mr. Bedard, the Zoning Board of Appeals voted 3-1 to recommend that the Village Board approve ZBA 18-01 with a recommendation to waive the fees, subject to the following conditions:

1. The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report;
2. In the event that the accessory structure on the subject property is damaged or destroyed to fifty-percent (50%) of its value, the new accessory structure shall meet all Code provisions.

On a motion by Mr. Bartels, and no second, the Zoning Board of Appeals did not vote that the Village Board deny ZBA 18-01. Without a majority vote, the Zoning Board of Appeals could not provide a recommendation to the Village Board.

Respectfully,

VILLAGE OF LOMBARD

John DeFalco, Chairperson  
Zoning Board of Appeals

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

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

(ZBA 18-01; 342 S. Stewart Avenue)

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 155.210 (A)(3)(b) of the Lombard Zoning Ordinance to increase the permitted height of an accessory structure (garage) from seventeen feet (17') to nineteen feet, seven inches (19'7"); and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on April 25, 2018 pursuant to appropriate and legal notice; and,

WHEREAS, the Zoning Board of Appeals has forwarded its findings to the Board of Trustees with no recommendation 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 155.210 (A)(3)(b) of the Lombard Zoning Ordinance to increase the permitted height of an accessory structure (garage) from seventeen feet (17') to nineteen feet, seven inches (19'7").

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

1. The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report;

2. In the event that the accessory structure on the subject property is damaged or destroyed to fifty-percent (50%) of its value, the new accessory structure shall meet all Code provisions.

**SECTION 3:** This ordinance is limited and restricted to the property generally located at 342 S. Stewart Avenue, Lombard, Illinois, and legally described as follows:

LOT 11 TOGETHER WITH THE EAST ½ OF THE VACATED ALLEY LYING WEST AND ADJACENT TO SAID LOT, ALL IN BLOCK 11, IN TOWER PARK SUBDIVISION BEING A SUBDIVISION IN SECTION 8, TOWNSHIP 39 NORTH RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS .

Parcel No: 06-08-303-019

**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 \_\_\_\_\_, 2018.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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

Nayes: \_\_\_\_\_

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

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2018

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

Ordinance No. \_\_\_\_\_  
Re: ZBA 18-01  
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ATTEST:

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

Published by me this \_\_\_\_\_ day of \_\_\_\_\_, 2018

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