

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: April 30, 2015 (B of T) Date: May 7, 2015

TITLE: ZBA 15-04; 131 W. Goebel Drive

SUBMITTED BY: Department 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 that the Village grant a variation from Section 155.210 (A)(3)(a) of the Lombard Zoning Ordinance to allow a detached accessory building or structure to exceed the height of a principal structure or use within the R2 Single-Family Residence District. (DISTRICT #1)

The Zoning Board of Appeals recommended approval of this petition by a vote of 6-0.

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 _____



MEMORANDUM

TO: Scott R. Niehaus, Village Manager

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

DATE: May 7, 2015

SUBJECT: ZBA 15-04; 131 W. Goebel Drive

Please find the following items for Village Board consideration as part of the May 7, 2015 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 15-04;
3. An Ordinance granting approval of a requested variation; and
4. Supporting documentation (plans, response to standards, pictures, etc.) associated with the petition.

The Zoning Board of Appeals recommended approval of this petition by a vote of 6-0. Please place this petition on the May 7, 2015 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

May 7, 2015

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 15-04; 131 W. Goebel Drive

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 155.210 (A)(3)(a) of the Lombard Zoning Ordinance to allow a detached accessory building or structure to exceed the height of a principal structure or use within the R2 Single-Family Residence District.

The Zoning Board of Appeals conducted a public hearing on April 29, 2015.

Mr. Kutlic presented said he would like to build a new garage. The house is a ranch, one-story, with a low pitched roof. He said he has future plans of a second story addition. The current garage is in disrepair and the new garage would be seventeen (17) feet tall to allow for extra storage. Since the yard slopes downward the garage would not appear taller than the home from the street.

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.

Jennifer Ganser, Assistant Director of Community Development, stated that the IDRC report is to be entered into the public record in its entirety. She stated that the petitioner is proposing to construct a new detached garage to replace the existing detached garage. Though the height and size of the garage meet Village Code, the garage would be taller than the home and therefore need a variance to be built. The home is one story and has a low pitch on the roof line making the home approximately fifteen feet (15') in height. Therefore a proposed garage of seventeen feet (17') would require a variation. The property also slopes downward, thereby making the rear yard grade lower than the street grade. The petitioner has included pictures to the slope of his yard.

The proposed garage will meet code in height and area. Staff finds that the hardship for the variation is due to the existing single family home and that the standards have been affirmed. The proposed improvements will not adversely affect

this or other properties in the neighborhood and would be an aesthetic improvement consistent with the existing structure and surrounding neighborhood. Staff can support the variation.

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

Mr. Tap said he visited the property and noted the garage change and the surrounding homes. He feels this would be consistent with the neighborhood.

Mr. Young referenced the plat of survey and noted the garage cannot encroach into the easements. Ms. Ganser agreed and said staff has discussed this with the petitioner.

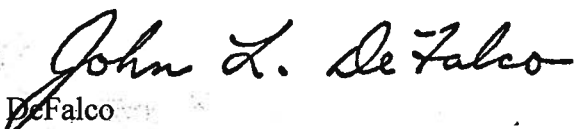
Mr. Bedard said he agrees the home has a lower profile and the garage would be consistent with the neighborhood.

A motion was made by Mr. Bartels, seconded by Mrs. Newman, that the Zoning Board of Appeals recommend the variation to allow a detached accessory building or structure to exceed the height of a principal structure or use within the R2 Single-Family Residence District for approval by a vote of 6 to 0 to the Village Board, subject to four (4) conditions:

1. The project shall be developed in accordance with the submitted plans prepared by the petitioner and made a part of the petition;
2. The petitioner shall apply for and receive a building permit for the proposed plans;
3. Such approval shall become null and void unless work thereon is substantially under way within twelve (12) months of the date of issuance, unless extended by the Board of Trustees prior to the expiration of the ordinance granting the variations; and
4. In the event that the accessory structure (garage) on the subject property is damaged or destroyed to fifty-percent (50%) of its value, the new structure shall meet all Code provisions.

Respectfully,

VILLAGE OF LOMBARD


John DeFalco
Chairperson
Zoning Board of Appeals

April 22, 2015

Title

ZBA 15-04

Petitioner & Property Owner

Igor Kutlic
131 W. Goebel Drive
Lombard, IL 60148

Property Location

131 W. Goebel Drive
(06-06-206-004)
Trustee District #1

Zoning

R2 Single Family Residence

Existing Land Use

Single Family Home

Comprehensive Plan

Low Density Residential

Approval Sought

A variation from Section 155.210(A)(3)(a) of the Lombard Zoning Ordinance to allow a detached accessory building or structure to exceed the height of a principal structure or use.

Prepared By

Jennifer Ganser
Assistant Director



LOCATION MAP

PROJECT DESCRIPTION

The petitioner is proposing to construct a new detached garage, which would replace the current detached garage. Though the height and size of the garage meet Village Code, the garage would be taller than the home and therefore need a variance to be built.

APPROVALS REQUIRED

The petitioner requests that the Village grant a variation from Section 155.210(A)(3)(a) of the Lombard Zoning Ordinance to allow a detached accessory building or structure to exceed the height of a principal structure or use.

EXISTING CONDITIONS

The property contains an approximately 1,036 square foot one-story single family residence, a detached garage with associated driveway, patio, and a shed. The existing house was built in 1951 according to the York Township Assessor. The subject property is surrounded by single-family homes.

PROJECT STATS

Lot & Bulk

Parcel Size:	11,937.50 sq. ft.
Building (Single Family Home) Size:	1,036 sq. ft.
Lot Coverage:	41%
Future Lot Coverage:	43%

Reqd. Setbacks & Proposed Dimensions (approx. in parens.)

Front (south)	30' (49.71')
Side (east)	6' (8.5')
Side (west)	20' (14.2')
Rear (east)	35' (90.3')

Submittals

1. Petition for public hearing;
2. Response to Standards for Variations;
3. Plat of Survey, dated May 25, 2003;
4. Proposed elevations prepared by the petitioner;
5. Proposed site plan prepared by the petitioner;
6. Proposed site plan drawn on plat of survey prepared by the petitioner; and
7. Three (3) pictures of the subject property taken by the petitioner.

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 or concerns regarding the project.

Private Engineering Services (PES):

Private Engineering Services has two comments:

1. the garage should be located so that no part of the garage, roof, etc. overhangs onto the existing ten (10) foot easements; and
2. the shed is located in the proposed easement and appears to overlap the garage.

Public Works:

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

Planning Services Division:

The existing home was built in 1951. The home is one story and has a low pitch on the roof line making the home approximately fifteen feet (15') in height. Therefore a proposed garage of seventeen feet (17') would require a variation. The property also slopes downward, thereby making the rear yard grade lower than the street grade. The petitioner has included pictures to the slope of his yard.

The proposed garage will meet code in height and area. The lot will still maintain less than fifty percent (50%) lot coverage with the proposed new garage.

A variation may only be granted if there is a demonstrated hardship that distinguishes the subject property from other properties in the area. Staff finds that the hardship for the variation is due to the existing single family home and that the standards have been affirmed. The proposed improvements will not adversely affect this or other properties in the neighborhood and would be an aesthetic improvement consistent with the existing structure and surrounding neighborhood. Staff can support the variation.

In consideration of precedent, staff has identified similar cases that appeared before the Zoning Board of Appeals within the last ten (10) years.

CASE NO.	DATE	ADDRESS	SUMMARY	ZBA	BoT
ZBA 04-03	5/6/2004	310 W. Morris Ave.	16' Corner Side Yard	Approved, 5-0	Approved, 5-0
ZBA 05-03	4/7/2005	1051 S. Stewart Ave.	17.5' Corner Side Yard (Reverse Corner Lot)	Approved, 5-0	Approved, 6-0
ZBA 05-07	6/2/2005	403 S. Edson St.	12.36' Corner Side Yard (Reverse Corner Lot)	Approved, 6-0	Approved, 6-0
ZBA 05-09	7/21/2005	444 E. Taylor Rd.	22' Rear Yard (Corner Lot)	Approved, 5-0	Approved, 6-0

FINDINGS & RECOMMENDATIONS

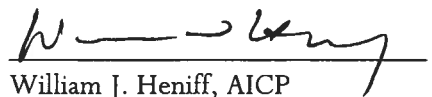
The Department of Community Development has determined that the information presented **has affirmed** the Standards for Variations for the requested variation. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make the following motion recommending **approval** of the aforementioned variation:

Based on the submitted petition and the testimony presented, the requested variation **does comply** with the Standards for Variations in 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

Committee Report be the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **approval** of ZBA 15-04; subject to the following conditions:

1. The project shall be developed in accordance with the submitted plans prepared by the petitioner and made a part of the petition;
2. The petitioner shall apply for and receive a building permit for the proposed plans;
3. Such approval shall become null and void unless work thereon is substantially under way within twelve (12) months of the date of issuance, unless extended by the Board of Trustees prior to the expiration of the ordinance granting the variations; and
4. In the event that the accessory structure (garage) on the subject property is damaged or destroyed to fifty-percent (50%) of its value, the new structure shall meet all Code provisions.

Inter-Departmental Review Committee Report approved by:



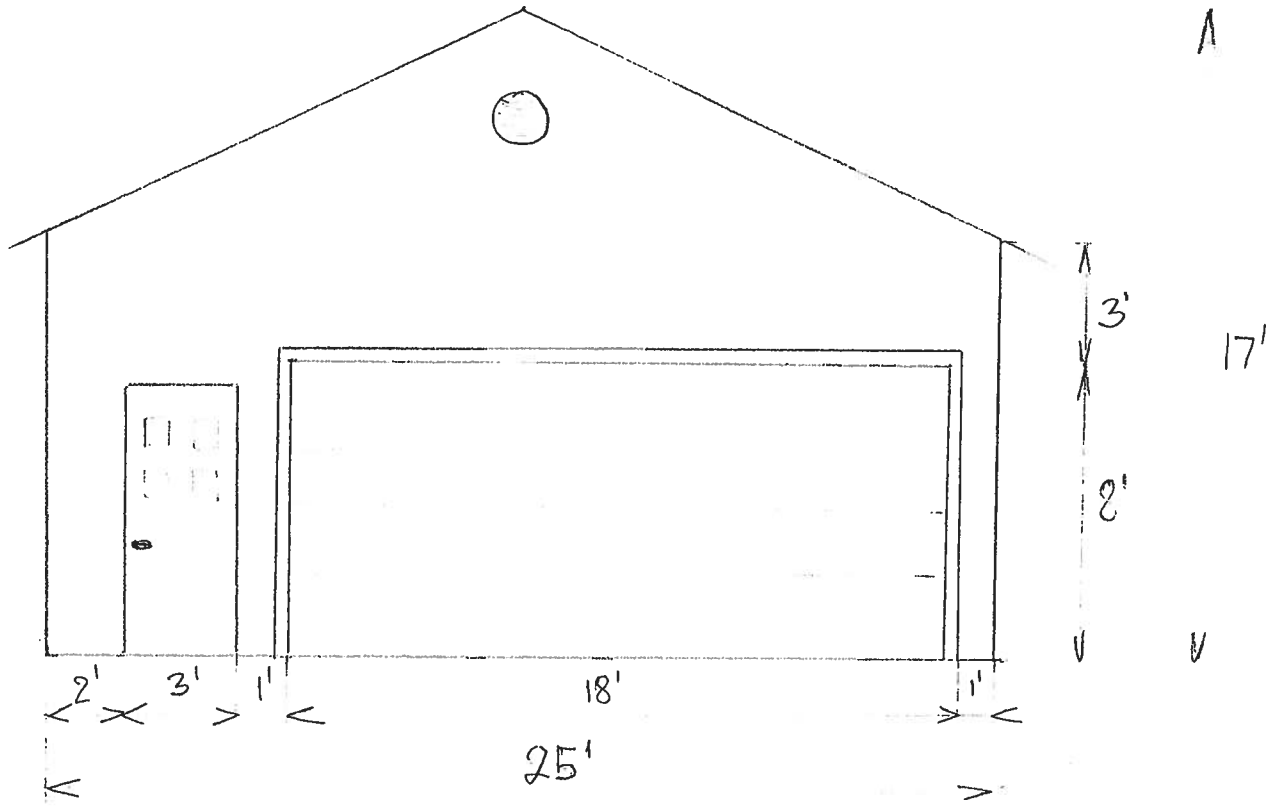
William J. Heniff, AICP
Director of Community Development

c. Petitioner

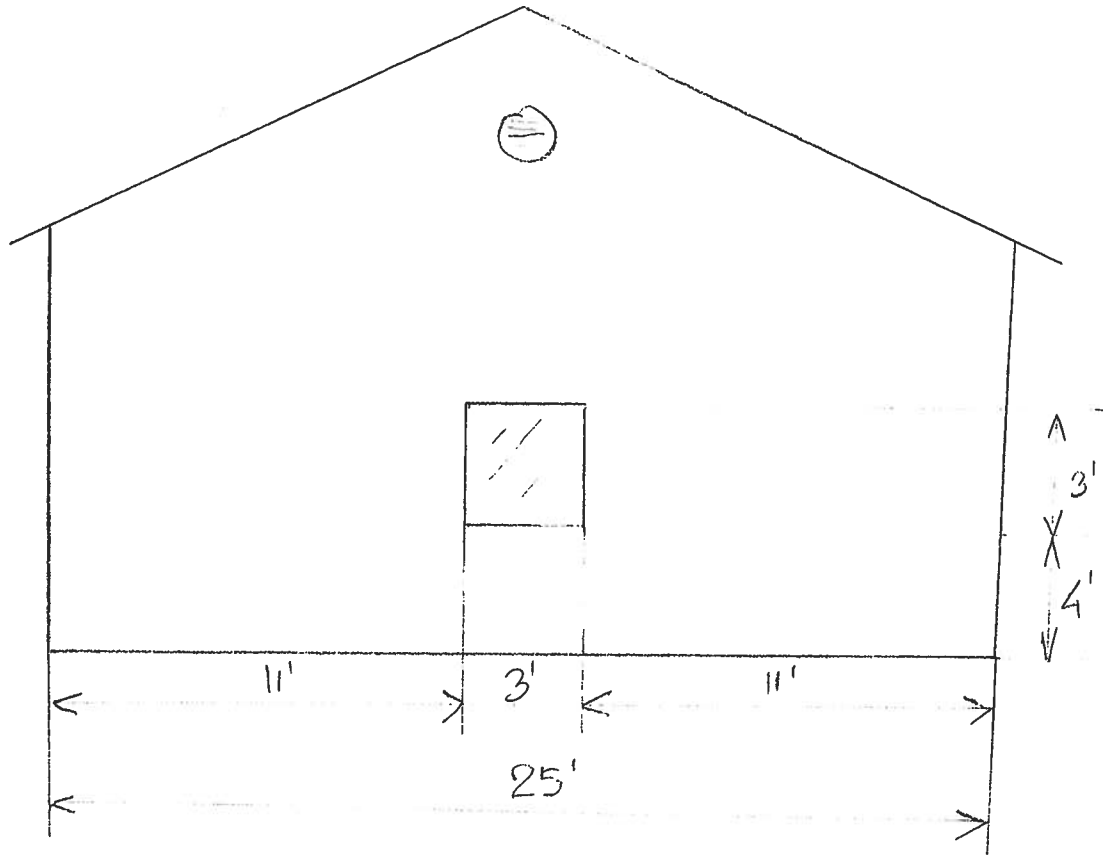
STANDARDS FOR VARIATIONS

1. **Listed are physical and topographical conditions of the property involved.** Property has 10' easement on two sides of the property which restricts width of the new garage, so building taller garage would benefit me due to width restrictions. My property is downhill from street level and garage is located on lower part of the property and from street level would not be visible if garage is taller than the house.
2. **Listed are conditions unique to the property.** Principal residence has basement with previous history of flooding. Ground water during heavy rain comes through drain tiles into sump pump pit and few times it failed to remove all water which resulted in flooding of the basement. During heavy rain often comes electrical outage and main sump pump is out of service at that time. Battery backup system is good for additional 1-2 hours, which is often not long enough and results in flooding of the basement. Due to basement flooding history, I would like to utilize garage as main storage space for items not affected by temperature and humidity changes. Location of the garage is downhill from house and street. During rain and snow melting, stream of water comes from property west of me, my property and North of my property, down the driveway and toward garage, resulting garage floor to be under water, at times. Due to this inconvenience, I need to utilize garage attic space for storage and maximizing attic height and capacity will help our household needs.
3. **Purpose of variation is not based on desire to increase financial gain.** It is mostly based on inconvenience my family is experiencing and to help resolve some of the storage issues
4. **Present ordinance requires garage not to exceed height of primary residence.** In my case house has very low roof pitch which results in 15'6" ground to top of the roof dimension. If roof pitch was only slightly steeper house height would be at 17' or more. In near future I plan to build second story on the house and that ordinance would not apply. Building garage prior to remodeling or expending house would be beneficial for storing furniture and building materials.
5. **Granting of the variation will not affect any property in the neighborhood** and it will greatly benefit my family
6. **Granting of the variation will not alter the essential character of the neighborhood.** Garage will be built under city regulations and there is existing garages, in immediate neighborhood, that are taller, wider and longer than my new garage will be.
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. Garage will be built far from any adjacent building and it will not increase danger of fire. Additional height of the garage will not create drainage problems on adjacent properties or endanger public safety, or substantially diminish or impair property values within the neighborhood.

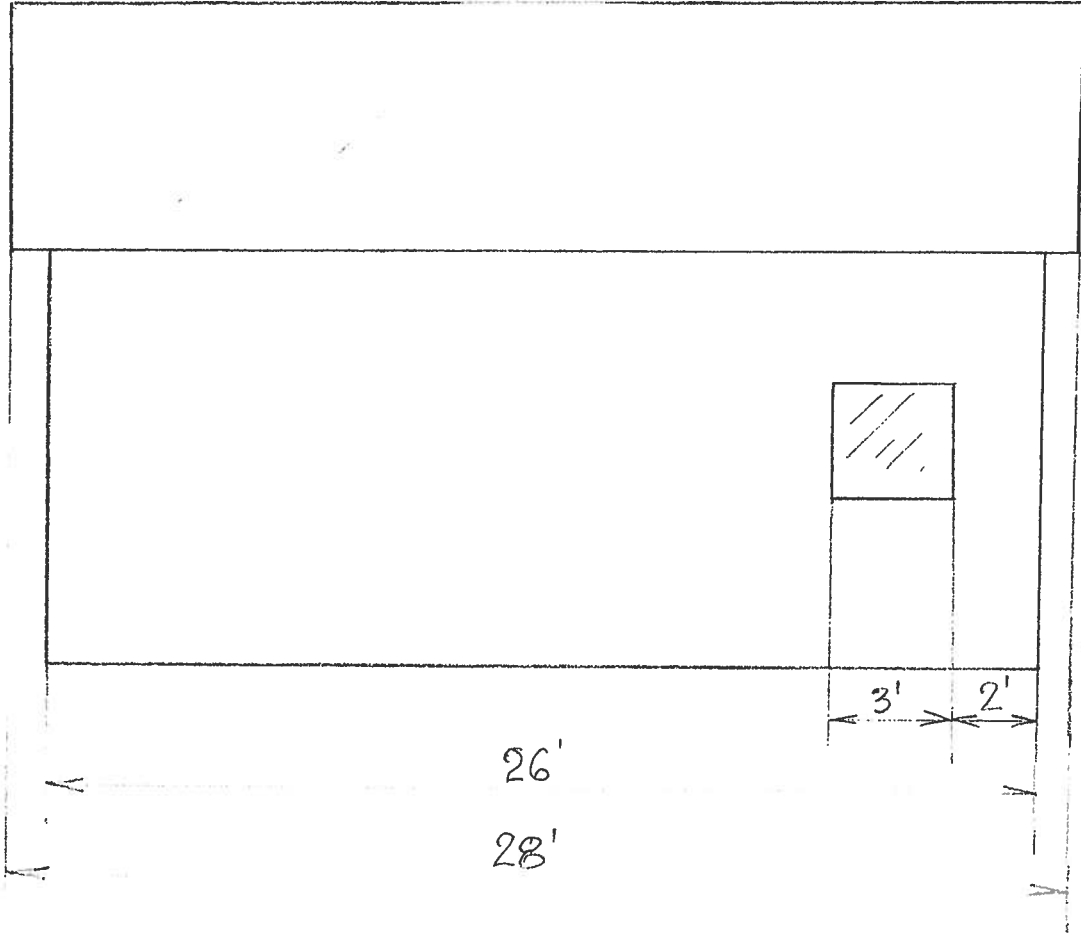
NORTH ELEVATION



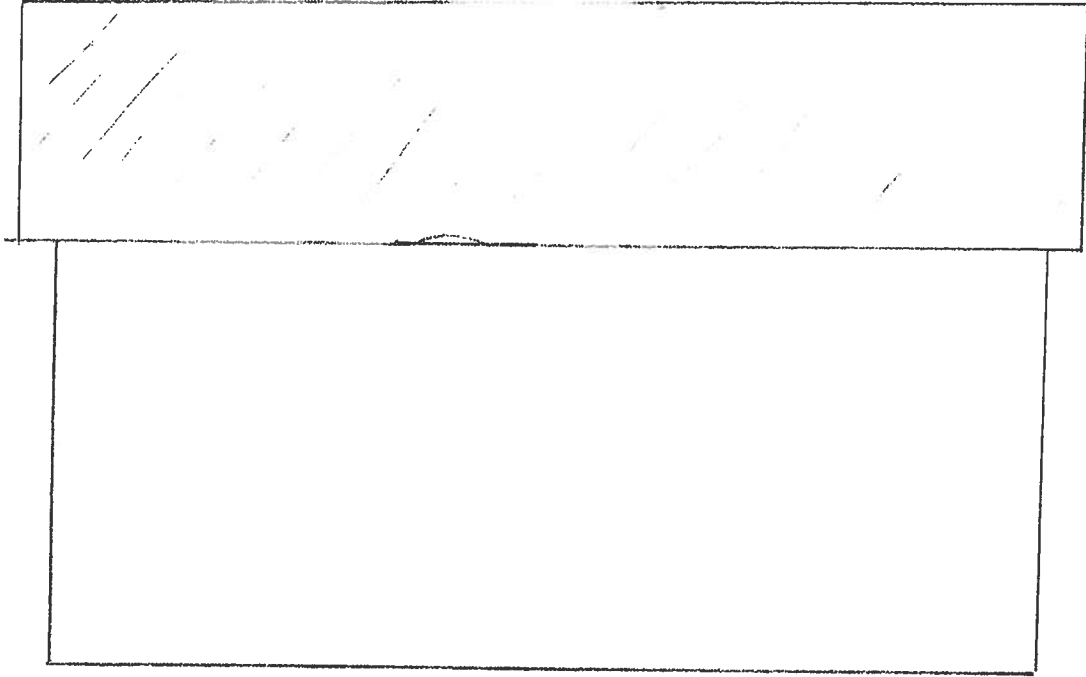
SOUTH ELEVATION



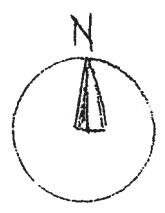
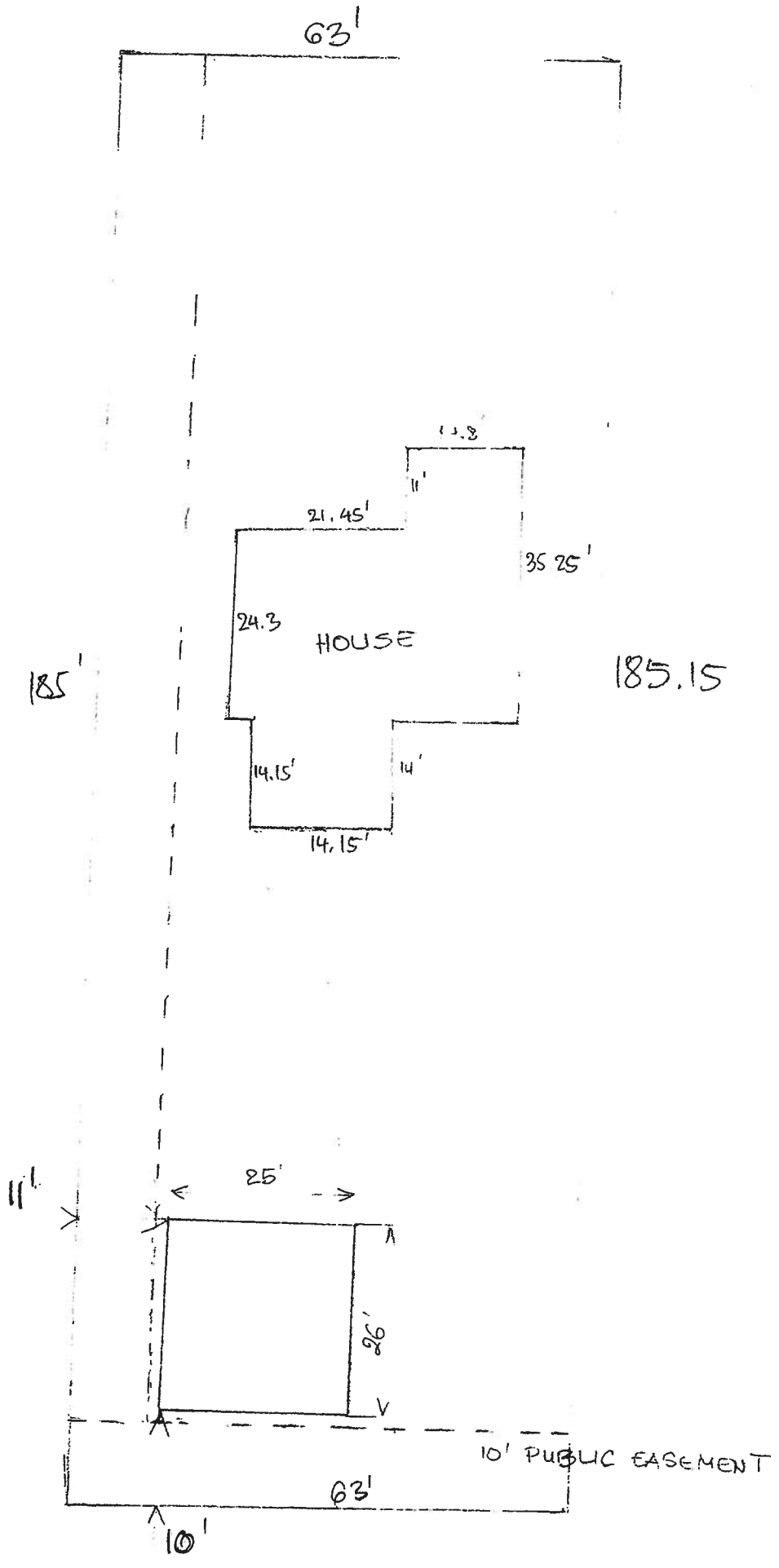
EAST ELEVATION



WEST ELEVATION

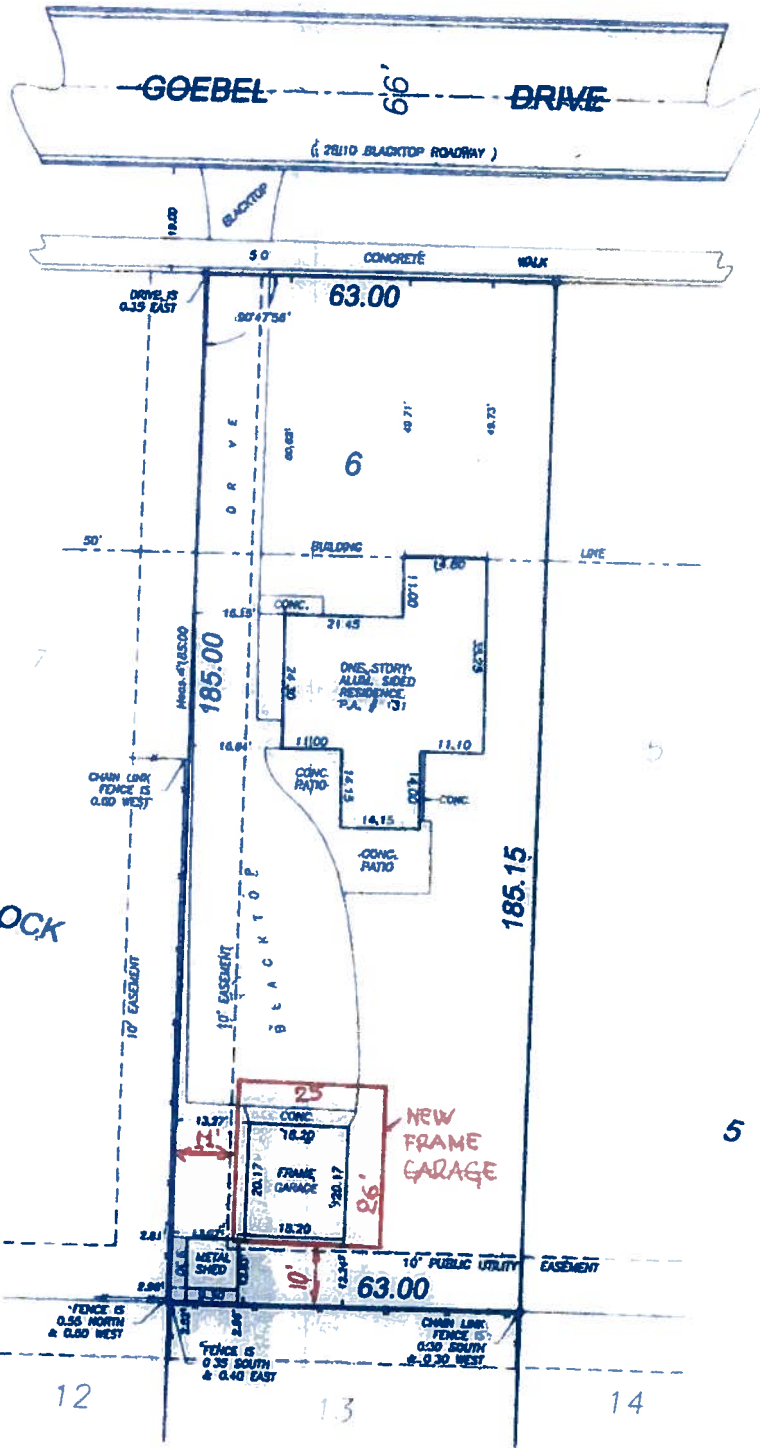


121 W. QUAKER DR.



PLAT OF SURVEY

LOT 6 IN BLOCK 5 IN HARRIS' LOMBARD HILLS, BEING A SUBDIVISION IN THE NORTHEAST 1/4 OF SECTION 6, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 10, 1990 AS DOCUMENT 600854 AND CERTIFICATE OF CORRECTION FILED OCTOBER 11, 1990 AS DOCUMENT 600807, IN DUPAGE COUNTY, ILLINOIS



STATE OF ILLINOIS
 COUNTY OF DU PAGE
 THIS IS TO CERTIFY THAT I, AN ILLINOIS LAND SURVEYOR, HAVE SURVEYED THE PROPERTY DESCRIBED ABOVE AND THAT THE ANNEXED PLAT IS A CORRECT REPRESENTATION OF SAID SURVEY, GIVEN UNDER MY HAND AND SEAL AT WHEATON, ILLINOIS, THIS 20th DAY OF AUGUST, A.D. 2003.

ILLINOIS LAND SURVEYOR NO. 1863
 REFER TO DEED OR GUARANTEE POLICE FOR RESTRICTIONS, NOT SHOWN ON SURVEY

ORDERED BY: TRAVIS ANGEL
 ORDER NO. 03 E 087 FILE
LAMBERT & ASSOCIATES
 LAND SURVEYORS





Nowakowski, Tamara

From: Ganser, Jennifer
Sent: Thursday, April 30, 2015 7:47 AM
To: Nowakowski, Tamara
Subject: FW: ZBA agenda

From: IGOR KUTLIC [<mailto:igorkutlic@prodigy.net>]

Sent: Wednesday, April 29, 2015 9:13 PM

To: Ganser, Jennifer

Subject: Re: ZBA agenda

Hi Jennifer,
I would like a waiver of first reading.

Thank you

On Friday, April 24, 2015 1:39 PM, "Ganser, Jennifer" <GanserJ@villageoflombard.org> wrote:

Igor,

See attached.

Jennifer

	<p>Jennifer Ganser Assistant Director of Community Development Village of Lombard 255 E Wilson Ave. Lombard, IL 60148</p> <p>Phone: (630) 620-5717 Fax: (630) 620-2374 Email: ganserj@villageoflombard.org Web: www.villageoflombard.org</p> <p>Follow us:   </p>
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ORDINANCE NO. _____

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

(ZBA 15-04; 131 W. Goebel Drive)

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)(a) of the Lombard Zoning Ordinance to allow a detached accessory building or structure to exceed the height of a principal structure or use; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on April 29, 2015 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 155.210(A)(3)(a) of the Lombard Zoning Ordinance to allow a detached accessory building or structure to exceed the height of a principal structure or use.

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

1. The project shall be developed in accordance with the submitted plans prepared by the petitioner and made a part of the petition;
2. The petitioner shall apply for and receive a building permit for the proposed plans;

3. Such approval shall become null and void unless work thereon is substantially under way within twelve (12) months of the date of issuance, unless extended by the Board of Trustees prior to the expiration of the ordinance granting the variations; and
4. In the event that the accessory structure (garage) on the subject property is damaged or destroyed to fifty-percent (50%) of its value, the new structure shall meet all Code provisions.

SECTION 3: This ordinance is limited and restricted to the property generally located at 131 W. Goebel, Lombard, Illinois, and legally described as follows:

LOT 6 IN BLOCK 5 IN HARRIS' LOMBARD HILLS, BEING A SUBDIVISION IN THE NORTHEAST ¼ OF SECTION 6, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 10, 1950 AS DOCUMENT 600854 AND CERTIFICATE OF CORRECTION FILED OCTOBER 11, 1950 AS DOCUMENT 606907, IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-06-206-004

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 _____, 2015.

First reading waived by action of the Board of Trustees this _____ day of _____, 2015.

Passed on second reading this _____ day of _____, 2015.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2015

Ordinance No. _____

Re: ZBA 15-04

Page 3

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published by me this _____ day of _____, 2015

Sharon Kuderna, Village Clerk