

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


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: David A. Hulseberg, Village Manager

DATE: September 6, 2011 (B of T) Date: September 15, 2011

TITLE: ZBA 11-05: 101 E. Maple Street

SUBMITTED BY: Department of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

The Zoning Board of Appeals transmits for your consideration its recommendation relative to the above-mentioned petition. This petition requests that the Village take the following actions for the subject property located within the R2 Single-Family Residence District:

1. A variation from Section 155.210(A)(2)(a) of the Lombard Zoning Ordinance to allow a detached garage to be constructed in the corner side yard.
2. A variation from Section 155.207(C) of the Lombard Zoning Ordinance to allow a detached garage to be constructed in a clear line of sight area.

The Zoning Board of Appeals recommended approval subject to one condition.

The petitioner is requesting a waiver of first reading and a waiver of fees.

Please place this item on the September 15, 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 Heniff, AICP,
Director of Community Development *WH*

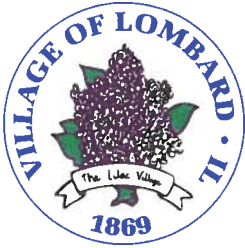
DATE: September 15, 2011

SUBJECT: ZBA 11-05; 101 E. Maple Street

Please find the following items for Village Board consideration as part of the September 15, 2011 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 11-05;
3. Plans associated with the petition; and
4. Correspondence from the petitioner, dated August 29, 2011, requesting a waiver of first reading.

The Zoning Board of Appeals recommended approval of this petition with one condition. Please place this petition on the September 15, 2011 Board of Trustees consent agenda. The petitioner is requesting a waiver of first reading.



VILLAGE OF LOMBARD

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

Village President
William J. Mueller

September 15, 2011

Village Clerk
Brigitte O'Brien

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

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

Subject: ZBA 11-05: 101 E. Maple Street

Dear President and Trustees:

Village Manager
David A. Hulseberg

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)(2)(a) of the Lombard Zoning Ordinance to allow a detached garage to be constructed in the corner side yard and Section 155.207(C) of the Lombard Zoning Ordinance to allow a detached garage to be constructed in a clear line of sight area for the subject property located within the R2 Single-Family Residence District.

"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 Zoning Board of Appeals conducted a public hearing on August 24, 2011.

Chairperson DeFalco opened the meeting for public comment.

"The Mission of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."

The property owner, Mike Neary of 101 E. Maple Street, presented the petition. Mr. Neary stated that he would like to build a new detached garage where an old garage previously existed. He stated that the old garage was built around 1940 and was on a floating slab that had some severe cracks. He added that the old garage was in such a state of disrepair that they could not pull cars in the garage or lock the garage. He stated that the alley behind his property is not a through alley and only two properties take access from the alley. He added that those neighbors don't mind the garage being there and actually wrote emails stating such.

Mr. Neary then stated that a representative from the Village came out to the property to examine the garage. He stated that the Village representative laid out three options relative to the old garage. The first option was to leave the pad intact and spruce up the existing garage. The second option was to build a concrete wall around the pad, but leave the pad in place and build a new garage. The third option would be to tear the pad out and replace it with a new pad. Mr. Neary then stated that the best option seemed to tear the pad out and reconstruct a new garage. He added that they want a sound structure for security purposes as the old

garage had been vandalized. He stated that the Village never told him that he could not rebuild the garage in the same location as the old garage.

Mr. Neary stated that he received a permit for the demolition and it was later when they applied for the permit for the detached garage when the Village informed him that he could not rebuild the garage in the same location. He added that if he had known that he could not rebuild the garage in the same location that he would have gone with a less-expensive alternative and saved a few thousand dollars. He then stated that if he had to move the garage back to meet the setback that he would have to pay one thousand dollars to move the fence.

Chairperson DeFalco asked if there was anyone present to speak in favor or against the petition. There was no one in the audience to speak in favor or against the petition.

Chairperson DeFalco then requested the staff report.

Mr. Toth presented the staff report. The subject property is located at the southeast corner of Maple Street and Charlotte Street. The petitioner is requesting a variation to allow for the replacement of a four-hundred and forty (440) square foot detached garage to be located nine and eighty-nine hundredths (9.89) feet from the western property line, which would be partially located in the corner side yard of the subject property. The detached garage is located along the Charlotte Street side of the property and conflicts with a thirty (30) foot clear line of sight area where Charlotte Street meets the public alley to the south of the subject property. As the non-conforming detached garage was removed in its entirety, the detached garage would be required to meet the current zoning ordinance provisions, unless a variation is granted by the Village.

The subject property was developed with the principal structure in 1940; and, according to the petitioner, the detached garage was constructed around the same time period. The detached garage was four-hundred and forty (440) square foot detached garage and located nine and eighty-nine hundredths (9.89) feet from the western property line, within the corner side yard and within the clear line of sight area. The petitioner indicated that the garage was in a state of disrepair; as such, the petitioner decided to replace the detached garage in the exact footprint as it previously existed.

The petitioner applied for and received a demolition permit for the previously-existing detached garage and the garage was subsequently razed. The petitioner did speak with a staff representative of the Building Division who presented a number of options to facilitate improvements to the garage. It was later during the permit application for the new detached garage that Planning Staff discovered that the detached garage did not meet the corner side yard setback or clear line of sight requirements. The permit applicant (contractor) was promptly notified. As a permit was never issued for the proposed garage, the scheduled construction on the garage has since ceased.

The Zoning Ordinance allows non-conforming structures to remain in existence provided that once a non-conforming structure reaches the end of its useful life any replacement structure will meet current code requirements. In time, this allows for full compliance with the Zoning Ordinance.

Detached garages are not permitted within corner side yards due to the visual obstruction they create. As such, the petitioner's replacement of the detached garage requires that the new garage meet the twenty (20) foot corner 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.

As depicted on Attachment A, the proposed detached garage would be located nine and eighty-nine hundredths (9.89) feet from the western property line. Detached garages are not permitted within corner side yards not only due to the visual obstruction they create, but also because they must provide adequate space to park vehicles. According to Village Code, parking vehicles over the sidewalk or on the Village parkway is prohibited. With less than ten (10) feet of driveway between the structure and property line, there would be insufficient space to park a car on the subject property.

The subject property is fifty-seven (57) feet wide. If the proposed garage were to be hypothetically set at the minimum corner side yard setback of twenty (20) foot and considering the width of the garage to be twenty (20) feet, there would still be an additional seventy (17) feet between the garage and the eastern property line. As the side yard setback requirement for a detached garage at the eastern property line is three (3) feet, the petitioner would have fourteen (14) feet of additional space for the garage.

The Village of Lombard adopted an Alley Maintenance Program in 2010. As part of this program, the Village vacated certain improved and unimproved alleys throughout the Village. The vacation of the unimproved alley south of Maple Street, between Martha Street and Charlotte Street was approved by the Village Board on Thursday, February 3, 2011. The Village subsequently vacated the alley south of Maple Street, between Martha Street and Charlotte Street and divided it amongst the respective property owners. However, because certain properties have driveways on the alley and took vehicular access from the alley, the westernmost portion of said alley cannot be vacated.

A clear line of sight area is required when two public rights-of-way intersect. In this case, a triangle is formed with legs extending thirty feet (30') along the property line adjacent to the aforementioned alley and a thirty feet (30') leg extending into the property line, which is perpendicular to the alley. With the exception of the B5 District, no buildings or structures shall be located in a clear line of sight. The clear line of sight provisions exist specifically for public safety purposes.

Staff recommends that the petition be denied in its entirety. Within the response to standards, the petitioner states that the previous garage was in a state of disrepair and the proposed garage would be replaced to the same size as the previously existing garage. The petitioner states that the Village did not inform him that if the garage was demolished that it would have to meet the corner side yard setback requirement. While staff recognizes these concerns, staff does not believe that the rationale is demonstrative of a hardship associated with the geographic state of the property, but rather an inconvenience associated with meeting Code requirements and seeking relief through the public hearing process.

Concluding, Mr. Toth stated that staff is recommending denial of ZBA 11-05.

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

Mr. Bartels asked staff if it is legal to park in the area of the driveway between the street and sidewalk.

Mr. Toth stated that it is illegal to park on the sidewalk and parkway.

Mr. Neary stated that he would not park on the driveway, but rather inside the garage.

Mr. Bartels stated that the petitioner got the “short end of the stick” in this situation because the Village didn’t facilitate this matter properly. He then asked staff if this happens frequently.

Mr. Toth stated that he wanted to clarify that the petitioner spoke with a representative of the Building Division. He then stated that the Community Development Department consists of four separate divisions – Building, Planning, Code Enforcement and Engineering, each following a different set of Code regulations. He added that the petitioner did not speak with a representative of Planning Services relative to the garage location before submitting for permit. Mr. Toth responded to Mr. Bartels by stated that this sort of miscommunication rarely happens. Mr. Toth stated that there was a ZBA case on Sunset in 2006 (ZBA 06-22), which included a communication issue during permit submittal. He added that ZBA 06-22 was an attached garage and the variation was ultimately granted because the petitioner demonstrated a hardship with the replacement of an attached garage in the corner side yard. He stated that the hardship was associated with the altering of the floor plan of the house if a variation was not granted.

Mr. Tap asked who reviews demolition permits.

Mr. Toth stated that Building, Planning and Engineering review demolition permits. Mr. Toth added that the demolition permit was not submitted in conjunction with the garage permit in this case.

Chairperson DeFalco stated that the slab (and the rest of the garage) was removed; therefore, any rights to rebuild the structure at the previous location were lost. He added that any time more than 50% of the structure is demolished or destroyed, the non-conforming rights are lost. He then stated that 100% of the old garage was demolished. Chairperson DeFalco stated that there is also a line of sight issue, not only where the alley meets Charlotte, but also pulling out of the garage.

Mr. Young asked if there were any clear line of sight issues pertaining to the proposed garage as it relates to the sidewalk and Charlotte Street.

Mr. Toth stated that the only clear line of sight issue relative to the proposed garage is the thirty (30) foot clear line of sight area where the alley and Charlotte Street intersect. He added that any additional clear line of sight areas would have required additional variations.

Mr. Young discussed the garage improvement/construction options that were presented to the petitioner and asked staff how they relate to the 50% provision.

Mr. Toth stated that the Building Division makes a determination as to whether or not a structure has been demolished or destroyed beyond 50% of its fair market value. If a majority of the legal non-conforming structure still stands (more than 50%) the structure can be repaired, but not expanded upon.

Chairperson DeFalco then asked staff if the tall hedges that are located adjacent to the garage violate the clear line of sight provisions.

Mr. Toth stated that if the hedges are located in the clear line of sight area and are greater than two feet in height, they would be in violation of the clear line of sight provision. He added that the Village does not require permits for hedges so there is no tracking mechanism in place to monitor hedges, outside of the Code Enforcement route.

Mr. Young stated that the hedges are irrelevant to this case and the ZBA should be looking at the garage location on its own merit.

Chairperson DeFalco stated that the removal of the hedges could be a condition of approval, if the ZBA was to recommend approval of the petition.

Mr. Tap asked how many houses take access from the alley to the south of the subject property.

Mr. Toth stated that two houses take access from the alley, which is the only reason the entire alley was not vacated originally.

Chairperson DeFalco then discussed the facts of the case. He asked staff if there would be seventeen feet between the garage if it were to be set at the required twenty foot corner side yard setback.

Mr. Toth responded, correct.

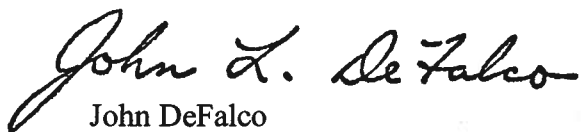
Chairperson DeFalco stated that the case before them involves a detached garage that is proposed to be rebuilt to its former size in its original location when it was first built in 1940. He also added that there are other garages in the area that do not meet the same Code requirements. Lastly, he stated that the alley to the south of the property is not a through alley and only two properties take access from the alley.

On a motion by Bartels and a second by Newman, the Zoning Board of Appeals recommended by a vote of 7 to 0 that the Village Board **approve** the variation associated with ZBA 11-05, subject to the following condition:

1. All fencing and landscaping located within the thirty (30) foot clear line of sight area extending into the western property line and rear alley and the twenty (20) foot clear line of sight areas adjacent to the detached garage shall fully comply with the clear line of sight provisions.

Respectfully,

VILLAGE OF LOMBARD



John DeFalco
Chairperson
Zoning Board of Appeals

ANALYSIS

SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development on August 15, 2011.

1. Petition for Public Hearing.
2. Standards to Variations.
3. Explanation of events, prepared by the petitioner.
4. Site Plan, prepared by the petitioner (submitted as part of the building permit).
5. Site Plan, depicting code requirements, prepared by Village staff.

DESCRIPTION

The subject property is located at the southeast corner of Maple Street and Charlotte Street. The petitioner is requesting a variation to allow for the replacement of a four-hundred and forty (440) square foot detached garage to be located nine and eighty-nine hundredths (9.89) feet from the western property line, which would be partially located in the corner side yard of the subject property. The detached garage is located along the Charlotte Street side of the property and conflicts with a thirty (30) foot clear line of sight area where Charlotte Street meets the public alley to the south of the subject property. As the non-conforming detached garage was removed in its entirety, the detached garage would be required to meet the current zoning ordinance provisions, unless a variation is granted by the Village.

INTER-DEPARTMENTAL REVIEW COMMENTS

ENGINEERING

A swale shall be constructed along the south property line to direct flow from the rear of the garage to the right-of-way.

PUBLIC WORKS

There does not appear to be any reason to not comply with the clear line of sight requirement.

FIRE DEPARTMENT

The Fire Department has no comments.

BUILDING DIVISION

The Building Division has no comments.

PLANNING

The subject property was developed with the principal structure in 1940; and, according to the petitioner, the detached garage was constructed around the same time period. The detached garage was four-hundred and forty (440) square foot detached garage and located nine and eighty-nine hundredths (9.89) feet from the western property line, within the corner side yard and within the clear line of sight area. The petitioner indicated that the garage was in a state of disrepair; as such, the petitioner decided to replace the detached garage in the exact footprint as it previously existed.

The petitioner applied for and received a demolition permit for the previously-existing detached garage and the garage was subsequently razed. The petitioner did speak with a staff representative of the Building Division who presented a number of options to facilitate improvements to the garage. It was later during the permit application for the new detached garage that Planning Staff discovered that the detached garage did not meet the corner side yard setback or clear line of sight requirements. The permit applicant (contractor) was promptly notified. As a permit was never issued for the proposed garage, the scheduled construction on the garage has since seized.

The Zoning Ordinance allows non-conforming structures to remain in existence provided that once a non-conforming structure reaches the end of its useful life any replacement structure will meet current code requirements. In time, this allows for full compliance with the Zoning Ordinance.

Corner Side Yard Setback

Detached garages are not permitted within corner side yards due to the visual obstruction they create. As such, the petitioner's replacement of the detached garage requires that the new garage meet the twenty (20) foot corner 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.

As depicted on Attachment A, the proposed detached garage would be located nine and eighty-nine hundredths (9.89) feet from the western property line. Detached garages are not permitted within corner side yards not only due to the visual obstruction they create, but also because they must provide adequate space to park vehicles. According to Village Code, parking vehicles over the sidewalk or on the Village parkway is prohibited. With less than ten (10) feet of driveway between the structure and property line, there would be insufficient space to park a car on the subject property.

The subject property is fifty-seven (57) feet wide. If the proposed garage were to be hypothetically set at the minimum corner side yard setback of twenty (20) foot and considering the width of the garage to be twenty (20) feet, there would still be an additional seventy (17) feet between the garage and the eastern property line. As the side yard setback requirement for a detached garage at the eastern property line is three (3) feet, the petitioner would have fourteen (14) feet of additional space for the garage.

Clear Line of Sight

The Village of Lombard adopted an Alley Maintenance Program in 2010. As part of this program, the Village vacated certain improved and unimproved alleys throughout the Village. The vacation of the unimproved alley south of Maple Street, between Martha Street and Charlotte Street was approved by the Village Board on Thursday, February 3, 2011. The Village subsequently vacated the alley south of Maple Street, between Martha Street and Charlotte Street and divided it amongst the respective property owners. However, because certain properties have driveways on the alley and took vehicular access from the alley, the westernmost portion of said alley cannot be vacated.

A clear line of sight area is required when two public rights-of-way intersect. In this case, a triangle is formed with legs extending thirty feet (30') along the property line adjacent to the aforementioned alley and a thirty feet (30') leg extending into the property line, which is perpendicular to the alley. With the exception of the B5 District, no buildings or structures shall be located in a clear line of sight. The clear line of sight provisions exist specifically for public safety purposes.

In order to be granted a variation the petitioner must show that they have affirmed each of the "Standards for Variation." The following standards have not been affirmed:

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.*

Staff finds that there are no conditions related to the property that prevent compliance with the corner side yard or clear line of sight regulations. 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. The property has adequate width that would allow the property owner to move the detached garage to the east and meet the corner side yard and clear line of sight provisions.

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.*

Staff finds that the conditions are not unique to the subject property. Many other properties with a similar layout and design have been able to meet the established regulations. Furthermore, there have been no petitions for such detached garage variations in the past decade.

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.*

Staff finds that the detached garage could be constructed per the corner side yard setback requirement by locating the structure an additional 10.11 feet to the east. The detached garage could also be moved out of the clear line of sight area by meeting the twenty (20) foot corner side yard setback requirement and then shifting the structure three (3) feet to the

north. The hardship has been created by the petitioner as a result of the petitioner's preference for the detached garage's location.

6. *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.*

As stated above, a detached garage in the clear line of sight area could pose a danger to public safety.

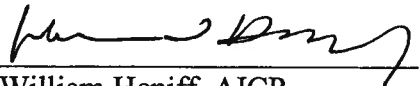
Staff recommends that the petition be denied in its entirety. Within the response to standards, the petitioner states that the previous garage was in a state of disrepair and the proposed garage would be replaced to the same size as the previously existing garage. The petitioner states that the Village did not inform him that if the garage was demolished that it would have to meet the corner side yard setback requirement. While staff recognizes these concerns, staff does not believe that the rationale is demonstrative of a hardship associated with the geographic state of the property, but rather an inconvenience associated with meeting Code requirements and seeking relief through the public hearing process.

FINDINGS AND RECOMMENDATIONS

The Department of Community Development has determined that the information presented **has not affirmed** the Standards for Variations for the requested variations. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make the following motion recommending **denial** of the aforementioned variations:

Based on the submitted petition and the testimony presented, the requested variations **do not comply** with the Standards required for a variation by 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 Report be the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **denial** of ZBA 11-05.

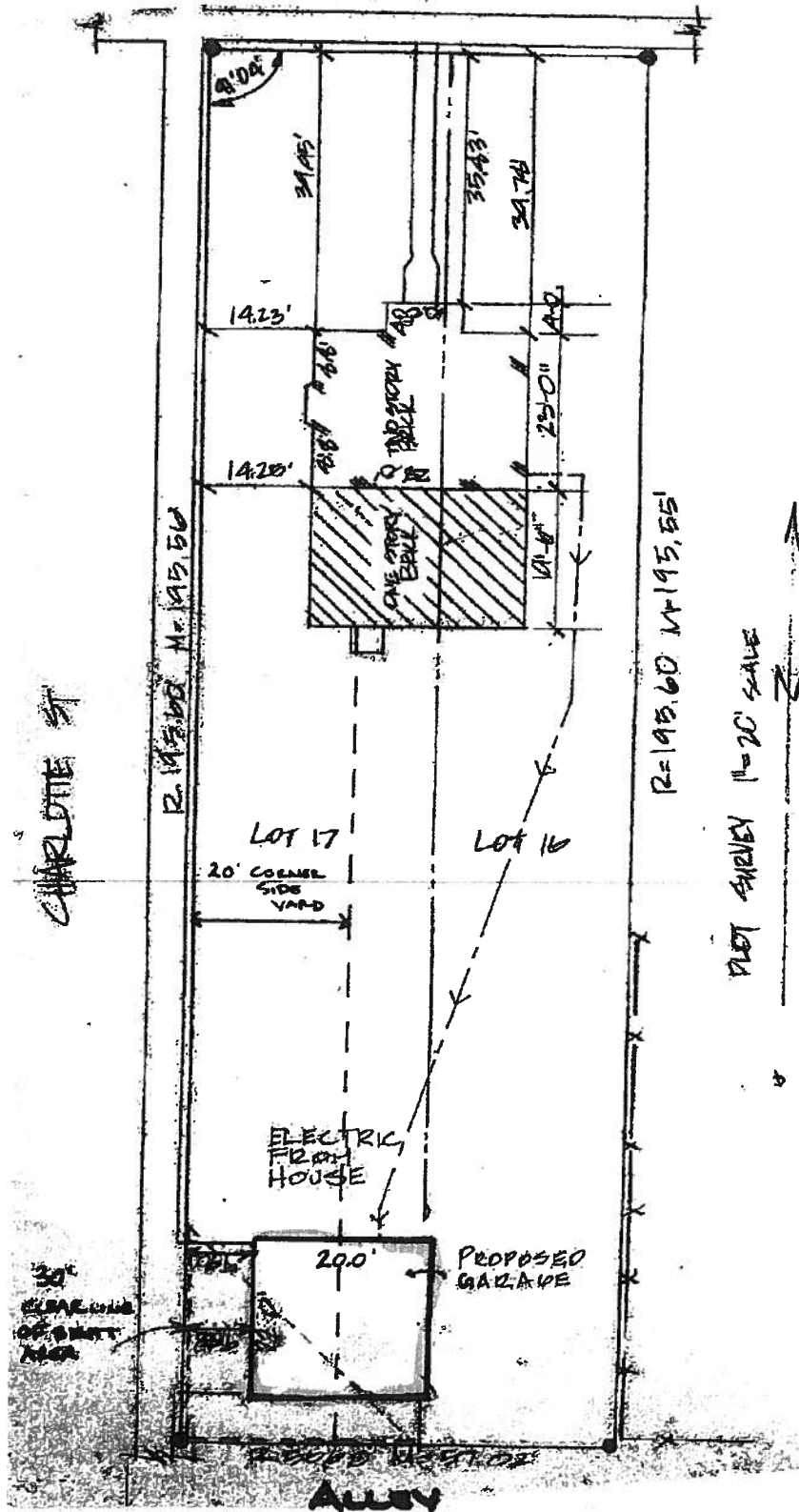
Inter-Departmental Review Group Report Approved By:



William Heniff, AICP
Director of Community Development

c: Petitioner

Attachment A – Site Plan



ZBA 11-05: 101 E. Maple St.



168 ft

Section 155.103.C.7 of the Lombard Zoning Ordinance:

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.
 - I am only looking to build a new and improved garage where the old existing garage was. The garage will be the same size as the original one. The old garage was in bad shape (varies leaks in the roof, no electricity, holes on the side, paint coming off, garage door couldn't open all the way, couldn't lock the garage door).
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.
 - I am only looking to build off the old garage slab.
3. The purpose of the variation is not based primarily upon a desire to increase financial gain.
 - I am not trying to increase my financial gain. I am looking for a safe sound garage where we can park our cars. The garage we had we could not park our cars in the garage.
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.
 - We are not looking to sell our house. We only want to improve our property with a much needed garage.
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.
 - No, if anything it will improve the property compared to what was there.
6. The granting of the variation will not alter the essential character of the neighborhood; and,
 - No, if anything it will improve the property compared to what was there.

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.

- No, I am only looking to build a new garage on the existing lot that the old garage was on.

My name is Mike Neary and I live at 101 E Maple in Lombard. I live in a corner lot and had a small 2 car garage. I wanted to tear down the existing garage and replace it with another 2 car garage. The reason for that is because the garage was built in 1940 and was situated on a floating cement slab with a severe crack down the middle. The garage had several leaks and I was lucky that it didn't collapse after our snowstorm in February. For safety reasons it was imperative that I get a new garage.

I requested that a representative from the village building or code department come out and let me know what my options with the garage.

He suggested the below options:

1. Leave pad intact and spruce up the existing garage. I could tear off the roof but I would have to leave the existing walls, so this would allow me to really only do 50% of the repairs needed.
2. Build a concrete wall around pad but leave pad in place and build a new garage. The concrete wall would add as support for a new garage.
3. Tear pad out and replace with a new pad.

At no point did the person from the village tell me that if I tore the pad out I would have to then move the entire garage 20 feet from property line and also move it three feet into my yard away from alley in the rear.

After going through the three options, I thought it made the most sense to tear down the old pad. I thought even though this was the most expensive option it would provide the safety and the overall appearance I was looking for. The problem is that it was not until after I tore the cement slab out and the contractors framed it when the village said I couldn't put the new garage there due to the two code violations mentioned above.

My four points are:

1. If I knew this was going to happen I would have left the existing pad in place and build a structure that would be less sound than the one he wants to build. I also would have saved \$2000 to \$4000 that I now have to spend on concrete.
2. I do not want to build any larger of a structure and I am putting it exactly where the old one was.
3. The Village didn't tell me the consequences of tearing out the old pad.
4. The alley on the south side of the garage is not a through alley. Only two houses use the alley and I have received their approval for me to build the new garage where the old one was located.

Toth, Michael

From: kevin kenny [kjk0209@att.net]
Sent: Wednesday, August 17, 2011 2:04 PM
To: Toth, Michael
Subject: Mike Neary's garage

Micheal Toth,
I am writing this in regards to
Mike Neary
101 E Maple
Lombard,Il
They are rebuilding their existing
garage,the placement of the building
is not a problem.
We do use the alley for access
to our garage,and have no problems
visually getting in or out of the alley.
The alley is only used by us and
one other resident on Maple.
The alley does not go through to any other homes.
Regards,
Kevin and Jeanette Kenny
106 E. Ash St.
Lombard,Il

8/17/2011

Toth, Michael

From: Howell, Jerry
Sent: Thursday, August 11, 2011 8:27 AM
To: Toth, Michael
Subject: ZBA 1105 and the property at 101 E. Maple

Dear Mr. Toth,

I live at 102 E. Ash. I am in receipt of the APO letter regarding ZBA 1105 and my neighbor to the North's Property at **101 E. Maple**.

I have no issues or concerns relative to this garage being constructed in the proposed location.

Jerry M. Howell
Assistant Fire Chief
Lombard Fire Department
P) 630-620-5761
F) 630-620-6889

8/11/2011

Toth, Michael

From: Eric Luchetta-Stendel [ericandco@ameritech.net]
Sent: Friday, August 12, 2011 7:35 PM
To: Toth, Michael
Subject: ZBA 1105 and the property at 101 E. Maple

Dear Mr. Toth,

I live at 45 East Maple, across the street from the subject property. I understand there is an upcoming hearing regarding ZBA 1105 and my neighbor's property at **101 E. Maple**.

I have no issues or concerns relative to this garage being constructed in the proposed location.

Sincerely,

Eric Luchetta-Stendel

630-705-0196

8/15/2011

Toth, Michael

From: jamesmurphy53@yahoo.com
Sent: Thursday, August 11, 2011 8:17 PM
To: Toth, Michael
Subject: Re: Garage at 101 E. Maple St.

107 e. Maple st.

----- Reply message -----

From: "Toth, Michael" <TothM@villageoflombard.org>
To: "James Murphy" <jamesmurphy53@yahoo.com>
Subject: Garage at 101 E. Maple St.
Date: Thu, Aug 11, 2011 3:04 pm

Mr. Murphy-

What is the address of your residence?

Thanks,

Michael S. Toth
Planner I
Village of Lombard
255 E. Wilson Ave.
Lombard, IL 60148
P 630.620.5758
F 630.629.2374

From: James Murphy [mailto:jamesmurphy53@yahoo.com]
Sent: Thursday, August 11, 2011 3:01 PM
To: Toth, Michael
Subject: Garage at 101 E. Maple St.

John and Karen Murphy are ok with a new garage being built at 101 E. Maple St.

Toth, Michael

From: Mike Neary [Mike.Neary@Future.ca]
Sent: Monday, August 29, 2011 8:09 AM
To: Toth, Michael
Subject: ZBA 1105 - Waiver of First Reading

To whom it may concern I am hoping to issue a waiver of first reading during the Village Board meeting on September 15th. This is in regards to ZBA 1105.

If you need anything else please let me know.

Thanks

Mike Neary

Senior Account Manager, Sales

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8/29/2011

ORDINANCE NO. _____

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

(ZBA 11-05; 101 E. Maple 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 155.210(A)(2)(a) of the Lombard Zoning Ordinance to allow a detached garage to be constructed in the corner side yard and a variation from Section 155.207(C) to allow a detached garage to be constructed in a clear line of sight area; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on August 24, 2011 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 variations; 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 variations.

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)(2)(a) of the Lombard Zoning Ordinance to allow a detached garage to be constructed in the corner side yard and Section 155.207(C) to allow a detached garage to be constructed in a clear line of sight area.

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

1. All fencing and landscaping located within the thirty (30) foot clear line of sight area extending into the western property line and rear alley and the twenty (20) foot clear line of sight areas adjacent to the detached garage shall fully comply with the clear line of sight provisions.

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SECTION 3: This ordinance is limited and restricted to the property generally located at 101 E. Maple Street, Lombard, Illinois, and legally described as follows:

LOTS 16 AND 17 IN BLOCK 25 IN THE RESUBDIVISION OF BLOCKS 21, 22, 23, 24, 25, 26, 32, 33, 34, 35 AND 37 AND LOTS 16 TO 28, INCLUSIVE IN BLOCK 29 AND LOTS 2 TO 12, INCLUSIVE, IN BLOCK 36, IN ORIGINAL TOWN OF LOMBARD, A SUBDIVISION IN SECTIONS 5, 6, 7, 8 AND 18, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 13, 1873 AS DOCUMENT 16948, IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-08-122-001

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 _____, 2011.

First reading waived by action of the Board of Trustees this _____ day of _____, 2011.

Passed on second reading this _____ day of _____, 2011.

Ayes: _____

Nayes: _____

Absent: _____

Approved this _____ day of _____, 2011

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Ordinance No. _____

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Published by me this _____ day of _____, 2011

Brigitte O'Brien, Village Clerk

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