

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: William T. Lichter, Village Manager

DATE: August 1, 2006 (B of T) Date: August 17, 2006

TITLE: ZBA 06-14: 219 W. Hickory Road

SUBMITTED BY: Department of Community Development *Datt*

BACKGROUND/POLICY IMPLICATIONS:

The Zoning Board of Appeals transmits for your consideration its recommendation relative to the above-mentioned petition. This petition requests a variation to Section 155.406 (F)(3) of the Lombard Zoning Ordinance to reduce the minimum required interior side yard setback from six (6) feet to approximately two and a half (2.5) feet to allow for the construction of an attached garage in the R2 Single-Family Residence District. (DISTRICT #1)

The Zoning Board of Appeals recommended approval of this petition with conditions.

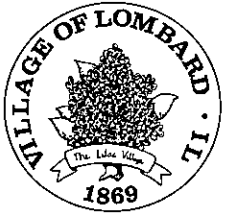
Staff is requesting a waiver of first reading.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X *W. T. Lichter* _____ Date 8/1/06

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: William T. Lichter, Village Manager

FROM: David A. Hulseberg, AICP, Director of Community Development *DAH*

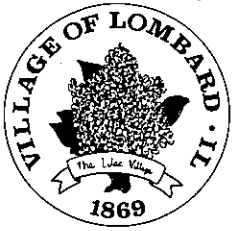
DATE: August 17, 2006

SUBJECT: ZBA 06-14: 219 W. Hickory

Attached please find the following items for Village Board consideration as part of the August 17, 2006 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 06-14;
3. An Ordinance granting approval of the requested variation;
4. Plat of Survey; and
5. Plans associated with the petition.

Please contact me if you have any questions regarding the aforementioned materials.



VILLAGE OF LOMBARD

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Lombard, IL 60148-3926
(630) 620-5700 FAX: (630) 620-8222
TDD: (630) 620-5812
www.villageoflombard.org

Village President
William J. Mueller

Village Clerk
Brigitte O'Brien

Trustees
Greg Alan Gron, Dist. 1
Richard J. Tross, Dist. 2
John "Jack" T. O'Brien, Dist. 3
Steven D. Sebby, Dist. 4
Kenneth M. Florey, Dist. 5
Rick Soderstrom, Dist. 6

Village Manager
William T. Lichter

"Our shared *Vision* for Lombard is a community of excellence exemplified by its government working together with residents and business 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."

August 17, 2006

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

Subject: ZBA 06-14; 219 W. Hickory

Dear President and Trustees:

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioner requests approval of a variation to Section 155.406 (F)(3) of the Lombard Zoning Ordinance to reduce the minimum required interior side yard setback from six (6) feet to approximately two and a half (2.5) feet to allow for the construction of an attached garage in the R2 Single-Family Residence District.

The Zoning Board of Appeals conducted a public hearing on July 26, 2006. Robert Hurl, owner of the subject property, presented the petition. He stated that there is an existing attached garage on the property. He mentioned he didn't know why it was built so close to the property line, but it was grandfathered. He noted that he would like a two car garage and the space from the edge of the existing garage to the bay window is exactly enough room for a two car garage. He stated that his neighbors didn't have any objection to the proposed garage.

Chairperson DeFalco then opened the meeting for public comment. There was no one present to speak for or against the petition.

Chairperson DeFalco then requested the staff report.

Michelle Kulikowski, Planner I, presented the staff report. She noted that the subject property is located in the Green Valley subdivision and is approximately 50 feet wide. She stated that the existing residence currently maintains a 6.2-foot side yard to the west property line and the attached one car garage maintains a 2.5-foot setback to the east property line. She mentioned that the property owner would like to remove the one-car garage and replace it with a two-car garage. She noted that the property owner has represented that the proposed garage cannot be placed elsewhere on the lot due to the layout of the house. She stated that the garage would

be immediately adjacent to a bay window, and the bay window is adjacent to the entrance to the home. She mentioned that shifting the garage would block the window, and the Building Code would not allow the garage to block the window because of requirements for light and ventilation. She also noted that narrowing the garage below the proposed 18.5-foot width would prevent its use as a two-car garage. She stated that with existing side yard setbacks of 6.2 feet on the west and 2.5 feet on the east, there is not sufficient room to allow for a driveway and detached garage in the rear of the property. Also, the Zoning Ordinance would not permit a detached garage to be located in front of the house.

Ms. Kulikowski stated that the layout of the house and its location of the house on the subject property create a hardship. She noted that meeting the 6' side yard setback would only allow the petitioner to have a 14' wide garage, which can only accommodate one car, and without the requested relief, the property owner would essentially be prevented from having a two-car garage. She mentioned that two car garages are not uncommon within the Green Valley subdivision, so the request would not be incompatible with the surrounding neighborhood. She stated that the property owner does not have the option to construct a detached garage and that placing the garage in front of the bay window would impair the adequate supply of air and light to the residence. She noted that staff can also support the requested relief because the proposed garage would maintain the same setback as the existing garage and would not be increasing the degree of non-conformity. She also mentioned that there is precedence in the Green Valley subdivision for variances to allow attached garages and carports less than 6' from the side property line (ZBA 84-11: 118 Green Valley Drive, ZBA 91-13: 213 W. Hickory Drive, ZBA 78-04: 108 W. Hickory Drive). She noted that there are properties in the Green Valley subdivision that have legal non-conforming side yard setbacks, and the proposed garage will not alter the essential character of the neighborhood.

Chairperson DeFalco then opened the meeting for discussion by the Board Members.

Mrs. Newman asked if a variation would be needed to construct an addition on the existing garage. Jennifer Backensto, Planner II, stated that a variation would not be needed because the new portion of the garage, or the addition, would comply with code.

Mr. Hurl stated that he can't do an addition because the existing garage is unsound construction. He noted that he has to tear down the garage and start from scratch. He mentioned that an addition probably wouldn't look good aesthetically. He also mentioned that he plans to add all new siding and a new roof to the house once the new garage is built.

Staff and the ZBA members discussed conditions of approval. Chairperson DeFalco noted that there wasn't a condition tying the variation to the existing residence. He asked if that should be included as a condition of approval.

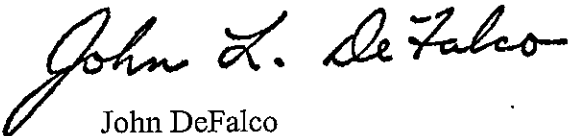
Re: ZBA 06-14
August 17, 2006
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After due consideration of the petition and testimony presented, the Zoning Board of Appeals found that the proposed variation complied with the Standards of the Zoning Ordinance. Therefore, on a motion by Mr. Polley and a second by Mrs. Newman, the Zoning Board of Appeals recommended approval of ZBA 06-14 by a roll call vote of 5 to 0 subject to the following conditions:

1. The petitioner shall develop the site in accordance with the plans submitted as part of the petition.
2. That the petitioner shall apply for and receive a building permit for the proposed improvements associated with this petition.
3. That the variation shall be limited to the existing residence. Shall the existing residence be reconstructed due to damage or destruction by any means, the residence will meet the current zoning requirements and setbacks.

Respectfully,

VILLAGE OF LOMBARD



John DeFalco
Chairperson
Zoning Board of Appeals

att-

ANALYSIS

SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development on June 27, 2006.

1. Petition for Public Hearing
2. Response to the Standards for Variation
3. Plat of Survey, prepared by L.S.C.I., dated June 29, 1994.
4. Proposed building plans (unsigned, no date).

DESCRIPTION

The subject property currently has a one-car attached garage with an interior side yard setback of approximately 2.5 feet. The property owner wishes to remove the one-car garage and replace it with a two-car attached garage, maintaining the current 2.5-foot setback.

INTER-DEPARTMENTAL REVIEW COMMENTS

Fire and Building

Fire and Building has no objection to this petition.

Public Works Engineering

Public Works has no comments on this petition.

Private Engineering

The Private Engineering Services Division has no comments on this petition.

Planning

Background

The subject property is located in the Green Valley subdivision and is approximately 50 feet wide. The existing residence currently maintains a 6.2-foot side yard to the west property line and the attached one car garage maintains a 2.5-foot setback to the east property line. The property owner would like to remove the one-car garage and replace it with a two-car garage. The property owner has represented that the proposed garage cannot be placed elsewhere on the lot due to the layout of the house. As proposed, the garage would be immediately adjacent to a bay window, and the bay window is adjacent to the entrance to the home. Shifting the garage

would block the window. The Building Code would not allow the garage to block the window because of requirements for light and ventilation. Narrowing the garage below the proposed 18.5-foot width would prevent its use as a two-car garage. Furthermore, with existing side yard setbacks of 6.2 feet on the west and 2.5 feet on the east, there is not sufficient room to allow for a driveway and detached garage in the rear of the property. The Zoning Ordinance would not permit a detached garage to be located in front of the house.

Standards for Variations

Staff finds that the layout of the house and its location of the house on the subject property create a hardship. Meeting the 6' side yard setback would only allow the petitioner to have a 14' wide garage, which can only accommodate one car. Without the requested relief, the property owner would essentially be prevented from having a two-car garage. Two car garages are not uncommon within the Green Valley subdivision, so the request would not be incompatible with the surrounding neighborhood.

The property owner does not have the option to construct a detached garage. Placing the garage in front of the bay window would impair the adequate supply of air and light to the residence. Staff can also support the requested relief because the proposed garage would maintain the same setback as the existing garage and would not be increasing the degree of non-conformity.

Furthermore there is precedence in the Green Valley subdivision for variances to allow attached garages and carports less than 6' from the side property line (ZBA 84-11: 118 Green Valley Drive, ZBA 91-13: 213 W. Hickory Drive, ZBA 78-04: 108 W. Hickory Drive). There are properties in the Green Valley subdivision that have legal non-conforming side yard setbacks, and the proposed garage will not alter the essential character of the neighborhood.

FINDINGS AND 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 variation:

Based on the submitted petition and the testimony presented, the requested variation **complies** with the Standards required for a variation by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals accept the findings on the Inter-Departmental Review Committee as the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **approval** of ZBA 06-14, subject to the following conditions:

1. The petitioner shall develop the site in accordance with the plans submitted as part of the petition.

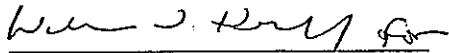
Zoning Board of Appeals

Re: ZBA 06-14

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2. That the petitioner shall apply for and receive a building permit for the proposed improvements associated with this petition.

Inter-Departmental Review Group Report Approved By:



David A. Hulseberg, AICP

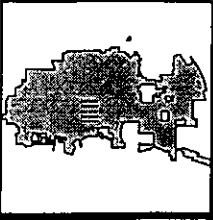
Assistant Village Manager/Director of Community Development

DAH:MK

att-

c: Petitioner

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1 in. = 200.0 feet

ZBA 06-14: 219 W. Hickory Road



ORDINANCE NO. _____

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

(ZBA 06-14: 219 W. Hickory)

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 Title 15, Chapter 155, Section 155.406(F)(3) of the Lombard Zoning Ordinance to reduce the interior side yard setback from six feet (6') to two and one-half feet (2.5') in the R2 Single-Family Residence District; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on July 26, 2006 pursuant to appropriate and legal notice; and,

WHEREAS, the Zoning Board of Appeals has forwarded its findings with a recommendation to the Board of Trustees to approve the requested variation, subject to conditions; 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 subject to conditions.

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 155.406(F)(3) of the Lombard Zoning Ordinance to reduce the interior side yard setback from six feet (6') to two and one-half feet (2.5').

SECTION 2: This ordinance is limited and restricted to the property generally located at 219 W. Hickory Road, Lombard, Illinois, and legally described as follows:

LOT 11 IN BLOCK 7 IN GREEN VALLEY, BEING A SUBDIVISION IN SECTIONS 7 AND 18, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDIING TO THE PLAT THEREOF RECORDED JULY 25, 1944, AS DOCUMENT 465288, IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-07-405-011

Ordinance No. _____
Re: ZBA 06-14
Page 2

SECTION 4: This ordinance shall be granted subject to compliance with the following conditions:

1. The petitioner shall develop the site in accordance with the plans submitted as part of the petition.
2. That the petitioner shall apply for and receive a building permit for the proposed improvements associated with this petition.
3. That the variation shall be limited to the existing residence. Shall the existing residence be reconstructed due to damage or destruction by any means, the residence will meet the current zoning requirements and setbacks.

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 _____, 2006.

First reading waived by action of the Board of Trustees this _____ day of _____, 2006.

Passed on second reading this _____ day of _____, 2006.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2006.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Robert J Hurl
219 W Hickory Rd.
Lombard, IL. 60148

.....

Village of Lombard

June 26, 2006

Village board,

I am requesting this variation be approved for a couple of reasons.

First the apron to the driveway and garage are all in alignment.
If I have to move everything over my driveway will be S shaped and at that short of a length it will be very difficult to navigate.
The placement also aliens perfectly with the small punch out in the front of my house.
I also need the extra space to accommodate for the two car garage. If I have to move everything over I will have to remove my bay window and I will not be able to reset it because there will not be any room left. It will also look very unbalanced outside as well as inside.
I have spoken to my neighbors and they are all Ok with this scope of work.
They no when the work is complete my house will look 10 times nicer then it does now.

If there is anything that will help to allow this variance such as painting the framing materials with fire retardant paint or using steel framing on the outside wall I will be more than happy to comply.

Thanks

Sincerely
Robert Hurl

.....

(708) 268-9001

PLAT OF SURVEY

(708) 268-9008

-BY
L.S.C.I.

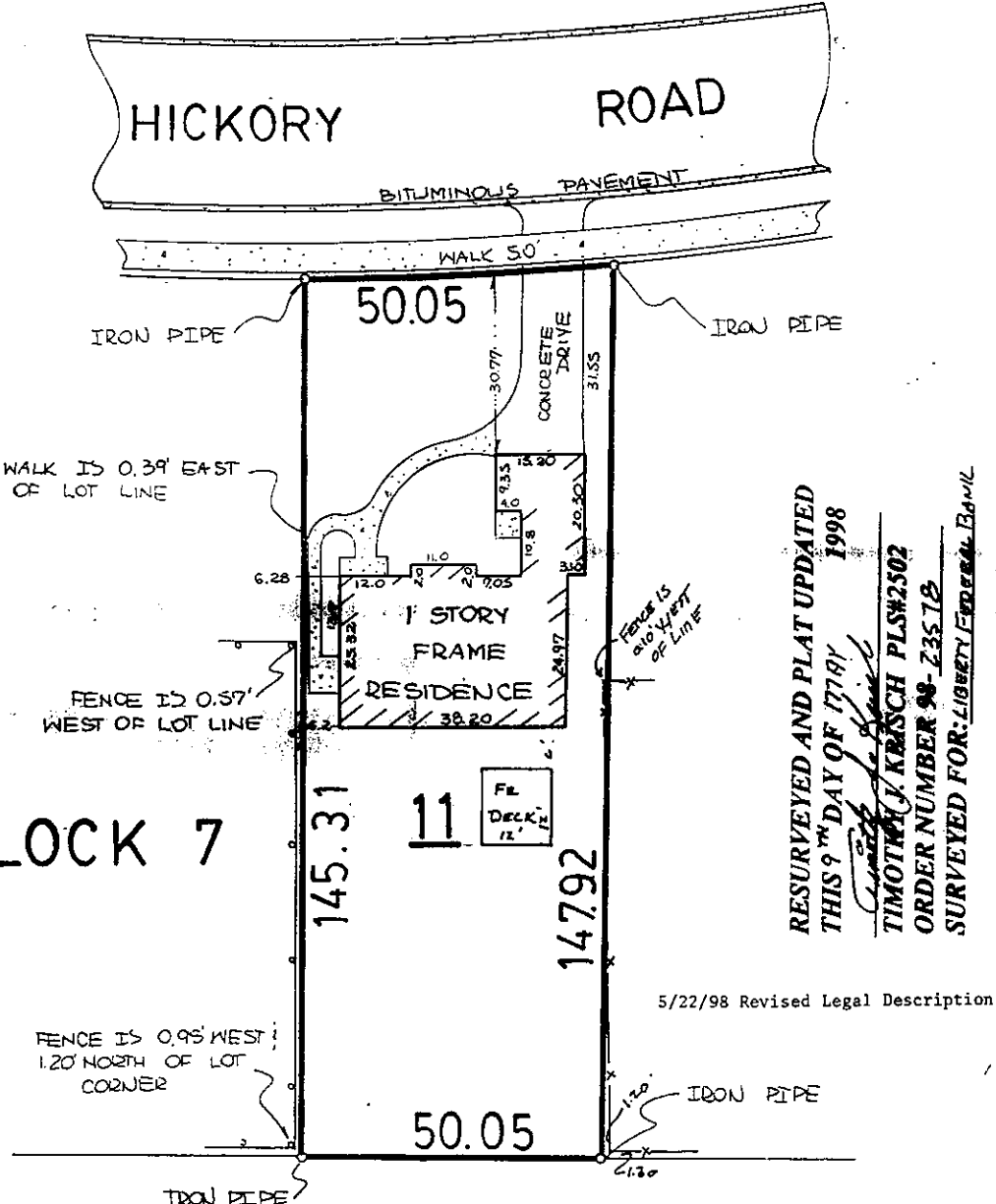
12 E WILLOW ST. LOMBARD, ILLINOIS 60148



LEGAL DESCRIPTION

1 INCH = 20 FEET

LOT 11 IN BLOCK 7 IN GREEN VALLEY, BEING A SUBDIVISION IN SECTIONS 7 AND 18, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 25, 1944, AS DOCUMENT 465288, IN DUPAGE COUNTY, ILLINOIS.



RESURVEYED AND PLAT UPDATED
THIS 9TH DAY OF JULY 1998
TIMOTHY J. KRISCH PLS#2502
ORDER NUMBER 98-2357B
SURVEYED FOR: LIBERTY EXPRESS, LLC

5/22/98 Revised Legal Description

THIS SURVEY AND PLAT OF SURVEY ARE NULL AND VOID IF SURVEYORS EMBOSSED SEAL IS NOT AFFIXED HEREON.

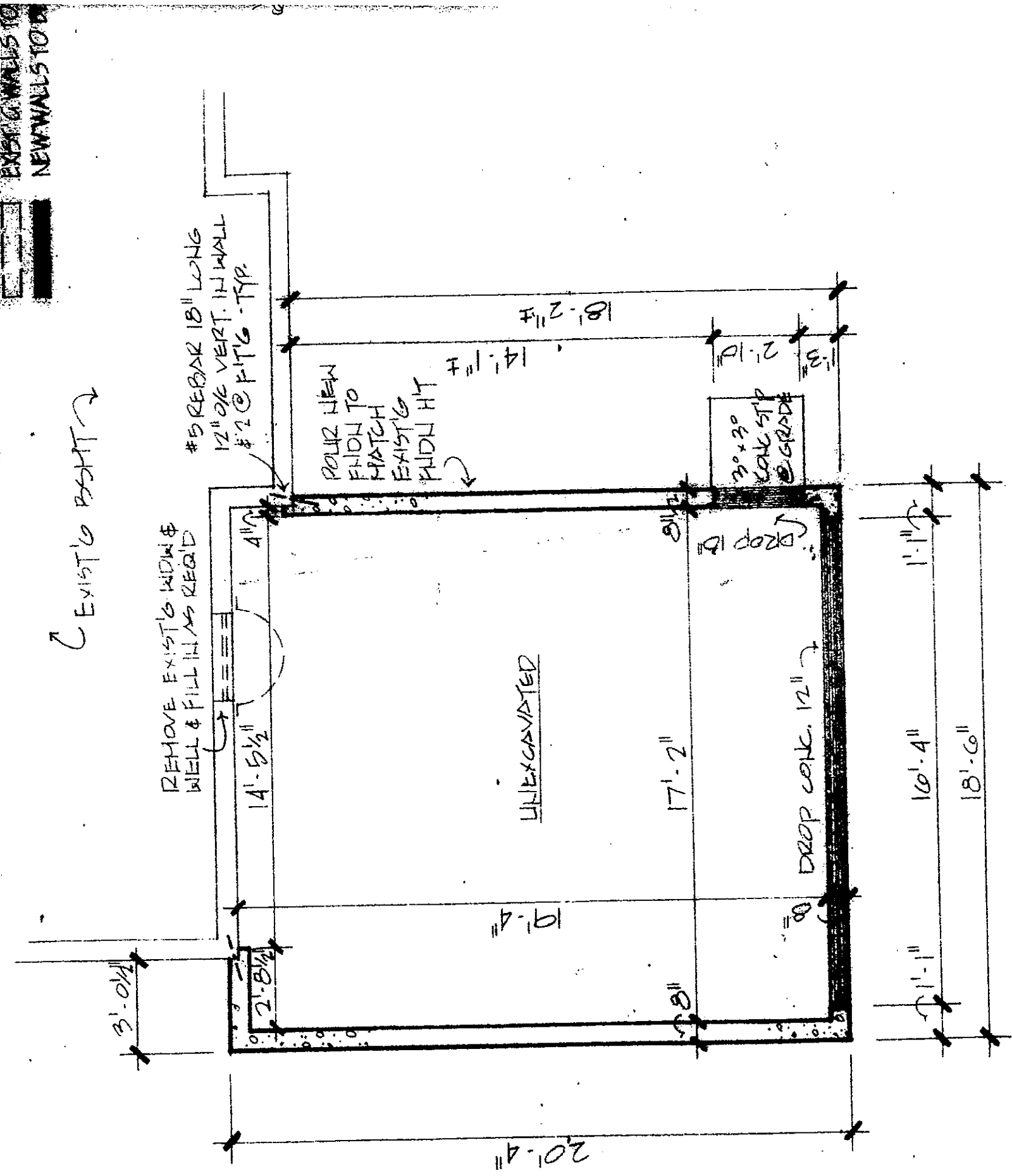
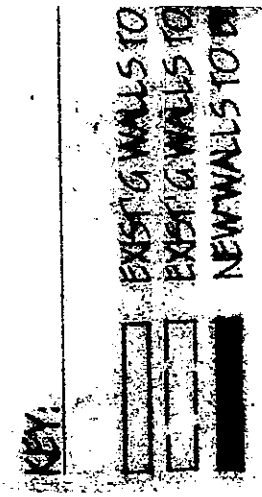
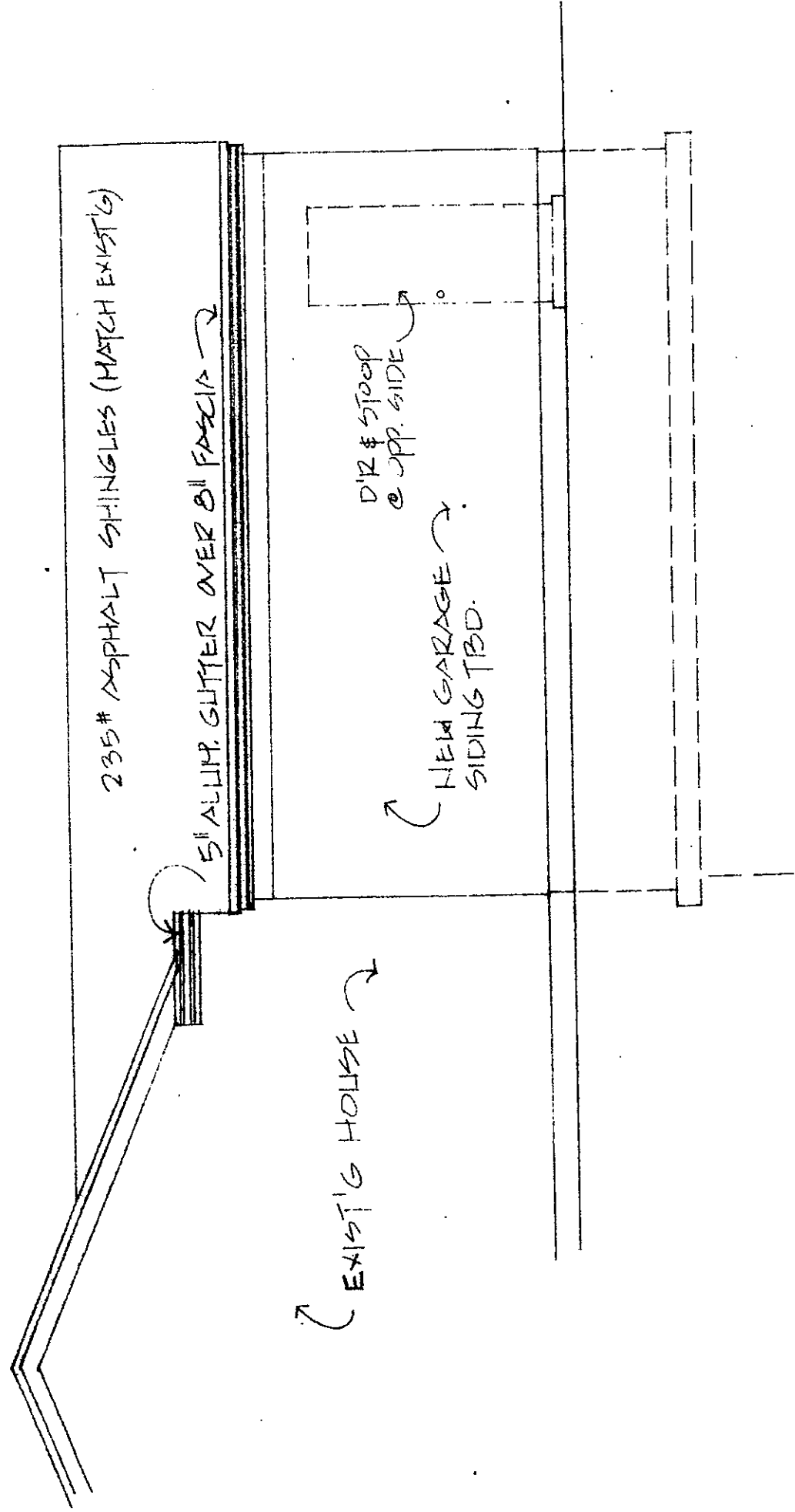
STATE OF ILLINOIS COUNTY OF DU PAGE } S S

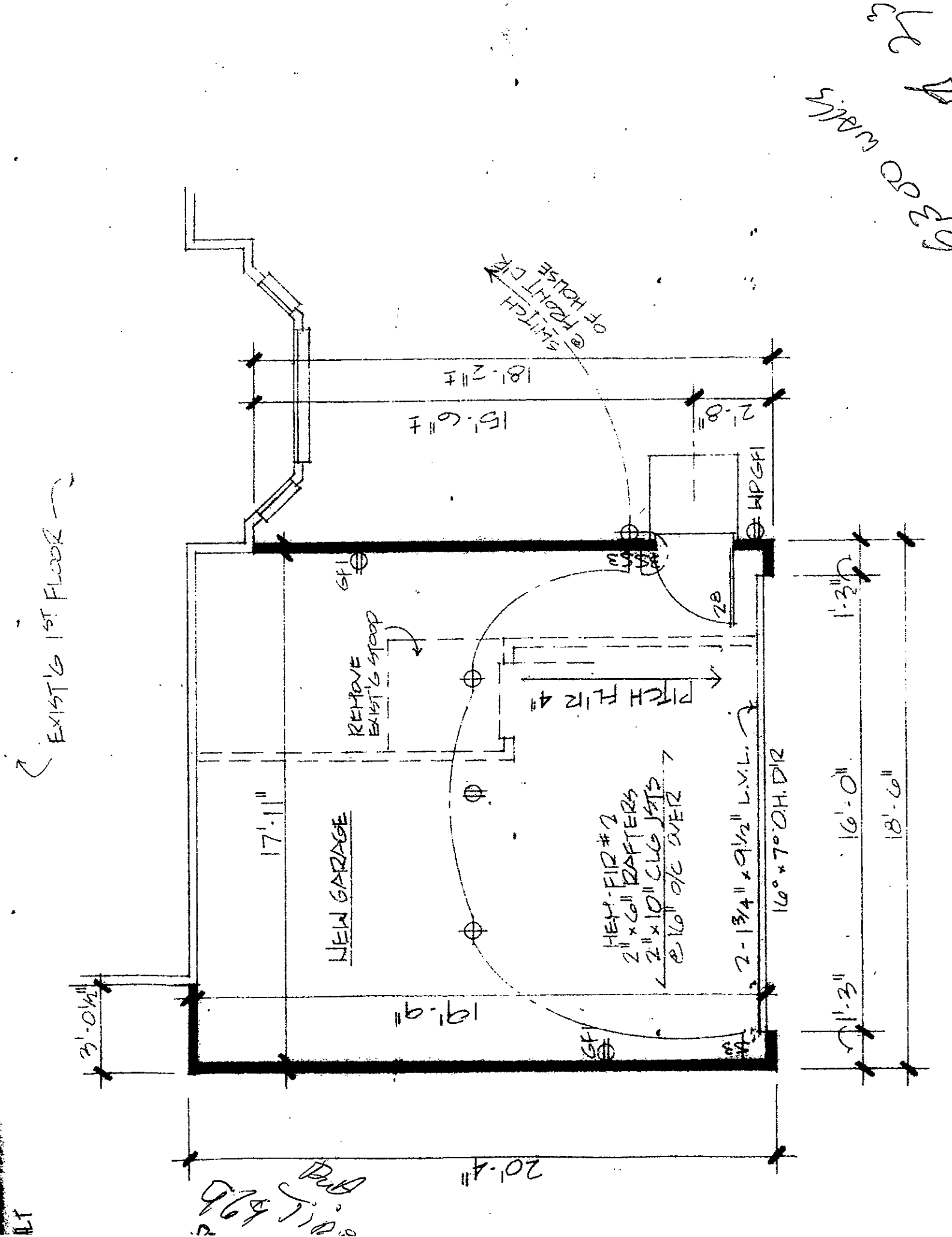
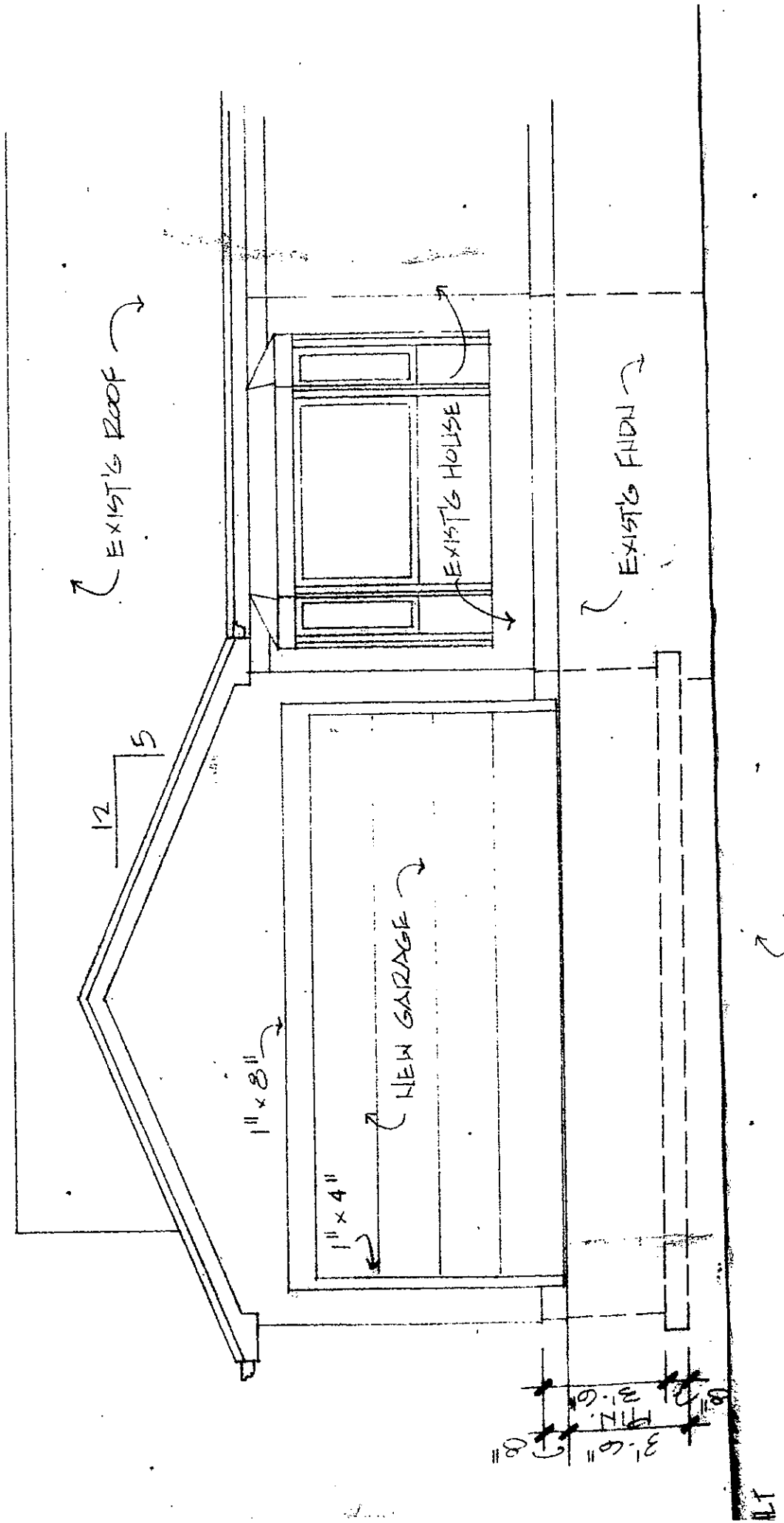
I, TIMOTHY J. KRISCH, A REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY, AND THAT THIS PLAT IS A CORRECT REPRESENTATION OF SAID SURVEY. ALL DIMENSIONS ARE IN FEET AND DECIMAL PARTS THEREOF, CORRECT AT 62° FAHRENHEIT.

ADDRESS 219 W. Hickory, Lombard
SURVEYED FOR Glenn B. Hoag
ORDER NO. 94-16766
BOOK 282 PAGE 17

REFER TO DEED, TITLE POLICY AND LOCAL ORDINANCE FOR BUILDING RESTRICTIONS NO MEASUREMENTS ARE TO BE ASSUMED BY SCALING.

6/29/94
DATE
Timothy J. Krisch
ILLINOIS REGISTERED LAND SURVEYOR #2502





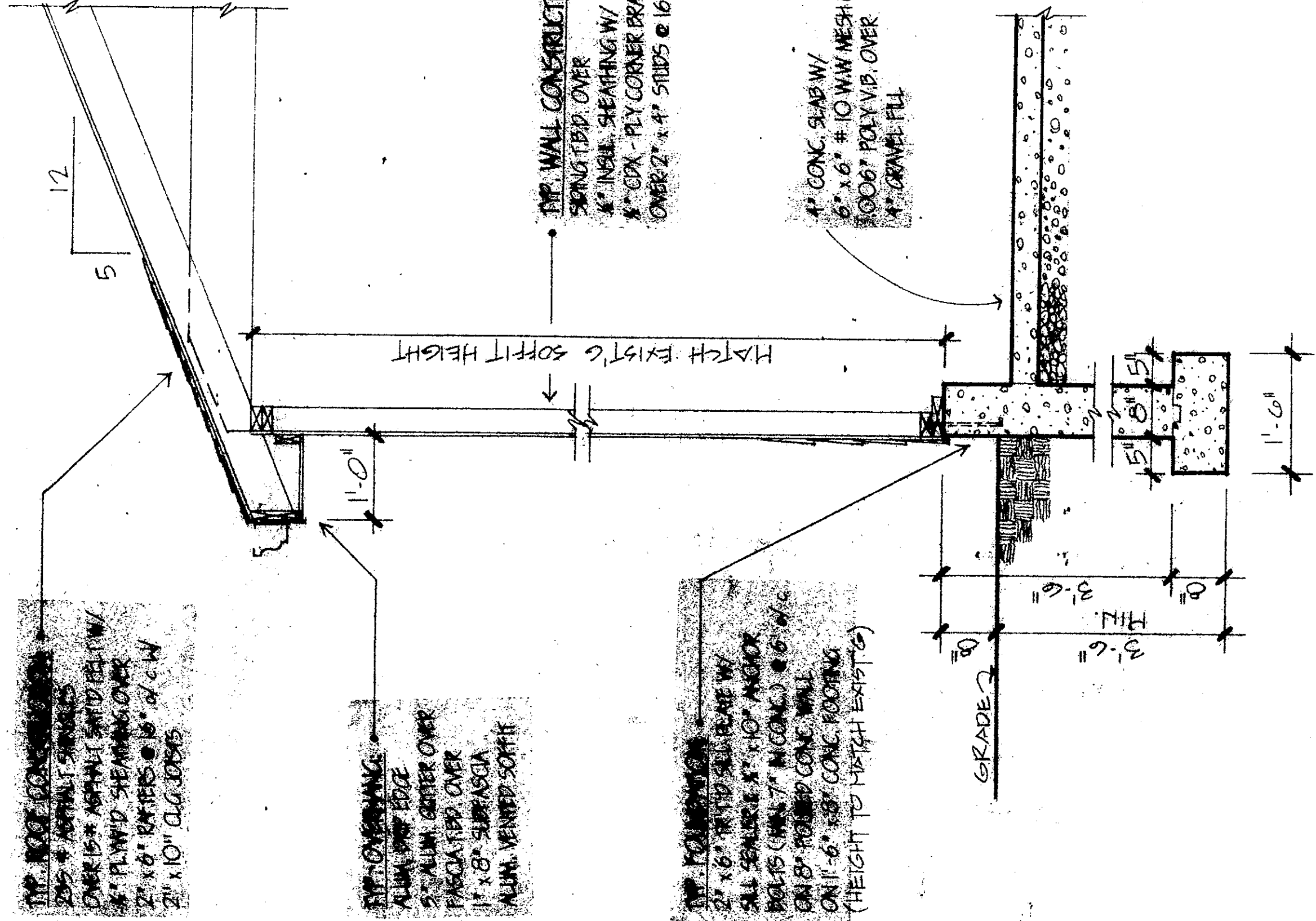
6/23/09
3:40 PM
S.M.S.

FLOOR PLAN

1/4" = 1'-0" - TYP.

1" = 30'

PLAN



1" = 30'

SECTION