

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: January 30, 2013 (B of T) Date: February 7, 2013

TITLE: ZBA 13-01: 236 E. Morningside

SUBMITTED BY: Department of Community Development *WJH*

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 155.407(F)(2) of the Lombard Zoning Ordinance to reduce the required corner side yard setback from twenty feet (20') to fifteen and seven-tenths feet (15.7').
2. A variation from Section 155.407(F)(4) of the Lombard Zoning Ordinance to reduce the required rear yard setback from thirty-five feet (35') to twenty-nine and one half feet (29.5').

The Zoning Board of Appeals recommended approval of this petition subject to conditions.

Staff is requesting a waiver of first reading.

Please place this item on the February 7, 2013 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.



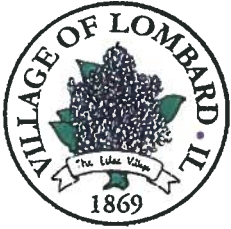
MEMORANDUM

TO: David A. Hulseberg, AICP, ICMA-CM, Village Manager
FROM: William Heniff, AICP, Director of Community Development *WH*
DATE: February 7, 2013
SUBJECT: ZBA 13-01; 236 E. Morningside Avenue

Please find the following items for Village Board consideration as part of the February 7, 2013 Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 13-01;
3. An Ordinance granting approval of a variation; and,
4. Plans associated with the petition.

The Zoning Board of Appeals recommended approval of this petition with conditions. Please place this petition on the February 7, 2013 Board of Trustees consent agenda. As the petitioner has already applied for a building permit, staff recommends 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

February 7, 2013

Acting Village President
William "Bill" Ware

Village Clerk
Brigitte O'Brien

Trustees

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

Village Manager
David A. Hulseberg

"Our shared Vision for Lombard is a community of excellence exemplified by its government working together with residents and businesses to create a distinctive sense of spirit and an outstanding quality of life."

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

Mr. William "Bill" Ware
Acting Village President, and
Board of Trustees
Village of Lombard

Subject: ZBA 13-01; 236 E. Morningside Avenue

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 take the following actions for the subject property located within the R2 Single-Family Residence District:

- 1) A variation from Section 155.407(F)(2) of the Lombard Zoning Ordinance to reduce the required corner side yard setback from twenty feet (20') to fifteen and seven-tenths feet (15.7').
- 2) A variation from Section 155.407(F)(4) of the Lombard Zoning Ordinance to reduce the required rear yard setback from thirty-five feet (35') to twenty-nine and one half feet (29.5').

The Zoning Board of Appeals conducted a public hearing on January 23, 2013.

Karalee Strasser, 236 E. Morningside, presented the petition. Ms. Strasser stated that she was requesting variations to replace her attached one-car garage with an attached two-and-one-half-car garage. The corner side yard setback would remain at its current distance but the new addition would encroach into the rear yard. She stated that she was aware of the need for a driveway variation and had already received approval from the Department of Public Works.

Chairperson DeFalco asked if there was anyone present to speak in favor or against the petition. Mark Lauer, 528 S. Stewart Avenue, stated that there is a storm drain at 532 S. Stewart that had been installed by the Village a number of years ago. He indicated that there have been significant problems with the drain being blocked and stated that, subsequent to storm events, it typically takes several days for floodwater to drain from the backyard. He stated that, to his knowledge, there had never been any maintenance performed on the drain and requested that the Village look into this matter.

Jennifer Henaghan, Senior Planner, entered the staff report into the public record in its entirety and stated that staff recommends approval of ZBA 13-01, subject to the four conditions outlined in the staff report.

Mr. Young asked how the second level of the garage would be used. The petitioner stated that it would be used for storage and indicated that she does not currently have a basement or an attic in her home.

Mr. Bedard asked if the addition would have a basement. The petitioner stated that it would be constructed on a slab.

Chairperson DeFalco asked which yard is considered to be the rear yard. Ms. Henaghan confirmed that it is the eastern side of the lot.

Mr. Bartels asked to clarify the rear yard setback. Ms. Henaghan stated that the home is currently 44.8 feet from the rear lot line but the proposed addition would reduce the setback to 29.5 feet.

Mr. Bedard asked how the flooding issue could be addressed. Ms. Henaghan stated that the proposed improvements would need to comply with the Village's stormwater regulations as part of the building permit process, but she would request that the Village's Private Development Engineer contact Mr. Lauer regarding the larger drainage issues in the neighborhood.

Chairperson DeFalco suggested that a condition be added to limit the variations to the current structure as proposed.

On a motion by Young and a second by Bedard, the Zoning Board of Appeals recommended by a vote of 4 to 0 that the Village Board **approve** the variations associated with ZBA 13-01, subject to the following conditions:

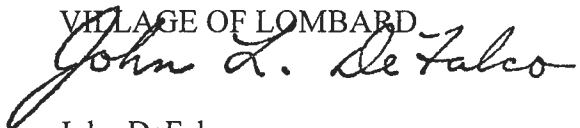
1. The subject property shall be developed in substantial conformance with the site plan submitted on the Plat of Survey as part of the public hearing packet prepared by the petitioner and dated November 26, 2012.
2. No roofed-over accessory structures shall be permitted in the rear yard east of the proposed addition.
3. The petitioner shall satisfactorily address all comments included within the IDRC report, including the required hard surface driveway.
4. The second floor storage/work area immediately above the proposed garage addition shall not be utilized as a separate dwelling unit.

Re: ZBA 13-01
February 7, 2013
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5. In the event that the principal structure on the subject property is damaged or destroyed to fifty-percent (50%) of its value, any new structure shall meet the required side yard setback at the time of its construction.

Respectfully,

VILLAGE OF LOMBARD

A handwritten signature in black ink that reads "John L. DeFalco". The signature is written in a cursive style with a large initial "J" and "D".

John DeFalco
Chairperson
Zoning Board of Appeals

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VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Zoning Board of Appeals HEARING DATE: January 23, 2013
FROM: Department of Community PREPARED BY: Joanna Magdaleno
Development Community Development
Intern

TITLE

ZBA 13-01; 236 E. Morningside Avenue: The petitioner 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 155.407(F)(2) of the Lombard Zoning Ordinance to reduce the required corner side yard setback from twenty feet (20') to fifteen and seven-tenths feet (15.7').
- 2) A variation from Section 155.407(F)(4) of the Lombard Zoning Ordinance to reduce the required rear yard setback from thirty-five feet (35') to twenty-nine and one half feet (29.5').

GENERAL INFORMATION

Petitioner/Owner: Karalee Russell-Strasser
236 E. Morningside Avenue
Lombard, IL 60148

PROPERTY INFORMATION

Existing Zoning: R2 Single Family Residential District

Existing Land Use: Single Family Residence

Size of Property: approximately 11,840 square feet

Surrounding Zoning and Land Use:

North: R2 Single Family Residence District; developed as Single Family Residences

South: R2 Single Family Residence District; developed as Single Family Residences

East R2 Single Family Residence District; developed as Single Family Residences

West: R2 Single Family Residence District; developed as Single Family Residences

ANALYSIS

SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development on November 26, 2012.

1. Petition for Public Hearing.
2. Narrative prepared by the petitioner.
3. Response to the Standards for Variation.
4. Plans associated with the petition, prepared by the petitioner, undated.
5. Plat of Survey, prepared by ARS Surveying Service, LLC, dated April 9, 2001.

DESCRIPTION

The subject property is located at the northeast corner of Craig Place and Morningside Avenue and is improved with a one-story residence built in 1925. The existing residence is legal non-conforming with regard to the corner side yard setback as defined by the current Zoning Ordinance.

The petitioner is proposing to construct a two and ½ car garage with second floor storage/loft space, with heating and A/C. The corner side yard setback would be maintained at 15.7 feet and the rear yard setback is proposed to decrease to 29.5 feet; variations for the rear and corner side yard setbacks are therefore required.

INTER-DEPARTMENTAL REVIEW COMMENTS

ENGINEERING

Private Engineering Services

The PES Division of Community Development has no comments regarding this request.

Public Works Engineering

Public Works Engineering has no comments regarding this request.

FIRE DEPARTMENT

The Fire Department has no comments regarding this request.

BUILDING DIVISION

The Building Division notes that the hard surface driveway requirement must be met.

Note: Staff has met with the petitioner on this issue and they are currently pursuing a driveway variation with the Public Works Department to allow the expanded driveway to exceed 20 feet as measured at the property line.

PLANNING

The subject property is developed with a single-story residence with a one-car attached garage. The existing home is non-conforming with regard to the corner side yard setback.

The owner has submitted a proposal to construct a two and ½ car attached garage on the first level with a storage/work area on the second level. The plan would decrease the rear yard setback to twenty-nine and one half feet (29.5') from the existing 44.8'. The existing corner side yard setback of fifteen and seven-tenths feet (15.7') would remain the same as the existing structure. With the new plan, the petitioner has requested variations to reduce the required setbacks to the indicated measurements. The proposed plan is included within the petitioner's submitted packet.



The new plan involves an addition to the one car garage which is located at the eastern side of the residence. The petitioner has indicated a need to create a two and ½ car garage to accommodate additional needed storage space.

The residence as it currently exists with a one car garage.

As a non-conforming structure, the Zoning Ordinance requires that a petition for variation be requested for setbacks outside the standard dimensions specified for the property. 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 new construction will meet current code requirements. In time, this allows for full compliance with the Zoning Ordinance. Variations may only be granted if there is a demonstrated hardship that distinguishes the subject property from other properties in the area.

The proposed plan to create a two and ½ car garage at the subject property presents less possible adverse effects on neighboring properties than other accessory structures within the allowed rear yard setbacks. The petitioner could, by right, construct a 780-sq. ft. garage only three feet from the eastern property line. Such a structure would have a significantly greater impact on the adjacent residence than the proposed addition, which would be 29.5 feet off the property line. However, the benefit of this reduced impact should be memorialized through a condition of approval that would prevent the construction of additional roofed-over accessory structures within the rear yard, thereby

ensuring that the adjacent property retains the open space benefit granted through the requested relief. The petitioner has indicated that she understands and supports this condition.

Staff is supportive of the proposed variations as the “Standards for Variations” have been met in the following respects:

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.*

The configuration of the existing structure on the lot creates a hardship. Staff finds that the configuration of a detached accessory structure in an area of the yard acceptable by current setback standards would pose increased impact on neighboring lots. The plan that the petitioner has proposed would allow the addition to remain closer to the principal structure providing potentially less impact to surrounding properties.

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.*



Petitioner's proposed site for the two and ½ car garage addition.

Staff finds that the conditions on the subject property are unique. The placement of the principal structure on a corner lot and wide parkway influence the petitioner's request to extend their property into the side and rear yard setbacks.

3. *The purpose of the variation is not based primarily upon a desire to increase financial gain.*

The petitioner does not stand to profit from the requested variations. The petitioner plans to utilize the proposed addition to enhance the property's garage and storage space for her own use and future residents.

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.*

The degree of non-conformity on the property is due to the existing location of the residence and the specific lot.

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.*

The requested variations will not have a detrimental effect on the public or the improvements on neighboring properties. In fact, the proposed plan will retain the same side yard setback distance as the current one car garage.

The petitioner plans to extend the garage to create a two and ½ car garage with second floor loft/storage space. Staff believes that the additional height of the proposed second story garage space is unlikely to have a negative impact on any of the adjacent residences.

6. *The granting of the variation will not alter the essential character of the neighborhood.*

The character of the neighborhood will remain unchanged by the petitioner's request for variation. The neighboring lots are comprised of single family residences and attached two car garages are common for these residences.

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.*

As stated above, the proposed plan is unlikely to have any adverse effect on the neighborhood or the general public.

FINDINGS AND RECOMMENDATIONS

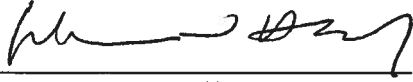
The Department of Community Development has determined that the information presented **has affirmed** the Standards for Variations for the requested variations. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make the following motion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

Based on the submitted petition and the testimony presented, the requested variations **do 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 **approval** of ZBA 13-01; subject to the following conditions:

1. The subject property shall be developed in substantial conformance with the site plan submitted on the Plat of Survey as part of the public hearing packet prepared by the petitioner and dated November 26, 2012.
2. No roofed-over accessory structures shall be permitted in the rear yard east of the proposed addition.
3. The petitioner shall satisfactorily address all comments included within the IDRC report, including the required hard surface driveway.

4. That the second floor storage/work area immediately above the proposed garage addition shall not be utilized as a separate dwelling unit.

Inter-Departmental Review Group Report Approved By:



William J. Heniff, AICP
Director of Community Development

c: Petitioner

Written Response to the Standards for Variation

I would like a variation for my "Garage Project" on 236 E Morningside, for several reasons. First, the current "Attached Garage" is built a little over 5 feet in front of the house. You can see from the original Plot of Survey the front window and front entryway are also built forward to match the original garage. This would keep the original look to the front of my home, only adding a car and a half to the east side of my property. I would like to keep this look and build my new "two ½-car garage" forward as well.

I understand, what I call my east side yard (since my house faces south on Morningside) the village calls my back yard. My second request is to allow the new garage to extend 6 feet into the east side or back yard to accommodate the extra ½-car garage for my yard equipment, etc. My house does not have a basement, attic or sheds to store the lawnmower, snow blower or other yard equipment required to maintain my property. The other residents down Craig Place have added various garages, sheds and the like to their east side back yard prosperities, which extend farther into the east back lot than I am requesting.

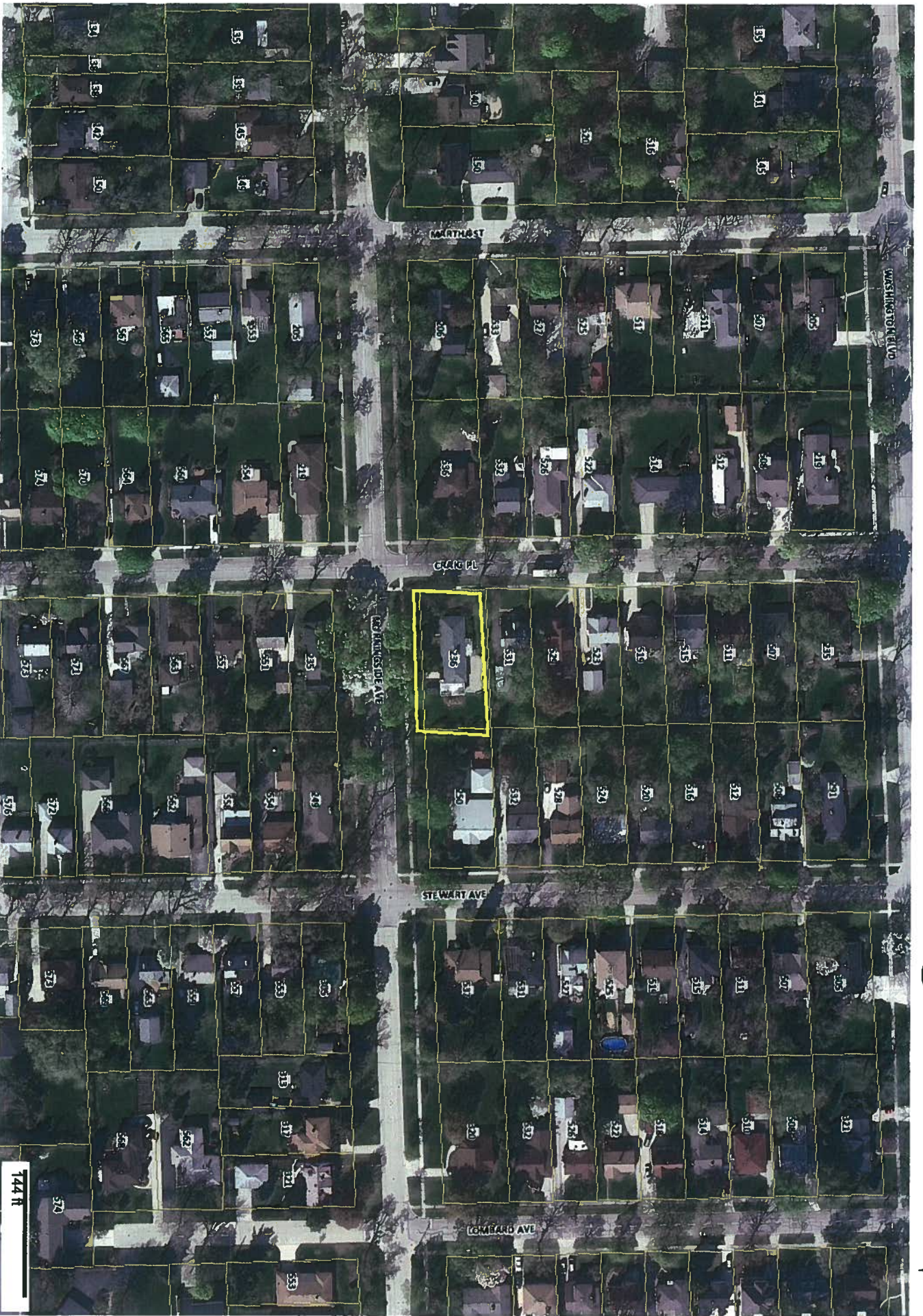
I hope this improvement to my home will accommodate future residents and me quite comfortably.

Karalee Strasser

Seven Standards for Variation
Section 155.103.c.7 of the Lombard Zoning Ordinance:

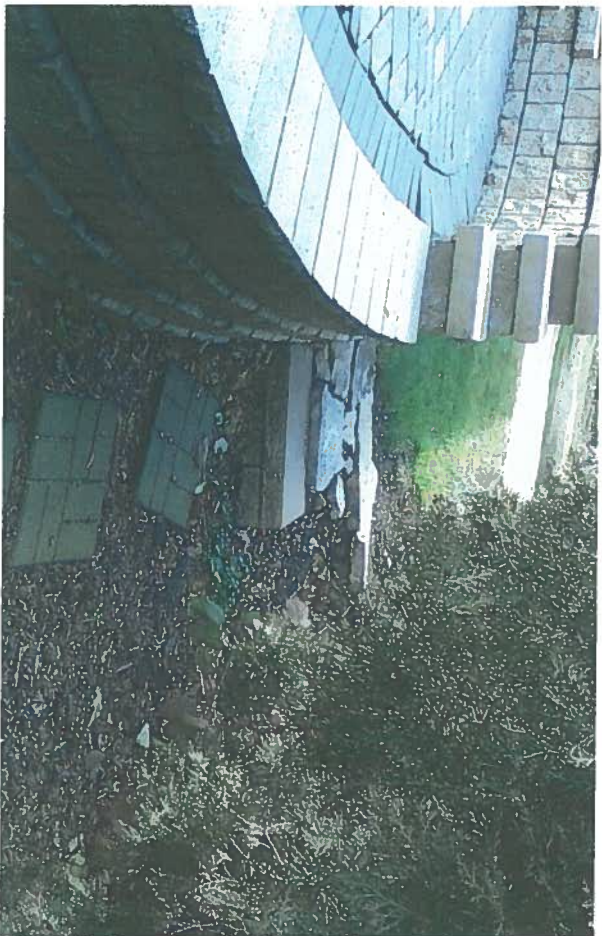
1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.
 - My home is on the top of sloping land with the front (South) and west side (West) consisting of the top of the hill. The land gradually slopes to the (East) with a more severe slope to the (North) behind the current garage. Because of the sloping the North/East corner of my land, as well as my neighbors, is often flooded during heavy rains.
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.
 - Building my new garage forward (South) as the current garage was built and slightly (East), keep's it out of the water conditions currently existing to the (North).
3. The purpose of the variation is not based primarily upon a desire to increase financial gain.
 - Building forward (South/East) keeps the original look of my home, without crowding my neighbors.
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.
 - I moved to Lombard to be near my sister and hope to live here for many years to come.
5. The granting of the variation will not be detrimental to the public welfare or injurious to the property or improvements in the neighborhood in which the property is located.
 - I believe these plans to improve my home will be in no way detrimental to our surrounding neighborhood.
6. The granting of the variation will not alter the essential character of the neighborhood; and,
 - My hopes are that my neighbors will all like my long needed improvements.
7. The proposed variation will not impair an adequate of 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.
 - My property has lawn and garden on all four sides of my home, which will only be slightly decreased on the East side, verses the North side. The current drainage problem in the North/East corner has always existed because this is a hill property, with other residents choosing to build on the bottom of the hill. My home has an extended setback from the street, while I am required to do a lot of extra maintenance to village land. I have always tried to keep my property and the adjacent village property looking good.

ZBA 13-01: 236 E. Morningside



744 ft







ORDINANCE NO. _____

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

(ZBA 13-01; 236 E. Morningside Ave.)

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 155.407(F)(3) of the Lombard Zoning Ordinance to reduce the rear yard setback to twenty-nine and one half (29.5) feet where thirty-five (35) feet is required and maintain the corner side yard setback of fifteen and seven-tenths (15.7) feet where twenty (20) feet is required; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on January 23, 2013 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 155.407(F)(3) of the Lombard Zoning Ordinance to reduce the rear yard setback to twenty-nine and one half (29.5) feet where thirty-five (35) feet is required and maintain the corner side yard setback of fifteen and seven-tenths (15.7) feet where twenty (20) feet is required.

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

1. The subject property shall be developed in substantial conformance with the site plan submitted on the Plat of Survey as part of the public hearing packet prepared by the petitioner and dated November 26, 2012.

Ordinance No. _____

Re: ZBA 13-01

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2. No roofed-over accessory structures shall be permitted in the rear yard east of the proposed addition.
3. The petitioner shall satisfactorily address all comments included within the IDRC report, including the required hard surface driveway.
4. The second floor storage/work area immediately above the proposed garage addition shall not be utilized as a separate dwelling unit.
5. In the event that the principal structure on the subject property is damaged or destroyed to fifty-percent (50%) of its value, any new structure shall meet the required side yard setback at the time of its construction.

SECTION 3: This ordinance is limited and restricted to the property generally located at 236 E. Morningside Ave., Lombard, Illinois, and legally described as follows:

LOT 63 IN H. W. ELMORE AND COMPANY'S RIDGEVIEW SUBDIVISION, BEING A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID SUBDIVISION RECORDED JUNE 15, 1925, AS DOCUMENT 194671, IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-08-314-009

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 _____, 2013.

First reading waived by action of the Board of Trustees this _____ day of _____, 2013.

Passed on second reading this _____ day of _____, 2013.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2013

Ordinance No. _____

Re: ZBA 13-01

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William Ware, Acting Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published by me this _____ day of _____, 2013

Brigitte O'Brien, Village Clerk