

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

 X Resolution or Ordinance (Blue) Waiver of First Requested
 Recommendations of Boards, Commissions & Committees (Green)
 Other Business (Pink)

TO : PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott R. Niehaus, Village Manager

DATE : June 8, 2020 **(BOT) Date:** June 18, 2020

SUBJECT: ZBA 20-02, 210 S. Finley Road

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

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)(b) of the Lombard Code of Ordinances to allow for a detached garage with the vertical distance (height) measured from the average grade to the highest point on the roof or parapet for 19.5', where 17' is required in the R2 Single-Family Residence District

The Zoning Board of Appeals made the recommendation of denial by a 4-2 vote. Please place this petition on the June 18, 2020 Board of Trustees agenda. As the ZBA denied the request, the Village Board would need at least four (4) of the six (6) Trustees to vote in favor of the variation.

Fiscal Impact/Funding Source:

Review (as necessary):


Finance Director _____ Date _____
Village Manager _____ Date _____

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the agenda distribution.



MEMORANDUM

TO: Scott R. Niehaus, Village Manager

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

MEETING DATE: June 18, 2020

SUBJECT: ZBA 20-02, 210 S. Finley Road

Please find the following items for Village Board consideration as part of the June 18, 2020 Village Board meeting:

1. Zoning Board of Appeals referral letter; and
2. IDRC report for ZBA 20-02.

The Zoning Board of Appeals made the recommendation of denial by a 4-2 vote. Please place this petition on the June 18, 2020 Board of Trustees agenda. As the ZBA denied the request, the Village Board would need at least four (4) of the six (6) Trustees to vote in favor of the variation.



VILLAGE OF LOMBARD

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

June 18, 2020

Village President
Keith T. Giagnorio

Village Clerk
Sharon Kuderna

Trustees
Dan Whittington, Dist. 1
Anthony Puccio, Dist. 2
Reid Foltyniewicz, Dist. 3
Andrew Honig, Dist. 4
Daniel Militello, 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 20-02, 210 S. Finley Road

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)(b) of the Lombard Code of Ordinances to allow for a detached garage with the vertical distance (height) measured from the average grade to the highest point on the roof or parapet for 19.5', where 17' is required in the R2 Single-Family Residence District.

The Zoning Board of Appeals conducted a public hearing on May 27, 2020.

Mr. Joe Bonham and Ms. Michelle Bonham, petitioners, and staff were sworn in by Chairperson DeFalco to offer testimony.

Ms. Bonham thanked the ZBA for hearing the request. She said they lived here since 1994 and this home since 2002. At their previous home they built a new garage, but it lacked architectural interest and didn't enhance the house. This time they hope to maintain the historical period of house and history of neighborhood. They propose to build a garage with small second story. The roof pitch requires a height code variance. Due to the lot and location of the house it would not work to build an attached garage. They are aware of many garages that are over 17'. This would be keeping in character with the neighborhood. She noted the lot is 110' wide and the garage would be set back over 100' feet from the street. It would not be a negative impact to the neighborhood. Mr. Bonham said he agrees and the proposed garage would keep in character with neighborhood

Chairperson DeFalco asked if anyone from the public wanted to address the petitioner. He noted that one email was received. Hearing none asked for the staff report.

Jennifer Ganser, Assistant Director, presented the staff report, which was entered into the record in its entirety. The property owner proposes to build a new garage that is taller than Code allows at approximately 19.5'. The proposed garage meets other provisions of Code such as size, location, and setbacks. It does exceed the height of

17', and therefore, the petitioner is applying for a variance. The petitioner proposes a two-story, two-car garage at approximately 24'x30'. Currently, there is a two-car garage on the property that would be demolished for the proposed garage. Staff finds that the subject property does not have unique physical limitations for garage height not meeting Code, nor is there a hardship. The location of the garage is separate from the height. The garage footprint could be expanded as the petitioners have a large lot. Per Code, a detached garage is allowed at 1,000 square feet assuming open space and other provisions are met. There are two similar past cases that received a variance for a taller garage. Staff notes that there were unique circumstances in each case. Staff notes that one email was received in support of the variance. Staff does not support the variance for 210 S. Finley Road.

Chairperson DeFalco opened the meeting up for discussion among the ZBA members.

Ms. Newman asked when did Board change the Code on garage height. Ms. Ganser said 2001. Ms. Newman said there is no hardship and this could set a precedence.

Mr. Bartels stated he had no questions.

Mr. Tap asked what the second story would be used for. Ms. Bonham said storage and small office facing to the yard.

Mr. Bedard stated he had no questions.

Ms. Johnson asked if the roof pitch would match opposite of the house. Ms. Bonham said yes, because of the depth. She noted the blueprints aren't complete yet. Mr. Bonham said if it was the same direction the pitch would be different and roofline would be taller perhaps over 20'. Ms. Johnson asked if they could match the house pitch. Ms. Bonham said maybe if the depth could be met, it could make the garage deeper as you could go to 1,000 square feet. Mr. Bonham noted the lot slopes down and a bigger footprint requires a bigger foundation and more concrete.

Chairperson DeFalco noted there are large trees and asked how close will new garage be. Ms. Bonham said one mulberry tree would be lost, the cotton wood would be saved. Chairperson DeFalco asked if the garage was 1,000 square feet would the cotton wood be saved and Ms. Bonham said it would be close and would hope not to lose the tree. Chairperson DeFalco noticed across the street there is a large 2-story garage. Ms. Bonham said that is correct and said that garage is about 25' from road. It is consistent with the neighborhood.

On a motion by Ms. Newman, and a second by Mr. Tap, the Zoning Board of Appeals voted 4-2 that the Village Board deny the petition associated with ZBA 20-02.

Respectfully,

VILLAGE OF LOMBARD

John DeFalco
Chairperson, Zoning Board of Appeals

ZONING BOARD OF APPEALS

INTER-DEPARTMENTAL REVIEW COMMITTEE REPORT

210 S. Finley Road

May 27, 2020

Title

ZBA 20-02

Petitioner

Michele and Joe Bonham
210 S. Finley Road
Lombard, IL 60148

Property Owner

Same

Property Location

210 S. Finley Road
06-07-109-008
Trustee District 1

Zoning

R2 Residential Single Family

Existing Land Use

Residential Single Family

Comprehensive Plan

Low Density Residential

Approval Sought

A variation from Section 155.210(A)(3)(b) to allow for a detached garage with the vertical distance (height) measured from the average grade to the highest point on the roof or parapet for 19.5', where 17' is required

Prepared By

Jennifer Ganser, AICP
Assistant Director



LOCATION MAP

PROJECT DESCRIPTION

The subject property is located in the R2 Residential Single Family District. The subject property is developed with a single-family home, detached garage, driveway, and deck. The property owner proposes to build a new garage that is taller than Code allows at approximately 19.5'.

APPROVAL(S) REQUIRED

The petitioner requests that the Village grant a variation from Section 155.210(A)(3)(b) of the Lombard Code of Ordinances to allow for a detached garage with the vertical distance (height) measured from the average grade to the highest point on the roof or parapet for 19.5', where 17' is required in the R2 Single-Family Residence District.

EXISTING CONDITIONS

The property contains a two-story frame single family residence. The property also has a detached garage, associated driveway, and deck. The current detached garage would be demolished for the proposed garage.

PROJECT STATS

Lot & Bulk

Parcel size: 0.52 acres

Surrounding Zoning & Land Use Compatibility

North, east, south and west:
R-2, Single Family Residential

Submittals

1. Petition for public hearing;
2. Response to standards for variation;
3. Plat of survey, dated 9/30/1992 prepared by Marchese and Sons, Inc.;
4. Detached garage elevations and site plan, dated 4/30/2020; and
5. Detached garage site plan and floor plan, dated 4/05/2020.

INTER-DEPARTMENTAL REVIEW

Building Division:

In reference to ZBA 20-02, the proposed garage (complete two story with large dormer) is not able to be built on the foundation shown. A thickened edge slab is a garage foundation that is used for one-story garages since it only goes down 10" into the ground. A standard 42" deep foundation would need to be used for a two-story garage since they will have floor load, roof load, plus this second story load. A slab with a thickened edge cannot support that load. Also, a one-story garage cannot be built using a thickened edge slab for this site since there is a grade change of two feet. Grade changes over 18" require a 42" deep foundation or a foundation sealed by an Engineer.

Additional comments may be forthcoming during permit review.

The petitioner is aware of these comments and will correct the matter, should the project be approved by the Village Board and the petitioner submit for a building permit.

Fire Department:

The Fire Department has no comments on the subject petition. Additional comments may be forthcoming during permit review.

Public Works:

The Department of Public Works has no comments to the petition. Additional comments may be forthcoming during permit review.

Planning Services Division:

The Zoning Ordinance allows detached garages where "The vertical distance measured from the average grade to the highest point on the roof or parapet for any detached accessory building or structure shall not exceed 17 feet." The proposed garage meets other provisions of Code such as size, location, and setbacks. It does exceed the height of 17', and therefore, the petitioner is applying for a variance.

The petitioner proposes a two-story, two-car garage at approximately 24'x30'. Currently, there is a two-car garage on the property that would be demolished for the proposed garage.

The house was built in 1941 according to the York Township Assessor's Office. The house is a brick Georgian style. Staff found indication that a garage permit was applied for in 1962, however, plans were not attached.

To be granted a variation, petitioners must show that they have affirmed each of the standards for variations outlined in Section 155.103(C)(7). Staff offers the following commentary on these standards with respect to this petition:

- a. *That because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner has been shown, as distinguished from a mere inconvenience if the strict letter of the regulations were to be applied.*

Staff finds that the subject property does not have unique physical limitations for garage height not meeting Code. The location of the garage is separate from the height. The garage footprint could be expanded as the petitioners have a large lot. Per Code, a detached garage is allowed at 1,000 square feet assuming open space and other provisions are met.

- b. *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 the property does not have unique circumstances that would necessitate a taller garage.

- c. *The purpose of the variation is not based primarily upon a desire to increase financial gain.*
This standard is affirmed.

- d. *The alleged difficulty or hardship is shown to be caused by this ordinance and has not been created by any person presently having an interest in the property.*

Staff believes the ordinance allows the petitioner to construct a one or two-car detached garage on the property without exceeding the height per Code. The original garage did not exceed height, it was attached to the home as a one-car garage.

- e. *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.*

This standard is affirmed. Staff finds that granting the request would not be injurious to neighboring properties.

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

Staff notes the garage height maximum of 17' was a Village Board directive in 2001 as taller garages were believed to have changed the character of the neighborhood. Staff believes this property does not have unique characteristics, as well as the surrounding neighborhood, to approve a height variance.

- g. *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*

This standard is affirmed.

PAST CASES

In consideration of precedent, staff has identified two cases that appeared before the Zoning Board of Appeals within the last ten (10) years regarding garage height. It is important to note why these cases were approved. ZBA 18-01 was approved for a new house under construction. The petitioner noted that nearby properties also had garages taller than 17' that were built before the 2001 Code change. The petitioner has a narrow lot of 50' which is considered unique compared to the overall housing stock in Lombard. It would have been

more difficult to expand the footprint of the garage due to open space and accessory structure requirements. Partially due to the narrow lot, the house, and therefore garage, had a steeper roof line. ZBA 10-03 was for a historic home that was rebuilding a garage that was similar in style to the original carriage house on the property. Per the staff report, the petitioner indicated that the additional height needed for the detached garage was necessary in order to build a historically accurate structure and not to accommodate additional storage area.

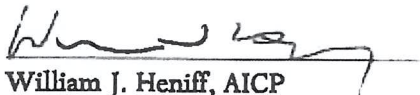
CASE NO.	DATE	ADDRESS	SUMMARY	ZBA	BoT
ZBA 18-01	4/25/2018	342 S. Stewart Drive	Accessory structure (garage) exceeded max. allowable height of 17' feet by approx. 2' (18'10" high garage)	Motion to approve and deny both failed	Approved, 5-0
ZBA 10-03	6/3/2010	119 N. Main Street	Accessory structure (garage) exceeded max. allowable height of 17' feet by 12' (29' high garage)	Approved, 5-0	Approved, 5-0

FINDINGS & RECOMMENDATIONS

The Department of Community Development has determined that the information presented **has not affirmed** the Standards for Variations, in their entirety, 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 **denial** of the aforementioned variations:

Based on the submitted petition and the testimony presented, the requested variations **do not comply** with the Standards for Variations required the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals find that the findings as discussed at the public hearing, and those 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 **denial** of ZBA 20-02.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

c. Petitioner

**Response to the Standards for Variations
210 South Finley Road**

- 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 original layout of the property and principal structure was such that the original attached one-car garage and driveway are on the north side of the property. The original one-car garage has been converted to a living space by previous owners decades ago. Because of this, the driveway is located on the north side of the house. An attached garage is not a possibility in this location due to Code setback restrictions.

- 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.***

The property was built in 1941 and is a unique single-family home which is over 25' in height with the standard 8/12 roof pitch. The original garage was attached to the north side of the house and has been converted to a living space by previous owners decades ago. This has caused the need for a drive to be located along the side of the property towards the back where a detached garage can be located. The majority of surrounding homes in the area have detached garages.

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

If constructed per Code, the project would cost less. The additional height needed for the detached garage is needed to maintain historic integrity to the principal structure and gain usable space.

- 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 current ordinance would not allow for the proposed garage to maintain the historic integrity of the principal structure 8/12 pitch roof angle.

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 proposed detached garage meets all other Code requirements with the expectation of the height requirement. The additional garage height will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood. The property where the detached garage is to be built is 110'x205'. The detached garage would be over 100' from the front of the property and over 45' from the nearest principal structure. The new detached garage would be set back 10' from where the existing detached garage is located.

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

The proposed detached garage would be visually compatible with the principal structure as well as the surrounding neighborhood. As the purpose of the variation is to architecturally integrate the detached garage with the principal structure and match the house, the garage would be visually compatible with the surrounding neighborhood.

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.*

The proposed variation of height does not create adverse impacts on the surrounding properties. The footprint of the proposed detached garage is approximately 3% of the total lot. The proposed garage height of 20' is less than the principal structure which is over 25' high. The nearest neighboring principal structure to the proposed detached garage is approximately 35' in height.

**10 Monaco Drive
Roselle, Illinois 60172**



Plat Prepared By
Marchese And Sons, Inc.

land - marine - construction surveys

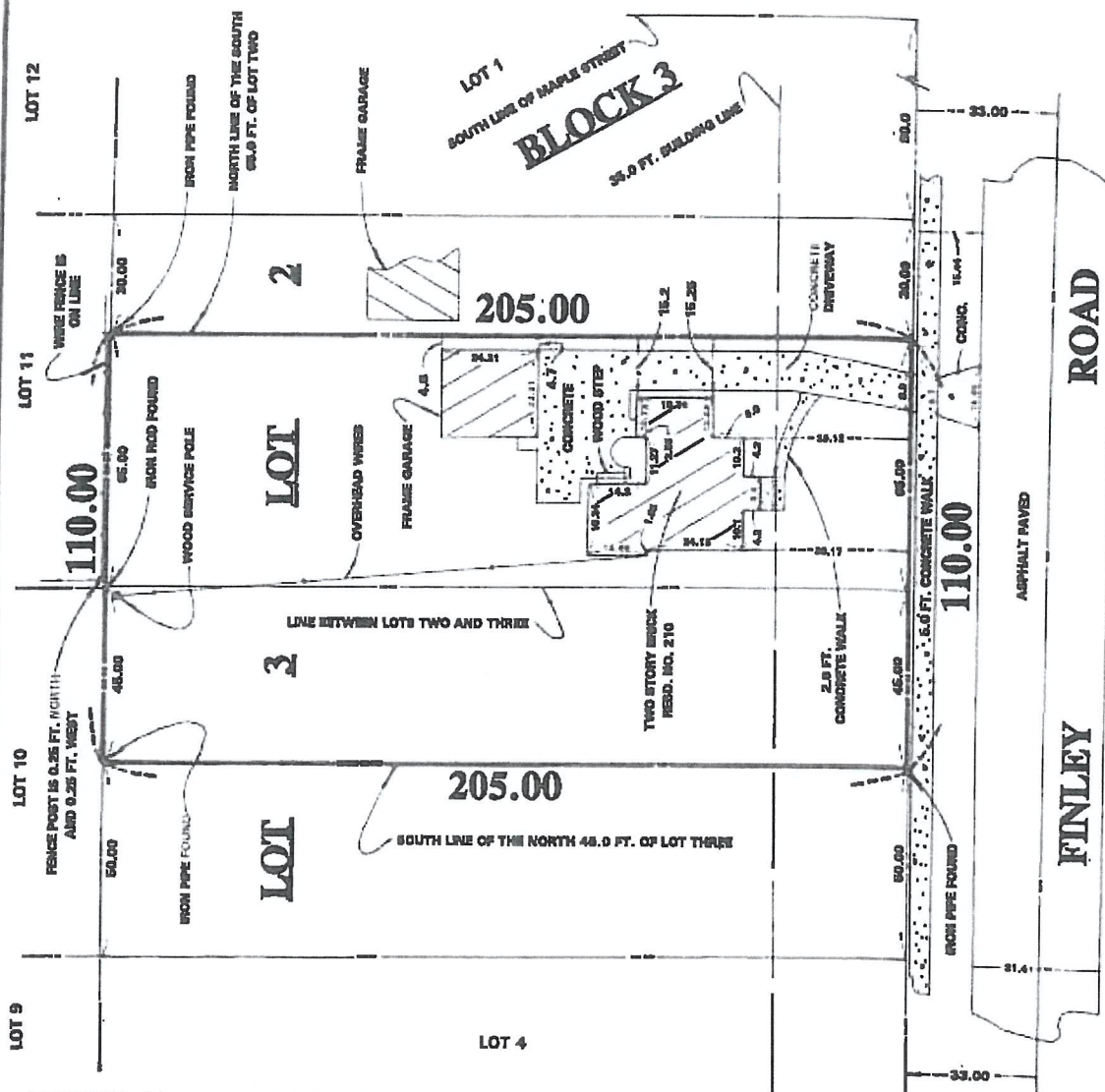
Real Estate Inspection Survey

THIS INSPECTION SURVEY WAS PREPARED FOR IDENTIFICATION PURPOSES FOR A REAL ESTATE TRANSACTION,
NO CORNERS WERE SET. DO NOT USE FOR ESTABLISHING FENCE LINES OR CONSTRUCTION.

PROPERTY DESCRIPTION

THE SOUTH 66.0 FT. OF LOT TWO AND THE NORTH 48.0 FT. OF LOT THREE IN BLOCK THREE IN KILANTON ADDITION TO LOMBARD, BEING A SUBDIVISION OF PART OF THE WEST HALF OF SECTION EVID, TOWNSHIP THIRTY-NINE NORTH, RANGE ELEV, AND PART OF THE SOUTHEAST QUARTER OF SECTION TWELVE, TOWNSHIP THIRTY-NINE NORTH, RANGE TEN, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 19, 1912 AS DOCUMENT NO. 116072, IN DUPAGE COUNTY, ILLINOIS.

ALSO KNOWN AS 210 SOUTH FINLEY ROAD, LOMBARD, ILLINOIS.



**WARNING: SCALING FROM REPRODUCTION
IS NOT RECOMMENDED.**

ORDER NO.: 92-12581

ORDERED BY : JAMES ROSENWINKEL

**REAL ESTATE TRANSACTION INSPECTION SURVEY,
FOR BUILDING LINES AND OTHER RESTRICTION
SHOWN HEREON REFER TO YOUR DEED, TITLE
INSURANCE POLICY OR LOCAL ZONING ORDINANCE.**

**VALID ONLY
WITH
EMBOSSER SEAL**

STATE OF ILLINOIS

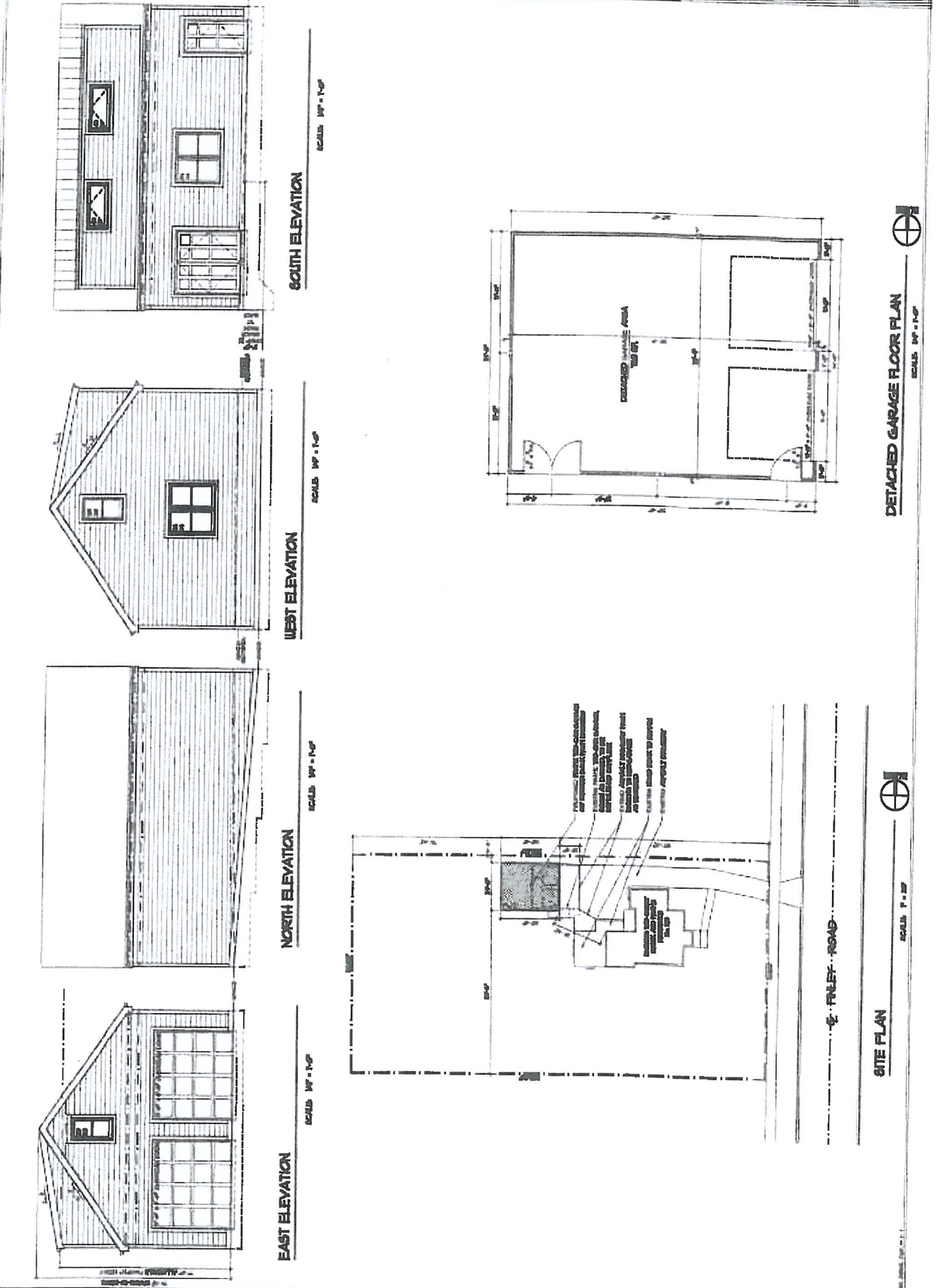
COUNTY OF DUPAGE

3.3.

I, DOMINIC L. MARCHESI, HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE PROPERTY AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY.

DATED ; SEPTEMBER 30, 1992

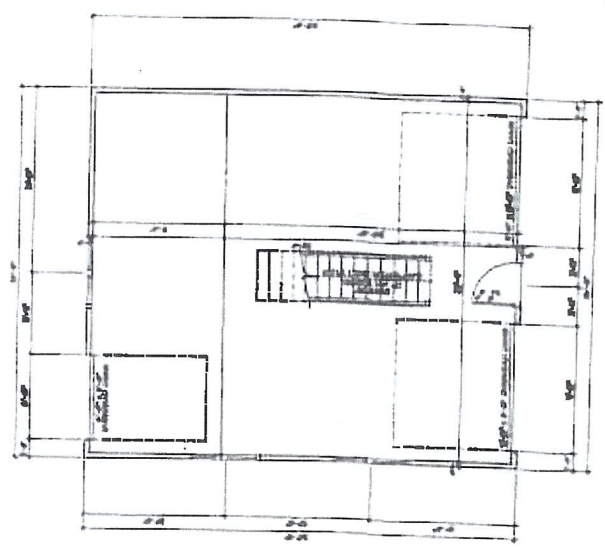
Dominic L. Marchese
ILLINOIS PROFESSIONAL AND PUBLIC ACCOUNTANT





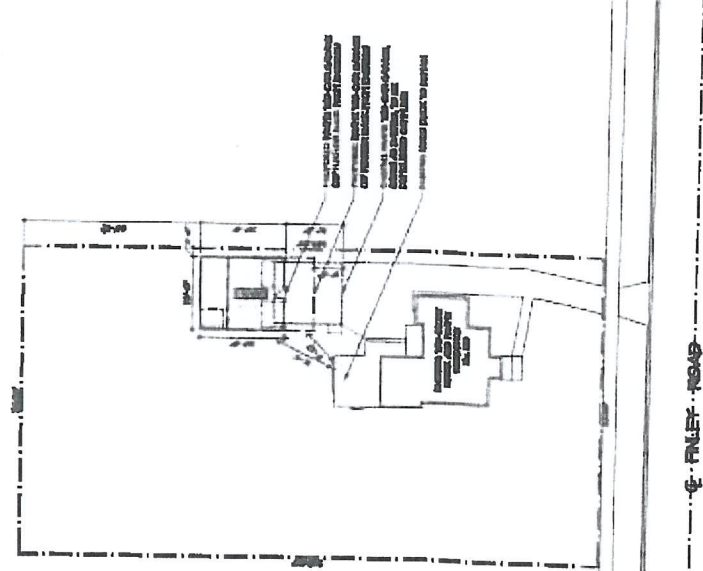
DETACHED GARAGE FLOOR PLAN

SCALE: 1/4" = 1'-0"



SITE PLAN

SCALE: 1/4" = 1'-0"



JOE AND MICHELE BONHAM
PROPOSED DETACHED GARAGE
210 SOUTH RILEY ROAD
LOMBARD, ILLINOIS 60148

DETACHED GARAGE FLOOR PLAN AND SITE PLAN

DATE: 10/10/2011
BY: JLB
CHECKED: JLB
SCALE: 1/4" = 1'-0"

A-1

From: Laura Kloss <laura.kloss@gmail.com>
Sent: Sunday, May 17, 2020 4:10 PM
To: Ganser, Jennifer <GanserJ@villageoflombard.org>
Subject: ZBA 20-02 210 S. Finley Road

Please be cautious

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Regarding the request to build a garage taller than the building code allows in Lombard, while a hardship is probably tough to prove, I see no detriment to allow it on a lot with as much frontage as this has. If the maximum height is meant for garages on a minimum lot width, this looks to be about double many of the others on the map.

I do not know the code well in Lombard having only lived here for 3 years. In Glen Ellyn where I lived since 1990 (to 2017) and built several garages/added second stories to a few homes, the code allows a graduated height based on lot width. Wider lots are allowed higher maximum roof peaks incrementally by a percentage of the frontage of the lot. This may have since changed as I am going by memory from several years back.

I am guessing that the neighbors requesting a variance want to build a new garage that has a roof pitch to match the house and possibly gain better usable space in the attic?

Being that their lot is so large, I would be in favor of granting the variance as I see no negative impact on the neighborhood.

I hope my explanation is understandable.

Thanks for the consideration,
Laura Kloss
445 W. Ash Street