

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

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

TO : PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott Niehaus, Village Manager

DATE : March 12, 2019

(BOT) Date: March 21, 2019

SUBJECT: ZBA 19-01: 740 N. Elizabeth Street

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

BACKGROUND/POLICY IMPLICATIONS:

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioner requests that the Village approve a variation from Section 155.407(F)(3) of the Lombard Zoning Ordinance to reduce the required interior side yard setback from six feet (6') to four and one-half feet (4.5') for the subject property located within the R2 Single-Family Residence Zoning District.

The Zoning Board of Appeals recommended approval of this petition by a vote of 6-0. Please place this petition on the March 21, 2019 Board of Trustees agenda with a waiver of first reading, as requested by the petitioner.

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 *WJH*

MEETING DATE: March 21, 2019

SUBJECT: ZBA 19-01; 740 N. Elizabeth Street

Please find the following items for Village Board consideration as part of the March 21, 2019 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 19-01;
3. An Ordinance granting approval of the requested variation; and
4. Supporting documentation (plans, response to standards, pictures, etc.) associated with the petition.

The Zoning Board of Appeals recommended approval of this petition by a vote of 6-0. Please place this petition on the March 21, 2019 Board of Trustees agenda with a waiver of first reading, as requested by the petitioner.



VILLAGE OF LOMBARD

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

March 21, 2019

Village President
Keith T. Giagnorio

Village Clerk
Sharon Kuderna

Trustees
Dan Whittington, Dist. 1
Michael A. Fugiel, Dist. 2
Reid Foltyniewicz, Dist. 3
Bill T. Johnston, Dist. 4
Robyn Pike, Dist. 5
William "Bill" Ware, Dist. 6

Village Manager
Scott R. Niehaus

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

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

Mr. Keith Giagnorio
Village President, and
Board of Trustees
Village of Lombard

Subject: ZBA 19-01; 740 N. Elizabeth Street

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 approve a variation from Section 155.407(F)(3) of the Lombard Zoning Ordinance to reduce the required interior side yard setback from six feet (6') to four and one-half feet (4.5') for the subject property located within the R2 Single-Family Residence Zoning District.

The Zoning Board of Appeals conducted a public hearing on February 27, 2010.

Steve Flint, architect, and John Krage, homeowner, and staff were sworn in by Chairperson DeFalco to offer testimony.

Mr. Flint said he is the project architect. He showed illustrations that the home is currently in the required setback. The kitchen will be pushed back which requires the variance. He noted the IDRC comments and that he can abide by those comments. Mr. Krage said a portion of the addition will meet the setback. He said his neighbors are ok with the project.

Chairperson DeFalco questioned if there was anyone else present to speak in favor of or against the petition. No one came forward.

Chairperson DeFalco asked for the staff report. Jennifer Ganser, Assistant Director, presented the IDRC report, which was entered into the record in its entirety. Ms. Ganser said the petitioners propose a home addition, holding the building line. As a portion of the addition will be less than 6' from the side yard property line, a variance is required. As the addition begins, it will hold the building line which necessitates the variance. The addition will then be brought out to meet the 6' setback.

A total of 4.07 square feet is within the side yard setback per the plans. The addition allows for an expanded kitchen and master bedroom. The IDRC group had two comments which the architect said he can meet. Staff finds the standards for a variance are met and also noted past precedence for similar variances.

Mr. Bartels asked if the addition will affect the swale. Mr. Flint said no, drainage should be improved. He noted the window well will be relocated to the back. Chairperson DeFalco asked if the addition project will bring the property into compliance with the 50% open space and Mr. Flint said yes. Chairperson DeFalco asked if the south fence line is owned by the petitioner and Mr. Krage said yes. Mr. Bedard verified that only 4.07 square feet of the addition is in the setback and Mr. Flint said yes. Chairperson DeFalco asked the ZBA to add the condition of approval, if voted on, that if the building is damaged more than 50% it must meet Code.

On a motion by Mr. Bartels, and a second by Mr. Bedard, the Zoning Board of Appeals voted 6-0 to recommend that the Village Board approve the petition associated with ZBA 19-01, subject to the following five (5) conditions:

1. The addition shall be constructed in substantial conformance to the plans submitted by the petitioners as noted in this IDRC report;
2. The petitioner shall apply for and receive a building permit for the proposed addition;
3. The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report;
4. Such approval shall become null and void unless work thereon is substantially under way within 12 months of the date of issuance, unless extended by the Board of Trustees prior to the expiration of the ordinance granting the variation; and
5. In the event that the building or structure on the subject property is damaged or destroyed, by any means, to the extent of more than 50 percent of the fair market value of such building or structure immediately prior to such damage, such building or structure shall not be restored unless such building or structure shall thereafter conform to all regulations of the zoning district in which such building or structure and use are located.

Respectfully,

VILLAGE OF LOMBARD

John DeFalco
Chairperson
Zoning Board of Appeals

ORDINANCE NO. _____

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

(ZBA 19-01; 740 N. Elizabeth 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 155.407(F)(3) of the Lombard Zoning Ordinance to reduce the required interior side yard setback from six feet (6') to four and one-half feet (4.5') for the subject property located within the R2 Single-Family Residence Zoning District; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on February 27, 2019, 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 Section 155.407(F)(3) of the Lombard Zoning Ordinance to reduce the required interior side yard setback from six feet (6') to four and one-half feet (4.5') for the subject property located within the R2 Single-Family Residence Zoning District.

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

1. The addition shall be constructed in substantial conformance to the plans submitted by the petitioners as noted in this IDRC report;
2. The petitioner shall apply for and receive a building permit for the proposed addition;

3. The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report;
4. Such approval shall become null and void unless work thereon is substantially under way within 12 months of the date of issuance, unless extended by the Board of Trustees prior to the expiration of the ordinance granting the variation; and
5. In the event that the building or structure on the subject property is damaged or destroyed, by any means, to the extent of more than 50 percent of the fair market value of such building or structure immediately prior to such damage, such building or structure shall not be restored unless such building or structure shall thereafter conform to all regulations of the zoning district in which such building or structure and use are located.

SECTION 3: This ordinance is limited and restricted to the property generally located at 740 North Elizabeth Street, Lombard, Illinois, and legally described as follows:

LOT 7 IN HARRIS HOME BUILDERS CO. RESUBDIVISION OF LOT 1, 2 AND 3 (EXCEPT THE SOUTH 60 FEET THEREOF) IN BLOCK "A" TOGETHER WITH LOTS 9, 10 AND 11 (EXCEPT THE SOUTH 120 FEET THEREOF) IN BLOCK "B" IN LOMBARD TERRACE, BEING A RESUBDIVISION OF PART OF ELMORE'S NORTHVIEW, A SUBDIVISION IN THE NORTH ½ OF SECTION 6, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID HARRIS HOME BUILDERS CO. RESUBDIVISION RECORDED JUNE 11, 1948 AS DOCUMENT 546943, IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-06-200-013

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 _____, 2019.

First reading waived by action of the Board of Trustees this _____ day of _____, 2019.

Passed on second reading this _____ day of _____, 2019.

Ayes: _____

Nays: _____

Ordinance No. _____
Re: ZBA 19-01
Page 3

Absent: _____

Approved this _____ day of _____, 2019

ATTEST: _____
Keith Giagnorio, Village President

Sharon Kuderna, Village Clerk

Published by me this _____ day of _____, 2019

Sharon Kuderna, Village Clerk

Ganser, Jennifer

From: Stephen Flint <seflint@flintarch.com>
Sent: Thursday, February 28, 2019 9:22 AM
To: Ganser, Jennifer
Cc: John Krage (krage04@gmail.com); Al Hennig (hennigabbd@yahoo.com); Associate
Subject: RE: waiver of 1st

Jennifer,

We respectfully request a wavier on first reading and passing on second reading for the March 21st Lombard Village Board meeting. Let me know if you have any questions.

Thank you

 Steve

Stephen E. Flint, AIA
Principal

Flint Architects, LLC
314 S. Westmore Avenue
Lombard, Illinois 60148
630.953.9220 Phone
630.953.9440 Fax
630.336.3340 Cell
seflint@flintarch.com
www.flintarch.com

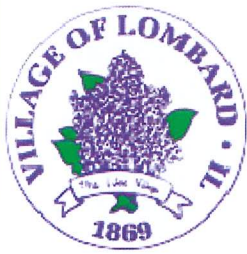


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From: Ganser, Jennifer <GanserJ@villageoflombard.org>
Sent: Wednesday, February 27, 2019 7:31 PM
To: Stephen Flint <seflint@flintarch.com>
Subject: waiver of 1st

Steve,

Please send me an email to request a waiver of first. Thanks.



Jennifer Ganser, AICP

Assistant Director of Community Development
Village of Lombard
255 E. Wilson Ave. Lombard, IL 60148

Phone: (630) 620-5717

Fax: (630) 629-2374

Email: ganserj@villageoflombard.org

Web: www.villageoflombard.org

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