




MEMORANDUM

TO: Board of Building Appeals (BOBA) Members

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

MEETING DATE: August 4, 2021

SUBJECT: **Text Amendments to Chapter 150 of the Village Code (Building Code) Amendments Pertaining to Accessory Structures**

Staff is in the process of undertaking a series of code amendments for residential accessory structures based upon past observations and changes in the use of such structures on residential properties. These code amendments have components that pertain to the Zoning Ordinance (those pertaining to bulk requirements) and those that pertaining to the Building Code (construction elements).

ACTION REQUESTED

Staff is introducing these proposed amendments to BOBA at the August 4, 2021 meeting. Staff will be seeking a recommendation of approval for those elements that are under BOBA's jurisdiction. Staff is also preparing a Workshop Session before the Plan Commission at its August 16, 2021 meeting with possible a public hearing in September. Should a recommendation be made, that recommendation would be shared with the Plan commission for informational purposes and will be forwarded to the Village Board for final consideration concurrent with the Plan Commission recommendation.

Code Amendments Pertaining to the Zoning Ordinance and the Building Code

Topic 1: Creating unified accessory structure definitions in the two codes

As staff begins to present the amendments, it became readily apparent that consistent definitional terms were needed by and between the existing codes for consistency purposes. To that end, the following definitions are proposed:

1. We already have a definition in the Zoning Ordinance for *Garage, Private*; but staff is proposing adding the following additional/modified language to the Zoning Ordinance, with the definition cross-referenced in the Building Code:

Garage, private: is a detached accessory building or portion of a main building housing the motor vehicles of the occupants of the premises, and accessory storage related to the use of the principal dwelling, and without living space.

2. Shed are deemed to be a type of accessory structure in the Zoning Ordinance, but it is not a defined term in either the Zoning Ordinance or Building Code, so a new definition will be offered.

Shed: A Detached Accessory Structure intended solely for the storage of yard tools and supplies, motorized yard equipment, household items, etc. but not for storing motor vehicles, nor for human occupancy.

The following existing definition is within the Zoning Ordinance, but would be added by reference in the Building Code:

Building, detached: is a building surrounded by open space on the same lot.

Topic 2: Bulk Requirements within the Zoning Ordinance

Within the Zoning Ordinance, staff is tentatively proposing following provisions to Sub-section 155.210 of the Village Code (supplemental wordsmithing may be needed). This would not be included within the Building Code as it does not pertain to general construction methods.

Sheds shall be subject to the following provisions:

- a. The gross floor area of a shed shall not exceed 200 square feet*
- b. Door openings for a shed shall not exceed six (6) feet in width, as measured from the interior of the door frame (otherwise it is deemed to be a garage)*
- c. No more than two unattached sheds shall be allowed on a lot*
- d. If the structure does not meet the provisions set forth within this subsection, it shall be deemed to be a detached building or a garage, and shall be subject to the conditions set forth within this section as well as Chapter 150.*

Topic 3: Location of Accessory Structures of a Residential Lot

Currently the Zoning Ordinance allows for detached garages to be 3 feet off of the rear and interior side property lines (with a few exceptions). We have had cases in which this has caused distance separation issues from rear property lines, in the following respects:

1. Some garages and structures have been placed in close proximity to existing overhead utility lines. In some cases, we have reviewed or issued permits for garages only to find that an existing primary line is located along the rear lot line and Commonwealth Edison separation requirements creates an inherent safety conflict.
2. The Subdivision & Development Ordinance has established a ten foot (10') public utility and drainage easement requirement for rear properties, which help address the issue noted above. Additionally, by memorializing the space at the rear of a property, it allows the opportunity to address past drainage concerns raised by property owners – a 10 foot “no-build area” allows for a greater opportunity to construct swales, collect rainwater off of detached garages and help meet the intent of general drainage flow.

To that end, staff will be proposing that the rear yard setback for all structures with foundations be at least 10 feet off of the rear property line. Indirectly, this may help address other Building Code matters.

Topic 4: Code Requirements for Detached Structures

Tying in with the definition items noted above, this Building Code provision would require any detached building of over 200 square feet to have a foundation. We are aware of many structures that are being developed for temporary occupancy like detached office units, pool houses, play rooms and the like which are intended to be occupied for periods of time and not for general storage purposes. Given a desired occupancy of such structures, it should be held to a standard similarly to other types of permanent structures. To that end staff, recommends that any detached residential building of greater than 200 square feet in area shall also have the following foundation requirements per the latest adopted version of the International Residential Code.

Topic 5: Driveway Requirement

Village Code has a series of code provisions and specifications for driveways. However, Village Code does not specifically state that a driveway is required associated with a garage. Staff could make an argument that access utilization would functionally create a gravel or dirt driveway, but that would result in the Village needing to take code enforcement action to require a driveway placement. We have such cases in the past and the requirement provision addresses the concern.

Topic 6: Utility Connections to Accessory Structures

Electrical utility connections to accessory structures like garages is generally universal and occasionally water services are also sought when a homeowner wants to add a working sink, commonly found in basements or laundry rooms. However, once electrical and water supplied are provided to an accessory room, such structures and also be creatively be converted into accessory dwelling (or rental) units. There can also be a Home Occupation limitation provision with such structures. While this type of dwelling unit is becoming in favor in some planning circles, existing Village Code does not provide for it at this time. Staff is raising the issue as it pertains to such detached building and staff proposed the following amendment to address the concern:

“only the primary structure on residential lot shall be allowed to have a plumbing for a bathroom or kitchen. A garage may have a floor drain and or a sink as long as the garage is attached to the house, detached with a complete frost protected foundation, the structure is insulated and heated, and the plumbing meets all provisions of the current Illinois Plumbing Code and Village Code”

Topic 7: Attached garage provisions

Per a 2008 code amendment, the Village Board approved requirements to soften the aesthetic impact of houses with “snout-nosed” garages that project in front of the front entrance to a single-family residence. Section 155.222 of Village Code placed caps on the amount of garage projection (500 square feet). However, a garage structure also has second story living quarters, that would result in the code provision not being applicable. This item will be further reviewed by the Plan Commission, considering aesthetics of the residence as well as any garage doors and overall bulk appearance to the front of the residence. This amendment may or may not have Building Code implications.

Topic 8: Attached garage design aesthetics

The Building Code generally address how a structure should be safely constructed rather than the nature of the construction. The Zoning Ordinance can address aesthetic issues. This issue is being raised so that a discussion can occur to otherwise limit or restrict pole-barn garages, Quonset huts or other types of detached structures on single-family residential properties. Staff will be introducing the question as to whether design components should be incorporated into the Zoning Ordinance general design requirements.