

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

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 Niehaus, Village Manager

**DATE :** August 29, 2018      **(BOT) Date:** September 6, 2018

**SUBJECT:** ZBA 18-04; 49 N. Garfield Street

**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 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 three and one-half feet (3.5') for the subject property located within the R2 Single-Family Residence Zoning District. The requested relief is for an addition to an existing single family residence located on the subject property.

The Zoning Board of Appeals recommended approval of this petition by a vote of 6-0. Please place this petition on the September 6, 2018 Board of Trustees agenda for a first reading.

**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:** September 6, 2018

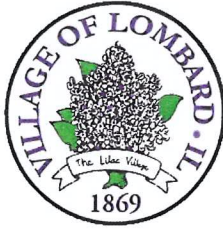
**SUBJECT:** **ZBA 18-04; 49 N. Garfield Street**

Please find the following items for Village Board consideration as part of the September 6, 2018 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 18-04;
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 September 6, 2018 Board of Trustees agenda for a first reading.





## VILLAGE OF LOMBARD

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

September 6, 2018

**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 18-04; 49 N. Garfield Street**

Dear President and Trustees:

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioner requests 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 three and one-half feet (3.5') for the subject property located within the R2 Single-Family Residence Zoning District. The requested relief is for an addition to an existing single family residence located on the subject property.

The Zoning Board of Appeals conducted a public hearing on August 22, 2018.

Kevin and Tara Corral, petitioners, and staff were sworn in by Chairperson DeFalco to offer testimony.

Mr. Corral presented the petition. He stated that he and his wife have lived in their house for 10 years, and have other longstanding ties to Lombard. The Corrals are proposing an addition to their home in order to expand the living space to accommodate their family. Due to the layout of the existing home, the proposed addition would be on the side of the house, where it requires a setback variance in order to maintain the building line of the existing house/garage. Mr. Corral stated the additional two and a half feet the variance would provide are crucial to the proposed floorplan. He said the proposed addition with the variance will not impact the neighboring property any differently than would an addition built to meet the six-foot setback requirement in the Zoning Ordinance. He mentioned that the neighbor to the north was not supportive of the requested variance. Mr. Corral said he was surprised by this because the neighbor had initially helped the Corrals draw up potential plans for the addition.

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. Anna Papke, Senior Planner, presented the IDRC report, which was entered into the record in its entirety. Ms. Papke stated that the subject property is a 50-foot wide lot of record in a legally established subdivision. There is an existing house with attached garage on the property; the garage is set back about 3.5 feet from the interior side property line. The petitioners are proposing to build an addition that would maintain the existing 3.5-foot side setback.

The subject property is narrower than the current minimum lot width for properties in the R2 zoning district, and was developed prior to the Village adopting a zoning ordinance with setback requirements. The setback and lot width standards required by the current Zoning Ordinance do not reflect the conditions under which the existing house and garage were built. Staff notes that the proposed addition will not further encroach into the required yard. The Village has approved several similar requests in the past for additions holding the setback of an existing residence. Staff finds that the variation request meets the standards for variation.

Ms. Papke noted that staff had received a letter of objection from the neighboring property owner at 53 N. Garfield. A copy of that letter was included with the ZBA packets. Further, the petitioners had submitted additional written comments that had been emailed to the ZBA members prior to the meeting.

Mr. Bedard asked if the addition will change the height of the building. Mr. Corral said it will not, the addition will be one story like the existing house.

Mr. Bedard asked how the alternate plans drawn by the neighbor had differed from the plans ultimately submitted to the ZBA. Mr. Corral and Mrs. Corral said the side setback was the same, but the location of the door and an interior wall were different.

Mr. DeFalco suggested that if the ZBA recommended approval, they should add a condition of approval stating that if the house is damaged to a level greater than 50 percent of the value of the building it must be rebuilt to meet setbacks and other requirements of the Zoning Ordinance.

Mr. DeFalco summarized the petition. He noted that the petitioner expressed a need for more living space, while the neighbor had written a letter of objection stating concerns about light and air.

Mr. DeFalco provided some background on the standards for variation as stated in the Zoning Ordinance for the benefit of the new ZBA member, Ms. Johnson.

Mr. DeFalco noted that it was not practical for the petitioner to build an addition onto the rear of the house due to the layout of the existing house.

Mr. DeFalco asked for a motion.

On a motion by Mr. Bedard, and a second by Mr. Bartels, the Zoning Board of Appeals voted 6-0 to recommend that the Village Board approve the petition associated with ZBA 18-04, 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 18-04; 49 N. Garfield 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 Title 15, Chapter 155, Section 155.407(F)(3) of the Lombard Zoning Ordinance to reduce the required interior side yard setback from six feet (6') to three and one-half feet (3.5') 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 August 22, 2018, 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 required interior side yard setback from six feet (6') to three and one-half feet (3.5') 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 49 North Garfield Street, Lombard, Illinois, and legally described as follows:

LOT 12 IN BLOCK 16 IN H.O. STONE AND COMPANY'S ADDITION TO LOMBARD, BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 5, AND PART OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 26, 1924 AS DOCUMENT NUMBER 179463, IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-05-319-006

**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 \_\_\_\_\_, 2018.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Ayes: \_\_\_\_\_

Ordinance No. \_\_\_\_\_

Re: ZBA 18-04

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Nayes: \_\_\_\_\_

Absent: \_\_\_\_\_

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2018

\_\_\_\_\_  
Keith Giagnorio, Village President

ATTEST:

\_\_\_\_\_  
Sharon Kuderna, Village Clerk

Published by me this \_\_\_\_\_ day of \_\_\_\_\_, 2018

\_\_\_\_\_  
Sharon Kuderna, Village Clerk