

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott R. Niehaus, Village Manager

DATE: May 7, 2014 (B of T) Date: May 15, 2014

TITLE: ZBA 14-03; 304 N. Park Avenue

SUBMITTED BY: Department of Community Development *WJ*

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 to reduce the required twenty foot (20') corner side yard setback to eleven and nine-tenths feet (11.9') and a variation to reduce the required thirty-five foot (35') rear yard setback to twenty-five feet (25'). (DISTRICT #1)

The ZBA unanimously recommended approval of the corner side yard setback variance, subject to no conditions. However, the ZBA was unable to obtain four votes for either approval or denial of the variation to allow a twenty-five foot (25') rear yard setback where thirty-five feet (35') is required. Therefore, this petition is being forwarded to the Village Board of Trustees with no recommendation for the rear yard setback variance request. Please place this petition on the May 15, 2014 Board of Trustees meeting under Items for Separate Action.

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: Scott R. Niehaus, Village Manager

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

DATE: May 15, 2014

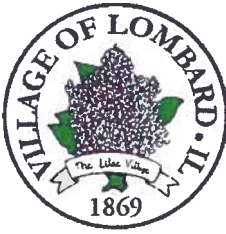
SUBJECT: ZBA 14-03; 304 N. Park Avenue

Please find the following items for Village Board consideration as part of the May 15, 2014 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 14-03;
3. An Ordinance granting approval of only the requested corner side yard variation. Should the Village Board not approve the rear yard variance request, the attached Ordinance can be approved as is. If the Village Board opts to approve both the corner side and rear yard variations, they should direct staff to prepare a revised Ordinance; and
4. Supporting documentation (response to standards and pictures, etc.) associated with the petition.

The ZBA unanimously recommended approval of the corner side yard setback variance, subject to no conditions. However, the ZBA was unable to obtain four votes for either approval or denial of the variation to allow a twenty-five foot (25') rear yard setback where thirty-five feet (35') is required. Therefore, this petition is being forwarded to the Village Board of Trustees with no recommendation for the rear yard setback variance request.

Please place this petition on the May 15, 2014 Board of Trustees meeting under Items for Separate Action. Staff has also attached three exhibits that will illustrate the subject property, the existing home, and the proposed improvements along with the existing setback regulations.



VILLAGE OF LOMBARD

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

May 15, 2014

Village President
Keith T. Giagnorio

Village Clerk
Sharon Kuderna

Trustees
Dan Whittington, Dist. 1
Michael A. Fugiel, Dist. 2
Reid Foltyniewicz, Dist. 3
Peter Breen, Dist. 4
Laura A. Fitzpatrick, 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 14-03; 304 N. Park 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 grant the following variations for the above referenced address and within the R2 Single Family Residential Zoning District (E.W. Zander's Broadview Addition Subdivision):

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 eleven and nine-tenths feet (11.9'); and
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-five feet (25').

The Zoning Board of Appeals conducted a public hearing on April 23, 2014.

Mr. Donald Campo presented the petition stating he is a partial homeowner. Mr. Campo stated that his business partner who is also the co-owner and applicant for the petition, Mr. James Devries, was unable to attend the meeting as he is recovering from surgery. The property was purchased years ago to be used a rental unit, but now Mr. Devries has decided to live at the home full-time and has been doing so for the past six (6) months. Due to his age and health concerns, Mr. Devries needed a ranch style home, but also wants to maintain some of the previous functions and amenities of his former house in Batavia, IL. The variances requested would help him to live as similar a lifestyle in Lombard as he had become accustomed to in Batavia.

Mr. Campo stated that while there is not a hardship, the setbacks result in a buildable area that is very different than other properties. Mr. Campo concluded by stating that he believed the neighbors to the north are enthused about the prospect of the existing garage being demolished and that he personally believed the project would improve the neighborhood.

The project architect, Mr. Thomas Knapp, then spoke. Mr. Knapp also identified himself as a neighbor who lives within one block of the subject property. Mr. Knapp said this is a Lustron brand home which is made of prefabricated steel. The house is not easily identifiable as a Lustron home because it suffered damage from a fire and many of the Lustron features are gone and the exterior is now covered with conventional siding. Mr. Knapp also mentioned that because they were pre-fabricated it was not uncommon for them to be located in what would be considered strange locations on a lot in comparison to frame or brick houses.

Mr. Knapp stated that the main goal of the project is to add a master bedroom and replace the existing garage. Mr. Knapp stated that he and the petitioner considered replacing the existing garage with another detached garage, but found that due to the zoning regulations variations would still be required. Instead, an attached garage allows for storage as an attic that could also be converted to a new master bedroom by any future buyers, thus adding more value to the home. The attached garage also maximizes usable outdoor rear yard space. Mr. Knapp concluded by stating that he believes that the design of the addition makes sense and fits in with the surrounding neighborhood.

Mr. Campo then read from the DuPage County Zoning Ordinance Standards for Zoning Relief regarding his belief that the property will not impair light, increase hazard from fire or other dangers, increase traffic congestion, increase the potential for flooding, etc.

Mr. Knapp said that his understanding is that these standards are fairly similar throughout communities and spoke to Mr. Campo's point regarding no detrimental effects to the neighborhood and no increase in the potential for flooding. It is his belief that the project will increase property values. Mr. Knapp also added that the house has no basement and that is another reason why an attic above the garage is proposed.

Mr. Knapp noted the comment in the IDRC report regarding the driveway width exceeding twenty feet (20') and believes that can be made compliant.

Mr. Campo stated that he is hoping for a compromise because the front yard has a forty-five foot (45') setback when only thirty feet (30') is required.

Chairman DeFalco questioned if there was anyone present to speak in favor of or against the petition. Hearing none, staff was asked for their presentation.

Matt Panfil, Senior Planner, stated that the IDRC report is to be entered into the public record in its entirety. Mr. Panfil stated that the existing home has an eleven and nine-tenths foot (11.9')

corner side yard setback and although the petitioner is not asking to increase said setback, any expansion would require a variance as both the existing home and garage are both non-conforming structures. In fact, the existing garage is non-conforming for multiple reasons; it is located within the corner side yard setback and clear line of sight area as well as being non-compliant with the Zoning Ordinance restrictions regarding the location of accessory structures on reversed corner lots.

Mr. Panfil then summarized the IDRC report, emphasizing the comments regarding a necessary reduction in driveway width, the restoration of the parkway should the existing garage and driveway be removed, and concerns over vehicles having enough room to park between the property line and exterior wall of the garage without encroaching into the sidewalk.

Mr. Panfil stated that staff does not support the rear yard setback because the one-hundred and fifty foot (150') lot depth provides ample space for an addition and there are no unique geographic characteristics that contribute to a true hardship. Staff does support the corner side yard variance since the lot is fifty feet wide and was conforming at the time it was established. Staff finds that the standards for a variation have been affirmed for the corner side yard setback, but not for the rear yard setback. In particular, staff found standards one, two, and four were not affirmed by the testimony presented. Staff finds no unique physical surroundings, shape, or topographical conditions nor uniqueness of the request to the specific property. Finally, staff finds that the hardship is caused by the petitioner's preference for a specific size, features, and design.

In citing previous precedent, Mr. Panfil said that over the past ten years there has been one case that was very similar in nature to the current request in that it involved variance requests for the corner side yard and rear yard on a reverse corner lot. The ZBA was unable to provide a recommendation in said case.

Per the Chairman's request staff performed further research into a case from 2002 (ZBA 02-08) in which instance the rear yard variation request was approved based on the fact that it was maintaining the same established encroachment, but the corner side yard variance request was denied because it was seeking to increase an existing encroachment.

Chairman DeFalco then opened the meeting for discussion by the ZBA members.

Chairman DeFalco asked when the home was purchased by the current owners. Mr. Campo said they purchased the home in 2006 or 2007. The home was rented until the last tenant moved out in July 2013. The current occupant and co-owner then moved into the home shortly thereafter. Chairman DeFalco followed by asking where Mr. Devries formally resided. Mr. Campo said Mr. Devries lived in Batavia in a large home with multiple accessory buildings.

Chairman DeFalco asked how far back the garage would sit if it was detached. Mr. Panfil said since this is a reverse corner lot a garage would need to be thirty feet (30)' from the rear, or

north, property line. Mr. Knapp added that it would also need to be at least four feet from the house per the fire ratings.

Mr. Bedard asked if there was a code addressing the garage door size. Mr. Panfil said yes, but only in front yards.

Mr. Young commented that the Park Avenue address was unusual because of how the house sits. Mr. Panfil said he is not aware why it was addressed as it is with a Park Avenue address. Mr. Young then said there is a lot of room between 304 and 312 N Park Avenue to which Chairman DeFalco said there is probably between thirty-five to forty feet (35'-40') between the garage and the home at 312 N. Park Avenue. Mr. Young asked if the side yard at 312 N. Park Avenue was sufficient at seven feet. Chairman DeFalco said yes, and that the neighbor at 312 N. Park Avenue is set back approximately thirty feet (30') from their front property line and would see the proposed garage when they looked out their home.

Mr. Bedard asked how the parking issues in the driveway regarding the possible encroachment of vehicles into the sidewalk could be addressed. Mr. Young added a question about the number of vehicles owned by the homeowner. Mr. Campo replied that Mr. Devries only owns one car.

Chairman DeFalco said they should consider future owners. If a two car garage was built a parking pad could be added. Mr. Young asked if the master bedroom was on the first floor. Mr. Campo said yes. Chairman DeFalco said at one time the rear yard setback was thirty feet. He asked why the homeowner needed a second story addition if he wanted a ranch home. Mr. Campo replied for storage and for resale value. Mr. Knapp added that as proposed this is still a two bedroom, one bath home and a second story would add resale value for a family in the future as they can convert the attic space to a new master bedroom. He added an attached garage makes sense because he feels a three-car detached garage would also require a height variance.

Mr. Young asked how big the attic would be. Mr. Knapp said approximately five hundred square feet. Mr. Young asked how big a two car garage would be and Mr. Knap replied approximately twenty by twenty (20 x 20) square feet. Chairman DeFalco said he sees value with a two car garage and a parking pad. He asked if the petitioner talked with the neighbors at 312 N. Park Avenue and Mr. Campo said yes they have spoken and the neighbors are excited about the project.

A motion was made by Ms. Newman, seconded by Mr. Young, that the Zoning Board of Appeals recommends the corner side yard variation for approval by a vote of 4 to 0 to the Village Board, subject to no conditions.

Chairman DeFalco stated that he has concerns with the rear yard setback and the ZBA's options were to approve the twenty-five foot (25') setback request, denied the twenty-five foot (25') setback request but recommend approval for a thirty foot (30') rear yard setback to be more consistent with examples within the village, or to deny the request and require the full thirty-five

Re: ZBA 14-03
May 15, 2014
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foot (35') rear yard setback. Mr. Young stated the petitioner did not ask for a thirty foot (30)' rear year setback so he feels they should consider only what was requested.

A motion was made by Mr. Bedard, seconded by Mr. Young, that the Zoning Board of Appeals recommended the rear side yard variation for denial to the Village Board, subject to no conditions.

The motion failed to receive a recommendation vote.

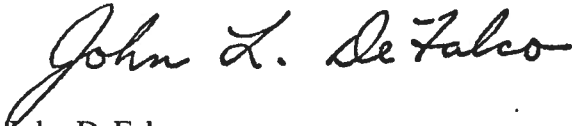
A motion was made by Ms. Newman, seconded by Chairman DeFalco, that the Zoning Board of Appeals recommended the rear side yard variation for approval to the Village Board, subject to no conditions.

The motion failed to receive a recommendation vote.

As the Zoning Board of Appeals could not obtain four votes to either approve or deny the rear yard variation, the rear yard variation was forwarded to the Village Board with no recommendation.

Respectfully,

VILLAGE OF LOMBARD



John DeFalco
Chairperson
Zoning Board of Appeals

APRIL 23, 2014

Title

ZBA 14-03

Petitioner & Property Owner

James Devries
304 N. Park Avenue
Lombard, IL 60148

Property Location

304 N. Park Avenue
(06-06-416-029)

Zoning

R2 Single Family Residence
(E. W. Zander's Broadview
Addition Subdivision)

Existing Land Use

Single Family Home

Comprehensive Plan

Low Density Residential

Approval Sought

A variation to reduce the required twenty foot (20') corner side yard setback to eleven and nine-tenths feet (11.9') and a variation to reduce the required thirty-five foot (35') rear yard setback to twenty-five feet (25').

Prepared By

Matt Panfil, AICP
Senior Planner



LOCATION MAP

PROJECT DESCRIPTION

The petitioner is proposing to construct an approximately 1,200 square foot one and one-half (1½) story addition to the existing structure. The addition will provide a new master bedroom, attic storage, and a three (3) car attached garage. A new screened porch area will also be added to the front of the house.

APPROVALS REQUIRED

Section 155.407 (F)(2) requires a minimum twenty-foot (20') corner side yard setback. As such, the existing home is a non-conforming structure due to its eleven and nine-tenths foot (11.9') corner side yard setback. Even though the proposed addition will not increase said corner side yard encroached, a variation is required.

A second variation is required because Section 155.407 (F)(4) requires a minimum thirty-five foot (35') rear yard setback, but only a twenty-five foot (25') rear yard setback is proposed.

EXISTING CONDITIONS

The property contains an approximately 1,238 square foot one-story frame single family residence with an approximately 280 square foot detached garage and associated driveway. The home was constructed with only an eleven and nine-tenth foot (11.9') corner side yard setback and is therefore a legal non-

PROJECT STATS

Lot & Bulk (Proposed)

Parcel Size: 7,500 sq. ft.
 Building Size: 2,438 sq. ft.
 Lot Coverage: 43%

Reqd. Setbacks & Proposed Dimensions (in parens.)

Front (east) 30' (44.95')
 Side (north) 6' (7.10')
 Corner Side 20' (11.90')
 (south)
 Rear (east) 35' (25.00')

Submittals

1. Petition for Public Hearing
2. Response to Standards for Variation
3. Site Plan, prepared by T.R. Knapp Architects, dated March 18, 2014 and submitted March 19, 2014.
4. Existing Elevation Photos, prepared by T.R. Knapp Architects, dated March 18, 2014 and submitted March 19, 2014
5. Floor Plans, prepared by T.R. Knapp Architects, dated March 18, 2014 and submitted March 19, 2014.
6. Proposed Elevations, prepared by T.R. Knapp Architects, dated March 18, 2014 and submitted March 19, 2014.
7. Plat of Survey, prepared by ARS Surveying Services, LLC, dated September 28, 2006.

conforming structure. Similarly, the existing garage is a non-conforming structure because it is located within the corner side yard setback, clear line of sight area, and is also not compliant with the Zoning Ordinance restrictions pertaining to accessory structures on reversed corner lots (i.e. the detached garage should be setback from the rear property line the same distance as the front yard setback of the house to the north).

The property is located at the northwest corner of Park Avenue and Greenfield Avenue. The front property line is along Greenfield Avenue and the corner side yard is along Park Avenue. Also, this property is a reverse corner lot. As seen below, the surrounding neighborhood is single family homes.

Surrounding Zoning & Land Use Compatibility

	Zoning Districts	Land Use
North	R2	Single Family Home
South	R2 / Greenfield Ave.	Single Family Home
East	R2 / Park Ave.	Single Family Home
West	R2	Single Family Home

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has the following comments regarding the project:

1. The Site Plan has an error which denotes the dimension of thirty-five feet (35') from the proposed garage to the property line at the rear of the garage. Instead, the dimension should be marked as twenty-five feet (25');
2. The correct applicable codes should be shown on the plan (2012 IRC should be 2009 IRC, 2014 IECC should be 2012 IECC, etc.); and
3. The approximately fifteen foot (15') dimension between the public sidewalk and the garage may prevent many cars from parking in the driveway without protruding into the public sidewalk.

Fire Department:

The Fire Department has no issues or concerns regarding the project.

Private Engineering Services:

Private Engineering Services (PES) notes the following:

1. The proposed driveway exceeds the Village's standard of a twenty foot (20') maximum width at the property line;
2. The existing curb cut and apron would need to be removed and replaced and the right-of-way restored;
3. PES shares the concern that if vehicles park in the driveway they will protrude into the public sidewalk.

Public Works:

Public Works notes the following:

1. Public Works concurs with the Building Division and PES comments regarding the driveway and reiterates that the driveway is not to be wider than twenty feet (20') at the property line and no wider than twenty-four feet (24') at the curb. Public Works **would not** support a request for a variance to increase these widths. However, the driveway may be widened on private property;
2. The existing curb cut shall be removed and replaced with six inch (6") curb and gutter; and
3. The existing driveway shall be removed and replaced with top soil and sod.

Planning Services Division:

Rear Yard Setback

A variation may only be granted if there is a demonstrated hardship that distinguishes the subject property from other properties in the area. Within their response to the Standards for a Variation, the petitioner cites health purposes as the reason to build an addition on the ground floor level, thus necessitating the variation request. While staff recognizes that a ranch style home can be more accommodating to retirees, staff does not support the rear yard setback variation for the following reasons:

1. The lot meets the minimum 7,500 square foot lot area requirement and staff finds that one-hundred and fifty feet (150') is a sufficient lot depth to construct single family home, even in consideration of the narrow lot width. Staff does not find any unique geographic characteristics of the site that would prevent the expansion from maintaining a thirty-five foot (35') setback; and
2. The portion of the addition encroaching into the rear yard setback is garage space. As even the petitioner states in their response, the three (3) car garage is a preference. The inability to construct said feature is not a true hardship.

Corner Side Yard Setback

The existing home was built in 1949 with the existing eleven and nine-tenths foot (11.9') corner side yard setback. Staff can support the variation from the corner side yard setback for the following reasons:

1. The subject property is fifty feet (50') in width. Taking into consideration the required interior side yard and corner side yard setbacks, only a twenty-four foot (24') wide house could be constructed. Many of the houses currently existing on fifty foot (50') wide corner lots are considered legal non-conforming as they were constructed shortly after World War II when the Zoning Ordinance required a different corner side yard setback, usually ten feet (10'); and
2. There is precedence for variation to corner side yard setbacks on similar lots to allow for the construction of a single family home.

In order to be granted a variation the petitioner must show that they have affirmed each of the Standards for a Variation. Staff finds that the standards have been affirmed for the corner side yard setback variation, but not for the rear yard setback variation. In regards to the rear yard setback staff finds that standards three, five, six, and seven have been affirmed; however the following standards have not been affirmed:

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.*

Staff finds that there are no unique physical surroundings, shape, or topographical conditions specific to the subject property that result in a hardship to the owner. The petitioner has the ability to expand the existing structure; they are just limited to a certain amount of ground floor area in the rear yard.

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.*

There are several corner lots within the Village's R2 Single Family Residence Zoning District that are legal non-conforming in regards to lot width and the corner side yard setback. However, the request for a rear yard setback is not related to these issues, but rather the preference for a larger ground floor addition.

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.*

Staff finds that the alleged difficulty or hardship is not the result of the Zoning Ordinance as it allows for significant space for an addition to the existing structure, but rather the alleged difficulty or hardship is the result of a petitioner's preference for a specific size, features, and design.

In consideration of precedent, staff has identified the most similar cases that appeared before the Zoning Board of Appeals within the last ten (10) years. The most similar previous case that involved both rear and corner side yard setbacks on a reverse corner lot is highlighted in bold.

CASE NO.	DATE	ADDRESS	SUMMARY	ZBA	BoT
ZBA 04-03	5/6/2004	310 W. Morris Ave.	16' Corner Side Yard	Approved, 5-0	Approved, 5-0
ZBA 05-03	4/7/2005	1051 S. Stewart Ave.	17.5' Corner Side Yard (Reverse Corner Lot)	Approved, 5-0	Approved, 6-0
ZBA 05-07	6/2/2005	403 S. Edson St.	12.36' Corner Side Yard (Reverse Corner Lot)	Approved, 6-0	Approved, 6-0
ZBA 05-09	7/21/2005	444 E. Taylor Rd.	22' Rear Yard (Corner Lot)	Approved, 5-0	Approved, 6-0
ZBA 06-01	2/6/2006	151 E. Berkshire Ave.	6' Corner Side Yard	Approved, 4-0	Approved, 6-0
ZBA 06-06	5/4/2006	302 W. Loy St.	10.5' Corner Side Yard & 31' Rear Yard (Reverse Corner Lot)	No Recommendation	Partial App., 6-0*
ZBA 06-17	8/23/2006	197 S. Craig Pl.	9' Corner Side Yard	Approved, 6-0	Approved, 6-0
ZBA 06-22	9/27/2006	601 E. Sunset Ave.	10' Corner Side Yard	Approved, 6-0	Approved, 6-0
ZBA 06-24	12/7/2006	303 W. Harding Rd.	10' Corner Side Yard	Denial, 5-1	App., 6-0**
ZBA 06-26	1/4/2007	117 S. Stewart Ave.	14.67' Corner Side Yard	Approved, 5-0	Approved, 6-0
ZBA 07-02	2/15/2007	206 E. Hickory St.	15' Corner Side Yard	Approved, 4-1	Approved, 6-0
ZBA 08-01	3/6/2007	322 E. Elm St.	17.68' Corner Side Yard	Approved, 5-0	Approved, 6-0

CASE NO.	DATE	ADDRESS	SUMMARY	ZBA	BoT
ZBA 10-01	2/18/2010	41 S. 2 nd Ave.	16.8' Corner Side Yard & 6' Rear Yard	No Recommendation	App., 6-0
ZBA 10-07	9/16/2010	103 W. Collen Dr.	14.5' Corner Side Yard (Reverse Corner Lot)	Approved, 6-0	Approved, 6-0
ZBA 10-08	9/16/2010	322 E. Elm St.	17.68' Corner Side Yard	Approved, 6-0	Approved, 6-0
ZBA 10-14	1/6/2011	1029 E. Woodrow Ave.	11.5' Corner Side Yard (Reverse Corner Lot)	Approved, 5-0	Approved, 6-0
ZBA 13-01	2/7/2013	236 E. Morningside Ave.	15.7' Corner Side Yard & 29.5' Rear Yard	Approved, 4-0	Approved, 6-0

* ZBA 06-06 received approval for the corner side yard variation, but not the rear yard variation.

** ZBA 06-24 received BoT approval when the variation request was reduced to two feet (2').

Please note that the most similar cases (ZBA 06-06, 302 W. Loy St.) did not receive a recommendation from the ZBA. Also, while the most recent listed case (ZBA 13-01, 236 E. Morningside Ave.) was very similar to ZBA 14-03, the lot at 236 E. Morningside Avenue was not a reverse corner lot, as is the case with the subject proposal.

As in ZBA 06-06, staff recommends approval of the corner side yard variation, but not the rear yard setback variation. **However, if the Zoning Board of Appeals finds that it would be appropriate to grant both requested variations, staff recommends that the motion below be amended to read, "has affirmed" for both variations.**

If only the corner side yard relief is supported, the ZBA should condition its approval based upon submittal of a revised site plan depicting compliance with the rear yard setback requirements.

FINDINGS & RECOMMENDATIONS

The Department of Community Development has determined that the information presented **has affirmed** the Standards for Variations, in their entirety, for the requested corner side yard setback, but **has not affirmed** the Standards for Variations, in their entirety, for the requested rear yard variation. 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 corner side yard setback variation:

Based on the submitted petition and the testimony presented, the requested variation to reduce the corner side yard setback **does comply** with the Standards for Variations in the Lombard Zoning Ordinance, but does not comply with the Standards for Variations for the rear yard setback; and, therefore, I move that the Zoning Board of Appeals find that the 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 **partial approval** of ZBA 14-03.

Inter-Departmental Review Committee Report approved by:

 William J. Heniff, AICP
 Director of Community Development

c. Petitioner

ORDINANCE NO. _____

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

(ZBA 14-03; 304 N. Park Avenue)

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)(2) of the Lombard Zoning Ordinance to reduce the required corner side yard setback from twenty feet (20') to eleven and nine-tenths feet (11.9') to allow for the construction of an addition to an existing structure in the corner side yard; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on April 23, 2014 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)(2) of the Lombard Zoning Ordinance to reduce the required corner side yard setback from twenty feet (20') to eleven and nine-tenths feet (11.9') to allow for the construction of an addition to an existing structure in the corner side yard.

SECTION 2: This ordinance is limited and restricted to the property generally located at 304 N. Park Avenue, Lombard, Illinois, and legally described as follows:

THE EAST 50 FEET OF THE SOUTH 150 FEET OF LOT 2 IN E.W. ZANDER'S BROADVIEW ADDITION TO LOMBARD, BEING A SUBDIVISION IN THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 7, 1911 AS DOCUMENT 103181, IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-06-416-029

Ordinance No. _____

Re: ZBA 14-03

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SECTION 3: 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 _____, 2014.

First reading waived by action of the Board of Trustees this _____ day of _____, 2014.

Passed on second reading this _____ day of _____, 2014.

Ayes: _____

Nayes: _____

Absent: _____

Approved this _____ day of _____, 2014

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published by me this _____ day of _____, 2014

Sharon Kuderna, Village Clerk



T.R. KNAPP Architects

Residential and Commercial Architecture
Construction Management
Landscape Design

Date: **March 18, 2014**

To: **Matt Panfil, Senior Planner**
Department of Community Development
The Village of Lombard
255 East Wilson Street
Lombard, Illinois 60148

Re: **Zoning Variance Request**
Single Family Addition
James Devries, Owner
304 North Park Avenue
Lombard, Illinois 60148

Mr. Panfil –

We hereby submit application for Variance to the Lombard Zoning Ordinance for the construction of a 1-1/2 Story Frame Addition to the Existing One Story Residence. The primary use of the new addition will be a larger Master Bedroom and screened porch area with a New 3 Car Attached Garage and Attic Storage.

Mr. Devries has owned the house for approximately 10 years but has recently moved into the Property as his principle residence. He has decided to make this his retirement home and plans to live here for the foreseeable future. For health reasons, he prefers to have a Ranch Style Home with the entire living space on the ground floor level, including an Attached Garage to protect him from the ice and snow in winter. The Existing One Car Frame Garage is in poor condition and requires replacement – Mr. Devries would prefer to have an attached 3 Car Garage for his multiple vehicles and home hobby workshop. He will also be completing a general remodeling of the Interior and Exterior of the entire existing structure.

The Existing Property is a standard 50'-0" x 150'-0" Property, but is on a Corner Lot with the main address fronting on North Park Avenue. The Existing One Story Residence sits approximately on center of the property north to south and has an existing antiquated detached one car garage at the far north end of the lot. The house is set back from Greenfield 44.95' in alignment with the other houses on Greenfield, which is considerably more than the 30'-0" required Front Yard Minimum. The east face of the house is also set back 11.9' from the east property line, which is considerably less than the 20'-0" required Corner Side Yard. The Variance is required for both the Corner Side Yard (East Side) and the Rear Yard (North Side) and is required because of the existing placement of the house in relation to the Corner Property. The Variances would most likely not be required if this were a standard Interior Lot.

Standards for Variation – A detailed response to each of the following standards shall be provided:

- 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, of the strict letter of the regulations were to be applied.**

The Existing Residence currently sits 11.9 feet from the East Property Line. The primary goal of the Project is the construction of a Larger Master Bedroom and New Attached 3 Car Garage which is best placed at the rear of the Property. A Standard Garage Footprint would be approximately 22'-0"x 22'-0". Given the Required Corner Side Yard Setback of 20'-0" and the Interior Side Yard Setback of 6'-0" – a 22'-0" Standard Garage would not fit within the buildable area of the 50'-0" Lot.

- 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 properties within the same zoning classification.**

The Variance is primarily required because this is a Corner Property, with a large Corner Side Yard Setback Requirement. This would not generally be the case with most other properties in the neighborhood.

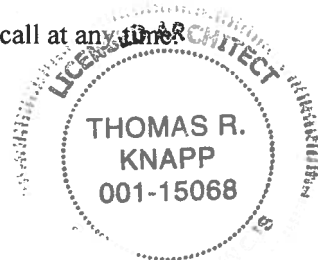
Zoning Variance Request
304 North Park Avenue – Lombard, Illinois
Page 2 of Two March 18, 2014

- 3. The purpose of the variation is not based upon a desire to increase financial gain.**
The Remodeled home will remain Mr. Devries principle residence for the foreseeable future. He has no plans to market the house for resale when the project is complete. If the Property Owner were interested in this property as an investment, it would be better suited for tear down and complete replacement. But the Owner does not intend to build new construction in this location.
- 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 home was built in the late 1940's, immediately following WWII. It is a fairly small house by today's standards and is presently in poor condition. The hardship is based upon the location of the existing structure on the property in relation to Required Setbacks in relation to any sizeable addition project.
- 5. The granting of the variation will not be detrimental to the public welfare or injurious to other properties or improvements in the neighborhood in which the property is located.**
As a single family residence, the Proposed Project is in line with other properties in the neighborhood and would in no way be out of character for similar setbacks on Typical Lots on Interior Side Yard Requirements. The Garage Location at the rear of the property is a better location than the front yard and does not cause any detrimental loss of light or ventilation to any neighbor. The proposed garage location is also a safe distance from other structures and is in character with other Corner Properties in the area.
- 6. The granting of the variation will not alter the essential character of the neighborhood.**
The Existing neighborhood is a mix of smaller pre and post war housing as well as several new construction homes within a block in each direction. The essential character of the proposed addition is in line with the scale of contemporary ranch construction and would be an asset to the community.
- 7. The proposed variation will not impair an adequate supply of light and air to adjacent properties or substantially increase the congestion of the public streets, or increase the danger of fire, or impair the 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 a single family residence, the Proposed Project is in line with other properties in the neighborhood and would in no way be out of character for similar setbacks on Typical Lots on Interior Side Yard Requirements. The Garage Location at the rear of the property is a better location than the front yard and does not cause any detrimental loss of light or ventilation to any neighbor. The proposed garage location is also a safe distance from other structures and is in character with other Corner Properties in the area.

If you have any additional questions or concerns, please feel free to call at any time.


Respectfully,

Thomas R. Knapp, Illinois Architect Registration #01-15068
TR Knapp Architects - Design Firm Registration # 184-3702



AERIAL VIEW OF 304 N. PARK AVENUE AND SURROUNDING ENVIRONS



 **Required Front, Corner Side, and Rear Yard Setbacks**

- Non-Shaded Area is the Buildable Area of Lot
- (Interior Side Yard Setback not Visible)



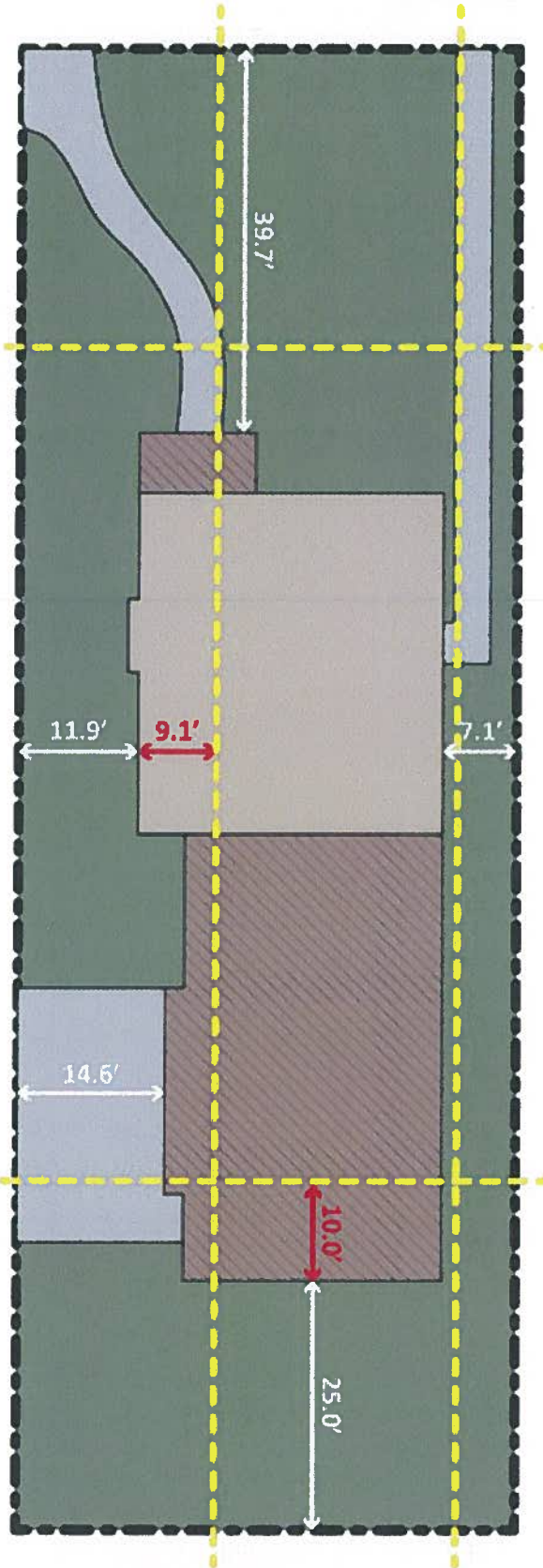
GREENFIELD AVE

6' INTERIOR SIDE
YARD SETBACK

30' FRONT YARD SETBACK

PARK AVE

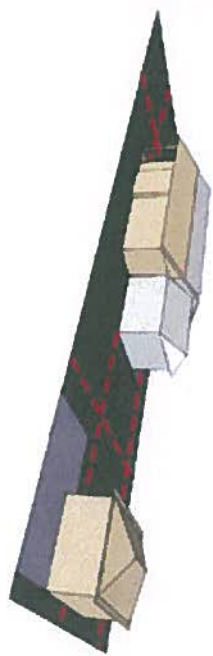
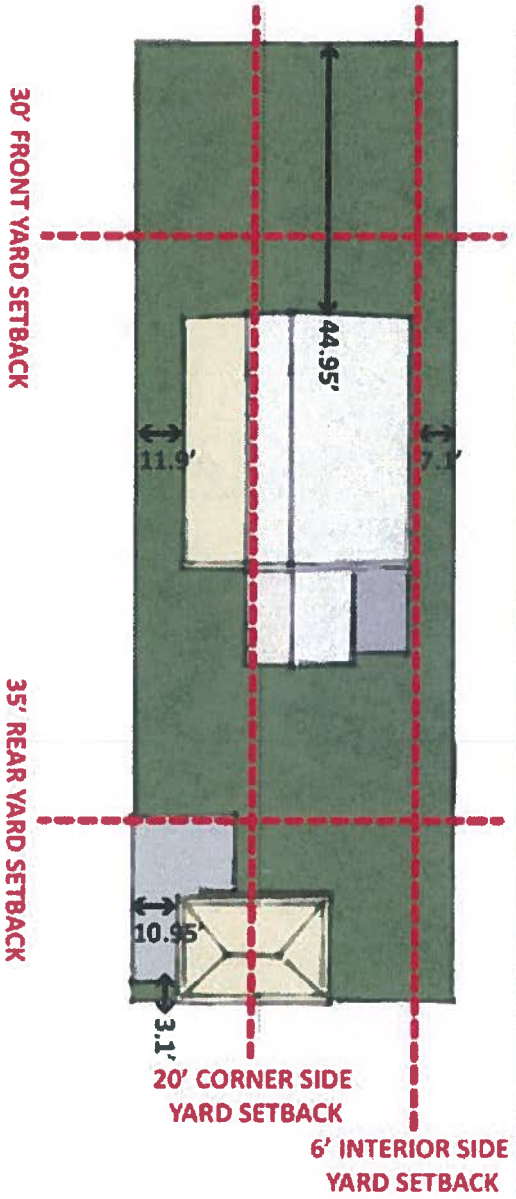
35' REAR YARD SETBACK



20' CORNER SIDE
YARD SETBACK

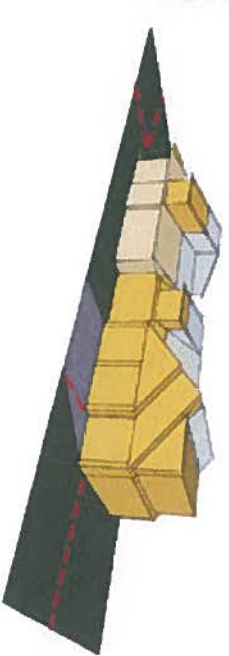
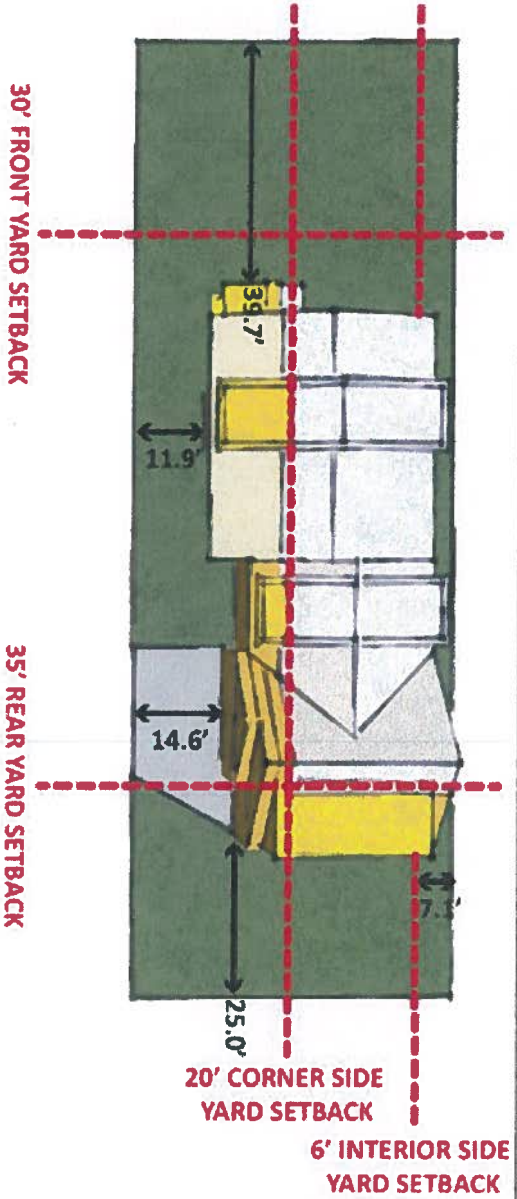
ZBA 14-03: 304 N. PARK AVENUE

EXISTING



PROPOSED

EXISTING ENCROACHMENT PROPOSED ADDITIONAL ENCROACHMENT



DEVRIES RESIDENCE

ONE STORY GARAGE ADDITION

JAMES DEVRIES
304 NORTH PARK AVENUE
LOMBARD, ILLINOIS 60148

GENERAL CONSTRUCTION NOTES

- 1. ALL WORK SHALL BE COMPLETED IN ACCORDANCE WITH THE CITY OF LOMBARD ORDINANCES AND SPECIFICATIONS.
- 2. THE CONTRACTOR SHALL VERIFY AT THE JOB SITE ALL DIMENSIONS AND LOCATIONS OF ALL EXISTING UTILITIES AND STRUCTURES.
- 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF LOMBARD.
- 4. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.
- 5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
- 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF LOMBARD.
- 7. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.
- 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.

INSURANCE REQUIREMENTS

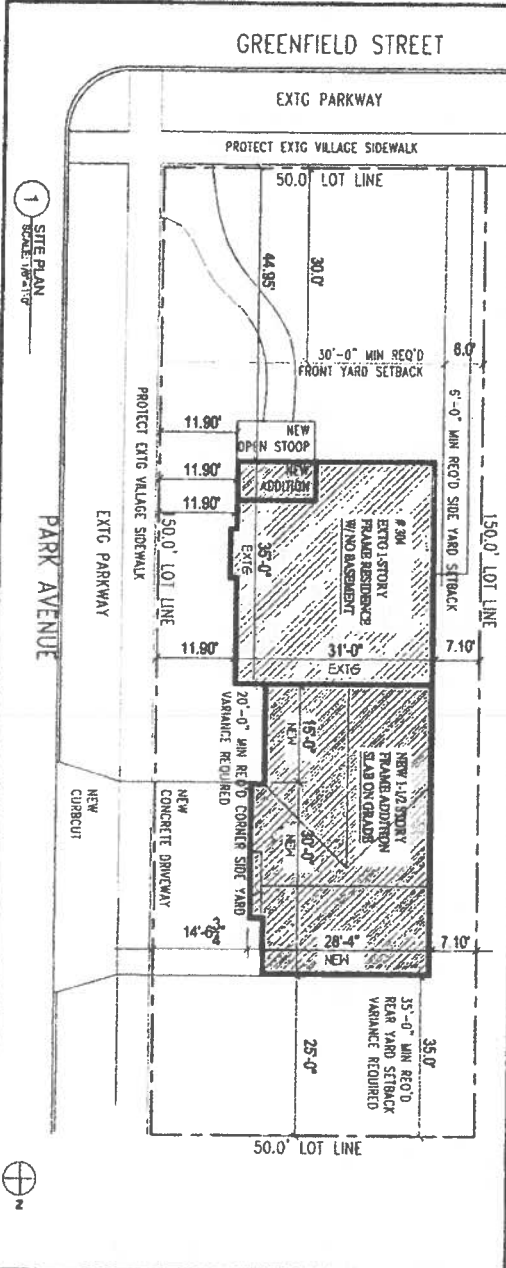
- 1. THE CONTRACTOR SHALL MAINTAIN GENERAL LIABILITY INSURANCE AND WORKERS COMPENSATION INSURANCE THROUGHOUT THE ENTIRE DURATION OF THE PROJECT.
- 2. THE CONTRACTOR SHALL MAINTAIN ADEQUATE INSURANCE COVERAGE TO PROTECT THE OWNER FROM ALL RISKS OF LOSS.
- 3. THE CONTRACTOR SHALL MAINTAIN ADEQUATE INSURANCE COVERAGE TO PROTECT THE CONTRACTOR FROM ALL RISKS OF LOSS.
- 4. THE CONTRACTOR SHALL MAINTAIN ADEQUATE INSURANCE COVERAGE TO PROTECT THE CITY OF LOMBARD FROM ALL RISKS OF LOSS.
- 5. THE CONTRACTOR SHALL MAINTAIN ADEQUATE INSURANCE COVERAGE TO PROTECT THE ADJACENT PROPERTIES FROM ALL RISKS OF LOSS.

DEMOLITION NOTES:

- 1. THE CONTRACTOR SHALL DEMOLISH ALL EXISTING STRUCTURES AND UTILITIES TO BE REMOVED.
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- 9. THE CONTRACTOR SHALL DEMOLISH ALL EXISTING STRUCTURES AND UTILITIES TO BE REMOVED.
- 10. THE CONTRACTOR SHALL DEMOLISH ALL EXISTING STRUCTURES AND UTILITIES TO BE REMOVED.

GENERAL NOTES / SCOPE OF WORK:

- 1. THE GENERAL CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF LOMBARD.
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- 10. THE GENERAL CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF LOMBARD.



DRAWING INDEX

- T-1.0 TITLE PAGE / SITE PLAN / NOTES
- A-1.1 FOUNDATION, FIRST FLOOR, & DEMO PLAN / SCHEDULES
- A-2.1 PROPOSED & DEMO EXTERIOR ELEVATIONS
- A-3.1 BUILDING SECTION & PORCH SECTIONS
- M-E-1.1 MECHANICAL, ELECTRICAL & PLUMBING PLANS

ZONING INFORMATION

EXISTING LOT IS ZONED R-2
 REQUIRED FRONT YARD SETBACK = 30'-0"
 MIN. REQUIRED SIDE YARD SETBACK = 8'-0" & 8'-0"
 REQUIRED REAR YARD SETBACK = 35'-0"
 MAXIMUM BUILDING HEIGHT = 30'-0" OR 2-1/2 STORES
 LOT AREA = 81.00' x 191.00' = 7,500 S.F.
 MINIMUM OPEN SPACE = 50% = 3,750 S.F.

APPLICABLE BUILDING CODES

- 2012 INTERNATIONAL RESIDENTIAL CODE
- 2008 NATIONAL ELECTRIC CODE
- 2004 STATE PLUMBING CODE
- 2009 INTERNATIONAL MECHANICAL CODE
- 2014 INT. ENERGY CONSERVATION CODE
- TITLE 15 MUNICIPAL ORDINANCES

CERTIFICATION

I, THE ARCHITECT, CERTIFY THAT THESE DRAWINGS HAVE BEEN PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF THEY COMPLY WITH ALL CITY, STATE, AND FEDERAL CODES AND ORDINANCES WITHIN THE CITY OF LOMBARD, ILLINOIS.

THOMAS R. KNAPP, ARCHITECT
 1701-15288 EXPIRES 11/30/17
 1701-15288 EXPIRES 11/30/17

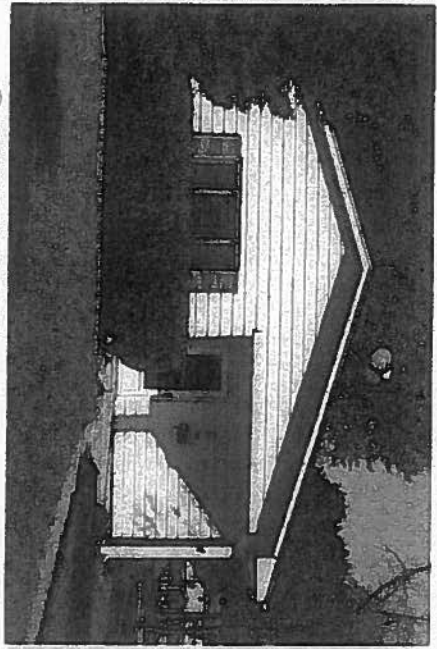
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DEVRIES RESIDENCE
ADDITION AND REMODELING
JAMES DEVRIES
304 NORTH PARK AVENUE
LOMBARD, ILLINOIS

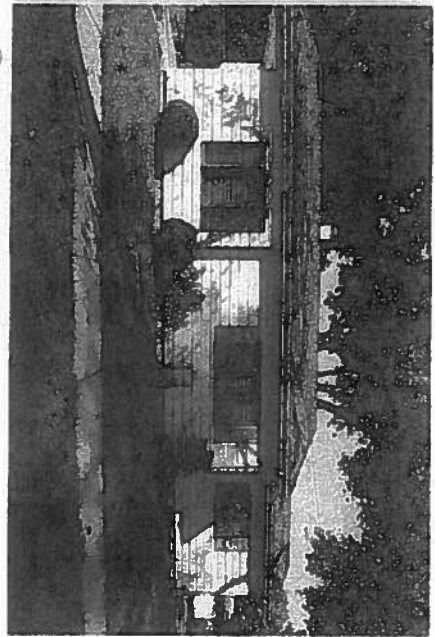
T. R. Knapp
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320 North Main Street
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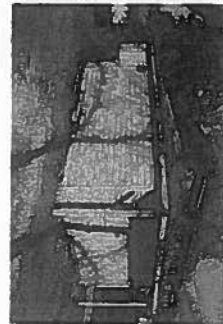
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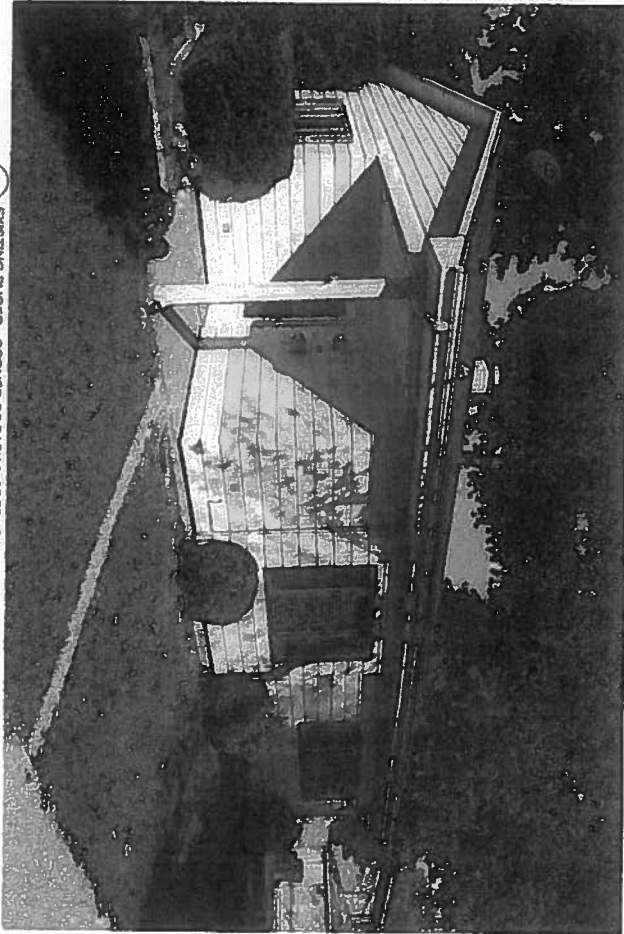
1 EXISTING PHOTO - SOUTH ELEVATION
NOT TO SCALE



2 EXISTING PHOTO - EAST ELEVATION
NOT TO SCALE



3 EXISTING PHOTO - FRAME GARAGE
NOT TO SCALE



4 EXISTING PHOTO - CORNER OF PARK & GREENFIELD
NOT TO SCALE

NOTE: ALL DIMENSIONS ARE APPROXIMATE AND SHOULD BE VERIFIED IN FIELD.

ISSUED FOR ZONING VARIANCE	1-18-14
PRELIMINARY DESIGN	2-25-14
PRELIMINARY PERMIT	3-17-14
PERMIT FOR PERMIT	3-25-14
PRELIMINARY DESIGN	1-18-15
PRELIMINARY DESIGN	2-18-15
ISSUED	04-15-14

DEVRIES RESIDENCE
ADDITION AND REMODELING
JAMES DEVRIES
304 NORTH PARK AVENUE
LOMBARD, ILLINOIS

T.R. Knapp
ARCHITECTS

320 North Main Street
Lombard, Illinois 60148
630.620.6512

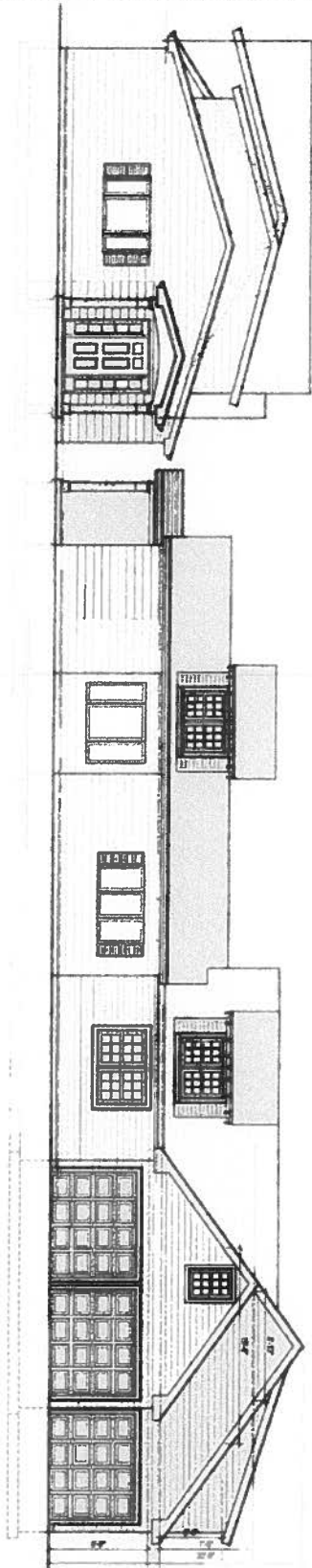


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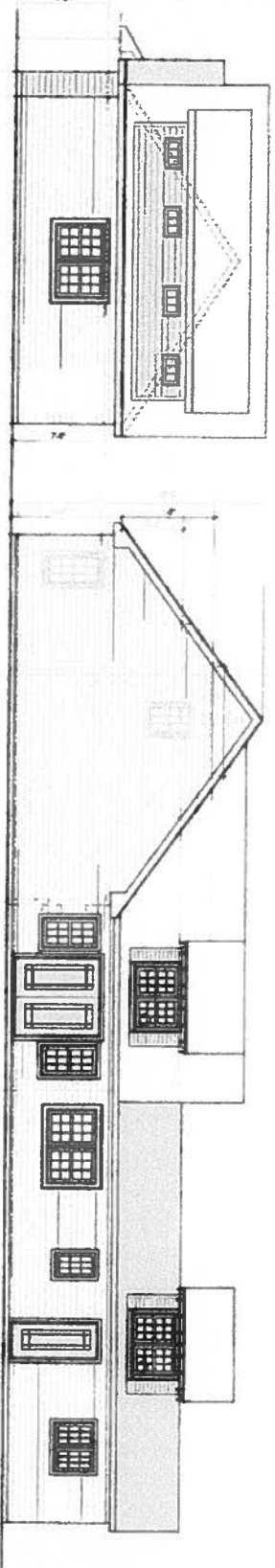
EXISTING
PHOTOS

DATE: 11/15/14

DATE: 11/15/14



2 PROPOSED SOUTH ELEVATION



1 PROPOSED EAST ELEVATION

4 PROPOSED NORTH ELEVATION

3 PROPOSED WEST ELEVATION

NOTE: ALL DIMENSIONS ARE APPROXIMATE AND SHOULD BE CHECKED IN FIELD.

NO.	DESCRIPTION	DATE
1	DESIGNED FOR PERMITS RESPONSE	5-18-06
2	PERMITS RESPONSE	3-15-06
3	PERMITS RESPONSE	2-25-06
4	DESIGNED FOR PERMITS	2-25-06
5	PERMITS RESPONSE	1-26-06
6	PERMITS RESPONSE	10-26-05
7	REVISION	DATE

DEVRIES RESIDENCE
 ADDITION AND REMODELING
 JAMES DEVRIES
 304 NORTH PARK AVENUE
 LOMBARD, ILLINOIS

T.R. Knapp
 ARCHITECTS
 320 North Main Street
 Lombard, Illinois 60148
 630.620.6512



A2.1a

PROPOSED ELEVATIONS

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