

December 7, 2006

Mr. William J. Mueller  
Village President, and  
Board of Trustees  
Village of Lombard

**Subject: ZBA 06-24; 303 W. Harding Road.**

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 to Section 155.406(F) (2) to reduce the corner side yard setback to ten feet (10') where twenty feet (20') is required to allow for the construction of an addition in the R2 Single Family Residential District.

The Zoning Board of Appeals conducted a public hearing on November 29, 2006. Tomas Johansson, owner of the subject property, presented the petition. He stated that he and his wife moved to Lombard in June and plan to stay in their current home for years to come. He mentioned that they need to construct an addition to accommodate visiting family. He noted that he understands that the intent of the 20 foot corner side yard setback is so that cars parked on driveways are not blocking the sidewalk. He mentioned that they have pictures of other corner properties in the neighborhood, and his architect took setback measurements of those properties. He stated that the purpose of the garage is to house their cars, and they wanted it at the proposed location so that an old elm tree can be preserved.

Mr. Johansson also mentioned that they have a problem with stormwater because their property is lower than the adjacent properties. He noted that because of their age, they prefer to have everything on the ground floor level. He stated that the house enhances the neighborhood. He mentioned that the design incorporates solar heating panels on the garage which need to face south. He noted that there is a hardship due to the way the house is positioned on the lot. There isn't enough room to do an addition in the front. He stated that the only other option would be to tear down the house. He noted that a three-car garage was to store two cars as well as a snow blower and yard tools and equipment.

Tom Knapp, architect for the proposed addition, noted that three-car garages are becoming more typical. Most people are looking for at least a two and a half car garage. He stated that the two car garage is not really the standard anymore. He also noted that many people are looking for one story additions, and master bedrooms on the ground floor are becoming popular for additions and new construction.

Chairperson DeFalco opened the meeting for public comment. No one spoke for or against the petition. He then requested the staff report.

Michelle Kulikowski, Planner I, presented the staff report. She stated that the subject property is located at the southwest corner of Harding Road and Elizabeth Street and is approximately 65 feet wide and 188 feet in depth. She noted that the existing residence is a split level house that is setback approximately 50 feet from the front property line and 25 feet from the corner side property line. She mentioned that the petitioner is proposing a one story addition which includes a master bedroom suite, living room, and a three-car garage. She stated that the proposed addition would be setback 10 feet from the property line, and therefore, the petitioner is requesting a variation to reduce the corner side yard setback.

Ms. Kulikowski stated that it is difficult to demonstrate a physical hardship that is unique to the property as the subject property is 12,220 square feet, which exceeds the minimum required lot size of 7,500 square feet in the R2 District. She noted that even though the existing residence is setback approximately 50 feet from the front property line, there is still substantial room to the rear of the existing residence to build an addition and comply with the setback requirements. She mentioned that there is a buildable area of approximately 55 feet by 39 feet.

Ms. Kulikowski stated that the hardship in this circumstance is a personal preference for the proposed design for the addition. She noted that the portion of the proposed addition that would encroach into the corner side yard would be a third bay for the garage and storage area designated as a utility room and a laundry room. She mentioned that the proposed addition would meet the setback requirements if the three-car garage was reduced to a two-car garage and the storage areas were reconfigured. She also noted that the petitioner also has the option to construct a second story addition and/or a detached garage.

Ms. Kulikowski discussed the other corner properties in the neighborhood. She noted that there are several corner properties that do not meet the current 20 foot corner side yard setback, but staff did not find any corner side yard variations granted in the neighborhood. She stated that these residences were likely built prior to the establishment of the current corner side yard requirements and are considered legal non-conforming. She noted that these properties would be required to meet the 20 corner side yard setback should they be redeveloped in the future. She also stated that there are also many corner properties in the neighborhood that meet the current 20 foot corner side yard setback. She mentioned that it is difficult to make the argument that reducing the corner side yard to 10 feet would be consistent with the character of the

neighborhood since there isn't a consistent pattern as it relates to corner side yard setbacks. She noted the aerial photographs of the neighborhood that are included in the Appendices of the staff report.

Ms. Kulikowski reviewed the standards for variations. She stated that the petitioner's property does not have unique physical limitations that limit the owner from meeting the intent of the ordinance. She noted that the lot is not unusually small and there is sufficient room in the rear of the existing residence to construct a sizeable addition in compliance with the setback requirements. She also noted that the conditions are not unique to the subject property as the petitioner's property is the same size and dimensions as other properties in the neighborhood. She also mentioned that the front yard setback for the existing residence is consistent with that on neighboring properties. She stated that the hardship has not been caused by the ordinance and has instead been created by the petitioner's preference for the proposed design and the extent of the proposed improvements to the property. She noted that the granting of the requested relief will set an undesirable precedent.

Chairperson DeFalco opened the meeting for discussion among the members.

Chairperson DeFalco noted that the southeast portion of the garage is what needs the variation. He also mentioned that the petitioner has the option to construct a two-car garage and a separate storage shed for the yard tools and equipment. He asked how close the shed could be to the garage.

Ms. Kulikowski stated that a 4 foot separation would be needed between a shed and a garage. She noted that a shed would only have to have a 3 foot setback from the rear property line and 3 foot setback from the interior side property line.

Chairperson DeFalco noted that the Zoning Board of Appeals has seen a lot of variation petitions in the Green Meadows subdivision to allow existing carports to be enclosed. He stated that those were only for one or two cars. He mentioned that this is the first variation request involving a three-car garage.

Mr. Johansson distributed the pictures of other corner properties in the neighborhood to the Zoning Board of Appeals members. He noted that the pictures showed many other properties with sheds, but he did not want to put up a shed.

Chairperson DeFalco commended the petitioner for his research, but noted that the pictures help demonstrate why the ordinance was changed to a 20 foot corner side yard setback.

Mr. Johansson stated that only a small portion of the addition would encroach into the corner side yard. He mentioned that they did not want to have one really long wall. He noted that having the garage pushed closer to the corner side property line would help break up the façade

and add architectural interest. He stated that he did not feel that the proposed addition set a bad precedent, rather a precedent of how a nice house should look.

Mr. Knapp stated that ordinance is more written to address new structures, but does not take into consideration the expansion of existing structures.

Chairperson DeFalco noted that he agreed, but the variance process does allow for flexibility for additions if there is a hardship. He also mentioned that the Zoning Board of Appeals typically adds a condition of approval to variations that would require the entire structure to come into compliance should it be damaged to the extent of 50 percent or more of the market value.

Mrs. Johansson stated that she has a problem with her feet and her 100 year-old mother would likely be living with them. It would be difficult for them to use stairs. She also discussed the difficulty of incorporating the stormwater cistern and solar panels if they were to do a detached garage.

Mr. Knapp mentioned that they did look at doing a detached garage, but it would add a lot of paving and leave little usable yard space.

Mr. Young asked the petitioner to explain the rainwater settlement tanks and how they worked.

Mr. Johansson stated that the rainwater is collected and stored underneath the garage floor. He noted that the heat from the solar panels is also stored underneath the garage.

Mr. Knapp added that there is a 10,000 gallon cistern under the garage. He mentioned that all of the downspouts are directed to a drain tile which empties into the cistern. He noted that the property is 5 feet higher at the south end and the connection to the stormwater sewer is at the northeast corner of the property. He stated that all of the neighborhood stormwater passes through their property.

Chairperson DeFalco mentioned that the proposed addition is within the clear line of sight area.

Mr. Young noted that it can be resolved by modifying the driveway. He stated that if the Zoning Board of Appeals chooses to grant the variation they should add as a condition of approval that the driveway be modified to meet the clear line of sight area.

Chairperson DeFalco noted the front yard setback and that there was room to expand in the front.

Mr. Knapp stated that it would be awkward to do an addition in the front with the way the existing split level house was laid out. They would have to go up stairs and then back down stairs.

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Mr. Johansson noted that all of the houses on the block have a similar setback and it would look odd to extend their house closer to the front property line.

Chairperson DeFalco stated that other houses on the block may be torn down in the future and there may not be that straight building line on the block some day.

Mr. Bedard noted that they have granted corner side yard variations in circumstances where the existing building line was being maintained. He said that he couldn't support a variation in this circumstance due to the extent of the proposed construction. It is almost as if it were new construction.

Mr. Corrado agreed.

Mrs. Newman stated that she did not support the variation because the petitioner has other alternatives for constructing the addition in compliance with code.

Mr. Young noted that the proposed design is addressing a stormwater drainage problem, but he believes it can also be addressed with a two-car garage design.

Mr. Bedard mentioned that the Village has a grant program for helping homeowner make improvements to address stormwater problems.

Mr. Bedard made a motion to deny the petition. The motion was seconded by Mrs. Newman.

After due consideration of the submitted petition and the testimony presented, the Zoning Board of Appeals submits this petition to the Corporate Authorities with a recommendation of denial of ZBA 06-24 by a roll call vote of 5 to 1.

Respectfully,

**VILLAGE OF LOMBARD**

John DeFalco  
Chairperson  
Zoning Board of Appeals