

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 : May 4, 2018 (BOT) Date: May 17, 2018

SUBJECT: ZBA 18-03: 239 W. Crystal Avenue

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 the following for a property located in the R2 Single-Residence District:

- 1. Grant approval of a variation from Section 155.407(E) of the Zoning Ordinance to allow a lot width of 45 feet for an existing lot of record, where a minimum lot width of 60 feet is required. The relief is requested in order to allow for the reconstruction of a single-family home on the property.

The Zoning Board of Appeals made motion to recommend approval of this petition, which received a vote of 4-0. Please place this petition on the May 17, 2018 Board of Trustees agenda. The petitioner requests a waiver of first reading of the Ordinance.

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: May 17, 2018

SUBJECT: **ZBA 18-03; 239 W. Crystal Avenue**

Please find the following items for Village Board consideration as part of the May 17, 2018 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 18-03;
3. An Ordinance granting approval of the requested variation; and

The Zoning Board of Appeals made motion to recommend approval of this petition, which received a vote of 4-0. Please place this petition on the May 17, 2018 Board of Trustees agenda. The petitioner requests a waiver of first reading of the Ordinance.



VILLAGE OF LOMBARD

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May 17, 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 18-03; 239 W. Crystal 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 approve the following for a property located in the R2 Single-Residence District:

1. Grant approval of a variation from Section 155.407(E) of the Zoning Ordinance to allow a lot width of 45 feet for an existing lot of record, where a minimum lot width of 60 feet is required. The relief is requested in order to allow for the reconstruction of a single-family home on the property.

The Zoning Board of Appeals conducted a public hearing on April 25, 2018.

George Maderas and staff were sworn in by Chairperson DeFalco to offer testimony. Mr. Maderas, architect representing the petitioner, presented the request.

Mr. Maderas said the property had been developed with a single-family home that was destroyed in a fire. The property owners want to rebuild the house but the property does not meet minimum lot width requirements, so requires a variance. Mr. Maderas noted that the rebuilt home would meet side setback requirements for homes without attached garages. The previous house did not meet side setback requirements for houses without attached garages.

Chairperson DeFalco asked if there was anyone else present to speak in favor of or against the petition. Seeing no one, he asked for the staff report.

Anna Papke, Senior Planner, presented the staff report. The IDRC report was entered into the record in its entirety. Ms. Papke said that the subject property is a lot of record in a previously platted subdivision. There was a single-family home on the property that was destroyed in a fire. The property owners intend to rebuild the single-family home. The property does not meet the lot width requirement for properties in the R2 District. The property also does not meet the criteria in the Zoning Ordinance to allow reconstruction on a lot not meeting minimum lot size requirements. The petitioner is therefore seeking a variance in order to rebuild a single-family home.

The petitioner has provided a proposed site plan for the property that shows the reconstructed home will meet setback and open space requirements. Staff notes that the subject property is a lot of record in a legally established subdivision that has other lots that are less than 60 feet wide. Reconstruction of the house will not change the characteristics of the neighborhood. Staff supports the request.

Mr. Bedard asked if the property owner would require a variance if they were rebuilding in the same footprint as the previous house. Ms. Papke said they would still require the variance for lot width, and would also require a variance for the side setback since the previous home did not meet the side setback requirement.

Mr. DeFalco asked for a motion from the Board.

On a motion by Mr. Bartels, and a second by Mr. Tap, the Zoning Board of Appeals voted 4-0 that the Village Board approve the petition associated with ZBA 18-03.

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 18-03; 239 W. Crystal 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 Title 15, Chapter 155, Section 155.407(E) of the Lombard Zoning Ordinance to allow a lot width of 45 feet for an existing lot of record, where a minimum lot width of 60 feet is required, in order to allow for the reconstruction of a single-family home on the property; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on April 25, 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 variations are hereby granted from the provisions of Title 15, Chapter 155, Section 155.407(E) of the Lombard Zoning Ordinance to allow a lot width of 45 feet for an existing lot of record, where a minimum lot width of 60 feet is required, in order to allow for the reconstruction of a single-family home on the property.

SECTION 2: This ordinance is limited and restricted to the property generally located at 239 W. Crystal Avenue, Lombard, Illinois, and legally described as follows:

LOT 125, IN ELMORE'S NORTH VIEW, BEING A SUVDIVISION IN THE NORTH ½ OF SECTION 6, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF

Ordinance No. _____

Re: ZBA 18-03

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RECORDED MARCH 26, 1927 AS DOCUMENT 232326, IN DUPAGE COUNTY,
ILLINOIS.

Parcel No: 06-06-219-005

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: _____

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