

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

 X Resolution or Ordinance (Blue) X *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: June 5, 2015 (B of T) Date: June 18, 2015

TITLE: ZBA 15-06 – 341 W. Morris Avenue

SUBMITTED BY: Department of Community Development *WB*

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 from Section 155.407(F)(3) of the Lombard Zoning Ordinance to reduce the required interior side yard setback from nine feet (9') where no attached garage is constructed to seven feet (7') within the R2 Single-Family Residence District. (DISTRICT #2)

The Zoning Board of Appeals recommended approval of this petition by a vote of 6-0.

The petitioner requests a waiver of first reading of the Ordinance.

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 

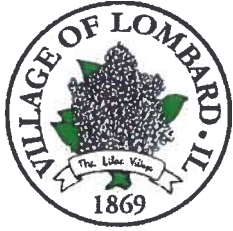
DATE: June 18, 2015

SUBJECT: ZBA 15-06; 341 W. Morris Avenue

Please find the following items for Village Board consideration as part of the June 18, 2015 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 15-06;
3. An Ordinance granting approval of a 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 June 18, 2015 Board of Trustees consent agenda. The petitioner requests a waiver of first reading of the Ordinance.



VILLAGE OF LOMBARD

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

June 18, 2015

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 15-06; 341 W. Morris 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 a variation from Section 155.407(F)(3) of the Lombard Zoning Ordinance to reduce the required interior side yard setback from nine feet (9') where no attached garage is constructed to seven feet (7') within the R2 Single-Family Residence District.

The Zoning Board of Appeals conducted a public hearing on May 27, 2015.

The petitioner, Mr. Ali Siddiqui, requests that the Village grant a variation from Section 155.407(F)(3) of the Lombard Zoning Ordinance to reduce the required interior side yard setback from nine feet (9') where no attached garage is constructed to seven feet (7') (DISTRICT # 2).

Mr. Ali Siddiqui stated that the proposed second story addition to the house is needed for additional bedrooms for eight (8) family members, some of which are college age children. Other plans were considered but did not work with the existing floor plan. Mr. Siddiqui also stated that the adjacent neighbors to the east, west, and south were contacted and informed about the proposed plans. The neighbors had responded that they are okay with the plans.

Chairperson DeFalco questioned if there was anyone present to speak in favor of or against the petition.

Mr. Saad Hussan stated that he is Mr. Ali Siddiqui's next door neighbor to the west and that he is in favor of the addition. He believes the investment will increase the value of the property as well as the neighborhood.

Mr. Farhat Sharif stated that he is Mr. Ali Siddiqui's neighbor to the south and agrees with Mr. Hussan that he and other neighbors who are attending the meeting but do not wish to speak are in favor of the proposed addition and it will increase the value of the property and in turn will help the value of other properties in the

neighborhood.

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

Tami Urish, Planner I, stated that the IDRC report is to be entered into the public record in its entirety. The petitioner proposes to construct an approximately 550 square foot second story addition to the existing structure. The required setback to accommodate the garage built in 2005 is nine feet (9'). This setback is to be unoccupied and unobstructed from the lowest level to the sky. The proposed addition is cantilevered over the driveway and allows adequate clearance for cars and small trucks. Staff can support the variance based on the fact that the addition will not adversely affect other properties and there is past precedence for similar requests in the past ten (10) years.

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

Mr. Tap questioned staff if the petitioner is aware of condition number three (3) which states that the petitioner shall remove 458 square feet of impervious surface area in order to meet the minimum required open space of 50% per Section 155.407 (H).

Mr. Siddiqui stated that he is aware and agrees to this condition.

Mr. Tap questioned staff if the coverage calculation included the addition that is already covered by the driveway. Ms. Urish responded that this was taken into consideration and the addition portion over the driveway is not included in the coverage.

Mr. Tap questioned staff if the proposed front porch was included in the lot coverage calculations. Ms. Urish responded that the proposed front porch coverage was included.

Mr. Bartels questioned staff if the eaves of the house are included in the setback encroachment. Mr. Panfil responded that the eave overhang is not taken into account when calculating lot coverage. Mr. Bartels questioned if drainage concerns were addressed. Ms. Urish responded that Private Engineering Services reviewed the proposed variance in relation to drainage and did not offer any concerns or comments. However; the addition will be reviewed again during the building permit review process.

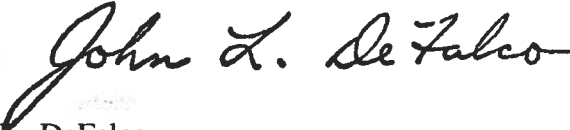
A motion was made by Mr. Tap, seconded by Ms. Newman, that the Zoning Board of Appeals recommend a variation from Section 155.407(F)(3) of the Lombard Zoning Ordinance to reduce the required interior side yard setback from nine feet (9') where no attached garage is constructed to seven feet (7') within the R2 Single-Family Residence District for approval by a vote of 6 to 0 to the Village Board with the following conditions:

1. The project shall be developed in accordance with the submitted plans prepared by HK Architects, Inc. dated March 20, 2015 and made a part of the petition;
2. The petitioner shall apply for and receive a building permit for the proposed plans;

3. The petitioner shall remove 458 square feet of impervious surface area in order to meet the minimum required open space of 50% per Section 155.407 (H).
4. Such approval shall become null and void unless work thereon is substantially under way within twelve (12) months of the date of issuance, unless extended by the Board of Trustees prior to the expiration of the ordinance granting the variations; and
5. In the event that the principal structure on the subject property is damaged or destroyed to fifty-percent (50%) of its value, the new structure shall meet the required side yard setbacks.

Respectfully,

VILLAGE OF LOMBARD

A handwritten signature in black ink that reads "John L. DeFalco". The signature is written in a cursive style with a large initial "J".

John DeFalco
Chairperson
Zoning Board of Appeals

MAY 27, 2015

Title

ZBA 15-06

Petitioner & Property Owner

Ali Siddiqui
341 W. Avenue
Lombard, IL 60148

Property Location

341 W. Morris Avenue
(06-18-415-032)
Trustee District #2

Zoning

R2 Single Family Residence
(Roosevelt Crest Subdivision)

Existing Land Use

Single Family Home

Comprehensive Plan

Low Density Residential

Approval Sought

A variation to reduce the required nine foot (9') interior side yard setback to seven feet (7').

Prepared By

Tami Urish
Planner I



LOCATION MAP

PROJECT DESCRIPTION

The petitioner is proposing to construct an approximately 550 square foot second story addition to the existing structure. Additional renovations are proposed for the existing first and second floors.

APPROVALS REQUIRED

The petitioner requests that the Village grant a variation from Section 155.407(F)(3) of the Lombard Zoning Ordinance to reduce the required interior side yard setback from nine feet (9') where no attached garage is constructed to seven feet (7').

EXISTING CONDITIONS

The property contains a frame and brick single-family residence with detached garage and associated driveway and patio. The existing residence is a multi-level structure with a second story portion of approximately 788 square feet and an approximately 300 square foot first floor portion attached on the east side of the house.

The existing house was built prior to 1967. The lot was created in 1930. The subject property is surrounded by single-family homes.

PROJECT STATS

Lot & Bulk (Proposed)

Parcel Size:	7,650 sq. ft.
Building Size:	1,330 sq. ft.
	4,283 sq. ft.
Lot Coverage:	(56%) -458 sq. ft.

Reqd. Setbacks & Proposed Dimensions (in parens.)

Front (north)	30' (40')
Side (east)	9' (7')
Side (west)	6' (1')
Rear (east)	35' (74')

Submittals

1. Petition for public hearing;
2. Response to Standards for Variations;
3. Plat of Survey, prepared by Associated Surveying Group, P.C., dated July 13, 2005 (found in Village files);
4. Site Plan and Proposed Elevations, prepared by HK Architects, Inc., dated March 20, 2015 and submitted April 29, 2015;

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division requests the second story addition overhanging the driveway to maintain a twelve foot (12') clearance vertically as shown on the plans. This minimum clearance is required to allow cars and smaller trucks to gain access to the detached garage via the existing driveway. A full review will be conducted during the building permit review process.

Fire Department:

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

Private Engineering Services (PES):

Private Engineering Services has no issues or concerns regarding the project.

Public Works:

The Department of Public Works has no issues or concerns regarding the project.

Planning Services Division:

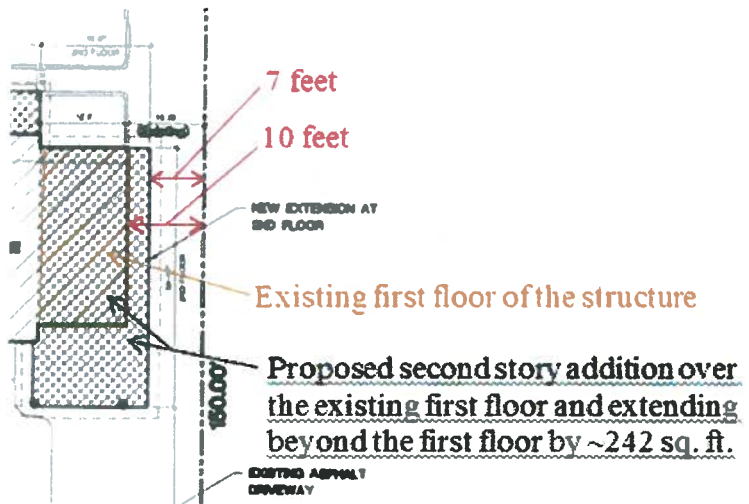
Side Yard Setbacks

The Zoning Ordinance requires a minimum building setback for the interior side yard of six feet (6'), except where no attached garage is constructed, one side yard must be nine feet (9') in width. According to the definition of a yard (155.802), it is an open area on the same zoning lot with a building or structure, **unoccupied and unobstructed from its lowest level to the sky**. A yard extends along a lot line, and to a depth of width specified in the yard requirements for the zoning district in which such zoning lot is located. As the proposed addition extends two feet (2') into the required interior side yard setback of nine feet (9') accommodating an existing detached garage, a variation is required.

The existing home with an attached garage was built with a ten foot (10') side yard setback to the east where a six foot side yard setback is required. Prior to 2005, the residence had an attached garage on the west side of the house as the principal structure had once occupied two lots. A detached garage was constructed on the subject property in 2005. The presence of the detached garage therefore dictates the required side yard setback to be revised for the altered conditions to nine feet (9'). The property owner proposes to construct a second story addition seven feet from the property line over an existing one story portion of the house that is ten feet from the property line.

If not for the necessary accommodation of the detached garage, this addition would be permitted with the required interior side yard setback of six feet (6'). The encroachment beginning twelve feet above grade would not obstruct vehicles from accessing the garage.

Staff can support the requested variance for the side yard setback requirements for the following reasons:



1. There is precedence for a variation to interior side yard setbacks for detached garages on similar lots to allow for the construction of an addition in limited cases; and

2. The proposed improvements will not adversely affect this or other properties in the neighborhood and will be consistent with the existing structure and surrounding neighborhood.

In consideration of precedent, staff has identified similar cases that appeared before the Zoning Board of Appeals within the last ten (10) years. All of the cases listed below were approved encroachments at the ground level unlike the subject property which requests the encroachment twelve feet above grade level. The residence to the east of the subject property that would be directly impacted by the additional encroachment has a driveway directly adjacent to the property with approximately twenty-one feet (21') of existing separation from the principal structures.

VARIATIONS GRANTED WHEN A NINE FOOT INTERIOR SIDE YARD SETBACK IS REQUIRED FOR A DETACHED GARAGE OR ABSENCE OF AN ATTACHED GARAGE

CASE NO.	DATE	ADDRESS	SUMMARY	ZBA	BoT
ZBA 05-08	6/2/2005	714 S. Lodge	7.9' Interior Side Yard	Approved, 6-0	Approved, 6-0
ZBA 06-05	4/6/2006	262 N. Garfield	7.88' Interior Side Yard	Approved, 5-0	Approved, 5-0
ZBA 07-12	8/9/2007	259 N. Garfield	8.33' Interior Side Yard	Approved, 5-0	Approved, 5-0
ZBA 08-03	3/20/2008	217 N. Craig	8.5' Interior Side Yard	Approved, 6-0	Approved, 6-0

A variation may only be granted if there is a demonstrated hardship that distinguishes the subject property from other properties in the area. Staff finds that the hardship for the requested variation is due to the floor plan of the existing single family home and the standards have been affirmed.

1. *That because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner has been shown, as distinguished from if the strict letter of the regulations were to be applied.*

Staff finds that the petitioner's lot does not have unique physical limitations, rather the physical limitations are the result of a combination of the floor plans and previous placement of the existing home across two lots.

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 design and layout of the existing structure pre-dates the zoning ordinance.

3. *The purpose of the variation is not based primarily upon a desire to increase financial gain.*
This standard is affirmed.
4. *The alleged difficulty or hardship is shown to be caused by this ordinance and has not been created by any person presently having an interest in the property.*
Staff finds that the hardship has not been caused by the ordinance and has instead been created by the petitioner's desire to increase the square footage of the existing structure in a logical arrangement of room placement (bedrooms upstairs as opposed to added to the rear adjacent to the kitchen).
5. *The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.*
Staff finds that granting the request would not be injurious to neighboring properties. The intent of the ordinance is to maintain an adequate width for vehicles to gain access to detached garages. The minimum setback for a principal structure without a garage is six feet therefore a setback of seven feet is maintaining the intent of adequate separation of side yards.
6. *The granting of the variation will not alter the essential character of the neighborhood.*
This standard is affirmed.
7. *The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood*
This standard is affirmed.

HISTORY

The Roosevelt Crest Blocks 5 – 16 Subdivision was recorded with DuPage County in 1930.

According to Building Division records, a water and sewer connection permit was filed in 1967. There is no permit on file for the construction of a single family home. Prior to 2005 as illustrated on archived aerial photography and plat of survey, the existing house was established on both lots 10 and 11 with the majority of the house on Lot 10 and an attached garage portion occupying Lot 11.

Permit 2005-0325

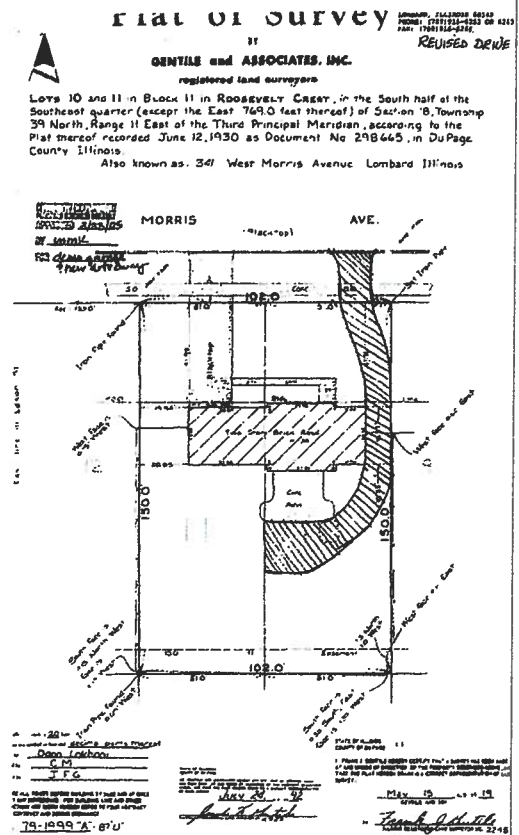
The attached garage and associated driveway on lot 11 was removed and a new driveway was added to lot 10.

Permit 2005-2249

A new detached garage was built on Lot 10 as illustrated on a new plat of survey dated July 13, 2005 that no longer includes Lot 11 to be part of the subject property of 341 W. Morris.

Permit 2006-1217

Lot 11 of 341 W. Morris became 343 W. Morris and a permit for a new residence was issued.



FINDINGS & RECOMMENDATIONS

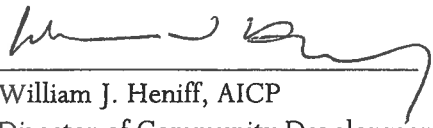
The Department of Community Development has determined that the information presented **has affirmed** the Standards for Variations for the requested side yard setback variation. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make the following motion recommending **approval** of the aforementioned corner side yard setback variation:

Based on the submitted petition and the testimony presented, the requested variations **do comply** with the Standards for Variations in the Lombard Zoning Ordinance; 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 **approval** of ZBA 15-06; subject to the following conditions:

1. The project shall be developed in accordance with the submitted plans prepared by HK Architects, Inc. dated March 20, 2015 and made a part of the petition;
2. The petitioner shall apply for and receive a building permit for the proposed plans;
3. The petitioner shall remove 458 square feet of impervious surface area in order to meet the minimum required open space of 50% per Section 155.407 (H).
4. Such approval shall become null and void unless work thereon is substantially under way within twelve (12) months of the date of issuance, unless extended by the Board of Trustees prior to the expiration of the ordinance granting the variations; and
5. In the event that the principal structure on the subject property is damaged or destroyed to fifty-percent (50%) of its value, the new structure shall meet the required side yard setbacks.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

c. Petitioner

XI. RESPONSE TO STANDARDS FOR VARIATIONS

April 29, 2015

**To the Village of Lombard
Whom It May Concern,**

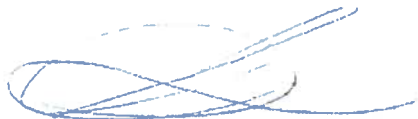
My name is Ali Siddiqui, owner of the property at 341 W. Morris Avenue in Lombard, IL. I am hereby seeking the permission of the board to build an addition to the second floor of our property.

As shown in the drawings that have been submitted with this request, the setback from the east side neighbor is clearly 10.35 ft. On the second floor, the room is cantilevered 3 feet into the setback area, which is above the ground at approximately 11 feet high. Please note that the existing driveway of 10.3 feet on the east side will remain undisturbed.

If the room is not extended 3 feet towards the east on the second floor, then the room's width will be 10.6 feet, which is quite small. This extension will cause minimal impact to the neighborhood and we are in great need of this extension in order to accommodate our family needs.

Hence, I have requested the Zoning Board Authority and the Lombard Board of Trustees to grant me the permission for this variance.

Regards,



Ali Siddiqui

EXHIBIT A – PLAT OF SURVEY/SITE PLAN

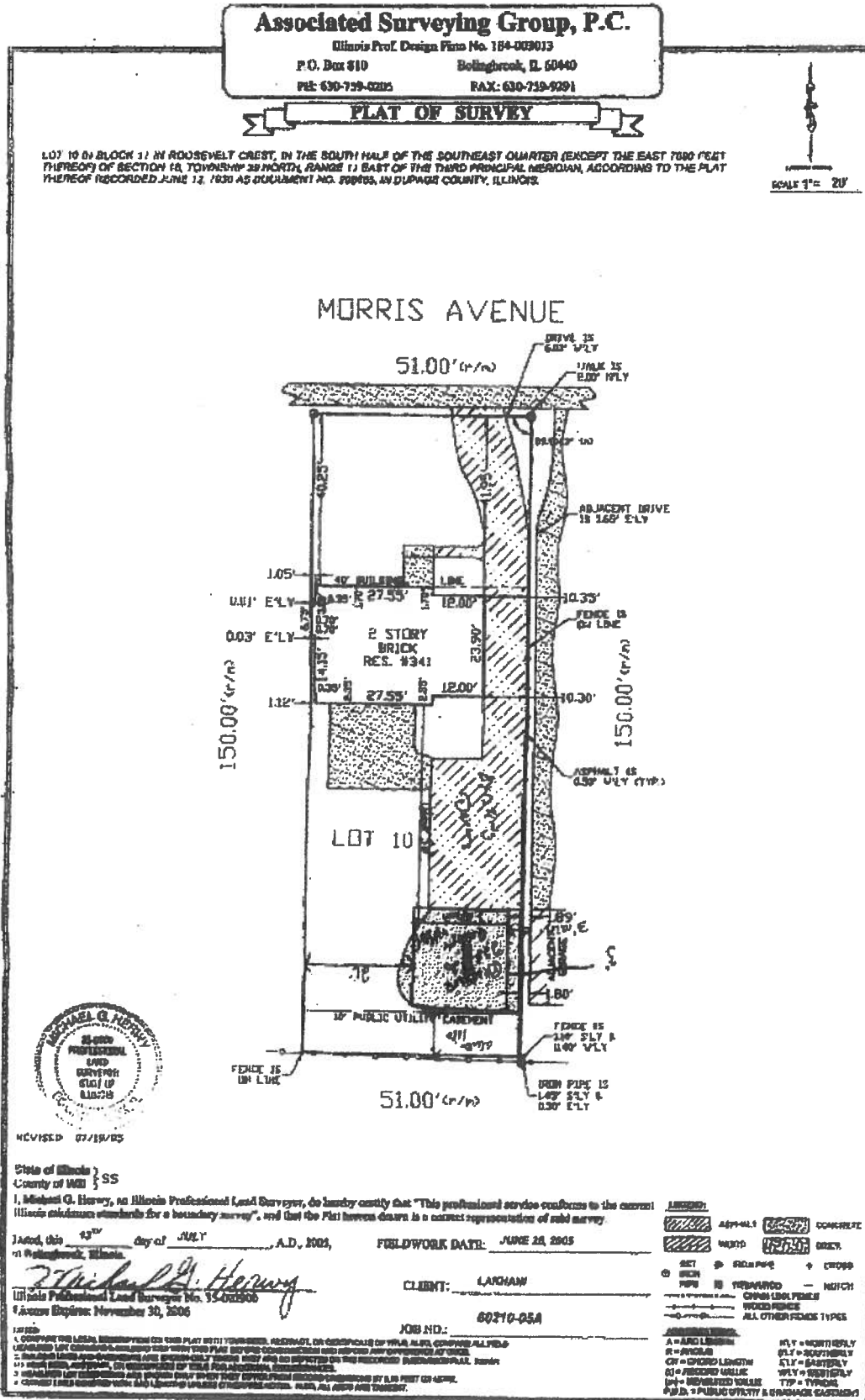


EXHIBIT B – SITE PLAN

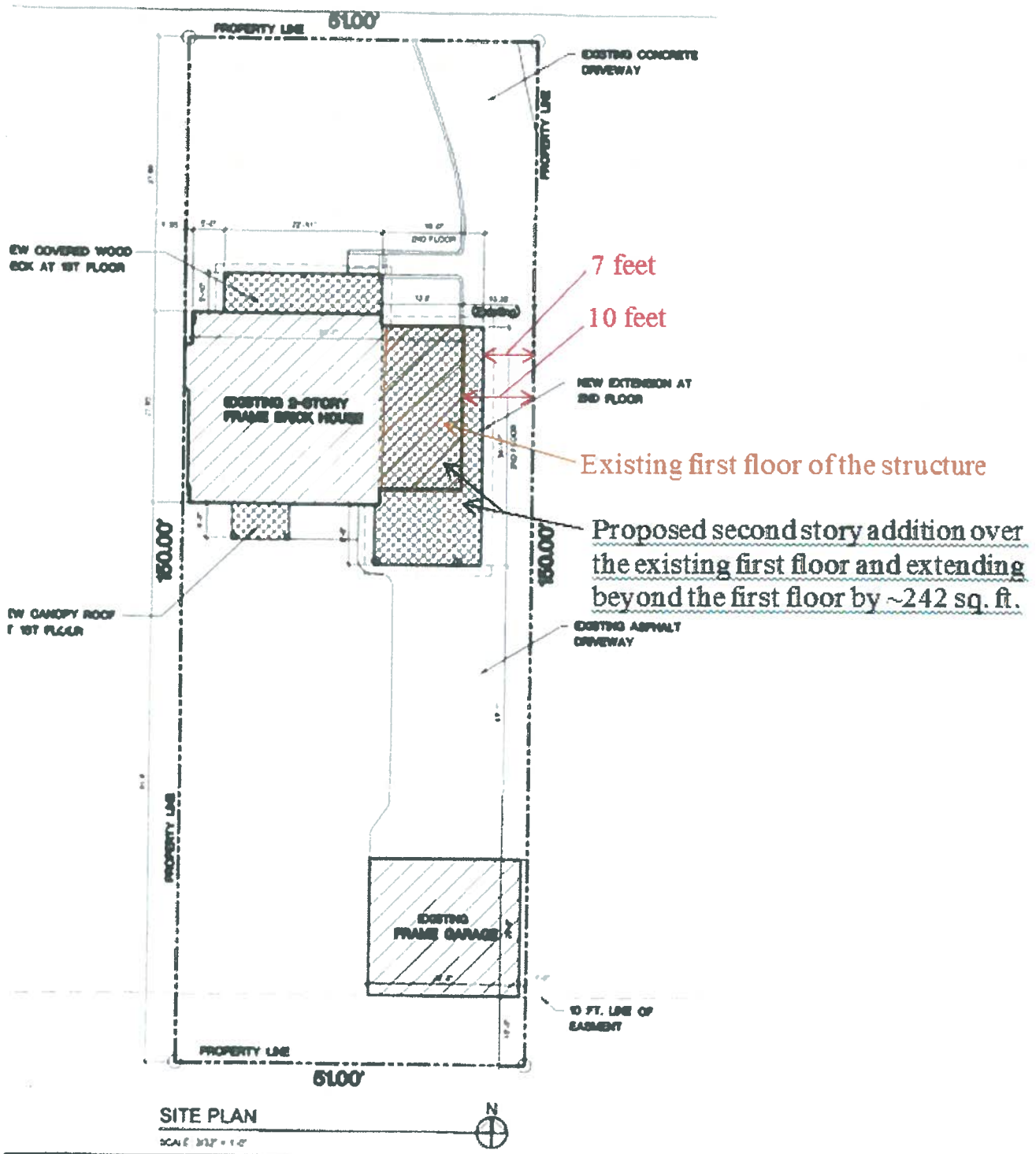
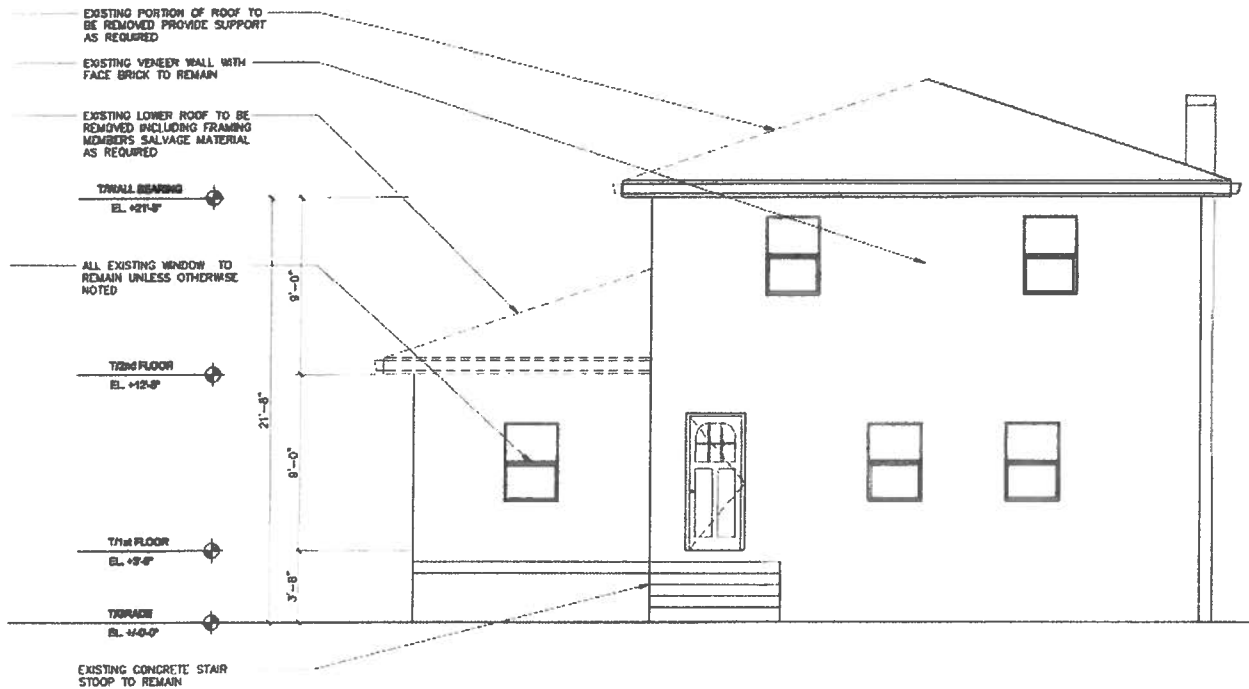


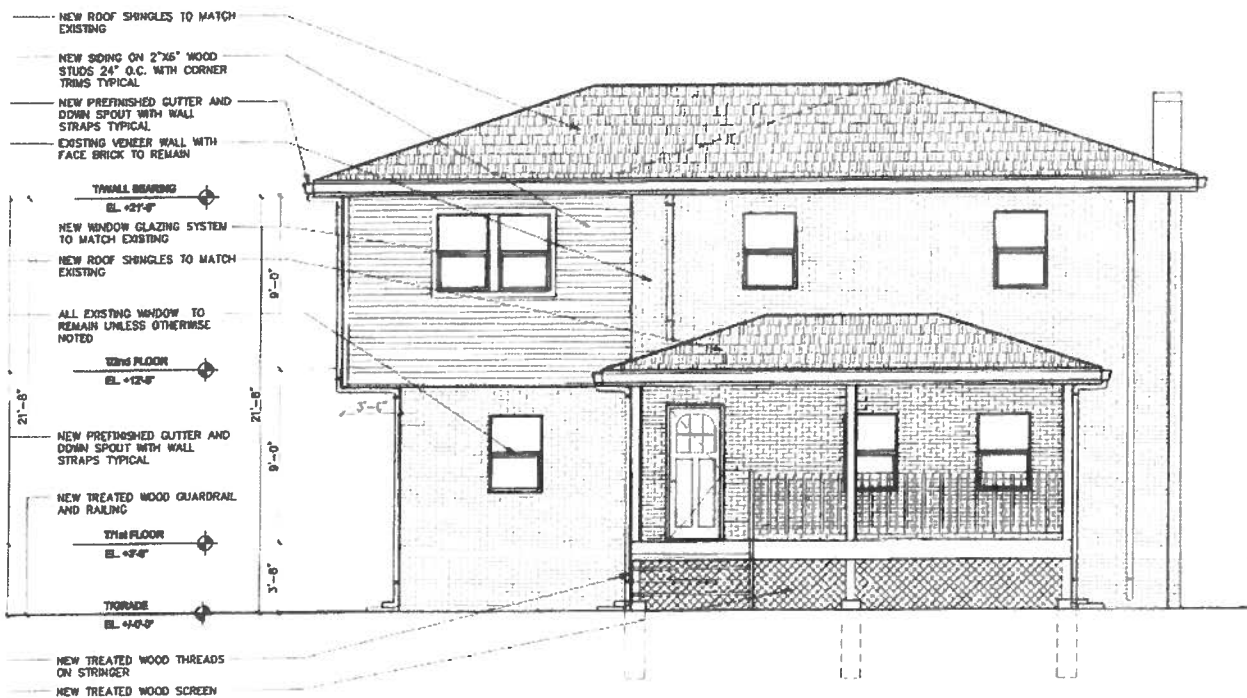
EXHIBIT C – AERIAL PHOTO



EXHIBIT D – BUILDING ELEVATIONS

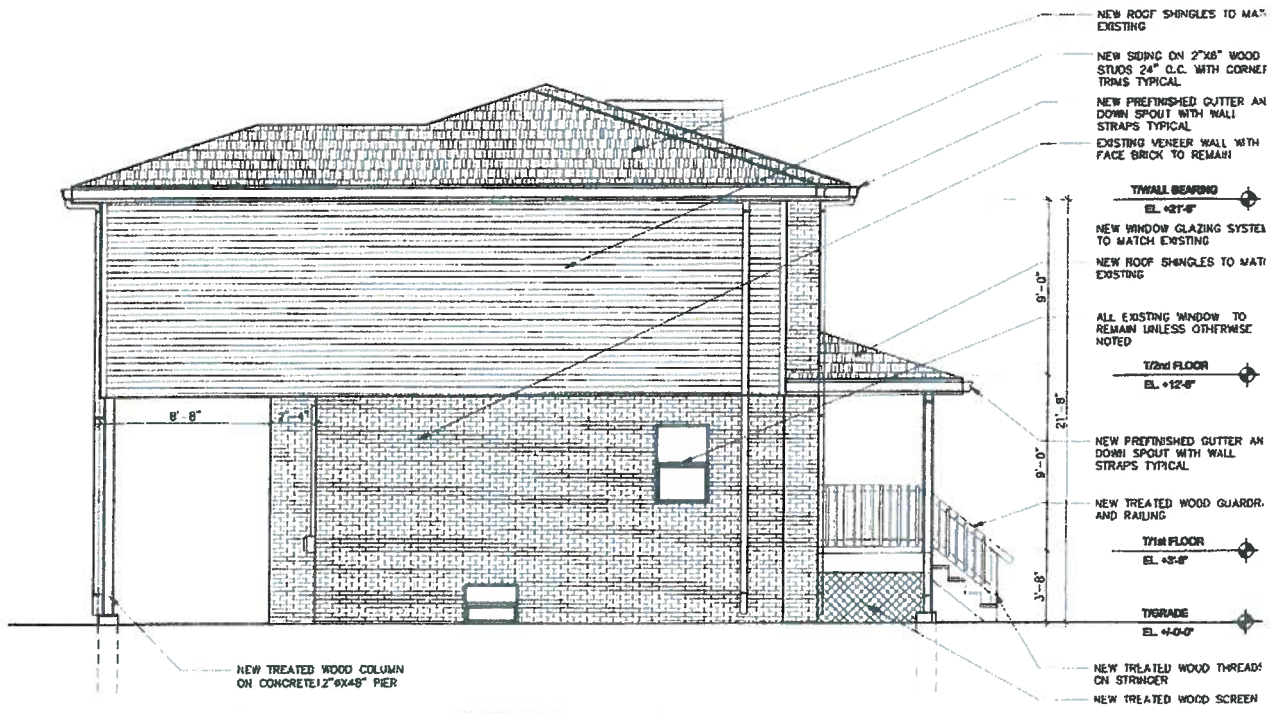


EXISTING NORTH ELEVATION SHOWING DEMO WORK
SCALE 1/4" = 1'-0"

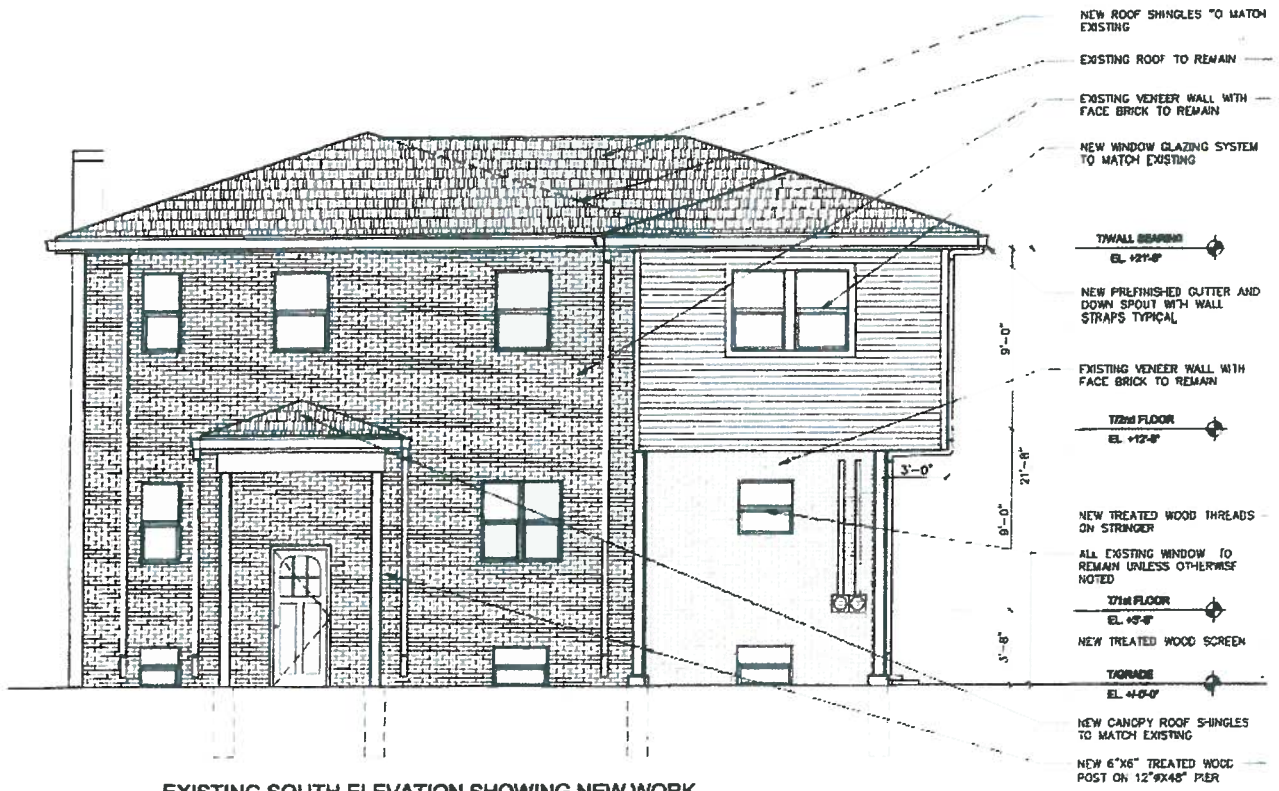


EXISTING NORTH ELEVATION SHOWING NEW WORK

EXHIBIT D – BUILDING ELEVATIONS CONTINUED



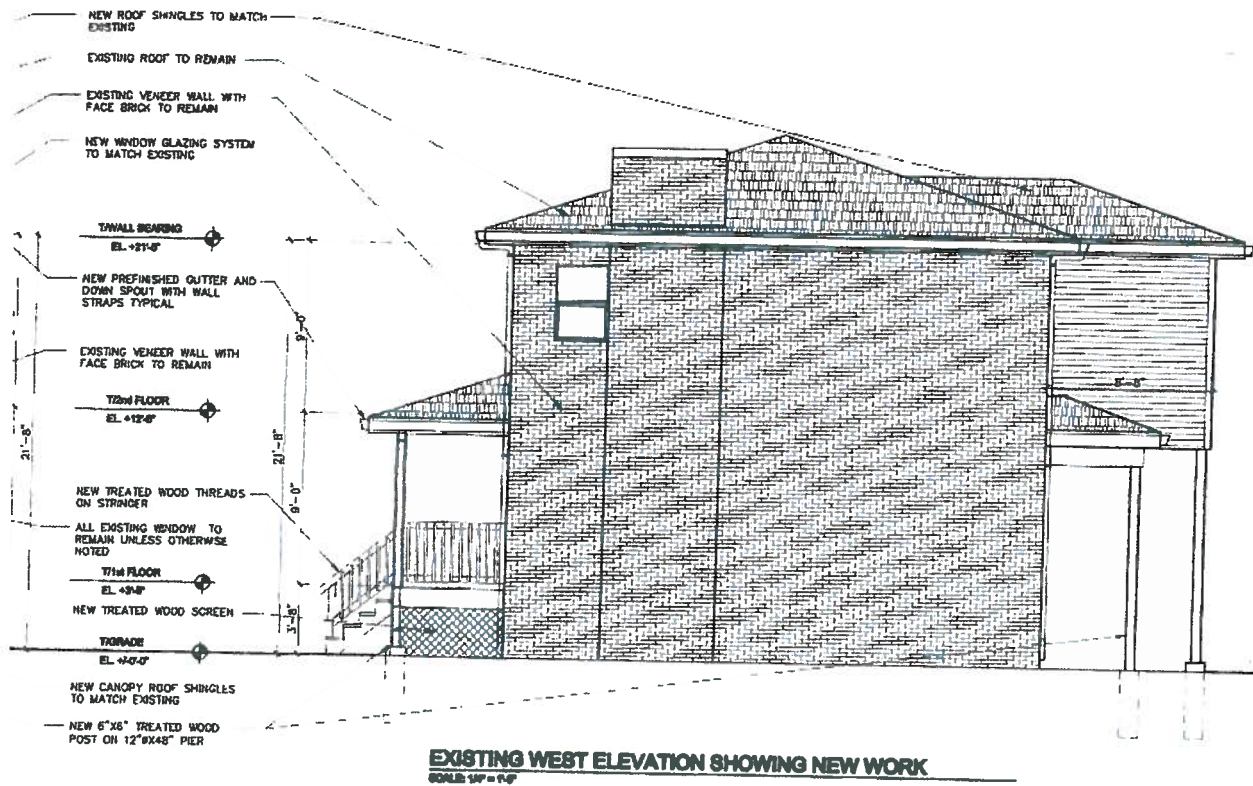
EXISTING EAST ELEVATION SHOWING NEW WORK



EXISTING SOUTH ELEVATION SHOWING NEW WORK

SCALE: 1/4" = 1'-0"

EXHIBIT D – BUILDING ELEVATIONS CONTINUED



Urish, Tami

From: mars <msiddiqui344@gmail.com>
Sent: Friday, May 29, 2015 3:14 PM
To: Urish, Tami
Subject: RE: ZBA 15-06; 341 W. Morris

Good afternoon Tami,
I would like to request the waiver of first reading in order to start my project as soon as possible.

Regards
Ali Siddiqui
7735524419

Sent from my T-Mobile 4G LTE Device

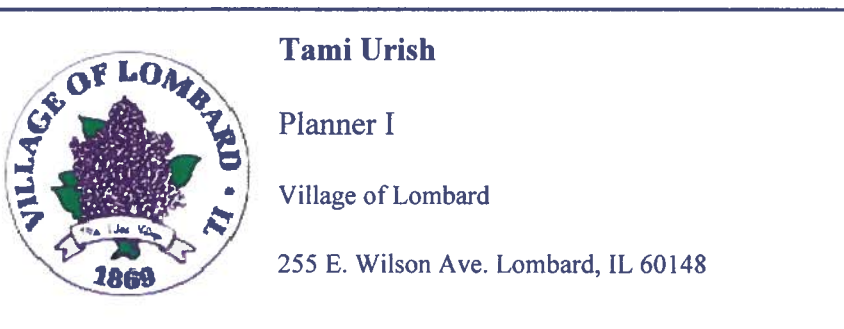
----- Original message -----

From: "Urish, Tami" <UrishT@villageoflombard.org>
Date: 05/28/2015 9:34 AM (GMT-06:00)
To: msiddiqui344@gmail.com
Cc: "Nowakowski, Tamara" <NowakowskiT@villageoflombard.org>
Subject: RE: ZBA 15-06; 341 W. Morris

Mr. Siddiqui,

Your petition will be voted on at the Board of Trustees meeting of June 18, 2015. If you would like to waive the first reading of your petition so you can get your project going sooner, the second reading can take place at this June 18 meeting. All you have to do is reply to this email and state that you would like to waive the first reading in order to get your project underway as soon as possible. Otherwise, without your consent for waiving the first reading, it would have to be read twice and push back the final approval to the next Board meeting on July 15.

Thanks,



ORDINANCE NO. _____

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

(ZBA 15-06; 341 W. Morris 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(F)(3) of the Lombard Zoning Ordinance to reduce the interior side yard setback to seven feet (7') where nine feet (9') is required to allow for a second story addition; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on May 27, 2015 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 interior side yard setback to seven feet (7') where nine feet (9') is required to allow for a second story addition.

SECTION 2: This ordinance shall be granted subject to compliance with the following conditions:

1. The project shall be developed in accordance with the submitted plans prepared by HK Architects, Inc. dated March 20, 2015 and made a part of the petition;
2. The petitioner shall apply for and receive a building permit for the proposed plans;

Ordinance No. _____

Re: ZBA 15-06

Page 2

3. The petitioner shall remove 458 square feet of impervious surface area in order to meet the minimum required open space of 50% per Section 155.407 (H).
4. Such approval shall become null and void unless work thereon is substantially under way within twelve (12) months of the date of issuance, unless extended by the Board of Trustees prior to the expiration of the ordinance granting the variations; and
5. In the event that the principal structure on the subject property is damaged or destroyed to fifty-percent (50%) of its value, the new structure shall meet the required side yard setbacks.

SECTION 3: This ordinance is limited and restricted to the property generally located at 341 W. Morris, Lombard, Illinois, and legally described as follows:

LOT 10 IN BLOCK 11 IN ROOSEVELT CREST, IN THE SOUTHEAST QUARTER (EXCEPT THE EAST 7690 FEET THEREOF) OF SECTION 18, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 12, 1930 AS DOCUMENT NO. 298665 IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-18-415-032

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 _____, 2015.

First reading waived by action of the Board of Trustees this _____ day of _____, 2015.

Passed on second reading this _____ day of _____, 2015.

Ayes: _____

Nayes: _____

Absent: _____

Approved this _____ day of _____, 2015

Ordinance No. _____

Re: ZBA 15-06

Page 3

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published by me this _____ day of _____, 2015

Sharon Kuderna, Village Clerk