

September 18, 2008

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

Subject: ZBA 08-13; 1008 S. Lewis Ave

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 interior side yard setback to (5.1') feet where six feet (6') is required within the R2 Single-Family Residence District.

The Zoning Board of Appeals conducted a public hearing on August 27, 2008.

Chairperson DeFalco opened the meeting for public comment. The petitioner, Ricardo Alvarado, presented the petition. Mr. Alvarado began by stating that he is requesting the variance because he wishes to maintain the existing building line, otherwise his addition would have to be substantially altered. He added that he would like to keep the property aesthetically pleasing. Mr. Alvarado then stated that his neighbors all agreed that the addition would look best as planned.

Chairperson DeFalco asked if anyone was present to speak for or against the petition. There was nobody present to speak for or against the petition.

Chairperson DeFalco then requested the staff report. Michael Toth, Planner I, read the staff report. Mr. Toth stated that the property contains a two-story single family residence built (at the closest point) approximately 5.5 feet from the southern property line. The petitioner plans to construct a two-story addition from the rear of the residence expanding west and a one-story bedroom addition on the northwest portion of the residence on an existing concrete block patio. The rear addition would maintain the current building line of the existing residence. However, the residence does not run parallel to the southern property line. As such, the degree of encroachment would be

increased into the interior side yard. As the residence already consists of an insufficient side yard setback and the house sits on an angle, the proposed addition would increase the level of non-conformity, thus requiring a variation. In an effort to bring the entire property into full Code compliance, staff recommends that the non-conforming side yard setback of the existing structure also be memorialized. Therefore, not only would the proposed addition be granted zoning rights in relation to the side yard setback, but the existing residence would also be afforded those same applicable rights.

Mr. Toth explained that the minimum interior side yard setback in the R2 – Single Family Residence District is six feet (6'). The existing residence currently maintains a 5.5 foot setback and does not run parallel with the southern property line. As the setback is less than six (6) feet, it is considered non-conforming. The addition will maintain the building line of the existing residence; as such, the addition would further encroach into the required interior side yard setback. As the current residence is located 5.5 feet from the property line and the proposed addition will be 5.1 feet from the property line at the closest point, the increased degree of encroachment is roughly 4.5 inches. However slight the encroachment, the addition would still remain clear of the existing five foot (5') utility easement.

Mr. Toth mentioned that there are several ZBA cases that provide precedence for the requested variation where the addition holds the building line of the existing residence, but is located within the required side yard setback.

Mr. Toth stated that staff finds that this petition meets the Standards for Variations. A majority of the neighboring properties appear to be built directly on or in close proximity to the six (6) foot side yard setback lines. As such, the proposed addition would neither be out of character in the neighborhood nor detrimental to the welfare of the public or those neighboring properties.

Mr. Toth stated that staff is recommending approval of the side yard setback variation subject to the conditions outlined in the staff report.

Chairperson DeFalco then opened the meeting for discussion by the Board Members.

Mr. Young had asked if the 50% provision was necessary to include as a condition of approval (condition #2) because in the event that the house were to be destroyed they would utilize the same foundation.

Chairperson DeFalco replied by stating that the condition of approval would ensure that if the house were to be destroyed beyond 50% the house would need to come into conformance with Code. He also added that it would prevent the house or addition from being expanded deeper into the lot in the event that the house was to be destroyed.

Chairperson DeFalco asked staff if the five (5) foot utility easement is measured from the property line. Michael Toth responded that the five (5) foot utility easement is measured from the property line.

On a motion by Mr. Bedard and a second by Dr. Corrado, the Zoning Board of Appeals recommended by a vote of 5 to 0 that the Village Board approve a variation to reduce the interior side yard setback to (5.1') feet where six feet (6') is required within the R2 Single-Family Residence District, subject to the following conditions:

1. The addition to the single-family residence shall be developed in accordance with the site plan prepared by Barnes Architects Ltd, dated July 2, 2008 as part of this petition.
2. That the variation shall apply to the proposed addition and the existing residence. Should the existing residence be damaged or destroyed by any means, to the extent of more than fifty percent (50%) of the fair market value of the residence, any new structures shall meet the full provisions of the Zoning Ordinance.

Respectfully,

VILLAGE OF LOMBARD

John DeFalco
Chairperson
Zoning Board of Appeals