

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: July 2, 2015 (B of T) Date: July 16, 2015

TITLE: ZBA 15-08: 1057 Daniel Court

SUBMITTED BY: Department 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 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') for the subject property located within the R2 Single-Family Residential Zoning District.

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 *for*  
*William Heniff*

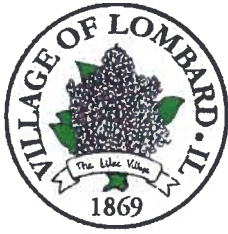
**DATE:** July 16, 2015

**SUBJECT: ZBA 15-08; 1057 Daniel Court**

Please find the following items for Village Board consideration as part of the July 16, 2015 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 15-08;
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 July 16, 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

July 16, 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 15-08 – 1057 Daniel Court**

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 approval of a variation from Section 155.407 (F)(2) of the Lombard Zoning Ordinance to reduce the minimum rear yard setback from thirty five feet (35') to twenty five feet (25') within the R2 Single-Family Residence District to allow for an addition.

The Zoning Board of Appeals conducted a public hearing on June 24, 2015.

Mr. Firasat Syed presented the petition. Mr. Syed began by stating that floor plan of house would necessitate an addition to the kitchen in order to provide flow around appliances and seating within the kitchen. The kitchen located at the rear of the house includes the portion of the ten foot addition that would extend into the rear yard. The proposed addition to the north would not directly affect a neighbor, such as another house, since the high school's parking lot is directly north of the property. Therefore, he did not believe the addition would have a negative visual impact on the surrounding properties.

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

Tami Urish, Planner I, stated that the IDRC report is to be entered into the public record in its entirety. According to Ms. Urish, the petitioner has proposed to construct an approximately 1,688 square foot addition to the existing house with 710 square feet of this total square footage encroaching into the rear yard setback by ten feet

along the rear of the house reducing the rear yard setback to twenty-five feet. Ms. Urish concluded that staff can support the requested variance based on past precedence of similar approvals within the neighborhood, the location of the property directly adjacent to the south parking lot of Glenbard East High School and the floor plan of the structure in relation to the shape of the lot.

Acting Chairperson Young then opened the meeting for discussion by the ZBA members.

Dr. Corrado observed that there are similar issues throughout the surrounding neighborhood and stated his belief that the proposed encroachment would not obstruct any of the neighbors' views.

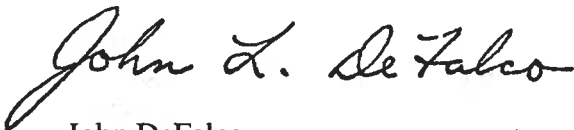
Ms. Urish confirmed that there are several nonconforming structures within the cul-de-sacs at Central Avenue, Daniel Court, and Jeffry Court. At least three properties in these locations have also requested rear yard setback variations.

On a motion by Mr. Tap, and a second by Dr. Corrado, that the Zoning Board of Appeals recommended by a vote of 6-0 that the Village Board approve the variation associated with ZBA 15-08, subject to the following five (5) conditions:

1. The subject property shall be developed in substantial conformance with the site plan drawn by the petitioner on the plat of survey, prepared by Lambert & Associates, Land Surveyors, dated September 20, 2006.
2. The petitioner shall apply for and receive a building permit for proposed plans.
3. The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report.
4. Such approval shall become null and void unless work thereon is substantially under way within 12 months of the date of issuance, unless extended by the Board of Trustees prior to the expiration of the ordinance granting the variation.
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 rear yard setback.

Respectfully,

VILLAGE OF LOMBARD



John DeFalco  
Chairperson  
Zoning Board of Appeals



JUNE 24, 2014

**Title**

ZBA 15-08

**Petitioner & Property Owner**

Firasat Syed  
1057 Daniel Court  
Lombard, IL 60148

**Property Location**

1057 Daniel Court  
(06-08-404-009)  
Trustee District: #2

**Zoning**

R2 Single Family Residence  
(Melody Lane Subdivision  
Unit 4)

**Existing Land Use**

Single Family Home

**Comprehensive Plan**

Low Density Residential

**Approval Sought**

A variation to reduce the required thirty-five foot (35') rear yard setback to twenty-five feet (25') for an addition to an existing single family residence.

**Prepared By**

Tami Urish  
Planner I



LOCATION MAP

**PROJECT DESCRIPTION**

The petitioner is proposing to construct an approximately 1,688 square foot addition to the existing structure. The addition will be on the east, west and rear of the house. The rear portion of the addition measures approximately ten feet (10') by seventy-one feet (71') at 710 sq. ft.

**APPROVALS REQUIRED**

Section 155.407 (F)(2) requires a minimum thirty-five foot (35') rear yard setback. As such, the existing home is setback the minimum thirty-five feet (35'). The proposed addition to the principal structure encroaches into the required setback by ten feet (10') reducing the rear yard setback to twenty-five feet (25'). Therefore, a variation is required.

**EXISTING CONDITIONS**

The property contains an approximately 1,967 square foot one-story frame single family residence with an attached garage and associated driveway. The property is located at the end of the cul-de-sac of Daniel Court. The rear yard is directly adjacent to the south parking lot of Glenbard East High School. The subdivision was created in 1963 and the house was built in 1965.



## PROJECT STATS

### Lot & Bulk (Proposed)

Parcel Size: 11,275 sq. ft.  
Building 1,967 sq. ft.  
Footprint: (3,224 sq. ft.)  
Lot Coverage: 25% (36%)

### Reqd. Setbacks & Proposed Dimensions (in parens.)

Front (Daniel) 30' (30')  
Side (east) 6' (6')  
Side (west) 6' (6')  
Rear (north) 35' (25')

### Submittals

1. Petition for Public Hearing
2. Response to Standards for Variation
3. Plat of Survey, prepared by Lambert & Associates, Land Surveyors, dated September 20, 2006.
4. Site Plan, prepared and submitted by homeowner June 15, 2015.

## Surrounding Zoning & Land Use Compatibility

	Zoning Districts	Land Use
North	CR	Public High School
South	R2/Daniel Court	Single Family Home
East	R2	Single Family Home
West	R2	Single Family Home

## INTER-DEPARTMENTAL REVIEW

### Building Division:

The Building Division has no issues or concerns regarding the project. 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:

Private Engineering Services (PES) 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:

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 standards have been affirmed for the rear yard setback variation.

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

1. There is precedence for variations to rear yard setbacks on similar lots to allow for the construction of additions to single family homes;
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. The subject property's rear yard is adjacent to a parking lot. In addition, there are approximately twenty-two properties within the neighborhood considered Jeffrey Court, Daniel Court and Central Avenue that did not originally conform to the rear yard setback or received a variance for encroaching into the rear yard setback; and

3. The subject property is uniquely shaped creating a hardship to expand the existing floor plan of the house in a logical arrangement of room placement.

In consideration of precedent, staff has identified the most similar cases that appeared before the Zoning Board of Appeals based on proximity to the subject property as well as Village-wide cases that have appeared before the ZBA within the past five (5) years:

CASE NO.	DATE	ADDRESS	SUMMARY	ZBA	BoT
Surrounding Neighborhood History					
ZBA 03-08	8/21/2003	1062 Jeffery Court	21' Rear Yard	Approved, 4-1	Approved, 6-0
ZBA 05-01	3/3/2005	340 W. Central Ave.	31.65' Rear Yard	No recommendation	Approved, 6-0
ZBA 05-18	11/17/2005	322 W. Central Ave.	30' Rear Yard	No recommendation	Approved, 6-0
Cases Village-wide 2010 – 2015*					
ZBA 10-13	12/15/2010	320 S. Martha Court	23' Rear Yard	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 14-03	4/23/2014	304 N. Park Avenue	11.9' Corner Side Yard & 25' Rear Yard	Partial approval (not on rear portion)	Approved, 6-0
ZBA 14-06	6/19/2014	505 E. Sunset Ave.	30' Rear Yard	Approved, 6-0	Approved, 6-0

\*There were thirteen (13) approved rear yard variances from 2005 through 2010. Since 1998, there have been forty-two (42) requests brought before the ZBA for a rear yard variance.

## **FINDINGS & RECOMMENDATIONS**

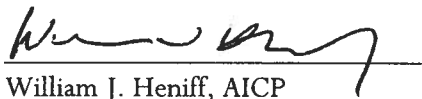
The Department of Community Development has determined that the information presented **has affirmed** the Standards for Variations for the requested rear yard setback. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make the following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

Based on the submitted petition and the testimony presented, the requested variation to reduce the rear yard setback **does 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 15-08, subject to the following conditions:

- 1) The subject property shall be developed in substantial conformance with the site plan drawn by the petitioner on the plat of survey, prepared by Lambert & Associates, Land Surveyors, dated September 20, 2006.
- 2) The petitioner shall apply for and receive a building permit for proposed plans.
- 3) The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report.

- 4) Such approval shall become null and void unless work thereon is substantially under way within 12 months of the date of issuance, unless extended by the Board of Trustees prior to the expiration of the ordinance granting the variation.
  
- 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 rear yard setback.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP  
Director of Community Development

c. Petitioner



# EXHIBIT A: RESPONSE TO STANDARDS AS PREPARED BY THE PETITIONER

5/28/2015

Standards for variations for

1057 Daniel CT, Lombard, IL, 60148

*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.*

Explanation: Kitchen is located in the center of the house and clearance between appliances on either side is only 34 inches. We have kids and our youngest is 4 years and are always walking around the kitchen area with very less clearance for 2 people.

*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.*

Explanation: The set back is currently 35 feet. Even with the proposed extension, the set back will be 25 feet which is the case with several home around the neighborhood. Also, the back yard is adjacent to parking lot and there is no concern for privacy.

*3. The purpose of the variation is not based primarily upon a desire to increase financial gain.*

Explanation: Yes, the variation is not at all for financial gain. Rather for the investment being made, the cost may be much more than the average price of the house sold in the neighborhood.

*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.*

Explanation: This is not the case at all.

*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 property is located.*

Explanation: The back yard is adjacent to parking lot and does not share with any other neighboring house. Therefore there is no concern for injurious situation for neighbor or any public welfare.

*6. The granting of the variation will not alter the essential character of the neighborhood; and*

Explanation: Several houses around the neighborhood have set back of 25 feet only. Since the current back yard clearance is 35 feet, even with proposed expansion, it will match with the general neighborhood clearance of 25 feet.

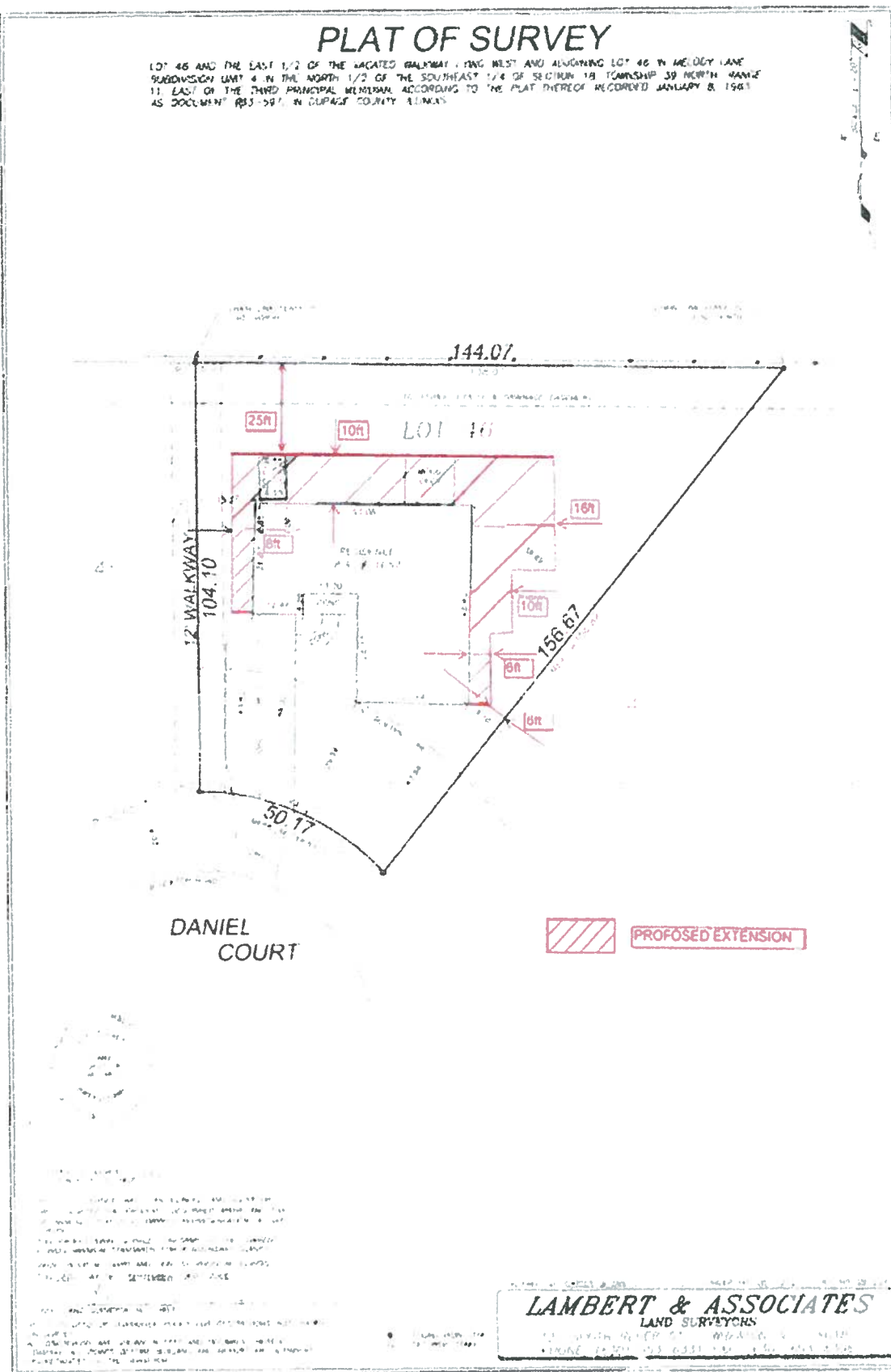
*7. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural*

*drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.*

Explanation: There is substantial clearance on either side of the house and there is no danger of fire, or influence of light to neighbors, or public safety issues. There is no issue of drainage problems for the proposed extension.



# EXHIBIT C: SITE PLAN





# EXHIBIT D: PHOTO OF EXISTING CONDITIONS



## Urish, Tami

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**From:** Anwar Sadatullah <sadatullah@yahoo.com>  
**Sent:** Wednesday, July 01, 2015 12:35 PM  
**To:** Urish, Tami  
**Subject:** Re: ZBA 15-08; 1057 Daneil CT Board Meeting

Yes, I would like to request waiver for the first reading. My family is going out of country as it is vacation for kids. I wanted to extend their vacation and in the meantime get the renovation project complete the core work at the earliest possible.

Thanks much in advance for consideration.

Thanks,  
Anwar Sadatullah  
P:847.567.7248  
F:847.908.7550

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**From:** "Urish, Tami" <UrishT@villageoflombard.org>  
**To:** Anwar Sadatullah <sadatullah@yahoo.com>  
**Sent:** Wednesday, July 1, 2015 9:34 AM  
**Subject:** RE: ZBA 15-08; 1057 Daneil CT Board Meeting

Anwar,  
Please reply to this email as soon as you can if you would like a waiver of first reading of your petition. Otherwise, without this request your petition will have to go before the Board on August 13, 2015 also for final approval. With a waiver of first reading, your project could be finalized on July 16. Simply respond to this email requesting the waiver with a reason not to delay.

Also, the time for the July 16 Board meeting has been changed to 4 p.m. Hopefully, you or a representative will be able to attend. Please call me with any questions or concerns at 630-620-5967.

	<b>Tami Urish</b> Planner I Village of Lombard 255 E. Wilson Ave. Lombard, IL 60148
	Phone: (630) 620-5750 Fax: (630) 629-2374 Email: <a href="mailto:urisht@villageoflombard.org">urisht@villageoflombard.org</a> Web: <a href="http://www.villageoflombard.org">www.villageoflombard.org</a>
Follow us:   	

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**From:** Urish, Tami  
**Sent:** Tuesday, June 23, 2015 9:17 AM  
**To:** 'Anwar Sadatullah'  
**Subject:** RE: Home rules variance details for 1057 Daneil CT, Lombard, IL, 60148

**ORDINANCE NO. \_\_\_\_\_**

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

**(ZBA 15-08; 1057 Daniel Court)**

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)(2) of the Lombard Zoning Ordinance to reduce the rear yard setback to twenty-five feet (25') where thirty five feet (35') is required to allow for an addition; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on June 24, 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)(2) of the Lombard Zoning Ordinance to reduce the rear yard setback to twenty-five feet (25') where thirty five feet (35') is required to allow for an addition.

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

1. The subject property shall be developed in substantial conformance with the site plan drawn by the petitioner on the plat of survey, prepared by Lambert & Associates, Land Surveyors, dated September 20, 2006.
2. The petitioner shall apply for and receive a building permit for proposed plans.

Ordinance No. \_\_\_\_\_

Re: ZBA 15-08

Page 2

- 3. The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report.
- 4. Such approval shall become null and void unless work thereon is substantially under way within 12 months of the date of issuance, unless extended by the Board of Trustees prior to the expiration of the ordinance granting the variation.
- 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 rear yard setback.

**SECTION 3:** This ordinance is limited and restricted to the property generally located at 1057 Daniel Court, Lombard, Illinois, and legally described as follows:

LOT 46 AND THE EAST ½ OF THE VACATED WALKWAY LYING WEST AND ADJOINING LOT 46 IN MELODY LANE SUBDIVISION UNIT 4 IN THE NORTH ½ OF THE SOUTHEAST ¼ 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: 06-18-404-009

**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 15-08

Page 3

\_\_\_\_\_  
Keith Giagnorio, Village President

ATTEST:

\_\_\_\_\_  
Sharon Kuderna, Village Clerk

Published by me this \_\_\_\_\_ day of \_\_\_\_\_, 2015

\_\_\_\_\_  
Sharon Kuderna, Village Clerk