

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

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: William T. Lichter, Village Manager  
DATE: September 7, 2005 (B of T) Date: September 15, 2005  
TITLE: ZBA 05-14: 828 S. Fairfield  
SUBMITTED BY: Department of Community Development *DL/WH*

BACKGROUND/POLICY IMPLICATIONS:

The Zoning Board of Appeals transmits for your consideration its recommendation relative to the above-mentioned petition. This petition requests a variation to Section 155.406 (F)(3) of the Lombard Zoning Ordinance to reduce the minimum required interior side yard setback from six (6) feet to approximately two and a half (2.5) feet in the R2 Single-Family Residence District. The petitioner is requesting a waiver of first reading. (DISTRICT #6)

The Zoning Board of Appeals recommended approval of this petition with one condition.

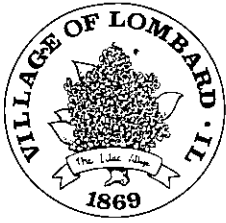
The petitioner is requesting a waiver of first reading.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X \_\_\_\_\_ Date \_\_\_\_\_  
Finance Director X \_\_\_\_\_ Date \_\_\_\_\_  
Village Manager X *W. T. Lichter* \_\_\_\_\_ Date *9/8/05*

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:** William T. Lichter, Village Manager

**FROM:** David A. Hulseberg, AICP, Director of Community Development

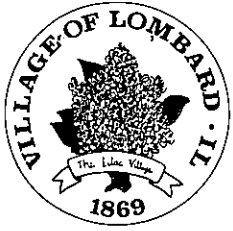
**DATE:** September 7, 2005

**SUBJECT:** **ZBA 05-14: 828 S. Fairfield**

Attached please find the following items for Village Board consideration as part of the September 15, 2005, 2005 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 05-14;
3. An Ordinance granting approval of the requested variation; and
4. Plat of Survey associated with the petition.

Please contact me if you have any questions regarding the aforementioned materials.



## VILLAGE OF LOMBARD

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**Village President**  
William J. Mueller

**Village Clerk**  
Brigitte O'Brien

**Trustees**  
Greg Alan Gron, Dist. 1  
Richard J. Tross, Dist. 2  
John "Jack" T. O'Brien, Dist. 3  
Steven D. Sebby, Dist. 4  
Kenneth M. Florey, Dist. 5  
Rick Soderstrom, Dist. 6

**Village Manager**  
William T. Lichter

"Our shared *Vision* for Lombard is a community of excellence exemplified by its government working together with residents and business 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."

September 7, 2005

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

**Subject: ZBA 05-14; 828 S. Fairfield**

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 from Section 155.205(F)(3) of the Lombard Zoning Ordinance to two and a half feet (2.5') in the R2 Single-Family Residence District.

The Zoning Board of Appeals conducted a public hearing on August 24, 2005. Michael Niforatos presented the petition. Mr. Niforatos noted the required six (6) foot setback. He stated that the home was constructed in 1955 and has a two and a half (2.5) foot setback on either side. He stated that the house is twenty-four (24) feet and six (6) inches in length and seventeen (17) feet in height. He stated that he would like to extend the wall seven (7) feet and raise the peak of the roof. Mr. Niforatos stated that he understands the setback requirements and recognizes that they are intended to provide certain openness to the neighborhood. He stated that the house to the south has an eleven (11) foot setback. He stated that if his request were approved, the separation from the neighboring property would still be larger than required by Village code.

Mr. Niforatos noted the standards for variation that were referenced in the staff report. He stated that there is room to the rear of the residence, however it would double the cost of construction. He stated that he did not feel it would be to the detriment of other properties as an encroachment already existed. He stated that the structure in question is already in place. He stated that there would not be a greater risk of fire hazard. He stated that the adjacent property's driveway is next to his home. He stated that there is thirty-five (35) feet between the adjacent house and his residence. Mr. Niforatos stated that the addition is intended to accommodate an expected family. He stated that his wife has lived in Lombard all of her life

and they would like to raise their family here. He stated that without the variation the house would appear unbalanced if they were to shift the addition in to meet the setback requirements. He stated that he would like to raises the roof line across that side of the house if the variation were denied.

Chairperson DeFalco opened the meeting for public comment. No one spoke for or against the petition.

Chairperson DeFalco requested the staff report. Angela Clark, Planner II, presented the staff report. Ms. Clark stated that the petitioner's residence was currently nonconforming as it was two and a half (2.5) feet from both property lines. She stated that since the addition would further increase the degree of the nonconformity a variation would be required. She stated that staff has traditionally supported variations that maintained the existing building line, however staff had several concerns as it related to the petitioner's property. She stated that a number of similar variations supported by staff were on existing lots where the lots were substandard in width and the residences were not located as close as the petitioner's to neighboring structures. She stated that staff found that there was sufficient room to build to the rear of the residence or code could be met by modifying the addition so that the new portion would meet the setback requirements. Ms. Clark stated that there were no physical hardships associated with the property and the new addition could further increase the risk for potential fire and safety hazards. Ms. Clark stated that staff was not supportive of the petition.

Chairperson DeFalco opened the meeting for discussion among the members.

Mr. Young stated that there was a previous petition that appeared before the Zoning Board in which staff supported the enclosure of a carport that was located within the required interior side yard. He referenced a home on Green Valley Drive. Mr. Young asked if there was a requirement for structures to be a minimum of twelve (12) feet from neighboring structures. He noted the distance of the petitioner's residence from the neighboring house where the proposed addition would take place. He asked if the neighboring property owner would be permitted to construct an addition closer than twelve feet from the petitioner's property.

Ms. Clark stated that structures on lots must be located a minimum of twelve (12) feet from the principal structure on neighboring lots. Ms. Clark stated that the neighboring property could add an addition to their home as close as six feet to the property line, placing eight feet between the two residences. She stated that the nonconformity on the petitioner's lot would not prevent the neighboring owner from constructing to code.

Mr. Young asked if it would be to the petitioner's detriment to construct an addition that close. Chairperson DeFalco stated that it would be to the neighboring property owner's detriment to be located that close. Chairperson DeFalco stated that the petitioner's block has experienced tear down activity. He stated that there are newly constructed homes on the block. He referenced a house under construction across the street from the petitioner's property. He stated that the most new homes are maximizing the lot and being constructed right up to the setback requirements.

Mr. Niforatos stated that if the neighbor's home were reconstructed to the present setbacks there would be eight and a half (8.5) feet between the two residences.

Mr. Bedard noted the existing nonconformities on the petitioner's lot. He stated that the degree of the nonconformity would not be greater if the addition were constructed. He also noted the distance from the neighboring house.

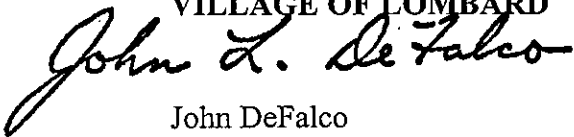
Mrs. Newman asked if there were any other reasons other than monetary reasons for not wanting to construct to the rear of the residence. Mr. Niforatos stated that the second story of the house would need reconstructing if the addition were done to the rear. He noted the locations of the bedrooms and the bathroom.

Mr. Young stated that previous requests for interior side yard variations have passed. He stated that the nonconformity would not be greater than the existing nonconformity.

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 approval for the requested variation. The roll call vote was 4 to 1.

Respectfully,

VILLAGE OF LOMBARD



John DeFalco  
Chairperson  
Zoning Board of Appeals



## ANALYSIS

### SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development on July 22, 2005.

1. Petition for Public Hearing.
2. Response to the Standards for Variation.
3. Plat of Survey, dated August 12, 2004, prepared by Nekola Signature Survey.
4. Preliminary Elevations, dated July 21, 2005, prepared by Jason B. Kabella Architects, L.L.C.

### DESCRIPTION

The petitioner proposes to construct a second story addition as well as an addition to the rear of the residence maintaining the existing building line, per the submitted plans. The petitioner's residence is currently nonconforming as the interior side yard setback is approximately two (2) to two and a half (2.5) feet from the property lines.

### Photograph of Subject Property



## **INTER-DEPARTMENTAL REVIEW COMMENTS**

### **ENGINEERING**

#### **Private Engineering Services**

From an engineering or construction perspective, PES has no comments.

#### **Public Works Engineering**

Public Works Engineering has no comments regarding this request.

### **FIRE AND BUILDING**

The Fire Department/Bureau of Inspectional Services has the following comments:

The 6' setback should be maintained for the new second story addition as well as the one story rear addition, even though the existing residence is 2.5' from the property line. The required distance of 6' from the property line to structure should be adhered to, as was the case in a few other similar situations and not have this set a trend for future situations of the same magnitude.

### **PLANNING**

The existing residence is approximately two and a half feet from both interior side property lines. The proposed second story addition as well as a first floor addition are being proposed to be located within the requisite six-foot interior side yard. As this addition would increase the degree of non-conformity on the property a zoning variation from the setback requirements would be required.

There are several other nonconforming residences along the block that do not meet the interior side yard setback. However, many of those homes have side yard setbacks of approximately five feet. The residences immediately adjacent to the subject property have setbacks of approximately eleven and twelve feet on the sides that abut the subject residence.

Staff has frequently supported variation requests that maintain the existing building line of a single-family residence. Many of these requests were for corner yard setback variations for narrow or substandard lot widths. However, staff has several concerns as it relates to the subject property. Staff finds that the proposed additions will considerably increase the degree of nonconformity given the close proximity of the residence to the property line. Staff finds that there is sufficient room to add to the rear of the residence without requiring zoning relief or by shifting the addition away from the property line, thereby meeting the current setbacks.

Furthermore, in order for a variation to be granted all Standards for Variations must be affirmed. Staff finds that the following Standards for Variations have not been met.

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.*

Staff finds that there are not any unique topographical conditions that would prevent the petitioner from constructing an addition to the rear of the home by shifting the proposed addition in to meet the setbacks.

2. *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 constructing a second story addition as well as a rear addition within the same building line will increase the bulk that is immediately adjacent to the property line. Staff finds that the proposed additions will considerably increase the degree of nonconformity to the subject property.

3. *The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of 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.*

The residences adjacent to the subject property are presently located approximately twelve to fourteen feet from the subject residence. Staff finds that the proposed addition could pose potential fire and safety hazards in the event that neighboring properties redevelop according to the current zoning requirements.

## **FINDINGS AND RECOMMENDATIONS**

The Department of Community Development has determined that the information presented **has not affirmed** the Standards for Variations for the requested relief. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make the following motion recommending **denial** of the requested variation:

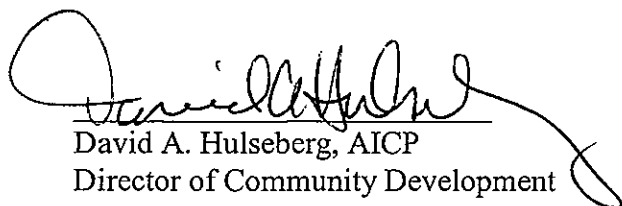
Based on the submitted petition and the testimony presented, the requested variation **does not comply** with the Standards required for a variation by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals find that the findings included as part of the Inter-departmental Review Report be the findings of the Zoning Board of Appeals and therefore, recommend to the Corporate Authorities **denial** of ZBA 05-14.

Zoning Board of Appeals

Re: ZBA 05-14

Page 5

Inter-Departmental Review Group Report Approved By:



David A. Hulseberg, AICP  
Director of Community Development

att-

c: Petitioner

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# Location Map

ZBA 05-14: 828 S. Fairfield Ave



Michael and Lisa Niforatos  
828 S. Fairfield Avenue  
Lombard, IL 60148

### Description of Request

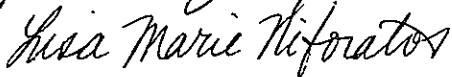
We are requesting a variance to expand the second story of our home. A variance is needed for our home addition because our current, exterior south wall is only three feet from our south lot line. Our plan is to match our new construction to the existing home structure by extending the current south wall to the second story. Additionally, we wish to extend the south wall six feet west on the first story.

August 24, 2005

To Whom It May Concern:

We are requesting a waiver of first reading. This request is not to rush things or due to impatience on our part, but merely due to the fact that it is already late August and the seasons, as well as the weather, will be changing. As you probably know, there can be many complications with construction secondary to the cold and damp weather, which is usually brought on by winter. Therefore, we would like to get this project completed, or as close to completion as possible, before the weather changes in this manner. Your agreement to this request would be greatly appreciated.

Sincerely,



Michael J. and Lisa Marie Niforatos

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

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

(ZBA 05-14: 828 S. Fairfield)

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 155.406.F.3 of said Zoning Ordinance to reduce the interior side yard setback from six feet (6') to two and one-half feet (2.5') in the R2 Single-Family Residence District; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on August 24, 2005 pursuant to appropriate and legal notice; and,

WHEREAS, the Zoning Board of Appeals has forwarded its findings with a recommendation of approval to the Board of Trustees 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 subject to conditions.

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 155.406.F.3 of the Lombard Zoning Ordinance for the property described in Section 2 below, so as to reduce the required interior side yard setback from six feet (6') to two and one-half feet (2.5').

SECTION 2: This ordinance is limited and restricted to the property generally located at 828 S. Fairfield, Lombard, Illinois, and legally described as follows:

LOT 6 IN BLOCK 10 IN ARTHUR T. MCINTOSH AND COMPANY'S HOME ADDITION TO LOMBARD, BEING A SUBDIVISION IN THE NORTH ½ OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 9, 1925 AS DOCUMENT NO. 204464 IN DUPAGE COUNTY, ILLINOIS.

Ordinance No. \_\_\_\_\_  
Re: ZBA 05-14  
Page 2

Parcel No: 06-17-207-018

SECTION 3: This ordinance shall be granted subject to compliance with the following conditions:

1. That the variation shall be limited to the existing residence. Shall the existing residence be reconstructed due to damage or destruction by any means, the residence will meet the current zoning requirements and setbacks.

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 \_\_\_\_\_, 2005.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

Ayes: \_\_\_\_\_

Nayes: \_\_\_\_\_

Absent: \_\_\_\_\_

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
William J. Mueller, Village President

ATTEST:

\_\_\_\_\_  
Brigitte O'Brien, Village Clerk