

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: January 29, 2015 (B of T) Date: February 5, 2015
TITLE: ZBA 15-03; 135 N. Broadview Avenue
SUBMITTED BY: Department of Community Development *WJ*

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)(2) of the Lombard Zoning Ordinance to reduce the corner side yard setback to fourteen and three tenths (14.3) feet where twenty (20) feet is required within the R2 Single-Family Residence District. (DISTRICT #1)

The Zoning Board of Appeals recommended approval of this petition by a vote of 5-0.

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: February 5, 2015

SUBJECT: ZBA 15-03; 135 N. Broadview Avenue

Please find the following items for Village Board consideration as part of the February 5, 2015 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 15-03;
3. An Ordinance granting approval of a requested variation;
4. Supporting documentation (plans, response to standards, pictures, etc.) associated with the petition; and

The Zoning Board of Appeals recommended approval of this petition by a vote of 5-0. Please place this petition on the February 5, 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

February 5, 2015

Village President
Keith T. Giagnorio

Village Clerk
Sharon Kuderna

Trustees
Dan Whittington, Dist. 1
Michael A. Fugiel, Dist. 2
Reid Foltyniewicz, Dist. 3
Vacancy, Dist. 4
Laura A. Fitzpatrick, 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 15-03; 135 N. Broadview 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)(2) of the Lombard Zoning Ordinance to reduce the corner side yard setback to fourteen and three tenths feet (14.3') where twenty feet (20') is required within the R2 Single-Family Residence District.

The Zoning Board of Appeals conducted a public hearing on January 28, 2015.

Ms. Rehana Ali presented the petition stating that she is planning for an addition to her existing single-family home. The house is old and was built prior to the existing setback requirements. Ms. Ali indicated that she will be just adding a second story and is not proposing to increase the existing degree of encroachment.

Chairperson DeFalco questioned if there was anyone 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 and staff memo are to be entered into the public record in their entirety. Ms. Urish was unable to confirm the exact year in which the house was built, but believes the construction date to be approximately 1926. Ms. Urish stated that because the lot is on a corner where North Broadview Avenue terminates into the Great Western Trail and because the existing encroachment is not being increased there should be minimal impact on the surrounding neighborhood and therefore staff supports the request for the corner side yard variation.

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

Re: ZBA 15-01
February 5, 2015
Page 2

A motion was made by Mr. Bartels, seconded by Mrs. Newman, that the Zoning Board of Appeals recommends the front yard setback variation for approval by a vote of 5 to 0 to the Village Board, subject to four (4) conditions:

1. The project shall be developed in accordance with the submitted plans prepared by C.B. Designs dated December 10, 2014 and made a part of the petition;
2. The petitioner shall apply for and receive a building permit for the proposed plans;
3. 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
4. In the event that principal structure on the subject property is damaged or destroyed to fifty-percent (50%) of its value, the new structure shall meet the required corner side yard setback.

Respectfully,

VILLAGE OF LOMBARD

John DeFalco
Chairperson
Zoning Board of Appeals

JANUARY 28, 2015

Title

ZBA 15-03

Petitioner & Property Owner

Rehana S. Ali
135 N. Broadview Avenue
Lombard, IL 60148

Property Location

135 N. Broadview Avenue
(06-06-306-001)
Trustee District #1

Zoning

R2 Single Family Residence
(Mager's Addition to Lombard
Subdivision)

Existing Land Use

Single Family Home

Comprehensive Plan

Low Density Residential

Approval Sought

A variation to reduce the required twenty foot (20') corner side yard setback to fourteen and three-tenths feet (14.3').

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 floor.

APPROVALS REQUIRED

The petitioner requests that the Village grant a variation from Section 155.407(F)(2) of the Lombard Zoning Ordinance to reduce the required corner side yard setback from twenty feet (20') to fourteen and three-tenths feet (14.3').

EXISTING CONDITIONS

The property contains an approximately 1,100 square foot one-story brick/masonry/stone single family residence with an approximately 264 square foot detached garage with associated driveway and small shed. The existing house was built prior to 1950 with no permits on file with the Village for reference. The lot was created in 1926. The subject property backs up to the Great Northern Trail and surrounded by single-family homes.

INTER-DEPARTMENTAL REVIEW

Building Division:

A full review will be conducted during the building permit review process.

PROJECT STATS

Lot & Bulk (Proposed)

Parcel Size:	8,778 sq. ft.
Building Size:	1,088 sq. ft.
Lot Coverage:	Unchanged

Reqd. Setbacks & Proposed Dimensions (in parens.)

Front (south)	30' (31.2')
Side (east)	6' (9.8')
Corner Side (west)	20' (14.35')
Rear (east)	35' (105')

Submittals

1. Petition for public hearing;
2. Response to Standards for Variations;
3. Plat of Survey/Site Plan, prepared by Webster & Associates, dated April 25, 1972 and submitted January 6, 2015;
4. Proposed Elevations, prepared by C.B. Designs, dated December 10, 2014 and submitted January 6, 2015;

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:

Corner Side Yard Setbacks

The existing home was built prior to 1950 with a fourteen and four-tenths foot (14.4') corner side yard setback. Staff can support the variations for the corner side yard setback requirements for the following reasons:

1. There is precedence for a variation to corner side yard setbacks on similar lots to allow for the construction of an addition provided the existing non-conformity is not increased; and
2. The proposed improvements will not adversely affect this or other properties in the neighborhood and instead will maintain the existing building line and be an aesthetic improvement consistent with the existing structure and surrounding neighborhood.

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 each variation is due to the location of the existing single family home in relation to the western property line and the standards have been affirmed.

In consideration of precedent, staff has identified similar cases that appeared before the Zoning Board of Appeals within the last ten (10) years.

Broadview Avenue is a dead end street and there are no residences immediately north of the subject property that would be directly impacted by the additional encroachment.

CASE NO.	DATE	ADDRESS	SUMMARY	ZBA	BoT
ZBA 04-03	5/6/2004	310 W. Morris Ave.	16' Corner Side Yard	Approved, 5-0	Approved, 5-0
ZBA 05-03	4/7/2005	1051 S. Stewart Ave.	17.5' Corner Side Yard (Reverse Corner Lot)	Approved, 5-0	Approved, 6-0
ZBA 05-07	6/2/2005	403 S. Edson St.	12.36' Corner Side Yard (Reverse Corner Lot)	Approved, 6-0	Approved, 6-0
ZBA 05-09	7/21/2005	444 E. Taylor Rd.	22' Rear Yard (Corner Lot)	Approved, 5-0	Approved, 6-0
ZBA 06-01	2/6/2006	151 E. Berkshire Ave.	6' Corner Side Yard	Approved, 4-0	Approved, 6-0
ZBA 06-06	5/4/2006	302 W. Loy St.	10.5' Corner Side Yard & 31' Rear Yard (Reverse Corner Lot)	No Recommen- dation	Partial App., 6- 0*
ZBA 06-17	8/23/2006	197 S. Craig Pl.	9' Corner Side Yard	Approved, 6-0	Approved, 6-0
ZBA 06-22	9/27/2006	601 E. Sunset Ave.	10' Corner Side Yard	Approved, 6-0	Approved, 6-0
ZBA 06-24	12/7/2006	303 W. Harding Rd.	10' Corner Side Yard	Denial, 5-1	App., 6-0**
ZBA 06-26	1/4/2007	117 S. Stewart Ave.	14.67' Corner Side Yard	Approved, 5-0	Approved, 6-0
ZBA 07-02	2/15/2007	206 E. Hickory St.	15' Corner Side Yard	Approved, 4-1	Approved, 6-0
ZBA 08-01	3/6/2007	322 E. Elm St.	17.68' Corner Side Yard	Approved, 5-0	Approved, 6-0
ZBA 10-01	2/18/2010	41 S. 2 nd Ave.	16.8' Corner Side Yard & 6' Rear Yard	No Recommenda- tion	App., 6-0
ZBA 10-07	9/16/2010	103 W. Collen Dr.	14.5' Corner Side Yard (Reverse Corner Lot)	Approved, 6-0	Approved, 6-0
ZBA 10-08	9/16/2010	322 E. Elm St.	17.68' Corner Side Yard	Approved, 6-0	Approved, 6-0
ZBA 10-14	1/6/2011	1029 E. Woodrow Ave.	11.5' Corner Side Yard (Reverse Corner Lot)	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 06-06 received approval for the corner side yard variation, but not the rear yard variation.

** ZBA 06-24 received BoT approval when the variation request was reduced to two feet (2').

FINDINGS & RECOMMENDATIONS

The Department of Community Development has determined that the information presented has affirmed the Standards for Variations for the requested corner 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:

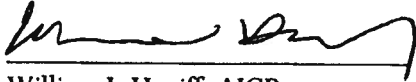
Based on the submitted petition and the testimony presented, the requested variations do comply with the Standards for Variations in the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals find that the findings included as part of the Inter-Departmental Review

Committee Report be the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities approval of ZBA 15-03; subject to the following conditions:

1. The project shall be developed in accordance with the submitted plans prepared by C.B. Designs dated December 10, 2014 and made a part of the petition;
2. The petitioner shall apply for and receive a building permit for the proposed plans;

3. 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
4. In the event that principal structure on the subject property is damaged or destroyed to fifty-percent (50%) of its value, the new structure shall meet the required corner side yard setback.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

c. Petitioner

XI. STANDARDS FOR VARIATIONS

The following is an excerpt from the Lombard Zoning Ordinance. A **detailed response** to all of these standards should be provided for all variations of the Lombard Zoning Ordinance and Lombard Sign Ordinance.

SECTION 155.103.C.7 OF THE LOMBARD ZONING ORDINANCE:

The regulations of this ordinance shall not be varied unless findings based on the evidence presented are made in each specific case that affirms each of the following standards:

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.
The physical surroundings of the property do not present a mere inconvenience. The lot shape is unique as the width of the lot narrows from the front to the rear. Therefore, the buildable space for the principal structure narrows as well.
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.
It is impractical to move the house in order to maintain the corner side yard setback for the second story addition.
3. The purpose of the variation is not based primarily upon a desire to increase financial gain.
There is no financial gain sought concerning this project.
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.
No person has created a difficulty or hardship that presently has an interest in the property. It is believed that the house pre-dates the establishment of setbacks.
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.
The proposed improvement is holding the line of the existing setback of the house and not increasing it.
6. The granting of the variation will not alter the essential character of the neighborhood; and,
The essential character of the neighborhood will not be altered. The established neighborhood maintains a stock of both one and two story houses.
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.
The second story addition will not impact the above listed concerns due to the fact it is an improvement upon the footprint of the existing house.

EXHIBIT A - PLAT OF SURVEY/SITE PLAN

SURVEY OF

LOT 14 IN BLOCK 1 IN HAGER'S ADDITION TO LOMBARD, BEING A SUBDIVISION OF LOTS OR BLOCKS 31 AND 32 OF THE PLAT OF E. W. ZANDER AND COMPANY'S ADDITION TO LOMBARD, A SUBDIVISION IN SECTIONS 1 AND 12, TOWNSHIP 39 NORTH, RANGE 10, AND SECTIONS 6 AND 7, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE TWIN PRINCIPAL MERIDIANS ACCORDING TO THE PLAT OF SAID HAGER'S ADDITION TO LOMBARD, RECORDED JULY 23, 1926 AS DOCUMENT 218108, IN DU PAGE COUNTY, ILLINOIS.



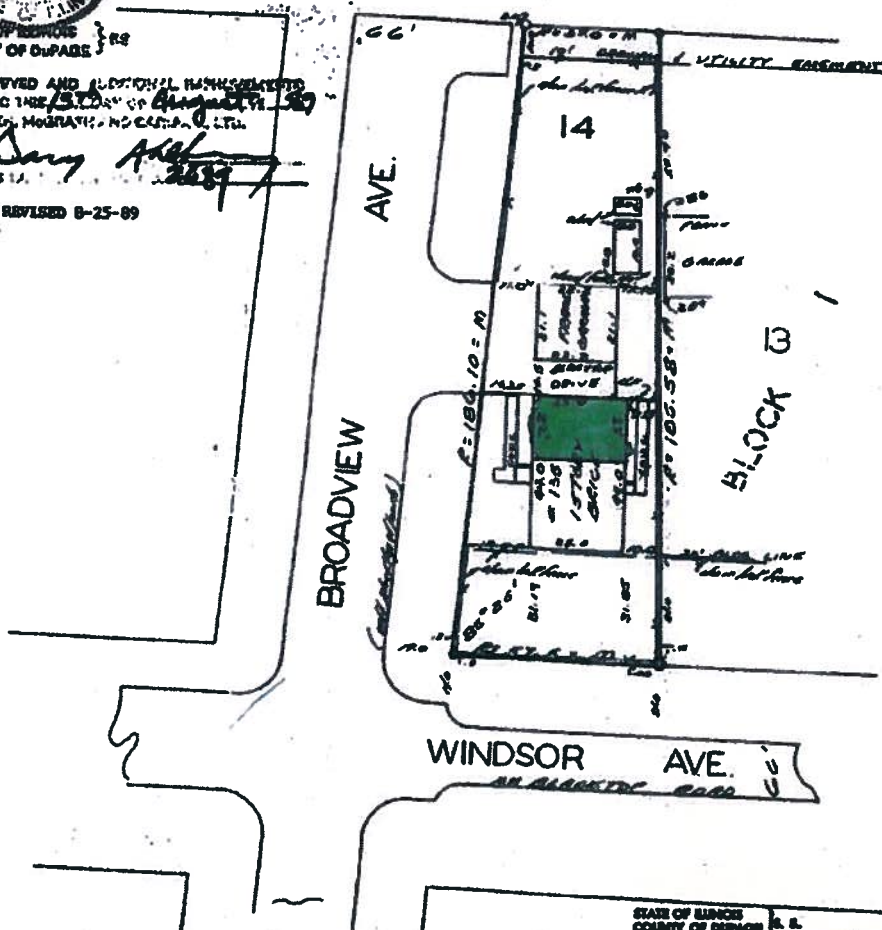
STATE OF ILLINOIS
COUNTY OF DU PAGE

SURVEYED AND LEGAL MONUMENTS
AND THE 25th DAY OF August 1972
1972, HAGER, NO. 218108, ILL.

Dary Hager
25th

REVISION 8-25-89

CHICAGO GREAT WESTERN R.R.



RECORD LOCATED AS SHOWN ON THE
25th DAY OF August 1972
Edgar S. Hager
ILLINOIS LAND SURVEYOR NO. 1234

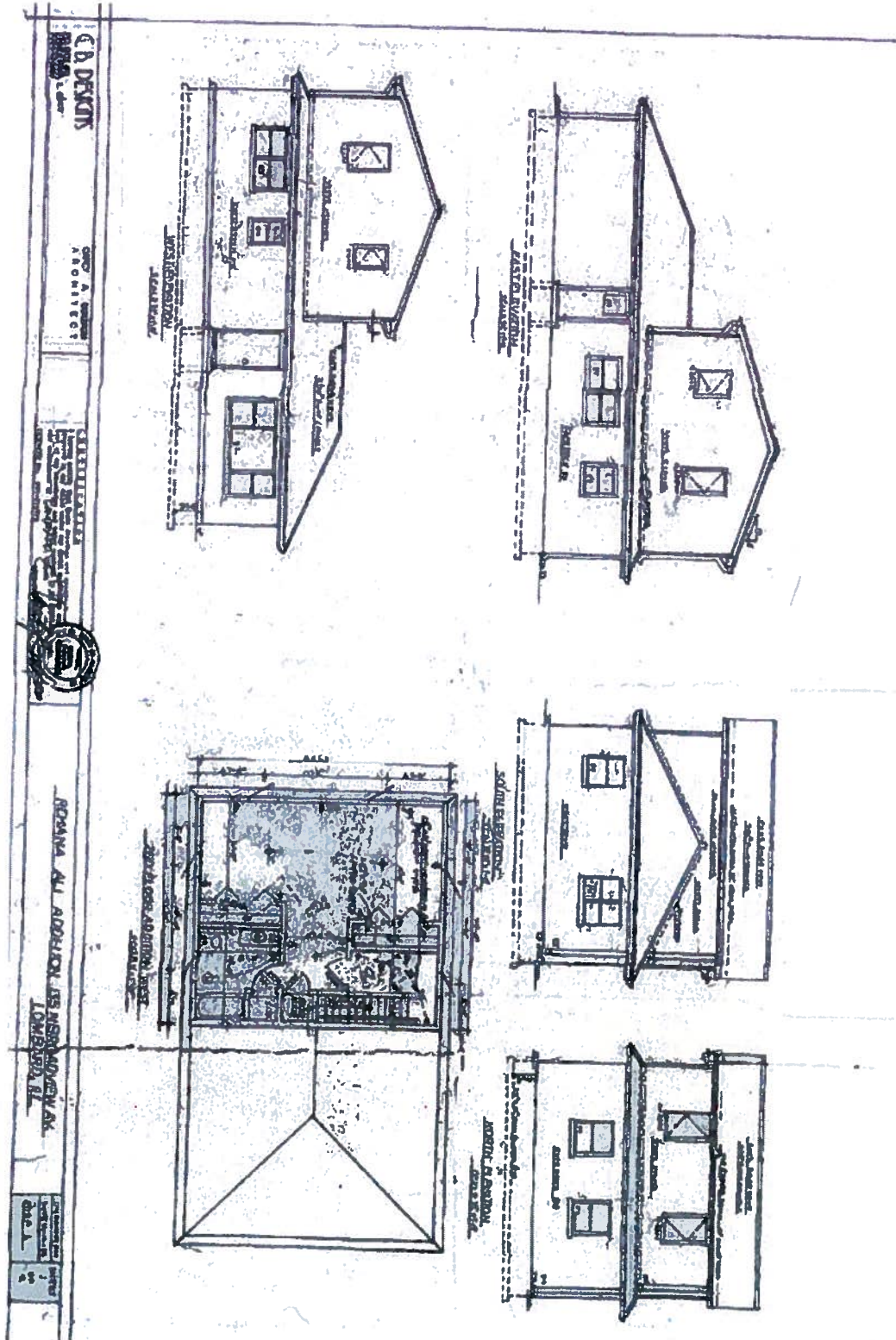
STATE OF ILLINOIS
COUNTY OF DU PAGE
THIS IS TO CERTIFY THAT I, AN ILLINOIS LAND SURVEYOR, HAVE
SURVEYED THE PROPERTY DESCRIBED IN THE ABOVE CAPTIONED AS
SHOWN BY THE ADJACENT PLAT WHICH IS A CORRECT AND TRUE
REPRESENTATION OF SAID SURVEY.

GIVEN UNDER MY HAND AND SEAL AT WHEATON, ILLINOIS,
THIS 25th DAY OF August 1972
Edgar S. Hager
ILLINOIS LAND SURVEYOR NO. 1234

REFER TO DEED OR GUARANTEE POLICY FOR BUILDING LINES AND EASEMENTS NOT SHOWN HEREON.

WEBSTER and ASSOCIATES		PHONE (312) 668-7603
LAND SURVEYING AND CIVIL ENGINEERING		
207 S. NAPERVILLE STREET WHEATON, ILLINOIS 60187		
File No. 218108 Plat No. 218108 Date	<ul style="list-style-type: none"> o Found from State o Drawn from State All Dimensions Given in Feet and Decimals Thereof Scale of Plat, 1/4" = 1' to the Inch 	Drawn by <i>[Signature]</i> Checked by <i>[Signature]</i> Sur. By <i>[Signature]</i>

EXHIBIT B – BUILDING ELEVATIONS



ORDINANCE NO. _____

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

(ZBA 15-03; 135 N. Broadview 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 Section 155.407(F)(2) of the Lombard Zoning Ordinance to reduce the corner side yard setback to fourteen and three tenths (14.3) feet where twenty (20) feet is required; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on January 28, 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 corner side yard setback to fourteen and three tenths (14.3) feet where twenty (20) feet is required.

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 C.B. Designs dated December 10, 2014 and made a part of the petition;
2. The petitioner shall apply for and receive a building permit for the proposed plans;

- 3. 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
- 4. In the event that principal structure on the subject property is damaged or destroyed to fifty-percent (50%) of its value, the new structure shall meet the required corner side yard setback.

SECTION 3: This ordinance is limited and restricted to the property generally located at 135 N. Broadview Avenue, Lombard, Illinois, and legally described as follows:

LOT 14, IN BLOCK 1 IN MAGER'S ADDITION TO LOMBARD, BEING A SUBDIVISION OF LOTS 31 AND 32 OF THE PLAT OF E.W. ZANDER AND COMPANY'S ADDITION TO LOMBARD, A SUBDIVISION IN SECTIONS 1 AND 12, TOWNSHIP 39 NORTH, RANGE 10 AND SECTIONS 6 AND 7, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT OF SAID MAGER'S ADDITON TO LOMBARD, RECORDED JULY 23, 1926 AS DOCUMENT 218108 IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-06-306-001

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 15-03

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Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published by me this _____ day of _____, 2015

Sharon Kuderna, Village Clerk