

August 9, 2007

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

**Subject: ZBA 07-11; 1020 E. Kenilworth Ave**

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 155.210(A)(2)(b) of the Lombard Zoning Ordinance to allow for the construction of a detached garage in front of the wall of the principal building in the R2 Single-Family Residential District.

The Zoning Board of Appeals conducted a public hearing on July 25, 2007. Mark Smalling and Connie Valentini, owners of the subject property, presented the petition. Mr. Smalling stated that the house was built in 1921. He stated that because the house is setback only three feet from the rear property line, there is a very unique hardship on the property. He noted that because his family is growing, they need to preserve the area to the west of the house as a de facto back yard. He added that if he had to construct the garage next to the house, the children could only play near the sidewalk and road. Mr. Smalling also mentioned that if the garage was to be pushed back, more concrete would be needed, thus reducing vital open space. He added that they wish to protect any open space areas.

Mr. Smalling stated that he understands why the ordinances are in place, but he feels that his particular property has an evident hardship. He mentioned that if the garage were to be connected to the deck on the west side of the house, it would create a sandwich effect. He added that it would become very claustrophobic on the deck with structures on both sides.

Mr. Smalling stated that the proposed garage would be located twenty-two (22) feet behind the front of the neighbor's house, as to not block the view of the neighbors on either side. He added that he spoke with all of his neighbors about the proposed garage and they all supported the idea (Mr. Smalling then gave the members of the Zoning Board of Appeals a petition signed by the neighbors, in favor of the project). Mr. Smalling stated that the proposed garage would be

architecturally similar to the house and would keep with the aesthetics of the neighborhood.

Mr. Smalling then mentioned that if an addition were to be needed, the addition would most likely extend to the south, which would better align it with the proposed garage.

Chairperson DeFalco opened the meeting for public comment.

Barbara Dean (47 S. Westmore Rd.), neighbor of the petitioner spoke in favor of the proposed detached garage. Ms. Dean stated that she has been a resident of her current address in Lombard for 47 years. Ms. Dean added that the prior owners of the subject property made some improvements to the property. She stated that the garage should only be built towards the front of the property, as to preserve the space in the rear of the property. Ms. Dean stated that the petitioners are very good neighbors and their petition should be considered for approval. She added that she supports the petition.

Chairperson DeFalco then requested the staff report.

Michael Toth, Associate Planner, presented the staff report. Mr. Toth stated that the existing house located on the subject property was built in 1921 and currently sits three feet from the current rear property line. He added that most of the entire house is located within the required 35-foot rear yard setback. Mr. Toth noted that the petitioner/property owner is proposing to construct a 624 square foot detached garage. He added that because of the extenuating circumstances pertaining to the house location, the proposed garage is to be placed in front of the house, which would require a variation.

Mr. Toth then stated that the petitioner's house is currently setback three (3) feet from the rear property line and 78 feet from the front property line. He mentioned that the petitioner's house is considered a legal non-conforming structure. Mr. Toth added that most houses within the R2 Single Family Residential District are not typically setback that far from the front property line, but rarely are they ever setback only three (3) feet from the rear property line. He noted that the rear property line abuts a private street for the Kenilworth Court development.

Mr. Toth stated that the petitioner wishes to construct a 624 square foot detached garage to be set back forty-nine (49) feet north of the front property line, forty-two (42) feet south of the rear property line, and three (3) feet from the western property line. He added that the petitioner is proposing to construct the detached garage in front of the principal structure to maintain the open space on the northwest portion of the property, which is currently under use as a de facto backyard. Mr. Toth mentioned that the garage's proposed location would utilize the existing driveway. Mr. Toth then noted that staff would like to mention that the detached garage would be located fifteen (15) feet from the neighbor to the west.

Mr. Toth discussed alternative locations for the detached garage. He stated that the property owner could technically expand the front portion of the house to accommodate the requirements of the aforementioned provision (house in front of garage), which would not require relief.

Mr. Toth stated that at the time of submittal, there currently is a four (4) foot building and structure separation requirement within the Zoning Ordinance. He added that staff is currently recommending the removal of this provision within the Zoning Ordinance, and allowing for the building separation requirements as a function of the Building Code. Mr. Toth noted that if this amendment were approved, the detached garage could potentially be pushed back and attached to the deck, where it could be developed per Code. Mr. Toth mentioned that the Building Department would have to make the determination as to whether the garage could be attached to the deck. Alternatively, the existing deck could be removed. He then stated that with the absence of a backyard, the petitioner wishes to maintain that open space.

Mr. Toth then discussed past approvals. He stated that the regulation prohibiting detached garages from being located in front of principal structures was approved in 2001. He mentioned that since that time, one petition for relief from this provision was considered by the Village. Mr. Toth noted that at the September 28, 2005 Zoning Board of Appeals meeting, relief was requested to allow an accessory structure in front of the front wall of the principal building at 332 S. Edson Street (ZBA 05-16). He added that the case was similar in that the principal residence was non-conforming in regard to the rear setback.

Pertaining to the standards for variation, Toth stated that the proposed garage would further increase the bulk of structures outside on the rear portion of the property. However, staff finds that there is no demonstrated physical hardship, nor are there any unique topographical conditions related to this property that would prevent compliance with the ordinance. Mr. Toth mentioned that in light of recent text amendments, the petitioner could construct a detached garage in the rear of the property - to the west of the existing residence as a matter of right.

Chairperson DeFalco opened the meeting for discussion among the members.

Mr. Young asked the petitioner when they purchased the property. Mr. Smalling responded that they purchased the property in 2005.

Mrs. Newman asked the petitioner if they planned to attach the detached garage at the end of the existing driveway. Mr. Smalling responded, yes.

Mr. Young then inquired as to why the house is setback only three (3) feet. Mr. Toth responded that the lot was once a through-lot, whereas the northern portion of the subject property was sold to allow for the Kenilworth Court development.

Ms. Dean added that the Kenilworth development was proposed to have 65 units, which was undesirable to the adjacent property owners. Ms. Dean added that they neighbors hired a lawyer to fight the excessive number of units to be placed in the Kenilworth Court development. She noted that the number of units was reduced, but the project still required many variations.

Chairperson DeFalco stated that the Zoning Board of Appeals is always concerned about preserving open space. He added that pushing the garage back would only reduce the amount of open space. Chairperson DeFalco mentioned that the detached garage complies with all setbacks and would be buffered by trees to the neighbor to the west. Chairperson. DeFalco noted that if the present house were to be replaced, the new home would be closer to the thirty (30) foot setback, which would allow for future compliance. He added that there would be more hardship created by pushing it back.

Mr. Young added that we (Village) created the hardship with the development of Kenilworth Court.

Mrs. Newman stated that this is a unique situation because of the rear setback. She added that many attached garages in Lombard are located in front of the house.

Dr. Corrado agreed that there are many unique elements to the property.

Chairperson DeFalco added that should the petition be recommended for approval, the 50% rebuild condition should be attached.

Mr. Young made the motion to approve, with a second by Mrs. Newman.

After due consideration of the submitted petition and the testimony presented, the Zoning Board of Appeals, by a roll call vote of 5-0, submits this petition to the Corporate Authorities with a recommendation of approval for the requested variation; subject to the following condition:

1. That the variation shall be limited to the detached garage. Should the detached garage be damaged or destroyed by any means, to the extent of more than fifty percent (50%) of the fair market value of the garage, than any new structures shall meet the full provisions of the Zoning Ordinance.

Respectfully,

**VILLAGE OF LOMBARD**

John DeFalco  
Chairperson  
Zoning Board of Appeals