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

_____ Resolution or Ordinance (Blue) _____ *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: November 8, 2005 (B of T) Date: November 17, 2005

TITLE: ZBA 05-18: 322 W. Central Avenue

SUBMITTED BY: Department of Community Development Dat

BACKGROUND/POLICY IMPLICATIONS:
The Zoning Board of Appeals transmits for your consideration a petition requesting a variation to Section 155.406(F)(4) of the Lombard Zoning Ordinance to reduce the rear yard setback from thirty-five feet (35') to thirty feet (30') to accommodate the construction of a one story addition in the R2 Single-Family Residence District. (DISTRICT #2)

Three members voted in favor of the petition and one was opposed. As four votes were not received to approve or deny the petition, it is being forwarded to the Village Board without a recommendation from the Zoning Board of Appeals.

Fiscal Impact/Funding Source:
Review (as necessary):
Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X W.T. Lichter Date 11/9/05

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 DAH

DATE: November 17, 2005

SUBJECT: **ZBA 05-18: 322 W. Central Ave.**

Attached please find the following items for Village Board consideration as part of the November 17, 2005, Village Board meeting:

1. Zoning Board of Appeals referral letter;

2. IDRC report for ZBA 05-18;

3. Plat of Survey; and

4. Drawings of the proposed addition.

Three members voted in favor of the petition and one was opposed. As four votes were not received to approve or deny the petition, it is being forwarded to the Village Board without a recommendation from the Zoning Board of Appeals.

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VILLAGE OF LOMBARD
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November 17, 2005

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

Subject: ZBA 05-18; 322 W. Central 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 to Section 155.406(F)(4) of the Lombard Zoning Ordinance to reduce the rear yard setback from thirty-five feet (35') to thirty feet (30') to accommodate the construction of a one story addition in the R2 Single-Family Residence District.

The Zoning Board of Appeals conducted a public hearing on October 26, 2005. Patti Grobe, owner of the property presented the petition. She stated that she is requesting a variation from the rear yard setback for four extra feet to construct a three-season room addition. She noted that her husband is confined due to his medical condition and a three-season room will allow him to get fresh air without leaving the house. She stated that they have made other modifications to the home to accommodate his wheelchair and would like to do the same with this addition.

She stated that a rear yard variation was recently approved for another property in the neighborhood. She also mentioned that the back of her property backs up to Glenbard East High School.

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

William Heniff, Senior Planner presented the staff report. He gave a description of the property noting that the house is setback thirty feet (30') from the front property line and has a rear yard setback of forty-five feet (46'). The petitioner is proposing to add a three-season room to the rear of their house that would encroach into the rear yard.

Mr. Heniff stated while the petitioner has presented a hardship with her husband's medical condition, this does pose a challenge for staff as the request is based upon a personal situation and not a hardship based on the physical attributes of the property.

He noted that the property owner could construct a three-season room addition that would fulfill the requirements of the Zoning Ordinance by making the room slightly smaller. He noted that the house currently has a forty-six foot (46') rear yard setback, which would allow an addition to extend eleven feet (11') from the house and meet the minimum thirty-five foot rear yard setback. As such, staff did not meet the standards for a variation.

Mr. Heniff stated that back in February of this year, a similar variation request came before the Zoning Board of Appeals (ZBA 05-01) for a property three houses to the west of the subject property. He mentioned that the request was to reduce the rear yard setback from thirty-five feet (35') to thirty-one and sixty-five one hundredth feet (31.65') feet to allow for the construction of a family room addition.

Mr. Heniff noted that staff's recommendation was for denial of the petition. He stated that the Village Board approved the variation based on the rationale that the property abuts the athletic fields for Glenbard East High School, and therefore the encroachment in the rear yard does not affect residential properties to the rear. He stated that staff recommends denial of the petition, but staff provides an alternative recommendation that includes conditions of approval should the Board chose to recommend approval.

Chairperson DeFalco then opened the meeting for discussion among the ZBA members.

Mrs. Newman asked whether a sixteen-foot (16') width was needed for the room. Mrs. Grobe stated that architecturally it would work better if the room were square. She noted that they would like to add a recliner, table, chairs, as other equipment to the room. She stated that if the room were smaller it would be cluttered with the furniture and equipment.

Mrs. Newman also asked how the disability issue affects their consideration of the petition. Mr. Heniff stated that in some cases, the nature of the disability forces a variation, such as when a ramp needs to be installed to provide access to a resident. In other cases, the accommodation is requested to supplement the disabled resident's use of his home, such as a spa. The role of the ZBA is to weigh the level of impact requested by the petition relative to the level of accommodation necessary to meet the resident's needs.

In response to inquiries, Mrs. Grobe stated that the proposed addition will be lower than the existing rooflines surrounding the property and bushes would screen the addition.

Chairperson DeFalco asked if the addition could be extended along the existing building so that the addition would not need a variance. Mrs. Grobe stated that if the addition continued along the building line, it would block the kitchen windows.

Mr. Polley made a motion to recommend approval of the petition, which was seconded by Mr. Corrado. The result of the roll call vote was 3-1 in favor of recommending approval. However, that was not sufficient for a favorable recommendation to the Board. Chairperson DeFalco then made a motion to deny the petition, but the motion failed for lack of a second. Therefore, the Zoning Board of Appeals does not forward a recommendation to the Village Board of Trustees for ZBA 05-18.

Respectfully,

VILLAGE OF LOMBARD

John L. DeFalco

John DeFalco
Chairperson
Zoning Board of Appeals

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO:	Zoning Board of Appeals	HEARING DATE:	October 26, 2005
FROM:	Department of Community Development	PREPARED BY:	Michelle Kulikowski Associate Planner

TITLE

ZBA 05-18; 322 W. Central Avenue: The petitioner requests a variation to Section 155.406(F)(4) of the Lombard Zoning Ordinance to reduce the rear yard setback from thirty-five feet (35') to thirty feet (30') to accommodate the construction of a one story addition in the R2 Single-Family Residence District.

GENERAL INFORMATION

Petitioner/Property Owner: Patti Grobe
332 W. Central
Lombard, IL 60148

PROPERTY INFORMATION

Existing Zoning: R2 Single-Family Residence District

Existing Land Use: Single-Family Residence

Size of Property: Approximately 9,375 Square Feet

Surrounding Zoning and Land Use:

North:	CR Conservation Recreation; developed as Glenbard East High School
South:	R2 Single-Family Residence District; developed as Single-Family Residences
East:	R2 Single-Family Residence District; developed as Single-Family Residences
West:	R2 Single-Family Residence District; developed as Single-Family Residences

ANALYSIS

SUBMITTALS

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

1. Petition for Public Hearing
2. Response to the Standards for Variation
3. Plat of Survey, prepared by ARS Surveying Service, LLC, dated August 20, 2001
4. Drawings of Proposed Addition

DESCRIPTION

The subject property is seventy-five feet (75') wide by approximately one hundred twenty-five (125'). The house is setback thirty feet (30') from the front property line and has a rear yard setback of forty-five feet (46'). The petitioner is requesting a variation to reduce the rear yard setback to thirty feet (30') to allow for a three-season room addition.

ENGINEERING

Private Engineering Services

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

Public Works Engineering

Public Works Engineering has no comments or changes.

FIRE AND BUILDING

The Fire Department/Bureau of Inspectional Services has no comments.

PLANNING

The petitioner states that the reason she is applying for the variation is due to her husband's medical condition. She has presented letters to this effect with her request. She also states that they have rehabbed their home to make it handicap accessible. She states that her husband is diabetic and mosquito bites become infected easily. She states that he is literally confined to the house and the three-season room would allow him to enjoy the fresh air.

Staff believes that although the petitioner has presented a hardship, it is a personal hardship rather than one based on the physical attributes of the property. According to Section 155.103 of the Zoning Ordinance, Standards for Variations, the variation should be based on the particular hardships based on the characteristics of the property.

In review of petitions for variations, staff considers whether there are any other options for constructing the improvements associated with that would comply with the Zoning Ordinance. The property owner could construct a three-season room addition that would fulfill the requirements of the Zoning Ordinance by making the room slightly smaller. The house currently has a forty-six foot (46') rear yard setback. Therefore an addition can extend eleven feet (11') from the house and meet the minimum thirty-five foot rear yard setback.

Furthermore, in order to grant a variation, the petitioner must show that they have affirmed each of the "Standards for Variation". The following standards have not been affirmed:

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 is no demonstrated physical hardship, nor are there any unique topographical conditions related to this property that would prevent compliance with the ordinance. Staff finds that a slightly smaller three-season room can be constructed that meets code.

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.*
   Staff finds that the layout of the property is typical of properties located within the R2 Single Family Residential District.

3. *The alleged difficulty or hardship is caused by the ordinance and has not been created by any person presently having an interest in the property.*
   Staff finds that the hardship has not been created by the ordinance. The rear yard setback has been consistently applied throughout the Village. The requested relief is needed due to a personal preference for the location and size of the three-season room.

4. *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 believes that the granting of the requested relief will set an undesirable precedent.

However, precedent has been set in the neighborhood relative to variations to the rear yard setback. Back in February of this year, a similar variation request came before the Zoning Board of Appeals (ZBA 05-01) for a property three houses to the west of the subject property. The request was to reduce the rear yard setback from thirty-five feet (35') to thirty-one and sixty-five one hundredth feet (31.65') feet to allow for the construction of a family room addition. Staff's recommendation was for denial of the petition. The Zoning Board of Appeals voted 3 to 1 in favor of denial. However, this was not sufficient to forward a recommendation to the Village Board. The Village Board approved the variation based on the rationale that the property abuts

the athletic fields for Glenbard East High School, and therefore the encroachment in the rear yard does not affect residential properties to the rear.

FINDINGS AND RECOMMENDATIONS

The Department of Community Development has determined that the information presented **has not affirmed** the Standards for Variations for the requested variation. 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 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 accept the findings on the Inter-Departmental Review Committee as the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **denial** of ZBA 05-18.

Alternate Recommendation:

In the event the Board chooses to recommend approval of the relief associated with ZBA 05-18, staff recommends that the following conditions be added to the approval, as follows:

1. The property shall be developed in accordance with the proposed building plans submitted by the petitioner as part of ZBA 05-18.
2. That the petitioner shall apply for and receive a building permit for the proposed improvements associated with this petition.
3. That the variation shall be limited to the existing residence. Should the existing residence be reconstructed in its entirety due to damage or destruction by any means, the new residence shall meet the current zoning requirements and setbacks.

Inter-Departmental Review Group Report Approved By:

David A. Hulseberg, AICP
Director of Community Development

DAH:MK
att-
c: Petitioner

Location Map

ZBA 05-18: 322 W. Central