

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

Resolution or Ordinance (Blue) _____
Waiver of First Requested
Recommendations of Boards, Commissions & Committees (Green)
Other Business (Pink)

X

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: December 19, 2006 (B of T) Date: January 4, 2007

TITLE: ZBA 06-26: 117 S. Stewart

SUBMITTED BY: Department of Community Development *DLT*

BACKGROUND/POLICY IMPLICATIONS:

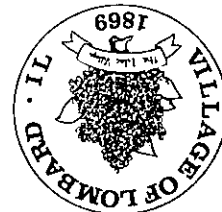
The Zoning Board of Appeals transmits for your consideration its recommendation relative to the above-mentioned petition. This petition requests a variation from Section 155.406 (F) (2) of the Lombard Zoning Ordinance to reduce the required corner side yard from twenty feet (20') to fourteen feet - eight inches (14'-8") to allow for the construction of a residential addition in the R2 Single-Family Residence District.

The Zoning Board of Appeals recommended approval of the requested variation subject to conditions. (DISTRICT 4)

Fiscal Impact/Funding Source:
Review (as necessary):

Village Attorney X _____
Finance Director X _____
Village Manager X *W.M. Lichte*
Date _____
Date *12/20/06*

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. Huliseberg, AICP
Assistant Village Manager/Director of Community Development
DATE: January 4, 2007

SUBJECT: ZBA 06-26; 117 S. Stewart

Attached please find the following items for Village Board consideration as part of the January 4, 2007 Village Board meeting:

1. IDRC Report for ZBA 06-26;
2. Zoning Board of Appeals referral letter;
3. An Ordinance granting approval of the requested variation to the corner side yard, subject to conditions; and
4. Plans associated with the petition.

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

**VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT**

TO: Zoning Board of Appeals
FROM: Department of Community Development
HEARING DATE: November 29, 2006
PREPARED BY: Michael S. Toth
Associate Planner

TITLE

ZBA 06-26; 117 S. Stewart: The petitioner requests a variation to Section 155.406(F)(2) to reduce the corner side yard setback from twenty feet (20') to fourteen feet – eight inches (14'8") to allow for the construction of an addition in the R2 Single Family Residential District.

GENERAL INFORMATION

Petitioner/Property Owner:
Ruth A. Czyzyk
117 S. Stewart
Lombard, IL 60148

PROPERTY INFORMATION

Existing Zoning: R2 Single Family Residential District
Existing Land Use: Single Family Residential
Size of Property: Approximately 8,000 Square Feet

Surrounding Zoning and Land Use

North: R2 Single Family Residential District; developed as Single Family Residences
South: R2 Single Family Residential District; developed as Single Family Residences
East: R2 Single Family Residential District; developed as Single Family Residences
West: R2 Single Family Residential 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 November 4, 2006.

1. Petition for Public Hearing
2. Response to the Standards for Variation
3. Plat of Survey
4. Site Plan, prepared by the petitioner, showing existing and proposed improvements.

DESCRIPTION

The subject property is located at the southeast corner of Elm Street and Stewart Avenue. The existing residence is currently situated fourteen feet – eight inches (14'8") from the northern property line along Elm Street. The petitioner wishes to keep with the current building line and construct a one-story addition. Because the proposed addition has a corner side yard setback of only fourteen feet – eight inches (14'8"), a variation is needed in order to build.

INTER-DEPARTMENTAL REVIEW COMMENTS

Fire and Building

Fire Department/Bureau of Inspectional Services has no comments at this time.

Public Works Engineering

Public Works has no comments on this petition.

Private Engineering

Due to poor drainage on this block, the downspouts for the proposed addition shall discharge toward the Ash Street storm sewer, within 15 feet of the addition. Any sump pump shall be connected to the Ash Street storm sewer.

Planning

The proposed addition will not change the neighborhood characteristics in regard to surrounding properties which are also required corner side yard setbacks. Staff notes that 118 S. Stewart,

which is located across the street to the west of the petitioner's property, maintains a corner side yard setback of only eleven feet – one inches (11'1"). The neighboring property to the east, 118 S. Lombard, maintains a corner side yard setback of eighteen feet – one inches (18'1").

While staff would generally not support zoning relief that would increase the degree of non-conformity on a property, there are several ZBA cases that provide precedence for the requested variation where the addition holds the setback of the existing residence and does not further encroach into the requisite yard. Pertinent to this case, the property at 1051 S. Stewart Avenue received approval of a variation to reduce the required corner side yard setback from twenty feet (20') to eighteen feet (18') (ZBA 05-03). Also, the property at 101 S. Chase received a variation to reduce the required corner side yard setback from twenty feet (20') to ten feet (10') for a residential addition (ZBA 03-26).

The subject property is a fifty-foot (50') wide corner lot. The minimum lot width for the R2 Single Family Residential District is sixty feet (60'). The subject property is considered a buildable lot because it is a lot of record, and because Section 155.209 of the Zoning Ordinance allows for the construction of a single-family dwelling on lots meeting at least eighty percent (80%) of the width requirement for the applicable zoning district, provided that the lot of record was established prior to the effective date of the Zoning Ordinance. Because of the minimal lot width and required corner side yard setback, the buildable area on the on the subject has been greatly reduced.

FINDINGS AND RECOMMENDATIONS

The Department of Community Development has determined that the information presented **has 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 **approval** of the variation:

Based on the submitted petition and the testimony presented, the requested variation **does 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 approval of ZBA 06-26, subject to the following conditions:

1. The proposed addition shall be developed in compliance with the submitted site plan prepared by the petitioner.
2. The petitioner shall apply for and receive a building permit for the proposed improvements.
3. In the event that the principal residence on the subject property be damaged or destroyed more than fifty percent of the value of the structure, any new structures shall meet the full provisions of the Zoning Ordinance.

Inter-Departmental Review Group Report Approved By:

David A. Hulseberg, AICP

Assistant Village Manager/Director of Community Development

DAH:MST

c: Petitioner

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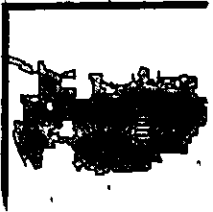


117 S. Stewart

1 in. = 300.0 feet



UNION PACIFIC RAILROAD



We have lived in our Dymond home for the last thirty-four years and would like to remain here for as long as we can in our golden years. At present there are just three bathrooms and a new small, old and hot water heater. We need additional space to add a handicapped bathroom and the kitchen, and add space for a parking space for the car. This would make our home more secure, friendly and allow us to remain here as long as we can.

Our home is located on a corner lot and is not back 14' 8", thus already putting the ordinance. To align the new addition with the old walls would be permitted by the present ordinance. We would like a permit to stay ~~with~~ aligned with the present footprint. The difficulty is with the ordinance but not anything inherently wrong or unfair in the property.

The purpose of the ordinance is not to determine the general gain nor will it be detrimental to the public welfare. The addition will be built in a manner that is in character with the present neighborhood and will conform to all codes, so as not to cause any harm or questions to adjacent properties or to endanger public property or property values in the area.

VILLAGE OF LOMBARD

255 E. Wilson Avenue
Lombard, IL 60148-3926
(630) 620-5700 FAX: (630) 620-8222
TDD: (630) 620-5812
www.villageoflombard.org

January 4, 2006

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

Village of Lombard

Subject: ZBA 06-26; 117 S. Stewart

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 155.406 (F) (2) of the Lombard Zoning Ordinance to reduce the required corner side yard from twenty feet (20') to fourteen feet — eight inches (14'-8") to allow for the construction of a residential addition in the R2 Single-Family Residence District.

The Zoning Board of Appeals conducted a public hearing on December 13, 2006. The petitioner, Ruth Czyzyk, stated the request. She noted that she and her husband are senior citizens and face the hardships of senior citizens. She stated that the first-floor addition would allow for greater mobility by adding a first-floor bathroom, an expanded kitchen, and bedroom/sick room.

Chairperson Defalco then opened the meeting for public comment. No public comment was given for or against the request for variation.

Michael Toth, Associate Planner, presented the staff report. He stated that the house is currently located within the corner side yard setback and that the proposed addition would keep with the existing building line. Because the addition maintains the current building line, there will be no further setback encroachments than what already exists. In the report, he also noted that many of the neighboring properties did not maintain the required twenty (20) foot side setback. Toth also made note of the reduced lot size on the subject property, being only fifty (50) feet wide, the buildable area of the lot has been greatly reduced.

Chairperson Defalco then opened the meeting for discussion and questions by the Board Members.

Chairperson Defalco stated that this particular variation is similar to many other past cases in the Village. He also noted that the ordinances have

Village President
William J. Mueller

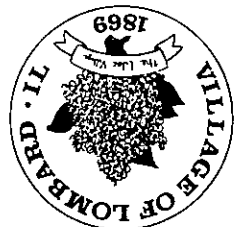
Village Clerk
Bridgette O'Brien

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 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."



changed over time and the house did meet code when it was originally constructed. His last comment was to point out that if the structure were to be destroyed and required to be rebuilt, it would have to conform to the current zoning standards.

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 for **approval** of the requested variation, subject to the following conditions:

1. The proposed addition shall be developed in compliance with the submitted site plan prepared by the petitioner.

2. The petitioner shall apply for and receive a building permit for the proposed improvements.

3. In the event that the principal residence on the subject property be damaged or destroyed more than fifty percent of the value of the structure, any new structures shall meet the full provisions of the Zoning Ordinance.

The motion passed 5-0.

Respectfully,

VILLAGE OF LOMBARD

John DeFalso
Chairperson

Zoning Board of Appeals

att-

ORDINANCE NO. _____

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

(ZBA 06-26: 117 S. Stewart 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 Title 15, Chapter 155, Section 155.406 (F)(2) of said Zoning Ordinance to reduce the corner side yard setback from twenty feet (20') to fourteen feet – eight inches (14'-8") in the R2 Single-Family Residence District; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on December 13, 2006 pursuant to appropriate and legal notice; and,

WHEREAS, the Zoning Board of Appeals has forwarded its findings with a recommendation for 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)(2) of the Lombard Zoning Ordinance for the property described in Section 2 below, so as to reduce the required corner side yard setback from twenty feet (20') to fourteen feet – eight inches (14'-8").

SECTION 2: This ordinance is limited and restricted to the property generally located at 117 S. Stewart, Lombard, Illinois, and legally described as follows:

LOT 23 IN BLOCK 5 IN "CAMBRIDGE MANOR", A SUBDIVISION IN THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 10, 1924 AS DOCUMENT 178816, IN DU PAGE COUNTY, ILLINOIS.

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

1. The proposed addition shall be developed in compliance with the submitted site plan prepared by the petitioner.
2. That the petitioner shall apply for and receive a building permit for the proposed improvements.
3. In the event that the principal residence on the subject property be damaged or destroyed more than fifty percent of the value of the structure, any new structures shall meet the full provisions of the Zoning Ordinance.

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 _____, 2007.

First reading waived by action of the Board of Trustees this _____ day of _____, 2007.

Passed on second reading this _____ day of _____, 2007.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2007.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk