

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: David A. Hulseberg, Village Manager *John*

DATE: September 8, 2010 (B of T) Date: September 16, 2010

TITLE: ZBA 10-07: 103 W. Colleen Drive

SUBMITTED BY: Department of Community Development *AK*

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 155.407(F)(2) to reduce the corner side yard setback from twenty feet (20') to fourteen and one-half feet (14.5') to allow for the construction of an addition in the R2 Single Family Residential District.

The ZBA recommended approval of this petition with conditions.

Please place this item on the September 16, 2010 Board of Trustees consent agenda.

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

Village Attorney X

Finance Director X

Village Manager X

Date \_\_\_\_\_

Date \_\_\_\_\_

Date 9/8/10

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:** David A. Hulseberg, Village Manager

**FROM:** William Heniff, AICP,  
Director of Community Development *WH*

**DATE:** August 26, 2010

**SUBJECT:** ZBA 10-07; 103 W. Colleen Drive

Please find the following items for Village Board consideration as part of the September 16, 2010 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. An Ordinance granting approval of a variation to Section 155.407(F)(2) to reduce the corner side yard setback from twenty feet (20') to fourteen and one-half feet (14.5') to allow for the construction of an addition in the R2 Single Family Residential District.
3. IDRC report for ZBA 10-07; and
4. Plans associated with the petition.

The Zoning Board of Appeals recommended approval of this petition with conditions. Please place this petition on the September 16, 2010 Board of Trustees consent agenda.



**VILLAGE OF LOMBARD**  
255 E. Wilson Ave.  
Lombard, Illinois 60148-3926  
(630) 620-5700 Fax (630) 620-8222  
www.villageoflombard.org



September 16, 2010

Village President  
William J. Mueller

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

Village Clerk  
Brigitte O'Brien

Village of Lombard

Trustees

Greg Alan Gron, Dist. 1  
Keith T. Ciagnorio, Dist. 2  
Zachary C. Wilson, Dist. 3  
Dana L. Moreau, Dist. 4  
Laura A. Fitzpatrick, Dist. 5  
William "Bill" Ware, Dist. 6

Dear President and Trustees:

**Subject: ZBA 10-07; 103 W. Colleen Drive**

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioner requests a variation to Section 155.407(F)(2) to reduce the corner side yard setback from twenty feet (20') to fourteen and one-half feet (14.5') to allow for the construction of an addition in the R2 Single Family Residential District.

Village Manager  
David A. Hulseberg

The Zoning Board of Appeals conducted a public hearing on August 25, 2010.

*"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."*

Kevin Kellerman, 103 W. Colleen Drive, presented the petition. Mr. Kellerman stated that he is requesting a variation to allow for the construction of a sunroom. He stated that he purchased the house in 1993 and he and his wife have been planning to construct a sunroom. He stated that when his builder brought the plans into the Village, it was discovered that there were setback issues. Mr. Kellerman stated that there is a concrete staircase located on the west side of the rear of the house. He added that there is a sliding glass door located on the eastern portion of the rear of the house. He stated that if the corner side yard setback requirement was to be met, the addition would be placed directly over the sliding glass door. He added that they are maintaining the existing building line. Lastly, Mr. Kellerman stated that the original plans did not meet the required rear yard setback; as such, the plans were altered to meet this requirement.

*"The Mission of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."*

Michael Toth affirmed that the petitioner did alter the plans to meet the required thirty-five (35) foot rear setback.

Michael Toth, Planner I, presented the staff report. The subject property is located at the southwest corner of Colleen Drive and June Lane. The existing residence is currently situated fourteen and sixty-one hundredths feet (14.61') from the eastern property line along June Lane.

The petitioner wishes to maintain the current building line and construct a one-story addition. Because the proposed addition has a corner side yard setback of fourteen and sixty-one hundredths feet (14.61') where twenty (20) feet is required, a variation is needed.

As referenced in the petitioner's response to the standards for variations, the only possible location for the three-season room to be constructed would be the proposed location at the southeast portion of the residence. The southwest portion of the residence contains a concrete staircase, which provides access to the basement of the house. Also, a sliding glass door is located five (5) feet from the east edge of the rear of the house. If the proposed addition were to be setback to the required twenty (20) feet, the addition would be placed directly on the sliding glass door. This would require that the sliding glass door be relocated. It is important to note that the existing residence does not run parallel to the eastern property line, but actually angles away from the property line. As such, the proposed addition would actually be located further from the eastern property line as it moves to the south. At the furthest point, the proposed addition would be actually located sixteen (16) feet from the eastern property line.

There are several ZBA cases that provide precedence for the requested variation where an addition maintains the building line of the existing residence and does not further encroach into the requisite corner side yard. 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). In 2006, a variation was granted 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 (ZBA 06-26).

The proposed addition would maintain the building line of the existing structure and will not encroach further into the requisite corner side yard. Also, due to the layout of the property in accordance with the construction of the existing residence, any alternative locations for the proposed addition are not feasible. As such, staff recommends approval.

Concluding, Mr. Toth stated that staff is recommending approval of ZBA 10-07, subject to the four conditions outlined in the staff report.

Chairperson Defalco then opened the meeting for discussion by the ZBA members.

Mrs. Newman asked about the size of the proposed addition.

Mr. Toth stated that the proposed addition is twenty-two (22) feet by twenty-two (22) feet or four hundred and eighty-four (484) square feet.

Mr. Tap asked if the principal structure was legal non-conforming.

Mr. Toth replied, yes, the principal structure is considered legal non-conforming with respect to the required corner side yard setback.

Mr. Tap asked what year the house was built and when the corner side yard setback provisions were adopted.

Mr. Kellerman stated that (he believed) the house was built in 1967.

Chairperson Defalco stated that that entire neighborhood was constructed with those setbacks. He also added that the rear setback used to be thirty (30) feet, but was later changed. He then stated that he doesn't know when the corner side yard setback provisions were changed.

Mr. Toth stated that he did not know when the corner side yard setback provisions were adopted, but did state that those provisions were adopted to allow for a greater buildable area, for homes located on corner lots.

Mr. Bedard asked when the property was incorporated into the Village.

Mr. Toth stated that he did not know when the property was incorporated into the Village.

Chairperson Defalco stated that the ZBA should focus on the variation at hand. He then described the conditions of approval that would apply to the case, should it be approved.

Mr. Bartels asked about the awnings of the addition.

Mr. Toth stated that if the awnings were to slightly extend out, it would be acceptable, as awnings are permitted to encroach three (3) feet into any requisite yard.

On a motion by Bedard and a second by Corrado, the Zoning Board of Appeals recommended by a vote of 7 to 0 that the Village Board **approve** the variation associated with ZBA 10-07, subject to the following conditions:

- 1) The subject property shall be developed in substantial conformance with the building elevations and site plan prepared by JB Architecture Group, Inc, dated July 21, 2010.
- 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 12 months of the date of issuance, unless extended by the Board of Trustees prior to the expiration of the ordinance granting the variation.

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

**TO:** Zoning Board of Appeals  
**FROM:** Department of Community Development  
**PREPARED BY:** Michael S. Toth  
Planner I  
**HEARING DATE:** August 25, 2010

**TITLE**

**ZBA 10-07; 103 W. Colleen Drive:** The petitioner requests a variation to Section 155.407(F)(2) to reduce the corner side yard setback from twenty feet (20') to fourteen and one-half feet (14.5') to allow for the construction of an addition in the R2 Single Family Residential District.

**GENERAL INFORMATION**

**Petitioner/Property Owner:**

Kevin Kellerman  
103 W. Colleen Drive  
Lombard, IL 60563

**PROPERTY INFORMATION**

**Existing Zoning:** R2 Single Family Residential District

**Existing Land Use:** Single Family Residential

**Size of Property:** Approximately 9,640 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 July 26, 2010.

1. Petition for Public Hearing
2. Response to the Standards for Variation
3. Plat of Survey, prepared by Schlaf-Sedig & Associates, Inc.
4. Building Plans, prepared by JB Architecture Group, Inc. showing the proposed addition, dated July 21, 2010.

## DESCRIPTION

The subject property is located at the southwest corner of Collen Drive and June Lane. The existing residence is currently situated fourteen and sixty-one hundredths feet (14.61') from the eastern property line along June Lane. The petitioner wishes to maintain the current building line and construct a one-story addition. Because the proposed addition has a corner side yard setback of fourteen and sixty-one hundredths feet (14.61') where twenty (20) feet is required, a variation is needed.

## INTER-DEPARTMENTAL REVIEW COMMENTS

### FIRE

The Fire Department has no comments regarding this request.

### BUILDING DIVISION

The Building Division has no comments.

### PUBLIC WORKS

Public Works Engineering has no comments.

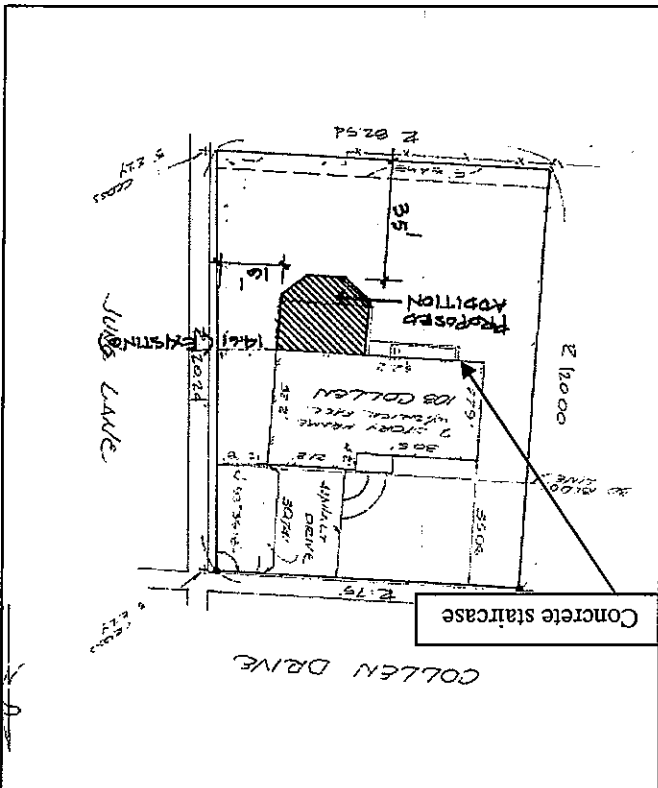
### PRIVATE ENGINEERING

The Private Engineering Services Division has no comments on the subject petition.

### PLANNING

The subject residence is situated fourteen and sixty-one hundredths feet (14.61') from the eastern property line along June Lane, which is considered the corner side yard of the subject property. The petitioner wishes to maintain the current building line and construct a three-season room to

the rear of the residence. As referenced in the petitioner's response to the standards for variations, the only possible location for the three-season room to be constructed would be the proposed location at the southeast portion of the residence. The southwest portion of the



residence contains a concrete staircase, which provides access to the basement of the house. Also, a sliding glass door is located five (5) feet from the east edge of the rear of the house. If the proposed addition were to be setback to the required twenty (20) feet, the addition would be placed directly on the sliding glass door. This would require that the sliding glass door be relocated. It is important to note that the existing residence does not run parallel to the eastern property line, but actually angles away from the property line. As such, the proposed addition would actually be located further from the eastern property line as it moves to the south. At the furthest point, the proposed addition would be actually located sixteen (16) feet from the eastern property line.

There are several ZBA cases that provide precedence for the requested variation where an addition maintains the building line of the

existing residence and does not further encroach into the requisite corner side yard. 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). In 2006, a variation was granted 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 (ZBA 06-26).

*Findings*

The proposed addition would maintain the building line of the existing structure and will not encroach further into the requisite corner side yard. Also, due to the layout of the property in accordance with the construction of the existing residence, any alternative locations for the proposed addition are not feasible. As such, staff recommends approval.

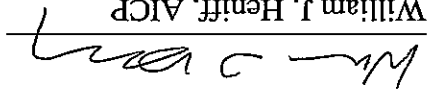
**FINDINGS AND RECOMMENDATIONS**

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 10-07, subject to the following conditions:

- 1) The subject property shall be developed in substantial conformance with the building elevations and site plan prepared by JB Architecture Group, Inc, dated July 21, 2010.
- 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 12 months of the date of issuance, unless extended by the Board of Trustees prior to the expiration of the ordinance granting the variation.
- 4) In the event that the 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 Group Report Approved By:



William J. Heniff, AICP

Director of Community Development

WJH:MST

c: Petitioner

# ZBA 10-07: 103 W. Collen Drive



144 ft



I Kevin Kellermann of 103 Colleen Drive, Lombard IL, wish to seek a variation of the Lombard zoning ordinance to build a three-season room at the above listed address. The following are my responses to each of the seven standards as listed for the section 155.103.C.7.

1. The only possible location for the proposed structure is on the east half of the house due to a concrete stairway which leads down to the basement taking up most of the west half of the back of the house. Because of the east side of the house is approximately 14 ½ feet from the set back line and there is a sliding glass door 5 feet from the east edge of the house any foundation built in the accordance to the set back code would encroach on this door. In short the only possible location is on the east half of the house and it is physically impossible to build it with out a variation.
2. The house is situated on a corner lot, and located 14 ½ feet from the set back on the east side of the house. This condition is probably not unique but it is surely not common.
3. The purpose of building the three-season room is primarily to enhance our living in the house and increasing the enjoyment of our backyard.
4. The hardship cause by the set back code is due to the code being changed since the time of the house was built.
5. Building the three-season room will not harm any of my neighbors, as the structure will be attractive and consistent with the subdivision's general architecture.
6. The three-season room will be in the general character of the subdivision as there are already two such structures within sight at 123 Colleen Court and 122 June Ln.
7. The structure to be built is quite far from any of my neighbors so; it will not impair the supply of light or air. Also, due to the distance it will not impair their drainage. It will not increase congestion, as it will not be used for public use. The structure will be built by licensed contractors and to follow all building codes so it will not increase the danger of fire or endanger public safety. It will not impair values as any home improvement benefits all in the neighborhood.



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

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

(ZBA 10-07; 103 W. Collen Drive)

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 to Section 155.407(F)(2) to reduce the corner side yard setback from twenty feet (20') to fourteen and one-half feet (14.5') to allow for the construction of an addition.

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on August 25, 2010 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) to reduce the corner side yard setback from twenty feet (20') to fourteen and one-half feet (14.5') to allow for the construction of an addition in the R2 Single-Family Residence District.

**SECTION 2:** This ordinance shall be granted subject to compliance with the following conditions:

1) The subject property shall be developed in substantial conformance with the building elevations and site plan prepared by JB Architecture Group, Inc, dated July 21, 2010.

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 12 months of the date of issuance, unless extended by the Board of Trustees prior to the expiration of the ordinance granting the variation.
- 4) In the event that the 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 103 W. Colleen Drive, Lombard, Illinois, and legally described as follows:

LOT 57 IN MELODY LANE ESTATES, UNIT 1, A SUBDIVISION IN THE NORTHWEST ¼ OF SECTION 19, TOWNSHIP 39 NORTH RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 18, 1964 AS DOCUMENT R64-34991, IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-19-205-012

**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 \_\_\_\_\_, 2010.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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

Nays: \_\_\_\_\_

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

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

ATTEST:

William J. Mueller, Village President

Brigitte O'Brien, Village Clerk

Published by me this \_\_\_\_\_ day of \_\_\_\_\_, 2010

Brigitte O'Brien, Village Clerk