

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)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: July 24, 2007 (B of T) Date: August 9, 2007

TITLE: ZBA 07-12: 259 N. Garfield

SUBMITTED BY: Department of Community Development *del*

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 155.406 (F) (3) to reduce the minimum required interior side yard setback from 9 feet to 7.88 feet to allow for the construction of a second-story addition in the R2 Single-Family Residence District. (DISTRICT #4)

The Zoning Board of Appeals recommended approval of this request with conditions.

Staff is requesting a waiver of first reading.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X

Finance Director X

Village Manager X

Date

Date

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:** William T. Lichter, Village Manager

**FROM:** David A. Hulseberg, AICP  
Assistant Village Manager/Director of Community Development

**DATE:** August 9, 2007

**SUBJECT:** ZBA 07-12: 259 N. Garfield

Please find the following items for Village Board consideration as part of the August 9, 2007 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 07-12;
3. Response to Standards, Plat of Survey and plans associated with the petition.

Staff is requesting a waiver of first reading due to the summer meeting schedule.

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



**VILLAGE OF LOMBARD**

255 E. Wilson Avenue  
Lombard, IL 60148-3931  
(630) 620-5700 FAX: (630) 620-8222  
TDD: (630) 620-5811  
www.villageoflombard.org

August 9, 2007

Mr. William J. Mueller  
Village President, and

Board of Trustees  
Village of Lombard

**Subject: ZBA 07-12; 259 N. Garfield Street**

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) (3) to reduce the minimum required interior side yard setback from nine feet (9') to seven and eighty-eight hundredths feet (7.88') to allow for the construction of a second-story addition on an existing legal non-conforming residence.

The Zoning Board of Appeals conducted a public hearing on July 25, 2007. The petitioner, Kathryn Wagner, stated that they wish to build a second-story addition straight up from the existing first floor. The hardship is the existing setback of the building. Structurally, it would be a nightmare to have the second floor inset from the first floor, and aesthetically it wouldn't look right. The adjacent neighbor who would see the addition the most has reviewed their plans and has no problem with them. The neighbor would have attended the ZBA meeting, but he is a police officer who was on duty that evening.

Chairperson Defalco then opened the meeting for public comment. There was no one present to speak for or against the petition.

Chairperson Defalco then requested the staff report.

Matt Tansley presented the staff report. He summarized the subject property and surrounding area. The residence on the subject property currently has a setback of seven and eighty-eight hundredths feet (7.88') from the northern property line where a nine foot (9') setback is required. The nine foot (9') setback is required to allow for driveway access to the detached garage behind the residence. The petitioner is requesting a second story addition, which would

Village President  
William J. Mueller

Village Clerk  
Brittne O'Brien

Trustees  
Greg Alan Cron, Dist. 1  
Richard J. Tross, Dist. 2  
John "Jack" T. O'Brien, Dist. 3  
Dana L. Moreau, Dist. 4  
Laura A. Fitzpatrick, Dist. 5  
Rick Soderstrom, Dist. 6

Village Manager  
William T. Lichter

"Our shared *Vision* for Lombard is a community of excellence exemplified by its government 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."

maintain the existing building line relative to the northern property boundary. Because this addition constitutes an expansion of a non-conformity, a variation is required.

Despite the fact that the proposed addition will not further reduce the side yard between the house and property line, a variation is required for the expansion of a non-conforming structure. Section 155.802 of the Zoning Ordinance defines a yard as an open area on the same zoning lot with a building or structure, unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted in Section 155.212 of this Ordinance. Because a yard is a three dimensional space, a vertical addition to the house is viewed as an expansion of a non-conforming structure. The addition, while not affecting the width of the side yard, does further encroach on the "yard space" above the non-conforming structure. As the home was built in 1955, prior to the application of current zoning requirements, the residence is permitted to remain as a non-conforming structure. However, any additions to the structure subsequent to passage of those zoning requirements will be bound by the current regulations.

Staff recognizes that a strict enforcement of the regulation would impose a significant hardship on the property owner. Applying the setback requirements to the second story would require the petitioner to create a 1.2 foot offset from the supporting wall and foundation of the existing residences. Aside from creating an undesirable aesthetic appearance, the offset would also require significant modifications to the existing first floor, as new supporting walls or columns would have to be installed to support the weight of the proposed second floor.

Given the nature of the structural design and the limitations established by the Zoning Ordinance, staff supports the request for a variation. The conditions for seeking a variation are unique to this property and do not represent circumstances that would apply broadly to other residents in the neighborhood. Staff does not view the granting of the requested variation for this property to be detrimental to the welfare of surrounding residents including: the disruption of natural light, the presence of an overbearing structure, interference with proper drainage, or any harmful effect on neighboring property values. Also, it is common for staff to support variations for single-family residential structures that maintain their original building line.

Chairperson DeFalco then opened the meeting for discussion by the Board Members.

Dr. Corrado agreed with the staff report, adding that the variation is necessary for the petitioners to improve their home.

Chairperson DeFalco asked if the subject property would be in compliance with the 50% open space requirement after the garage is built. Jennifer Backensto, Planner II, stated that the open space issue was being addressed as part of the building permit process for the garage, and the petitioner has agreed to modify their plans to come into compliance. The petitioner stated that they would be removing the current sidewalk and wrapping it around the house and removing

asphalt to reduce the width of the driveway. The petitioner added that they will be incorporating permeable pavers that will also be used to replace the existing deck, which will be more aesthetically appealing than all of the paving.

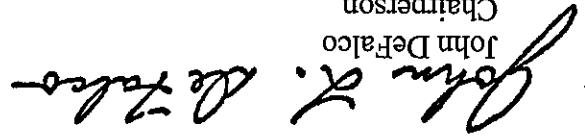
Chairperson Defalco asked if the petitioner's proposed use of permeable pavers has any effect on open space. Ms. Backensto stated that the permeable pavers can assist with drainage issues but are not counted as open space. The petitioner stated that speaking with staff had opened their eyes to the issues of drainage and green space. They will be taking the opportunity to remove existing hardscape to create 52.5% or 53% open space. For what hardscaping they will have, they will be using the permeable pavers because they like the idea of improving drainage.

Mr. Polley asked if the purpose of the new garage was for additional storage. The petitioner stated that it was.

Mr. Polley asked if the garage would have a second story. The petitioner stated that it would not. After due consideration of the submitted petition and the testimony presented for ZBA 07-12, a motion was made by Dr. Corrado to approve the requested variation with the three conditions noted in the staff report. The motion was seconded by Mrs. Newman. 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.

Respectfully,

VILLAGE OF LOMBARD



John Defalco  
Chairperson  
Zoning Board of Appeals

att-

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

**TO:** Zoning Board of Appeals  
**HEARING DATE:** July 25, 2007

**FROM:** Department of Community Development  
PREPARED BY: Matt Tansley  
Community Development Intern

**TITLE**

**ZBA 07-12: 259 N. Garfield:** The petitioner has requested a variation to Section 155.406 (F) (3) to reduce the minimum required interior side yard setback from 9 feet to 7.88 feet to allow for the construction of a second-story addition in the R2 Single-Family Residence District.

**GENERAL INFORMATION**

**Petitioner/Property Owner:** Kathryn E. Wagner  
259 N. Garfield  
Lombard, IL 60148

**PROPERTY INFORMATION**

**Existing Zoning:** R2 Single Family Residential District  
**Existing Land Use:** Single Family Residential  
**Size of Property:** Approximately 7,800 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 June 29, 2007:

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 to the residence and property.

### DESCRIPTION

The residence on the subject property currently has a setback of seven and eighty eight-hundredths feet (7.88') from the northern property line where a nine foot (9') setback is required. The nine foot (9') setback is required to allow for driveway access to the detached garage behind the residence. The petitioner is requesting a second story addition, which would maintain the existing building line relative to the northern property boundary. Because this addition constitutes an expansion of a non-conformity, a variation is required.

## INTER-DEPARTMENTAL REVIEW COMMENTS

### Public Works Engineering

Public Works has no comments on the petition at this time.

### Private Engineering

Private Engineering has no comments on the petition at this time.

### Fire and Building

The Fire Department / Bureau of Inspectional Services has no comments on the petition at this time. Should the petition be approved, the petitioner will be required to apply for a building permit and the plans shall meet the Building Code provisions.

### Planning

Despite the fact that the proposed addition will not further reduce the side yard between the house and property line, a variation is required for the expansion of a non-conforming structure. Section

155.802 of the Zoning Ordinance defines a yard as an open area on the same zoning lot with a building or structure, unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted in Section 155.212 of this Ordinance. Because a yard is a three dimensional space, a vertical addition to the house is viewed as an expansion of a non-conforming structure. The addition, while not affecting the width of the side yard, does further encroach on the "yard space" above the non-conforming structure. As the home was built in 1955, prior to the application of current zoning requirements, the residence is permitted to remain as a non-conforming structure. However, any additions to the structure subsequent to passage of those zoning requirements will be bound by the current regulations.

Staff recognizes that a strict enforcement of the regulation would impose a significant hardship on the property owner. Applying the setback requirements to the second story would require the petitioner to create a 1.2 foot offset from the supporting wall and foundation of the existing residences. Aside from creating an undesirable aesthetic appearance, the offset would also require significant modifications to the existing first floor, as new supporting walls or columns would have to be installed to support the weight of the proposed second floor.

Given the nature of the structural design and the limitations established by the Zoning Ordinance, staff supports the request for a variation. The conditions for seeking a variation are unique to this property and do not represent circumstances that would apply broadly to other residents in the neighborhood. Staff does not view the granting of the requested variation for this property to be detrimental to the welfare of surrounding residents including: the disruption of natural light, the presence of an overbearing structure, interference with proper drainage, or any harmful effect on neighboring property values. Also, it is common for staff to support variations for single-family residential structures that maintain their original building line.

## FINDINGS AND RECOMMENDATIONS

The Department of Community Development has determined that the information presented has **affirmed** the Standards for Variations for the requested relief. 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 requested variation:

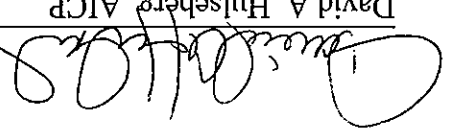
Based on the submitted petition and the testimony presented, the requested variation **does comply** with the Standards required for a variation by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals find that the findings included as part of the Inter-departmental Review Report be the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **approval** of ZBA 07-12, subject to the following conditions:

1. The petitioner shall apply for and receive a building permit for the proposed addition.
2. The proposed addition shall be developed in accordance with the site plan prepared by the petitioner and submitted as part of this request.



3. The variation shall be limited to the existing residence. Shall the existing residence be reconstructed due to damage or destruction by any means, any new buildings or structures shall meet the applicable underlying R2 Single Family Residential District setback requirements.

Inter-Departmental Review Group Report Approved By:

  
David A. Hulseberg, AICP  
Assistant Village Manager

att-  
c: Petitioner

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# Location Map

ZBA 07-12



338	337	336	337	338
334	333	332	333	334
330	329	330	329	330
326	325	326	325	326
322	323	320	323	322
318	319	316	319	318
314	313	312	313	314
310	309	308	309	310
306	305	306	305	306
301	301	150	134	301

260	260	147	135	260
248	250	258	267	248
244	248	256	267	244
240	248	252	263	240
236	242	250	255	236
232	242	246	251	232
228	238	242	247	228
224	238	224	231	224
218	222	220	227	218
214	218	216	223	214
204	207	212	219	204
	203	208	215	
	205	204	211	
	201	150	207	
	202		205	

MARTHA ST

GARFIELD ST

CHARLOTTE ST

VIEW ST

217	201	216	201
262	259	212	205
254	251	216	209
250	247	222	213
244	247	226	217
240	243	232	221
236	237	236	225
232	233	232	229
204	204	236	237
216	216	230	243
		232	247
		208	251
		204	259
		212	201
		208	
		204	
		201	

PRAIRIE AV

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

(ZBA 07-12: 259 N. Garfield Street)

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 406 (F) (6) of the Lombard Zoning Ordinance to reduce the minimum required interior side yard setback from nine feet (9') to seven and eighty-eight hundredths feet (7.88') to allow for the construction of a second-story addition on an existing legal non-conforming residence; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on July 25, 2007 pursuant to appropriate and legal notice; and,

WHEREAS, the Zoning Board of Appeals has forwarded its findings to the Board of Trustees without a recommendation 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 variations.

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 406 (F) (1) of the Lombard Zoning Ordinance to reduce the minimum required interior side yard setback from nine feet (9') to seven and eighty-eight hundredths feet (7.88') to allow for the construction of a second-story addition on an existing legal non-conforming residence.

**SECTION 2:** This ordinance is limited and restricted to the property generally located at 259 N. Garfield Street, Lombard, Illinois, and legally described as follows:

LOT 32 IN BLOCK 8 IN H.O. STONE AND CO.'S ADDITION TO LOMBARD,  
BEING A SUBDIVISION OF PART OF THE SOUTHWEST 1/4 OF SECTION 5 AND  
PART OF THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 39 NORTH, RANGE  
11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT  
THEREOF RECORDED JUNE 26, 1924, AS DOCUMENT 179463, IN DUPAGE  
COUNTY, ILLINOIS.  
Parcel No: 06-05-309-004

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

1. The petitioner shall apply for and receive a building permit for the proposed addition.
2. The proposed addition shall be developed in accordance with the site plan prepared by the petitioner and submitted as part of this request.
3. The variation shall be limited to the existing residence. Shall the existing residence be reconstructed due to damage or destruction by any means, any new buildings or structures shall meet the applicable underlying R2 Single Family Residential District setback requirements.

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