

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: David A. Hulseberg, Village Manager
DATE: March 25, 2011 (B of T) Date: April 7, 2011
TITLE: ZBA 11-01: 533 N Columbine Ave
SUBMITTED BY: Department of Community Development *ML*

BACKGROUND/POLICY IMPLICATIONS:

The Zoning Board of Appeals transmits for your consideration its recommendation relative to the above-mentioned petition. This petition requests that the Village grant a variation from Section 155.407(F)(3) of the Lombard Zoning Ordinance to reduce the interior side yard setback to four and one half (4.5) feet where six (6) feet is required within the R2 Single-Family Residence District.

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

Please place this item on the April 7, 2011 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X *[Signature]* _____ Date 3/29/11

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 WA

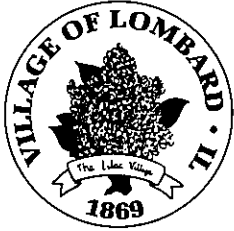
DATE: April 7, 2011

SUBJECT: ZBA 11-01; 533 N. Columbine Ave.

Please find the following items for Village Board consideration as part of the April 7, 2011 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. An Ordinance granting approval of a variation to Section 155.407(F)(3) of the Lombard Zoning Ordinance to reduce the interior side yard setback to four and one half (4.5) feet where six (6) feet is required within the R2 Single-Family Residence District.
3. IDRC report for ZBA 11-01; 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 April 7, 2011 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

Village President
William J. Mueller

April 7, 2011

Village Clerk
Brigitte O'Brien

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

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

Subject: ZBA 11-01; 533 N. Columbine Ave.

Dear President and Trustees:

Village Manager
David A. Hulseberg

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)(3) of the Lombard Zoning Ordinance to reduce the interior side yard setback to four and one half (4.5) feet where six (6) feet is required within the R2 Single-Family Residence District.

The Zoning Board of Appeals conducted a public hearing on March 23, 2011.

"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."

Chairperson DeFalco opened the meeting for public comment.

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

Chris Ikmanis, 533 N. Columbine Ave., presented the petition. Mr. Ikmanis stated that his family currently resides in a raised ranch on the subject property. He then stated that half of his basement is actually his garage. He added that because he has a subterranean garage, there is a flooding problem. Mr. Ikmanis stated that the only way to fix the flooding problem is to close off the garage. He added that his house is already set back further than both of his neighbors and the drainage problem would be fixed if they built the new at-grade garage.

Chairperson DeFalco asked if there was anyone present to speak in favor or against the petition.

Michael Toth, Planner I, presented the staff report. The property contains a raised ranch with a partial subterranean attached garage. The petitioner plans to close off the existing garage and construct an at-grade attached garage. The proposed garage would maintain the existing building line of the existing residence, which is set back 4.85 feet from the northern property line. The Zoning Ordinance requires that the new construction meet an interior side yard setback of six feet (6'). Therefore, a variation is necessary.

The petitioner is proposing to construct a 462 square foot (22'X21') attached garage on the western elevation of the existing residence. The proposed attached garage would maintain the building line of the existing residence, which is set back 4.85 feet from the northern property line (at its closest point). Staff notes that the existing home is slightly angled from the northern property line; therefore, the degree of non-conformity would be slightly increased. However, the increase in non-conformity would equate to less than two (2) inches. These setback deficiencies can be attributed, in part, to the width of the lot being fifty (50) feet. This lot width would be considered substandard by current Zoning Ordinance requirements that lots in the R2 – Single-Family District be sixty feet (60') in width. As the proposed garage is less than 500 square feet, it meets the square footage setback required of front entry attached garages. Staff has also reviewed the front setback provisions for detached single-family residences. When considering the average of the neighboring property's setbacks (36' & 25'), the required front yard setback on the subject property would be required to be no less than thirty and one-half (30.5) feet. As the attached garage addition would place the structure thirty-five (35) feet from the front property line, staff finds that the proposed attached garage meets the front yard setback requirement.

Listed below are several ZBA cases in which similar variation requests were made where the addition holds the setback of the existing residence. Examples of these variations include:

- 1) The property at 219 W. Hickory received approval of a variation to reduce the required interior side yard setback from six feet (6') to two and one-half feet (2.5') for an attached garage (ZBA 06-14).
- 2) The property at 259 N. Garfield received approval of a variation to reduce the required interior side yard setback from nine feet (9') to 7.88 feet for a second story addition holding the previously developed exterior wall of the residence (ZBA 07-12).
- 3) The property at 217 N. Craig Place received approval of a variation to reduce the required interior side yard setback from nine feet (9') to 7.9 feet for a sunroom at the rear of the home holding the previously developed exterior wall of the residence (ZBA 08-03).
- 4) The property at 126 S. Lombard received approval of a variation to reduce the required interior side yard setback from six feet (6') feet to four and one-half feet (4.5') for an addition that held the previous setback line (ZBA 09-04).
- 5) The property at 148 W. Park received approval of a variation to reduce the required interior side yard setback from six feet (6') feet to three feet (3') for an addition that held the previous setback line (ZBA 10-11).

Staff finds that this petition meets the Standards for Variations. The proposed location for the addition and garage are due to the existing configuration of improvements on the lot. The proposed attached garage would be constructed along the same building line as the existing legal non-conforming residence and would only slightly increase the degree non-conformity. Lastly, the southern portion of the neighboring property (directly to the north of the subject property) is improved with a driveway. As such, that residence (539 N. Columbine) has a side yard setback greater than six (6) feet. Furthermore, the separation between the subject principal structure and that of the neighbor to the north would be greater than twelve (12) feet, as demonstrated in Illustration 2.

Concluding, Mr. Toth stated that staff is recommending approval of ZBA 11-01, subject to the five conditions outlined in the staff report.

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

Mr. Ikmanis stated that the garage will actually be 23'X21'.

Mr. Toth asked if the width was being increased.

Mr. Ikmanis responded, yes.

Mr. Toth stated that the garage would still be less than 500 square feet and not be any closer to the property line so that is not an issue.

Chairperson DeFalco stated that at one point the staff report refers to the neighbor to the east as being more than twelve (12) feet from the subject property when it is actually the neighbor to the north. He stated this is only a typo because the staff report does indicate that it is the neighbor to the north.

Mr. Toth stated that he will correct this typo in the staff report.

Mr. Tap asked if the property to the north would be affected by the drainage as the garage would be built at-grade.

Chris Ikmanis stated that the garage would actually sit lower than the neighboring property to the north.

Mr. Toth stated that the Private Engineering Services Division surveyed the area and added a comment in the staff report.

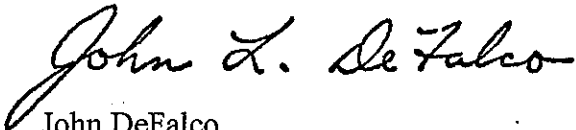
Chairperson DeFalco read the five conditions associated with the case.

On a motion by Bedard and a second by Tap, the Zoning Board of Appeals recommended by a vote of 5 to 0 that the Village Board **approve** the variation associated with ZBA 11-01, subject to the following conditions:

1. The garage shall be developed in accordance with the Site Plan, prepared by the petitioner on the plat of survey prepared by ARS Surveying Service, LLC, dated September 12, 2001.
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 side yard setback.
5. All comments in the Inter-Departmental Review Committee Report shall be satisfactorily addressed.

Respectfully,

VILLAGE OF LOMBARD



John DeFalco
Chairperson
Zoning Board of Appeals

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Zoning Board of Appeals HEARING DATE: March 23, 2011
FROM: Department of Community DEVELOPMENT PREPARED BY: Michael S. Toth
Planner I

TITLE

ZBA 11-01; 533 N. Columbine Ave.: The petitioner requests that the Village grant a variation from Section 155.407(F)(3) of the Lombard Zoning Ordinance to reduce the interior side yard setback to four and one half (4.5) feet where six (6) feet is required within the R2 Single-Family Residence District.

GENERAL INFORMATION

Property Owner/Petitioner: Chris Ikmanis
533 N. Columbine Ave
Lombard, IL 60148

PROPERTY INFORMATION

Existing Zoning: R2 Single-Family Residence District

Existing Land Use: Single-Family Residence

Size of Property: Approximately 13,350 square feet

Surrounding Zoning and Land Use:

North: R2 - Single-Family Residence District; developed as Single-Family Residences

South: R2 Single Family Residence District; developed as Single-Family Residences

East: CR Conservation Recreation District; known as the Broadview Slough

West: R1 - 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 February 18, 2011.

1. Petition for Public Hearing.
2. Response to Applicable Standards.
3. Plat of Survey, prepared by ARS Surveying Service, LLC, dated September 12, 2001.
4. Proposed Site Plan, prepared by the petitioner on the plat of survey prepared by ARS Surveying Service, LLC, dated September 12, 2001.

DESCRIPTION

The property contains a raised ranch with a partial subterranean attached garage. The petitioner plans to close off the existing garage and construct an at-grade attached garage. The proposed garage would maintain the existing building line of the existing residence, which is set back 4.85 feet from the northern property line. The Zoning Ordinance requires that the new construction meet an interior side yard setback of six feet (6'). Therefore, a variation is necessary.

INTER-DEPARTMENTAL REVIEW COMMENTS

ENGINEERING

The PES Division of Community Development has the following comment on the above captioned petition:

- 1) The garage floor will need to be set at an elevation so as to provide a minimum 1% slope towards the ditch in the right-of-way.

PUBLIC WORKS

Public Works Engineering has no comments on this petition.

FIRE

The Fire Departments has no comments.

BUILDING DIVISION

The Building Division has no comments.

PLANNING

The petitioner is proposing to construct a 462 square foot (22'X21') attached garage on the western elevation of the existing residence. The proposed attached garage would maintain the building line of the existing residence, which is set back 4.85 feet from the northern property line (at its closest point). Staff notes that the existing home is slightly angled from the northern property line; therefore, the degree of non-conformity would be slightly increased. However, the increase in non-conformity would equate to less than two (2) inches. These setback deficiencies can be attributed, in part, to the width of the lot being fifty (50) feet. This lot width would be considered substandard by current Zoning Ordinance requirements that lots in the R2 – Single-Family District be sixty feet (60') in width. As the proposed garage is less than 500 square feet, it meets the square footage setback required of front entry attached garages. Staff has also reviewed the front setback provisions for detached single-family residences. When considering the average of the neighboring property's setbacks (36' & 25'), the required front yard setback on the subject property would be required to be no less than thirty and one-half (30.5) feet. As the attached garage addition would place the structure thirty-five (35) feet from the front property line, staff finds that the proposed attached garage meets the front yard setback requirement.

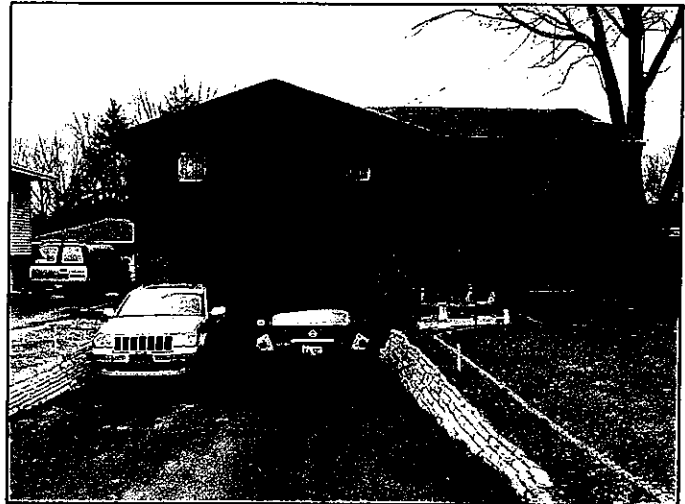


Illustration 1 – Subject Residence

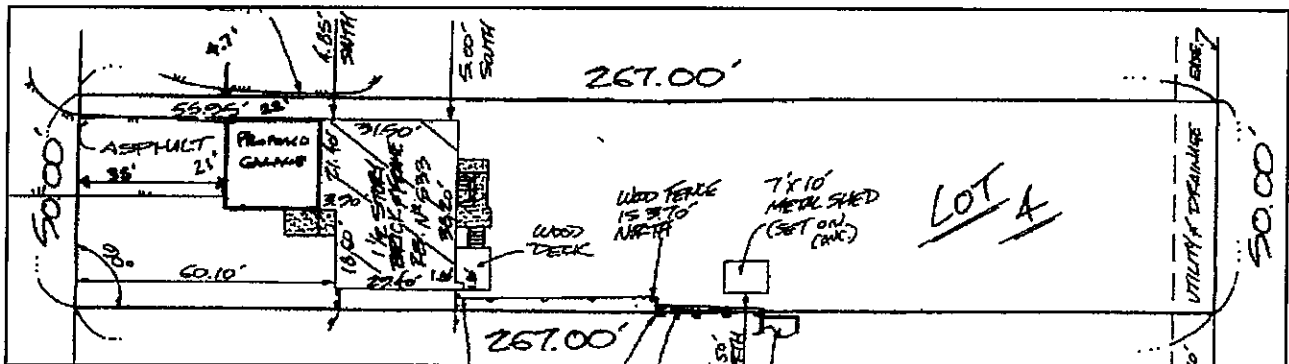


Diagram 1 – Proposed Site Plan

Listed below are several ZBA cases in which similar variation requests were made where the addition holds the setback of the existing residence. Examples of these variations include:

- 1) The property at 219 W. Hickory received approval of a variation to reduce the required interior side yard setback from six feet (6') to two and one-half feet (2.5') for an attached garage (ZBA 06-14).
- 2) The property at 259 N. Garfield received approval of a variation to reduce the required interior side yard setback from nine feet (9') to 7.88 feet for a second story addition holding the previously developed exterior wall of the residence (ZBA 07-12).
- 3) The property at 217 N. Craig Place received approval of a variation to reduce the required interior side yard setback from nine feet (9') to 7.9 feet for a sunroom at the rear of the home holding the previously developed exterior wall of the residence (ZBA 08-03).
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- 5) The property at 148 W. Park received approval of a variation to reduce the required interior side yard setback from six feet (6') feet to three feet (3') for an addition that held the previous setback line (ZBA 10-11).

Staff finds that this petition meets the Standards for Variations. The proposed location for the addition and garage are due to the existing configuration of improvements on the lot. The proposed attached garage would be constructed along the same building line as the existing legal non-conforming residence and would only slightly increase the degree non-conformity. Lastly, the southern portion of the neighboring property (directly to the north of the subject property) is improved with a driveway. As such, that residence (539 N. Columbine) has a side yard setback greater than six (6) feet. Furthermore, the separation between the subject principal structure and that of the neighbor to the north would be greater than twelve (12) feet, as demonstrated in Illustration 2.

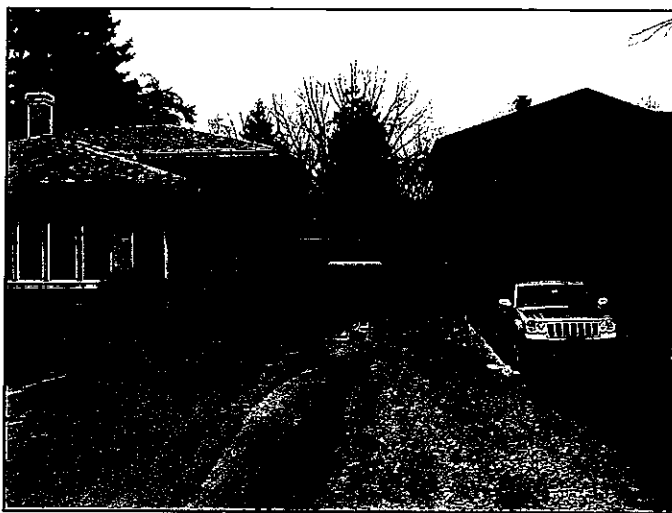


Illustration 2 – Distance Between Residences

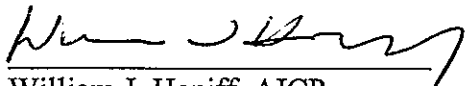
FINDINGS AND RECOMMENDATIONS

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 side yard setback variation:

Based on the submitted petition and the testimony presented, the requested variation complies with the Standards required for a variation by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals recommend to the Corporate Authorities **approval** of ZBA 11-01, subject to the following conditions:

1. The garage shall be developed in accordance with the Site Plan, prepared by the petitioner on the plat of survey prepared by ARS Surveying Service, LLC, dated September 12, 2001.
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 side yard setback.
5. All comments in the Inter-Departmental Review Committee Report shall be satisfactorily addressed.

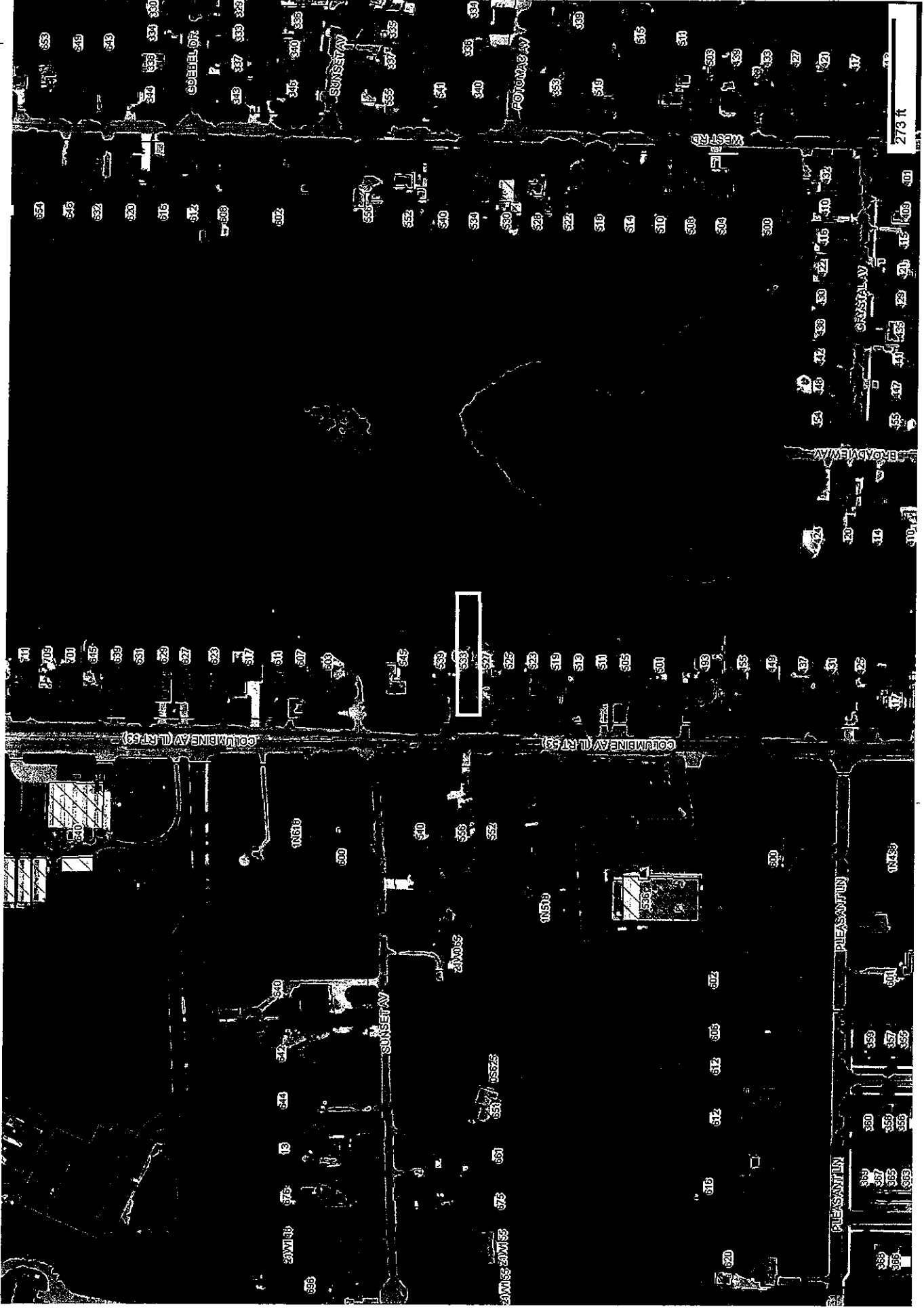
Inter-Departmental Review Group Report Approved By:



William J. Heniff, AICP
Director of Community Development

c: Petitioner

ZBA 11-01: 533 N. Columbine Ave



Chris and KATHY IKMANIS
533 N. Columbine Ave.
Lombard ,IL. 60148

To Whom It May Concern:

We currently live in a raised ranch home on Columbine Ave, half of our basement is our garage, we would like to close our garage and build a new one in front of the existing garage following the line of our home for esthetics to keep the line of the house even. The ordinance is 6 ft from the property line and the new garage would be at 4ft 8in. still plenty of room for a sidewalk. The new garage would not exceed 500 sq ft per code, our only issue is the 6ft variance on the north side property line, the new garage wouldn't protrude past either existing homes on both sides of our house, being that our driveway slants towards our existing garage when we have a lot of rainfall we have water overflowing into our garage, and putting in a new drain is not an option for us, still doesn't correct the existing problem we are having with water. We appreciate your time and reviewing our variance request.

Thank You,
Chris and Kathy Ikmanis

Toth, Michael

From: cikmanis67@comcast.net
Sent: Tuesday, March 15, 2011 12:43 PM
To: Toth, Michael
Cc: cikmanis67@comcast.net
Subject: Fwd: variance

----- Forwarded Message -----

From: tucu22@comcast.net
To: "cikmanis67" <cikmanis67@comcast.net>
Sent: Tuesday, March 15, 2011 11:58:49 AM
Subject: variance

Response To Standards for Variation

1. Our home is built on a lot that doesn't conform within the set standards of the village code, therefore when building the new garage by village standards it would be offset and the overall appearance would look awkward
2. The way our home is situated within the village code we could not make any changes to our home without applying for the variance because of the zoning of our home
3. Currently our driveway is angled downwards and tends to flood during a heavy rainfall, and it would cost more to fix the drain then to close off the existing garage and add a new garage in front of the old one ,we really don't want to spend the money one way or the other but it is a matter of time before the water comes into the house ,it has already reached the garage sub floor leading into the house numerous times
4. We see no hardship to either neighbor by us extending our garage forward, it will not exceed past either house on the sides of us, it is just the ordinance that states 6 feet from the property line that is affecting our decision to correct the problem
5. Our new garage will in no way hinder anything in our neighborhood, if anything it will make the neighborhood look better as our current driveway is not appealing to the eye
6. By granting us this variance we can fix 2 problems with our home in the process, our lowered garage driveway which floods during heavy rainfall, and the unappealing appearance that the running water has done to our driveway therefore we can close the garage, fill in the driveway and build a new garage on top of it and the garage will sit inline with our home not offset, so it wouldn't look out of place, the new garage would be pitched to the culvert in the front of the house
7. We currently live on route 53 it is very dark and a garage in front of our home will only make it lighter ,our new garage will not protrude past either homes on the side of our property ,we have a culvert in front of our home and a flood plane behind our home, we are unaware of any other flood conditions in our neighborhood, as to the public safety issue once again we are set back from both homes on the sides of us and we see no public safety issues caused by the new garage, by allowing us to do this construction to our home it can only add value to our home and the homes around us

Thank You for your consideration, Chris

and Kathy Ikmanis

ORDINANCE NO. _____

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

(ZBA 11-01; 533 N. Columbine Ave.)

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 Section 155.407(F)(3) of the Lombard Zoning Ordinance to reduce the interior side yard setback to four and one half (4.5) feet where six (6) feet is required; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on March 23, 2011 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)(3) of the Lombard Zoning Ordinance to reduce the interior side yard setback to four and one half (4.5) feet where six (6) feet is required.

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

1. The garage shall be developed in accordance with the Site Plan, prepared by the petitioner on the plat of survey prepared by ARS Surveying Service, LLC, dated September 12, 2001.
2. The petitioner shall apply for and receive a building permit for the proposed plans.

Ordinance No. _____

Re: ZBA 11-01

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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 side yard setback.
5. All comments in the Inter-Departmental Review Committee Report shall be satisfactorily addressed.

SECTION 3: This ordinance is limited and restricted to the property generally located at 533 N. Columbine Ave., Lombard, Illinois, and legally described as follows:

LOT 4 IN BLOCK "H" IN LOMBARD TERRACE, BEING A RESUBDIVISION OF PART OF ELMORE'S NORTHVIEW, A SUBDIVISION IN THE NORTH ½ OF SECTION 6, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID LOMBARD TERRACE RECORDED DECEMBER 20, 1923 AS DOCUMENT NO. 341767, IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-06-102-003

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 _____, 2011.

First reading waived by action of the Board of Trustees this _____ day of _____, 2011.

Passed on second reading this _____ day of _____, 2011.

Ayes: _____

Nayes: _____

Absent: _____

Approved this _____ day of _____, 2011

Ordinance No. _____

Re: ZBA 11-01

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William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published by me this _____ day of _____, 2011

Brigitte O'Brien, Village Clerk