

February 17, 2005

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

Subject: ZBA 05-01; 340 W. Central Avenue

Dear President and Trustees:

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioners request a variation from Section 155.406 (F) (4) of the Lombard Zoning Ordinance to reduce the required rear yard setback to approximately 31.65 feet where thirty-five feet (35') is the requirement to allow for the construction of an addition in the R2 Single-Family Residence District.

The Zoning Board of Appeals conducted a public hearing on January 26, 2005. Seymour Turner from Airoom Architects presented the petition. He described the layout of the house on the property. He noted that the house is currently set back thirty feet (30') from the front property line and forty-eight feet (48') from the rear property line. He stated that the proposed addition would extend sixteen feet (16') from the house, creating a 31.65' setback. He mentioned that the design was clipped at the corners to reduce the visual mass of the addition. Mr. Seymour noted that the encroachment into the setback amounted to less than ten percent (10%) of the required setback. Mr. Seymour also presented signatures from neighboring property owners stating that they have no opposition to the proposed addition. He stated that with the thickness of the exterior wall, the interior space would only be fifteen feet six inches (15'6''), and adhering to the required setback would only allow for eleven feet six inches (11'6'').

Mr. Turner referenced the standards for variations. He stated that the hardship was not the lot itself, but the way the house is positioned on the lot. He noted that the garage is right up to the thirty foot front yard setback, while the rest of the house is set back farther behind the garage. He mentioned that neighbors would not be affected because the rear of the house abuts an open field. He also noted that the neighbors had no objections to the addition.

Michelle Kulikowski, Associate Planner, presented the staff report. She stated that the property owner is proposing a one-story to the rear of their home to serve as a family room. She mentioned that the house is currently forty-eight feet (48') from

the rear property line and there is currently a patio that extends (14') feet from the house. She noted that a patio is a permitted obstruction in the required rear yard. She stated that the proposed 364 square foot addition would reduce the rear yard setback from the residence to 31.65 feet.

Ms. Kulikowski stated that staff is not supportive of this variation because the hardship presented is of a personal nature, not one based on the physical attributes of the property. She mentioned that in 2002, the Zoning Board of Appeals recommended denial of ZBA 02-06, which was a similar variation request from the rear yard setback for a property located just one block south of the subject property. She noted an error in the staff report that states the Village Board of Trustees concurred with the recommendation given by the Zoning Board of Appeals to deny the variation. She stated that in fact, the Village Board overturned the recommendation from the Zoning Board of Appeals and approved the variation request.

Ms. Kulikowski discussed the standards for variations as they pertain to this case. She stated that the subject property does not have unique physical limitations that limit the owner from meeting the intent of the ordinance. She noted that the property is a rectangular shaped lot, approximately seventy-five feet (75') by one hundred twenty-five feet (125'). Ms. Kulikowski mentioned that the design and layout of the property is typical of any lot in the R2 Single Family Residential District. She stated that the house is a split-level design, which are common in Lombard. She noted that the thirty-five foot (35') rear yard setback has been consistently applied throughout the Village. She mentioned that the proposed addition could meet the setback requirement if it were to extend twelve feet (12') rather than the proposed sixteen feet (16') from the house. Ms. Kulikowski stated that staff believes that granting the requested relief will set an undesirable precedent. She stated that the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make a motion recommending denial of ZBA 05-01.

Mr. Young asked whether the similar case referenced in the staff report was on a cul-de-sac. Ms. Kulikowski stated that the referenced case was on Jeffrey Court.

Mr. Polley asked what kind of materials would be used on the exterior. Mr. Turner stated that they were using brick veneer for the knee wall. He noted that they were trying to blend the addition with the existing house.

Mr. Polley stated that the proposed family room addition seemed to be very large. Mr. Turner stated that they could entertain the idea of making the room narrower, but could not reduce it to the twelve-foot (12') depth that would be needed to meet code. He noted that with a narrow interior depth of eleven feet six inches (11'6") the room would lose its function.

Mr. Polley stated that granting this variance could result in a series of more requests.

Chairperson DeFalco stated that the neighbor to the west appeared to be setback roughly thirty feet (30') from the rear property line. He mentioned that prior to the re-writing of the Zoning Ordinance,

the rear yard setback was thirty feet (30'). Mr. Turner stated that the house to the west was set back approximately thirty-two feet (32'). Chairperson DeFalco asked how far the neighbor to the east was set back. Mr. Turner stated that the house to the east was roughly in line. Chairperson DeFalco noted that the current neighbors may not have a problem with the addition, but a future neighbor may have a problem with it. Mr. Turner mentioned that with the field behind the house, the change in the rear yard setback as a result of the proposed addition would be an imperceptible difference. Chairperson DeFalco noted that if a fence were placed along the rear property line, it would visually shrink the rear yard, creating a larger impact.

Mr. Young noted that the neighbor to the east would probably want to see the addition because it would give them a nicer view.

Chairperson DeFalco stated that if the house to the west had a fire and wanted to rebuild on the same foundation footprint, they would need a variation. He mentioned that the variation would most likely be granted. He noted that neighboring house had substantial side yard setbacks, approximately twelve feet (12') and thirteen feet (13'). He stated that the current zoning ordinance would allow them to extend within six feet (6') of the side property line. Chairperson DeFalco noted that by extending the house all the way to the minimum required setbacks, a bigger house could be built with the ordinance than with the existing foundation.

Chairperson DeFalco stated that their decision is based on hardship. He asked the board to discuss whether a hardship existed.

Mr. Polley stated that by looking at the floor plans, the addition seems to be bigger than any other room in the house. Mr. Turner stated that the room would serve two functions, as a family room and as a dining room. He mentioned that the property owners plan to reconfigure the kitchen as a future project.

Mrs. Newman stated that the variance was needed because of preference for a larger family room, not because of a hardship. She noted that the property owners knew the limitations of the house they bought it.

Mr. Turner stated that they would lose six inches (6") of interior space with the masonry knee wall. He noted that they are trying to make the addition an attribute.

Chairperson DeFalco also asked if the living room south of the proposed addition is a living room and family room. He noted that bay windows are a permitted encroachment in the rear yard. He asked how far bay windows could encroach. Angela Clark, Planner II, stated that bay windows could encroach three feet (3') into the required rear, front, and corner side yards. Mr. Turner stated that they could not do a bay window because of the first floor deck in relation to grade. He noted that they could do window seats, but that would not meet the client's needs.

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Mr. Polley asked whether the addition would be heated. Mr. Turner stated that it would be heated. He noted that the addition would serve as living space and essentially is an extension of the house.

Chairperson DeFalco asked to revisit the question whether or not there is a hardship.

Mrs. Newman stated that it is a preference, not a hardship.

Chairperson DeFalco asked if anyone would like to make a motion.

Mrs. Newman made a motion to recommend denial of the petition, which was seconded by Chairperson DeFalco. The result of the roll call vote was 3-1 in favor of recommending denial. However, that was not sufficient for a recommendation to the Board. Mr. Young made a motion to recommend approval. There was no second for the motion. Therefore, the Zoning Board of Appeals does not forward a recommendation to the Village Board of Trustees for ZBA 05-01.

Respectfully,

VILLAGE OF LOMBARD

John DeFalco
Chairperson
Zoning Board of Appeals

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