

June 4, 2009

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

**Subject: ZBA 09-04; 126 S. Lombard Avenue**

Dear President and Trustees:

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. 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 feet (4.5') where six feet (6') is required within the R2 Single-Family Residence District.

The Zoning Board of Appeals conducted a public hearing on May 27, 2009.

Chairperson DeFalco opened the meeting for public comment. The petitioner, Rhonda Heabel, presented the petition. Ms. Heabel began by stating the home currently has a setback of 4.5 feet and she would like it to stay this way. This would allow her and her husband to construct a one car attached garage and a dining area.

Scott Heabel, 126 S. Lombard Avenue, stated that they would like to demolish what is currently there and replace it by constructing in the same area. They would just like to update their home.

Chairperson DeFalco asked if anyone was present to speak for or against the petition. There was nobody present to speak for or against the petition.

Chairperson DeFalco then requested the staff report. Stuart Moynihan, Associate Planner, read the staff report. Mr. Moynihan stated that the property contains a two-story single family residence built approximately four and one-half feet (4.5') from the southern side property line. Currently, a carport and a three-season room are the southernmost parts of the residence. The petitioner plans to demolish these areas of the residence in order to construct an attached garage, kitchen, and dining area. The new construction would maintain the current setback of four and one-half feet (4.5'). Due to the demolition, the Zoning Ordinance would require

that the new construction meet an interior side yard setback of six feet (6'). Therefore, a variation is necessary.

The carport and three season room were permitted in 1960 and 1962 respectively and are considered legal non-conforming with regard to the interior side yard setback. These portions of the residence are currently four and one-half feet (4.5') from the side lot line and are one-story in height. The proposed residential addition would occupy the footprint of the carport and three season room as well as additional areas to the east and west. The addition would also be set back four and one-half feet (4.5') and would be one-story in height.

Mr. Moynihan reference five previous variations listed in the staff report in which similar relief was granted.

- 1) The property at 576 Green Valley Drive received approval of a variation to reduce the required interior side yard setback from six feet (6') to two feet (2') for the conversion of a carport into a garage and for a residential addition (ZBA 03-10).
- 2) The property at 828 S. Fairfield 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 a residential addition (ZBA 05-14).
- 3) 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).
- 4) 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).
- 5) 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).

As the proposed addition would maintain the existing building line, it would not increase the degree of encroachment into the existing non-conforming setback. Staff notes that a front-loaded attached garage could not be constructed at the north side of the property as the existing setback is insufficient in this area as well. These setback deficiencies can be attributed, in part, to the width of the lot being fifty feet (50').

The adjacent lot to the south, 128 S. Lombard Avenue, is developed with a single-family residence built approximately 9.8 feet from the property's northern side lot line. The Zoning

Ordinance requires that the northern side yard setback for the 128 S. Lombard Avenue property be nine feet (9') as there is no attached garage. If the proposed addition at 126 S. Lombard Avenue is built at a setback for four and one-half feet (4.5'), the separation between the homes would be approximately 14.3 feet. This distance is greater than the twelve feet (12') that would be established by maintaining the standard code requirement for an interior side yard which is six feet (6') on each property.

In order to avoid the undesired effects of increased physical or perceived bulk to the neighboring properties, staff suggests that a condition be added to any motion for approval that any new construction built within the six foot (6') setback area be limited to one-story in height.

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 and the desire to conserve open space on the property. Mr. Moynihan stated that the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make a motion recommending **approval** of the side yard setback variation subject to the conditions in the staff report.

Chairperson DeFalco then opened the meeting for discussion by the Board Members. He asked if the proposed addition would meet the thirty foot front yard setback. He clarified by stating that the site plan depicts the southern portion of the home at a setback of 29.7 feet.

Mr. Moynihan stated that, although the site plan does not show it, the construction plans show the front wall of the garage set back an additional two feet. Therefore, it would meet the thirty foot setback.

Mr. Tap asked the petitioner if his boat will fit within the garage.

Mr. Heabel stated that he had measured to ensure that it would fit in the garage.

Mr. Tap also stated that there seems to be a large tree where the new construction is proposed.

Mr. Heabel stated that it would have to be removed.

Mr. Young asked if there is a twelve foot separation requirement between buildings and if this would have an effect on the neighboring residence.

Chairperson DeFalco stated that the neighboring residence would have to be setback more than six feet if rebuilt.

Mr. Moynihan stated that this requirement only applies to detached garages.

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Mr. Young asked if the original carport was allowed in the setback as an accessory structure.

Mr. Moynihan stated that the carport would have been considered part of the principal structure as it is attached to the home, just like an attached garage.

Chairperson DeFalco stated that the third condition in the staff report usually has a requirement about 50% of the value of the structure.

Mr. Moynihan stated that this could be added to the condition.

On a motion by Mr. Bedard and a second by Mr. Tap, the Zoning Board of Appeals recommended by a vote of 6 to 0 that the Village Board **approve** a variation to reduce the interior side yard setback to four and one-half feet (4.5') where six feet (6') is required within the R2 Single-Family Residence District, subject to the following conditions:

1. The addition and garage shall be developed in accordance with the site plan drawn on the August 8, 2000 Plat of Survey submitted April 23, 2009 as part of this petition.
2. The proposed addition and garage along with any future additions to the residence, which are set back less than six feet (6') from the interior side property line, shall not exceed a height of one-story.
3. The variation shall only apply to the proposed addition and the existing residence. Should the existing residence be damaged or destroyed by any means, to the extent of more than fifty percent (50%) of the fair market value of the residence, any new structures shall meet the full provisions of the Zoning Ordinance.

Respectfully,

VILLAGE OF LOMBARD

John DeFalco  
Chairperson  
Zoning Board of Appeals