

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

 X Resolution or Ordinance (Blue) X *Waiver of First Requested*
 X Recommendations of Boards, Commissions & Committees (Green)
_____ Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott R. Niehaus, Village Manager

DATE: June 9, 2014 (B of T) Date: June 19, 2014

TITLE: ZBA 14-06; 505 E Sunset Avenue

SUBMITTED BY: Department of Community Development *NS*

BACKGROUND/POLICY IMPLICATIONS:

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioner requests that the Village grant the following variation for the above referenced address and within the R2 Single Family Residential Zoning District:

A variation from Section 155.407(F) (4) of the Lombard Zoning Ordinance to reduce the required rear yard setback from thirty-five feet (35') to a thirty feet (30') rear yard setback for an addition to an existing single family residence. (DISTRICT #4)

The Zoning Board of Appeals recommended approval of this petition by a vote of 6 to 0.

The petitioner requests a waiver of first reading of the Ordinance.

Fiscal Impact/Funding Source:

Review (as necessary):
Village Attorney X _____ Date _____

Finance Director X _____ Date _____

Village Manager X _____ 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: Scott R. Niehaus, Village Manager

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

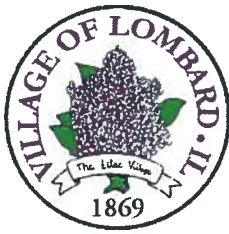
DATE: June 19, 2014

SUBJECT: ZBA 14-06; 505 E. Sunset Avenue

Please find the following items for Village Board consideration as part of the June 19, 2014 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 14-06;
3. Response to Standards for a Variation;
4. An Ordinance granting approval of a requested variation to reduce the required thirty-five foot (35') rear yard setback to thirty feet (30') for an addition to an existing single family residence.
5. Plans associated with the petition.

The Zoning Board of Appeals unanimously recommended approval of this petition, subject to conditions. Please place this petition on the June 19, 2014 Board of Trustees agenda. The petitioner requests a waiver of first reading of the Ordinance.



VILLAGE OF LOMBARD

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

June 19, 2014

Village President
Keith T. Giagnorio

Village Clerk
Sharon Kuderna

Trustees

Dan Whittington, Dist. 1
Michael A. Fugiel, Dist. 2
Reid Foltyniewicz, Dist. 3
Peter Breen, Dist. 4
Laura A. Fitzpatrick, Dist. 5
William "Bill" Ware, Dist. 6

Village Manager
Scott R. Niehaus

"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."

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

Mr. Keith Giagnorio
Village President, and
Board of Trustees
Village of Lombard

Subject: ZBA 14-06; 505 E Sunset 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 the following variation for the above referenced address and within the R2 Single Family Residential Zoning District:

A variation from Section 155.407(F) (4) of the Lombard Zoning Ordinance to reduce the required rear yard setback from thirty-five feet (35') to a thirty feet (30') rear yard setback for an addition to an existing single family residence.

The Zoning Board of Appeals conducted a public hearing on May 28, 2014.

Mr. Darrel Panfil presented the petition stating he was requesting a variation of the rear 35 foot setback. His house was built in 1959 and there is currently a detached garage. He would like to build an attached garage in line with the existing home and demo the detached garage. The new garage would be for safety, aesthetics, and convenience. He stated he has done a lot of work on the property to improve the value and this is the final project for the home.

Chairman DeFalco questioned if there was anyone present to speak in favor of or against the petition. Hearing none, staff was asked for their presentation.

Tami Urish, Planner I, stated that the IDRC report is to be entered into the public record in its entirety. Ms. Urish stated that the new garage would increase the open space on the lot. Due to this being a

Re: ZBA 14-06
June 19, 2014
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corner lot there are placement issues. Staff supports this variation based on precedence of past petitions and the existing location of the principal structure.

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

Chairman DeFalco noted there is a 10 foot easement on the property and Mr. Panfil said that will be maintained.

Mr. Tap clarified that with the new garage the open space requirement will meet code and Ms. Urish said yes.

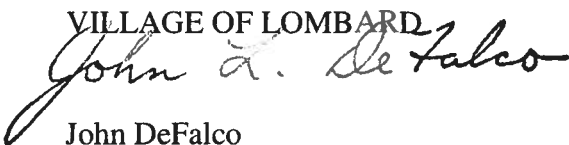
Chairman DeFalco said it appears the property grading drops near the garage. Mr. Panfil said it does. Chairman DeFalco and Ms. Urish clarified that a permit would be needed for any grade changes.

A motion was made by Mr. Tap, seconded by Ms. Newman, that the Zoning Board of Appeals recommends the variations for approval by a vote of 6 to 0 to the Village Board, subject to five conditions.

1. The subject property shall be developed in substantial conformance with the building plans and site plan drawn by the petitioner on the plat of survey, prepared by ARS Surveying Service LLC, dated May 28, 2002.
2. The petitioner shall apply for and receive a building permit for the proposed plans.
3. The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report.
4. 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.
5. 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 rear yard setback.

Respectfully,

VILLAGE OF LOMBARD



John DeFalco
Chairperson
Zoning Board of Appeals

MAY 28, 2014

Title

ZBA 14-06

Petitioner & Property Owner

Darrel Panfil
505 E. Sunset Avenue
Lombard, IL 60148

Property Location

505 E. Sunset Avenue
(06-05-211-001)
Trustee District: #4

Zoning

R2 Single Family Residence
(Lombard Vista Subdivision)

Existing Land Use

Single Family Home

Comprehensive Plan

Low Density Residential

Approval Sought

A variation to reduce the required thirty-five foot (35') rear yard setback to thirty feet (30') for an addition to an existing single family residence.

Prepared By

Tami Urish
Planner I



LOCATION MAP

PROJECT DESCRIPTION

The petitioner is proposing to construct an approximately 405 square foot addition to the existing structure. The addition will provide a new one and one-half (1 1/2) car attached garage. As part of the overall project, the existing one and one-half (1 1/2) car detached garage on the east side of the property will be removed. Also, an addition will be constructed onto the other existing detached garage on the west side of the property in which a variance is not required.

APPROVALS REQUIRED

Section 155.407 (F)(2) requires a minimum thirty-five foot (35') rear yard setback. As such, the existing home is a non-conforming structure due to its thirty foot (30') rear yard setback. Even though the proposed addition will not increase said rear yard encroachment, a variation is required.

EXISTING CONDITIONS

The property contains an approximately 1,043 square foot two-story frame single family residence with two detached garages and associated driveways. The detached garage adjacent to the house with access to Sunset Avenue is approximately 268 square feet and the other detached garage with access to Fairfield Avenue is approximately 519 square feet. The home was constructed with

PROJECT STATS

Lot & Bulk (Proposed)

Parcel Size: 12,882 sq. ft.
Building Footprint: 1,043 sq. ft.
Lot Coverage: 30%

Reqd. Setbacks & Proposed Dimensions (In parens.)

Front (Sunset) 30' (44.2')
Side (east) 6' (24.0')
Corner Side (Fairfield) 20' (35.3')
Rear (south) 30.0' (35')

Submittals

1. Petition for Public Hearing
2. Response to Standards for Variation
3. Site Plan, prepared and submitted by homeowner April 18, 2014
4. Front, East and Rear Elevations, prepared and submitted by homeowner April 18, 2014
5. Plat of Survey, prepared by ARS Surveying Services, LLC, dated May 28, 2002.

only a thirty foot (30') rear yard setback and is therefore a legal non-conforming structure.

The property is located at the southeast corner of Sunset Avenue and Fairfield Avenue. The front property line is along Sunset Avenue and the corner side yard is along Fairfield Avenue.

Also, this property is a reverse corner lot. As seen below, the surrounding neighborhood is single family homes.

Surrounding Zoning & Land Use Compatibility

	Zoning Districts	Land Use
North	R2 / Sunset Ave.	Single Family Home
South	R2	Single Family Home
East	R2	Single Family Home
West	R2 / Fairfield Ave.	Single Family Home

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no issues or concerns regarding the project. A full review will be conducted during the building permit review process.

Fire Department:

The Fire Department has no issues or concerns regarding the project.

Private Engineering Services:

Private Engineering Services (PES) notes the following:
Adequate drainage is required between the proposed attached garage addition and the property line, so as not to negatively affect the neighboring properties.

Public Works:

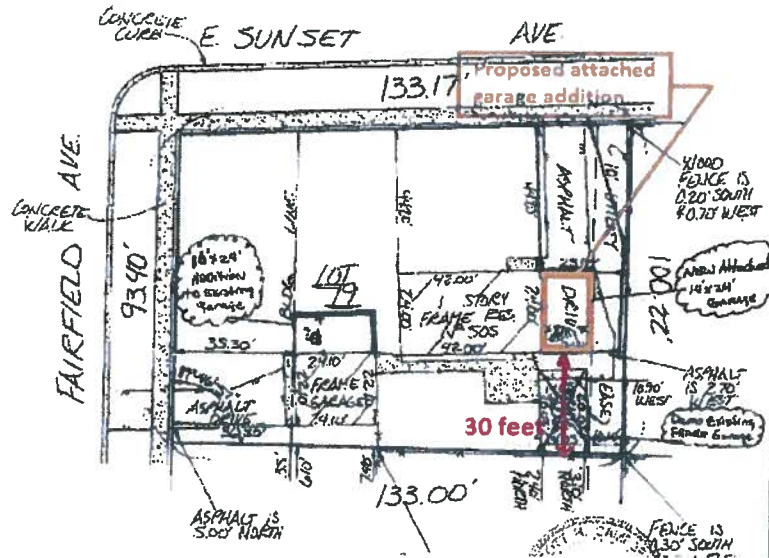
The Department of Public Works has no issues or concerns regarding the project.

Planning Services Division:

A variation may only be granted if there is a demonstrated hardship that distinguishes the subject property from other properties in the area. Within their response to the Standards for a Variation, the petitioner cites that the placement of the building on the property lines was when the home was built in 1959, and therefore this is a common variance for the same or similar properties. Staff can

support the variation from the corner side yard setback for the following reasons:

1. The subject property is 12,882 square and the placement of the existing principal structure does not meet the current Zoning Ordinance but may have in 1959.
2. There is precedence for variations to rear yard setbacks on similar lots to allow for the construction of a single family home.



In addition, staff finds that the request is simply a replacement of one of the detached garages for an attached garage that will utilize the existing driveway. The proposed attached garage would be constructed on the existing driveway and the detached garage would be removed, therefore increasing the open space on the property.

In order to be granted a variation the petitioner must show that they have affirmed each of the Standards for a Variation. Staff finds that the standards have been affirmed for the rear yard setback variation. In regards to the rear yard setback staff finds that standards three, five, six, and seven have been affirmed; however the following standards have not been affirmed:

1. *Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.*

Staff finds that there are no unique physical surroundings, shape, or topographical conditions specific to the subject property that result in a hardship to the owner. The petitioner has the ability to expand the existing detached garage to meet the parking and storage needs of a single family home. However, this proposal is a more efficient use of space.

2. *The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification.*

There are similar lots within the Village's R2 Single Family Residence Zoning District that are legal non-conforming in regards to structure placement and the rear yard setback. However, the request for a rear yard setback is not related to these issues, but rather the preference for an attached garage in addition to an existing detached garage.

In consideration of precedent, staff has identified the most similar cases that appeared before the Zoning Board of Appeals recently:

CASE NO.	DATE	ADDRESS	SUMMARY	ZBA	BoT
ZBA 10-13	12/15/2010	320 S. Martha Court	23' Rear Yard	Approved, 5-0	Approved, 6-0
ZBA 13-01	2/7/2013	236 E. Morningside Ave.	15.7' Corner Side Yard & 29.5' Rear Yard	Approved, 4-0	Approved, 6-0
ZBA 14-03	4/23/2014	304 N. Park Avenue	11.9' Corner Side Yard & 25' Rear Yard	Partial approval (not on rear portion)	Approved, 6-0

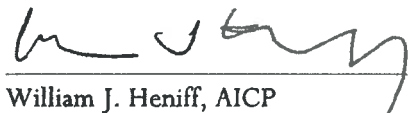
FINDINGS & RECOMMENDATIONS

The Department of Community Development has determined that the information presented **has affirmed** the Standards for Variations for the requested rear yard setback. 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 aforementioned corner side yard setback variation:

Based on the submitted petition and the testimony presented, the requested variation to reduce the rear yard setback **does comply** with the Standards for Variations in 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 Committee Report be the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **approval** of ZBA 14-06, subject to the following conditions:

- 1) The subject property shall be developed in substantial conformance with the building plans and site plan drawn by the petitioner on the plat of survey, prepared by ARS Surveying Service LLC, dated May 28, 2002.
- 2) The petitioner shall apply for and receive a building permit for the proposed plans.
- 3) The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report.
- 4) 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.
- 5) 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 rear yard setback.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

c. Petitioner

EXHIBIT B: SITE PLAN

PANEL RES

ARS Surveying Service, LLC

108 Lee Lane

Bolingbrook, IL 60440

Phone (630) 226-9200

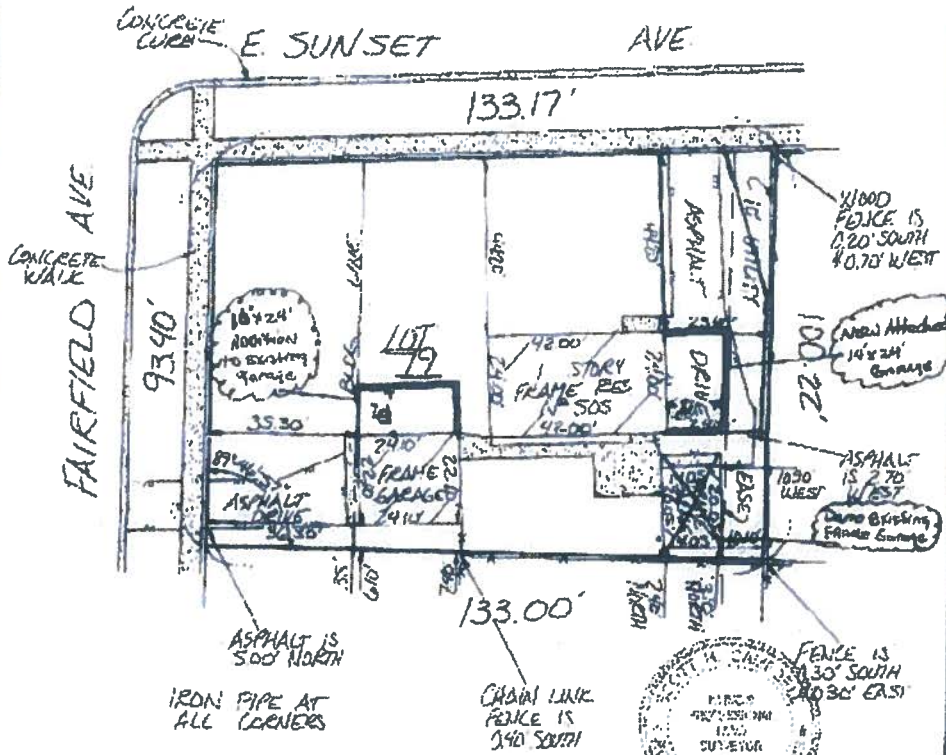
Fax (630) 226-9234

PLAT OF SURVEY

N

Scale 1" = 30'

LOT 19 IN BLOCK 6 IN LOMBARD VISTA, A SUBDIVISION OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 AND THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 5, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 14, 1927 AS DOCUMENT 247024, IN DUPAGE COUNTY, ILLINOIS.



State of Illinois }
County of Will } SS

I, Scott H. Campbell, an Illinois Professional Land Surveyor, do hereby certify that "This professional service conforms to the current Illinois minimum standards for a boundary survey", and that the plan hereon shown is a correct representation of said survey.

Dated, this 28th day of MAY, A.D., 2002, at Bolingbrook, Illinois.

Illinois Professional Land Surveyor No. 3792

Client KONRARDY

Job No. 48621-02

License expiration date November 30, 2005
Illinois Business Registration No. 0044574-G

Date fieldwork performed 5-23-02

SECTION 155.103.C.7 OF THE LOMBARD ZONING ORDINANCE:

1. Owner would result in hardship if the strict letter of regulations were to be applied; resulting in violation of my personal security, as well as our property (vehicles, bicycles, yard equipment, portable generator...etc,)
2. Due to the section of land and placement of the building on property lines when built in 1959, this is not a common variance for the same or similar properties zoning classifications.
3. But to add aesthetics to the existing structure and provide security and shelter to homeowner and vehicles.
4. The current building zone codes require 35 feet of backyard property space of which said property cannot accommodate due to the original structure being built in 1959.
5. The attached structure with the purpose of housing vehicles will be built and remain structurally sound and meet all current building codes!
6. And, will allow sufficient shelter for our vehicles as well as additional character of foresaid property and surrounding neighborhood blocks.
7. The garage will be structurally sound, have proper drainage, service door for emergency exit, and will not impair or alter an inadequate supply of light or air to adjacent properties.

ORDINANCE NO. _____

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

(ZBA 14-06; 505 E. Sunset Avenue)

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)(2) of the Lombard Zoning Ordinance to reduce the required thirty-five foot (35') rear yard setback to thirty feet (30') to allow for the construction of an addition to an existing single family residence.

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on May 28, 2014 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 rear yard 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 155.407 (F)(2) of the Lombard Zoning Ordinance to reduce the required thirty-five foot (35') rear yard setback to thirty feet (30') to allow for the construction of an addition to an existing single family residence.

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 plans and site plan submitted on May 1, 2014 and drawn by the petitioner on the plat of survey, prepared by ARS Surveying Service LLC, dated May 28, 2002.
2. The petitioner shall apply for and receive a building permit for the proposed plans.

Ordinance No. _____

Re: ZBA 14-06

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3. The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report.
4. 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.
5. 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 rear yard setback.

SECTION 3: This ordinance is limited and restricted to the property generally located at 505 E. Sunset Avenue, Lombard, Illinois, and legally described as follows:

LOT 19 IN BLOCK 6 IN LOMBARD VISTA, A SUBDIVISION OF THE SOUTH ½ OF THE NORTHEAST ¼ AND THE NORTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 5, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 14, 1927 AS DOCUMENT 243024, IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-05-211-001

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 _____, 2014.

First reading waived by action of the Board of Trustees this _____ day of _____, 2014.

Passed on second reading this _____ day of _____, 2014.

Ayes: _____

Nayes: _____

Absent: _____

Approved this _____ day of _____, 2014

Ordinance No. _____

Re: ZBA 14-06

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Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published by me this _____ day of _____, 2014

Sharon Kuderna, Village Clerk

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