

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

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

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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

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