

September 7, 2005

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

**Subject: ZBA 05-14; 828 S. Fairfield**

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 from Section 155.205(F)(3) of the Lombard Zoning Ordinance to two and a half feet (2.5') in the R2 Single-Family Residence District.

The Zoning Board of Appeals conducted a public hearing on August 24, 2005. Michael Niforatos presented the petition. Mr. Niforatos noted the required six (6) foot setback. He stated that the home was constructed in 1955 and has a two and a half (2.5) foot setback on either side. He stated that the house is twenty-four (24) feet and six (6) inches in length and seventeen (17) feet in height. He stated that he would like to extend the wall seven (7) feet and raise the peak of the roof. Mr. Niforatos stated that he understands the setback requirements and recognizes that they are intended to provide certain openness to the neighborhood. He stated that the house to the south has an eleven (11) foot setback. He stated that if his request were approved, the separation from the neighboring property would still be larger than required by Village code.

Mr. Niforatos noted the standards for variation that were referenced in the staff report. He stated that there is room to the rear of the residence, however it would double the cost of construction. He stated that he did not feel it would be to the detriment of other properties as an encroachment already existed. He stated that the structure in question is already in place. He stated that there would not be a greater risk of fire hazard. He stated that the adjacent property's driveway is next to his home. He stated that there is thirty-five (35) feet between the adjacent house and his residence. Mr. Niforatos stated that the addition is intended to accommodate an expected family. He stated that his wife has lived in Lombard all of her life

and they would like to raise their family here. He stated that without the variation the house would appear unbalanced if they were to shift the addition in to meet the setback requirements. He stated that he would like to raise the roof line across that side of the house if the variation were denied.

Chairperson DeFalco opened the meeting for public comment. No one spoke for or against the petition.

Chairperson DeFalco requested the staff report. Angela Clark, Planner II, presented the staff report. Ms. Clark stated that the petitioner's residence was currently nonconforming as it was two and a half (2.5) feet from both property lines. She stated that since the addition would further increase the degree of the nonconformity a variation would be required. She stated that staff has traditionally supported variations that maintained the existing building line, however staff had several concerns as it related to the petitioner's property. She stated that a number of similar variations supported by staff were on existing lots where the lots were substandard in width and the residences were not located as close as the petitioner's to neighboring structures. She stated that staff found that there was sufficient room to build to the rear of the residence or code could be met by modifying the addition so that the new portion would meet the setback requirements. Ms. Clark stated that there were no physical hardships associated with the property and the new addition could further increase the risk for potential fire and safety hazards. Ms. Clark stated that staff was not supportive of the petition.

Chairperson DeFalco opened the meeting for discussion among the members.

Mr. Young stated that there was a previous petition that appeared before the Zoning Board in which staff supported the enclosure of a carport that was located within the required interior side yard. He referenced a home on Green Valley Drive. Mr. Young asked if there was a requirement for structures to be a minimum of twelve (12) feet from neighboring structures. He noted the distance of the petitioner's residence from the neighboring house where the proposed addition would take place. He asked if the neighboring property owner would be permitted to construct an addition closer than twelve feet from the petitioner's property.

Ms. Clark stated that structures on lots must be located a minimum of twelve (12) feet from the principal structure on neighboring lots. Ms. Clark stated that the neighboring property could add an addition to their home as close as six feet to the property line, placing eight feet between the two residences. She stated that the nonconformity on the petitioner's lot would not prevent the neighboring owner from constructing to code.

Mr. Young asked if it would be to the petitioner's detriment to construct an addition that close. Chairperson DeFalco stated that it would be to the neighboring property owner's detriment to be located that close. Chairperson DeFalco stated that the petitioner's block has experienced tear down activity. He stated that there are newly constructed homes on the block. He referenced a house under construction across the street from the petitioner's property. He stated that the most new homes are maximizing the lot and being constructed right up to the setback requirements.

Mr. Niforatos stated that if the neighbor's home were reconstructed to the present setbacks there would be eight and a half (8.5) feet between the two residences.

Mr. Bedard noted the existing nonconformities on the petitioner's lot. He stated that the degree of the nonconformity would not be greater if the addition were constructed. He also noted the distance from the neighboring house.

Mrs. Newman asked if there were any other reasons other than monetary reasons for not wanting to construct to the rear of the residence. Mr. Niforatos stated that the second story of the house would need reconstructing if the addition were done to the rear. He noted the locations of the bedrooms and the bathroom.

Mr. Young stated that previous requests for interior side yard variations have passed. He stated that the nonconformity would not be greater than the existing nonconformity.

After due consideration of the submitted petition and the testimony presented, the Zoning Board of Appeals submits this petition to the Corporate Authorities with a recommendation of approval for the requested variation. The role call vote was 4 to 1.

Respectfully,

**VILLAGE OF LOMBARD**

John DeFalco  
Chairperson  
Zoning Board of Appeals