

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: April 8, 2008 (B of T) Date: April 17, 2008

TITLE: ZBA 08-03: 217 N. Craig Place

SUBMITTED BY: Department of Community Development *DJ/AB*

BACKGROUND/POLICY IMPLICATIONS:

The Zoning Board of Appeals transmits for your consideration its recommendation relative to the above-mentioned petition. This petition 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 (7.9') feet where nine feet (9') is required within the R2 Single-Family Residence District. (DISTRICT #4)

The ZBA recommended approval of this petition with amended conditions.

Please place this item on the April 17, 2008 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X \_\_\_\_\_

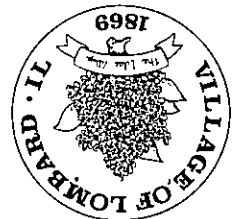
Finance Director X \_\_\_\_\_

Village Manager X *William T. Lichter*

Date \_\_\_\_\_  
Date \_\_\_\_\_  
Date *4/10/08*

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:** William T. Lichter, Village Manager  
**FROM:** David A. Hulseberg, AICP  
Assistant Village Manager/Director of Community Development  
OH/wjh

**DATE:** April 17, 2008

**SUBJECT:** ZBA 08-03: 217 N. Craig Place

Please find the following items for Village Board consideration as part of the April 17, 2008 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 08-03;
3. An Ordinance granting approval of the requested variation from Section 155.407(F)(3) of the Lombard Zoning Ordinance to reduce the interior side yard setback to (7.9') feet where nine feet (9') is required; and,
3. Plans associated with the petition.

Please contact me if you have any questions regarding the aforementioned materials.





**VILLAGE OF LOMBARD**

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Lombard, IL 60148-3931  
(630) 620-5700 FAX: (630) 620-8222  
TDD: (630) 620-5811  
www.villageoflombard.org

April 17, 2008

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

Village of Lombard

**Subject: ZBA 08-03; 217 N. Craig Place**

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 (7.9') feet where nine feet (9') is required within the R2 Single-Family Residence District.

The Zoning Board of Appeals conducted a public hearing on March 26, 2008.

Chairperson Defalco opened the meeting for public comment. The petitioner, Cher Angeles, presented the petition. Ms. Angeles began by stating that her parents were long time residents of Illinois but moved to Florida when they became older. Illnesses forced her parents to move back so that they could be cared for by family. One of their daughters lives nearby at 230 N. Craig Place. So, they purchased the home at 217 N. Craig Place to be close by. Other family members are within a short drive. Ms. Angeles stated that her parents miss Florida. She wants to be able to give them a sunroom to enjoy the sunshine during part of the year. She also would like to give them a little more living space. Ms. Angeles stated that her intent is to make her parents' older years a little more enjoyable.

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 one-story single family residence built approximately 7.9 feet from the northern side property line. The petitioner plans to erect a sunroom on the footprint of an existing wood deck attached to the rear of the home. The addition will utilize the posts of the existing deck. As there is no attached garage, the Lombard Zoning

"Our shared *Vision* for Lombard is a community of excellence exemplified by its government working together with residents and business 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."

Village President  
William J. Mueller  
Village Clerk  
Britte O'Brien  
Trustees  
Greg Alan Cron, Dist. 1  
Richard J. Tross, Dist. 2  
John "Jack" T. O'Brien, Dist. 3  
Dana L. Moreau, Dist. 4  
Laura A. Fitzpatrick, Dist. 5  
Rick Soderstrom, Dist. 6  
Village Manager  
William T. Lichter

Ordinance requires that one interior side yard setback be a minimum of 9 feet. Therefore, the house is legal non-conforming and will require a variation for the proposed construction. The sunroom will maintain the current side yard setback of 7.9 feet.

According to Section 155.212, decks that are not over three feet above the average level of the ground and that maintain a minimum two (2) foot side yard are permitted encroachments the required interior side yard. Therefore, the petitioner's deck is permitted in its current condition. Granting this variation would address the existing nonconformities on the property as well as the new sunroom.

Setbacks are required to control bulk on property. Without such requirements structures could be built without adequate space for health and safety. Setbacks also preserve the suburban character of the area. For these reasons staff usually does not support setback variations unless a hardship can be shown that pertains to the physical attributes of the property.

There are several ZBA cases that provide precedence for the requested variation where the addition holds the setback of the existing residence and does not further encroach into the requisite yard. Examples of these variations include:

- 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 a 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 a 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).

The proposed addition would maintain the existing building line and would not increase the degree of encroachment into the existing non-conforming setback. There are no similar cases in the immediately surrounding neighborhood to provide additional precedent for this case.

Staff finds that this petition meets the Standards for Variations. The proposed location for the sunroom is the only option at the rear of the house due to the location of windows, meters, and the only rear access door. The deck will be constructed upon a legal non-conforming structure, maintaining the building line, and would therefore not increase the setback non-conformity. The

proposed addition would neither be out of character in the neighborhood nor detrimental to the public welfare or other the neighborhood properties.

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 two conditions in the staff report.

Chairperson DeFalco then opened the meeting for discussion by the Board Members.

Mr. Tap suggested an additional condition should be added to the motion for approval. This condition was that the petitioner will apply for and receive a building permit.

Chairperson DeFalco suggested that another condition should be added. This condition was that the approval of the side yard setback variation would apply only to the proposed construction and that if fifty (50) percent or more of the home is destroyed, the variation will no longer be applicable to the property.

Mr. Bedard suggested that a condition limiting the depth of the side yard setback variation should not extend further back into the property than the plans require. However, Mr. Young pointed out this was not necessary as the approval would only apply to the approved plans. This was agreed upon.

On a motion by Mr. Young and a second by Mr. Bedard, 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 (7.9') feet where nine feet (9') is required within the R2 Single-Family Residence District, subject to the following conditions:

1. The addition to the single-family residence shall be developed in accordance with the site plan drawn on the June 6, 2003 Plat of Survey submitted February 20, 2008 as part of this petition; and

2. The petitioner will apply for and receive a building permit.

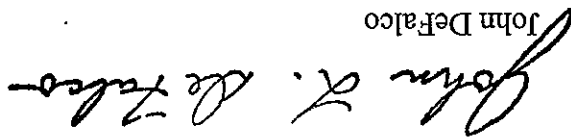
3. The variation shall only apply to the proposed construction and submitted plans, and that if fifty (50) percent or more of the home is destroyed, the variation will no longer be applicable to the property.

4. The proposed development shall meet all codes of the Village of Lombard.

Respectfully,

Re: ZBA 08-03  
April 17, 2008  
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VILLAGE OF LOMBARD



John DeFalco

Chairperson  
Zoning Board of Appeals

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**VILLAGE OF LOMBARD  
INTER-DEPARTMENTAL REVIEW GROUP REPORT**

**TO:** Zoning Board of Appeals  
**FROM:** Department of Community Development  
**PREPARED BY:** Stuart Moynihan Associate Planner

**HEARING DATE:** March 26, 2008

**TITLE**

**ZBA 08-03; 217 N. Craig Place:** 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 (7.9') feet where nine feet (9') is required within the R2 Single-Family Residence District.

**GENERAL INFORMATION**

**Petitioner/Property Owner:**

Cher Angeles  
217 N. Craig Place  
Lombard, IL 60148

**PROPERTY INFORMATION**

**Existing Zoning:** R2 Single-Family Residence District

**Existing Land Use:**

Single-Family Residence

**Size of Property:**

Approximately 6,800 square feet

**Surrounding Zoning and Land Use:**

**North:** R2 Single-Family Residence District; Single-Family Residences  
**South:** R2 Single Family Residence District; Single Family Residences  
**East:** R2 Single-Family Residence District; Single-Family Residences  
**West:** R2 Single-Family Residence District; Single-Family Residences

## ANALYSIS

### SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development on February 20, 2008.

1. Petition for Public Hearing.
2. Response to Applicable Standards.
3. Plat of Survey, prepared by Landmark Engineering Corp., dated June 5, 2003.
4. Architectural drawings, prepared by Jeffrey J. Heaney, Architect, dated December 13, 2007.

### DESCRIPTION

The property contains a one-story single family residence built approximately 7.9 feet from the northern side property line. The petitioner plans to erect a sunroom on the footprint of an existing wood deck attached to the rear of the home. The addition will utilize the posts of the existing deck. As there is no attached garage, the Lombard Zoning Ordinance requires that one interior side yard setback be a minimum of 9 feet. Therefore, the house is legal non-conforming and will require a variation for the proposed construction. The sunroom will maintain the current side yard setback of 7.9 feet.

### INTER-DEPARTMENTAL REVIEW COMMENTS

#### ENGINEERING

##### Private Engineering Services

The Private Engineering Services Division has no comments at this time. Additional comments will be provided as part of the building permit submittal.

##### Public Works Engineering

The Engineering Division of Public Works has no concerns regarding the petitioner's request.

#### FIRE AND BUILDING

The Bureau of Inspectional Services has no comments regarding the request at this time.

## PLANNING

The house was constructed in 1955 and is considered a legal non-conforming structure. The house is currently 7.9 feet from the side lot line as is the existing rear deck which the sunroom will replace. According to Section 155.212, decks that are not over three feet above the average level of the ground and that maintain a minimum two (2) foot side yard are permitted encroachments the required interior side yard. Therefore, the petitioner's deck is permitted in its current condition. Granting this variation would address the existing nonconformities on the property as well as the new sunroom.

The proposed addition will not violate the 50 percent open space requirement. Open space on the property currently stands at 64.1 percent and would not be significantly changed by the proposed sunroom.

Setbacks are required to control bulk on property. Without such requirements structures could be built without adequate space for health and safety. Setbacks also preserve the suburban character of the area, help prevent over intensified use and help ensure that lots do not have the appearance of being overbuilt. For these reasons staff usually does not support setback variations unless a hardship can be shown that pertains to the physical attributes of the property.

There are several ZBA cases that provide precedence for the requested variation where the addition holds the setback of the existing residence and does not further encroach into the requisite yard. Examples of these variations include:

- 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 a 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 a 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).

The proposed addition would maintain the existing building line and would not increase the degree of encroachment into the existing non-conforming setback. There are no similar cases in the immediately surrounding neighborhood to provide additional precedent for this case.

Rear of Subject Property and Current Wood Deck



Staff finds that this petition meets the Standards for Variations. The proposed location for the sunroom is the only option at the rear of the house due to the location of windows, meters, and the only rear access door. The deck will be construction upon a legal non-conforming structure, maintaining the building line, and would therefore not increase the setback non-conformity. The proposed addition would neither be out of character in the neighborhood nor detrimental to the public welfare or other the neighborhood properties.

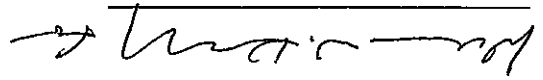
## FINDINGS AND RECOMMENDATIONS

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

Based on the submitted petition and the testimony presented, the requested variation complies with the Standards required for a variation by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals recommend to the Corporate Authorities **approval** of ZBA 08-03, subject to the following conditions:

1. The addition to the single-family residence shall be developed in accordance with the site plan drawn on the June 6, 2003 Plat of Survey submitted February 20, 2008 as part of this petition; and
2. The proposed development shall meet all codes of the Village of Lombard.

Inter-Departmental Review Group Report Approved By:



David A. Huliseberg, AICP

Assistant Village Manager/Director of Community Development

DAH:WMM

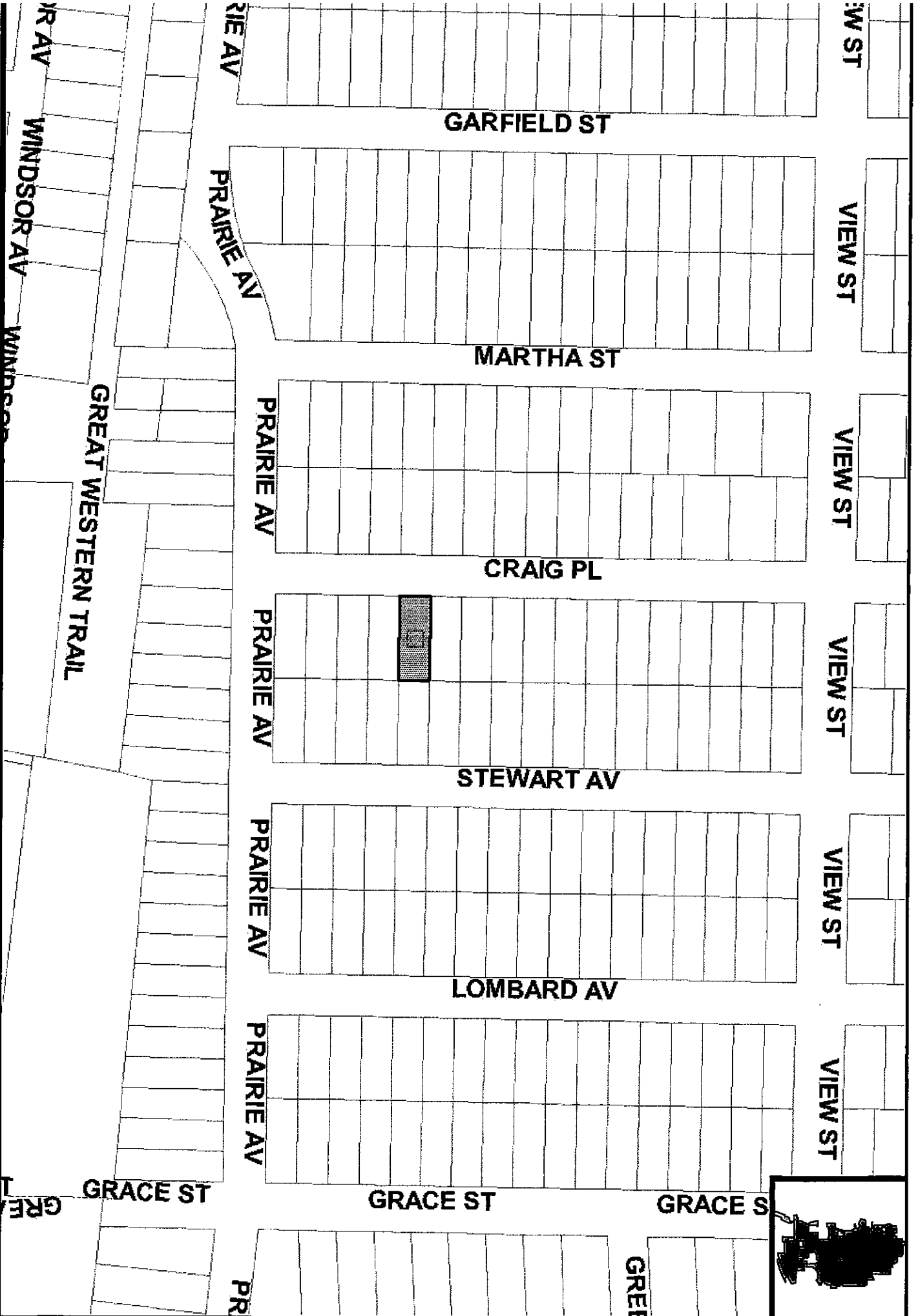
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# ZBA 08-03: 217 N. Craig Place

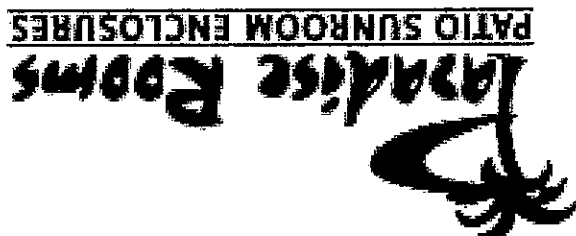
1 in. = 200.0 feet



TO WHOM IT MAY CONCERN,  
WE ARE SUBMITTING THIS VARIANCE REQUEST TO BUILD A  
MODULAR ALUMINUM SUNROOM. WE NEED TO BE 9' AWAY FROM THE  
SIDE YARD, WE ARE 7.9'. THE SUNROOM WILL BE BUILT ON AN  
EXISTING DECK. THE NEW SUNROOM WILL ONLY EXTEND 1.5" BEYOND  
THE RIGHT EDGE OF THE EXISTING DECK. THE SUNROOM WILL ALSO  
NOT EXTEND BEYOND THE RIGHT EDGE OF THE HOUSE, WHICH IS A  
LEGAL NON-CONFORMING STRUCTURE. THERE IS NO OTHER LOGICAL  
LOCATION ON THE BACK OF THE HOUSE FOR THIS SUNROOM TO BE  
INSTALLED.

Cher A. Angeles  
217 N. Craig Place  
Lombard, IL 60184

02-20-08



**PATIO SUNROOM ENCLOSURES**



02-20-08

Cher A. Angeles  
217 N. Craig Place  
Lombard, IL 60184

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.

The shape of the property & the side yard setback are preventing us from building the sunroom. Even if the room was not going to be built on the existing deck, there is nowhere else on the rear of the house to install it due to the location of existing windows, the only rear door, wires, vents, meters, etc.

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.  
The sunroom is to be installed on a legal non-conforming structure. Also due to the location of existing deck & the only rear exterior door, the sunroom can't go anywhere else.

3. The purpose of the variation is not based primarily upon a desire to increase financial gain.

The purpose of the sunroom is not for financial gain, it is for personal enjoyment.

4. The alleged difficulty or hardship is caused by this ordinance and has not been created by any person having an interest in this property.



- The homeowner did not create the problem, the zoning of this property is the problem. The homeowner had no idea that their house was a legal non-conforming structure.
5. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located. The sunroom addition will be built to code and in no way, shape, or form will be dangerous or injurious.
  6. The granting of the variation will not alter the essential character of the neighborhood. The sunroom will not alter the essential character of the neighborhood due to advances in sunroom design that now give homeowners a wide range of attractive construction options -- a far cry from the "box on a house" look popular throughout the 60s and 70s.
  7. The proposed variation will not impair an adequate supply of light & air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.
- The sunroom will be built to code on the back of the homeowners house, barely visible from the street. The sunroom will not increase the danger of fire, as indicated by the numerous fire tests (available upon request). The sunroom will not impair natural drainage or create drainage problems on adjacent properties. The sunroom will not endanger the public safety, as it will be built to code. The sunroom will not substantially diminish or impair property values within the neighborhood it will increase them.



ORDINANCE NO. \_\_\_\_\_

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

(ZBA 08-03: 217 N. Craig Place)

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 Title 15, Chapter 155, Section 155.407(F)(3) of the Lombard Zoning Ordinance to reduce the interior side yard setback to (7.9) feet is required to allow for a rear addition; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on March 26, 2008 pursuant to appropriate and legal notice; and,

WHEREAS, the Zoning Board of Appeals has forwarded its findings and recommendations to the Board of Trustees with a recommendation of approval of the requested interior side yard setback for a rear addition; and,

WHEREAS, the President and Board of Trustees does concur with the findings of the Zoning Board of Appeals; 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 variation.

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)(3) of the Lombard Zoning Ordinance to reduce the interior side yard setback to (7.9) feet where 9 feet is required to allow for a rear addition; and,

**SECTION 2:** This ordinance shall be granted subject to compliance with the following conditions:

1. The addition to the single-family residence shall be developed in accordance with the site plan drawn on the June 6, 2003 Plat of Survey submitted February 20, 2008 as part of this petition; and

2. The petitioner will apply for and receive a building permit.
3. The variation shall only apply to the proposed construction and submitted plans, and that if fifty (50) percent or more of the home is destroyed, the variation will no longer be applicable to the property.
4. The proposed development shall meet all codes of the Village of Lombard.

**SECTION 3:** This ordinance is limited and restricted to the property generally located at 217 N. Craig Place, Lombard, Illinois, and legally described as follows:

LOT 22 IN BLOCK 10 IN H. O. STONE AND COMPANY'S ADDITION TO LOMBARD, PART OF THE NORTHWEST QUARTER OF SECTION 5 AND RANGE 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 26, 1924 AS DOCUMENTED 179463, IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-05-311-013

**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 \_\_\_\_\_, 2008.  
First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

Ayes: \_\_\_\_\_  
Nays: \_\_\_\_\_  
Absent: \_\_\_\_\_

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published by me this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

Brigitte O'Brien, Village Clerk