

January 6, 2011

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

Subject: ZBA 10-13; 320 S. Martha Ct

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 155.407(F)(4) to reduce the rear yard setback from thirty-five feet (35') to twenty-three feet (23') to allow for the construction of an addition in the R2 Single Family Residential District.

The Zoning Board of Appeals conducted a public hearing on December 15, 2010.

Barb Hansen, 337 S. Martha Ct., presented the petition. Ms. Hansen stated that she is the daughter of the property owner and is presenting the petition on behalf of her parents. She stated that her parents wish to tear down the existing deck in the rear of the house and construct a three-season room. She stated that the addition would face the Prairie Path. Ms. Hansen stated that they spoke with all of the neighbors and none of them had a problem with the addition. She then stated that her father has Parkinson's disease and needs a place to enjoy where he will not be bothered by bugs. She added that the interior of the home will also be remodeled to accommodate her father's condition. Lastly, Ms. Hansen stated that the addition will be smaller than the existing deck, which will increase the amount of open space on the property.

Marsha Huber, 337 S. Martha Ct. stated that she is also a daughter of the property owners. She stated that the majority of the homes in the immediate area have also been updated. She added that her parents want to add an addition to stay in line with the neighborhood.

Michael Toth, Planner I, presented the staff report. The existing residence on the subject property is setback thirty-five (35) feet from the rear property line. The petitioner is proposing to construct a twelve foot by fourteen foot (12'x14') (168

sq. ft.) one-story addition, which would subsequently reduce the rear yard setback to twenty-three (23) feet.

The property currently maintains sixty-three percent (63%) open space. The petitioner plans to remove the two hundred and forty (240) square foot wood deck on the northwest portion of the house and construct the one hundred and sixty-eight (168) square foot addition. As such, the amount of open space would actually be increased to sixty-four percent (64%).

In their response to standards, the petitioner cites irregular lot configuration as the reason for needing a variation. The minimum lot width in the R2 – Single Family District is sixty (60) feet with a minimum lot area of 7,500 square feet; however, the Zoning Ordinance does not require a minimum lot depth. According to the definition of ‘lot width’, the subject lot is approximately sixty (60) wide and is 8,136 square feet in area. As such, the lot width and area requirements are met. However, due to the trapezoidal configuration of the subject lot, the lot depth is substandard to the typical depth of a lot in the R2 – Single Family District. If the minimum area is 7,500 square feet and the lot width has to be a minimum of sixty (60) feet, this suggests that the minimum lot depth would need to be at least one hundred and twenty-five (125) feet ($7,500/60 = 125$). The subject lot is one hundred and seventeen (117) in depth (at its longest point); therefore, the lot could be considered substandard in depth, which reduces the buildable area of the lot.

The residence located on the subject property has a front setback of thirty (30) feet and a rear setback of thirty-five (35) feet. As such, the residence was built to the maximum buildable area relative to the front and rear yard requirements of lots in the R2 – Single Family District. Due to the trapezoidal configuration of the subject lot, the side yard setbacks are greater (16.75’, 14.45’, 10.85’ & 6.08’) than a typical lot in the R2 – Single Family District. However, the buildable area within the side yards is still not enough area to construct a three-season room. There is additional buildable area within the front yard; however, (for aesthetic reasons) staff does not recommend constructing a three-season room in the front of the residence.

The proposed addition would be constructed on the northern portion of the building in the rear portion of the property. The rear of subject property directly abuts the Illinois Prairie Path, which runs the entire length of the rear yard. As there are no abutting properties to the north, the proposed addition would have a minimal impact on the surrounding residential neighborhood.

In 2006, the Village Board approved a variation to reduce the rear yard setback to twenty-one feet (21’) where thirty-five feet (35’) is required to allow for the construction of an addition for the property located at 332 S. Martha (ZBA 06-09). 332 S. Martha is located two lots to the west of the subject property. At the May 24, 2006 Zoning Board of Appeals meeting, the ZBA discussed the intent of the ordinance as it relates to the rear yard setback. The ZBA noted that the intent of the ordinance was to give a sense of openness in rear yards. The ZBA made a finding of fact that in the case of 332 S. Martha, the intent of the ordinance was met. The ZBA also noted that there

have been two rear yard variations granted in the past because the properties backed up to Glenbard East. Moreover, the ZBA specifically stated that the properties located behind 332 S. Martha would be most impacted. Lastly, based upon the testimony of the petitioner, who stated that the rear yard of the property was lined with trees on their property, the ZBA stated that the addition will have very little impact on the neighboring properties because it would not be visible.

Staff believes that because the subject property abuts the Illinois Prairie Path, the proposed addition would not have a significant impact on the surrounding neighborhood.

Concluding, Mr. Toth stated that staff is recommending approval of ZBA 10-13, subject to the five conditions outlined in the staff report.

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

Mr. Bartels stated that he belongs to the Illinois Prairie Path Association and does not like that staff disregarded the Illinois Prairie Path in the staff report.

Chairperson DeFalco stated that staff mentioned the Prairie Path as not being a residential property and that the addition would not affect any residential properties.

Mr. Bedard agreed with Chairperson DeFalco and stated that the staff report states that, aside from the two neighboring properties, there are no other residential properties that would be affected by the addition.

Mr. Tap asked if the addition would be a four-season room.

Ms. Hansen stated that it will be a three-season room as there will be no heat or air-conditioning.

Chairperson DeFalco read the five conditions associated with the case.

Chairperson DeFalco stated that the plat associated with the case was done in 1972. He then asked staff if the Village requires new plats for variations.

Mr. Toth stated that (due to cost) the Village does not require that the plat be current, but the Village does require that all improvements on the property are depicted on the plan and that the plat is accurately scaled.

Chairperson DeFalco then referred to a past ZBA case on Wilson Avenue where the plat was inaccurate, which caused issues with the case. He stated that it should be required of all petitioners to have an up-to-date plat of survey.

Mr. Bedard stated that condition #1 in the staff report should read something other than 'substantial'. He stated that the property should be developed in exact conformance with the submitted plans.

On a motion by Bedard and a second by Tap, the Zoning Board of Appeals recommended by a vote of 5 to 0 that the Village Board **approve** the variation associated with ZBA 10-13, 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 Webster and Associates, dated March 29, 1972.
- 2) The petitioner shall apply for and receive a building permit for the proposed plans.
- 3) The proposed addition shall not exceed one-story in height.
- 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