



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

X

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

TO: PRESIDENT AND BOARD OF TRUSTEES
FROM: David A. Hulseberg, Village Manager 
DATE: December 16, 2010 (B of T) Date: January 6, 2011
TITLE: ZBA 10-14: 1029 E. Woodrow Avenue
SUBMITTED BY: Department of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

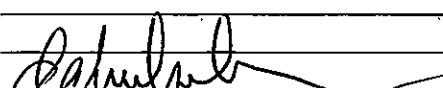
The Zoning Board of Appeals transmits for your consideration its recommendation relative to the above-mentioned petition. This petition requests a variation to Section 155.407(F)(2) to reduce the corner side yard setback from twenty feet (20') to eleven and one half feet (11.5') to allow for the construction of an addition in the R2 Single Family Residential District

The Zoning Board of Appeals recommended approval of this petition with conditions.

Please place this item on the January 6, 2011 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____	Date _____
Finance Director X _____	Date _____
Village Manager X 	Date <u>12/20/10</u>

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: David A. Hulseberg, Village Manager

FROM: William Heniff, AICP,
Director of Community Development *WHD*

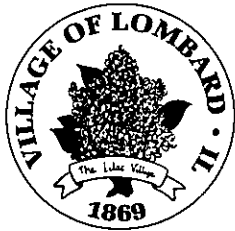
DATE: January 6, 2011

SUBJECT: ZBA 10-14; 1029 E. Woodrow Ave.

Please find the following items for Village Board consideration as part of the January 6, 2011 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. An Ordinance granting approval of a variation to Section 155.407(F)(2) to reduce the corner side yard setback from twenty feet (20') to eleven and one half feet (11.5') to allow for the construction of an addition in the R2 Single Family Residential District; and,
3. IDRC report for ZBA 10-14; and,
4. Plans associated with the petition.

The Zoning Board of Appeals recommended approval of this petition with conditions. Please place this petition on the January 6, 2011 Board of Trustees consent agenda.



VILLAGE OF LOMBARD

255 E. Wilson Ave.
Lombard, Illinois 60148-3926
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www.villageoflombard.org

Village President
William J. Mueller

Village Clerk
Brigitte O'Brien

Trustees

Greg Alan Gron, Dist. 1
Keith T. Giagnorio, Dist. 2
Zachary C. Wilson, Dist. 3
Dana L. Moreau, Dist. 4
Laura A. Fitzpatrick, Dist. 5
William "Bill" Ware, Dist. 6

Village Manager
David A. Hulseberg

January 6, 2011

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

Subject: ZBA 10-14; 1029 E. Woodrow Ave

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)(2) to reduce the corner side yard setback from twenty feet (20') to eleven and one half feet (11.5') 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.

"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."

Robert Heilman, Airoom LLC, Lincolnwood, IL presented the petition. Mr. Heilman explained that he is the architect for the proposed addition. He then gave a brief overview of the proposed addition. Mr. Heilman stated that the principal structure on the property is non-conforming with respect to the corner side yard setback. He then stated that the location of the addition was selected (as proposed) due to the configuration of the home. He stated that the location of the kitchen window, concrete staircase and detached garage prevent the addition from being constructed on the east side of the house. Mr. Heilman stated that the space will be air conditioned so it would be a four-season room. He then stated that the addition will maintain the building line of the house and will maintain the original appearance of the home.

Michael Toth, Planner I, presented the staff report. The subject residence is situated eleven and eighty-two hundredths feet (11.82') from the eastern property line along 2nd Ave, which is considered the corner side yard of the subject property. The petitioner wishes to maintain the current building line and construct a three-season room to the rear of the residence. As referenced in the petitioner's response to the standards for variations, the only possible location for the three-season room to be constructed would be the proposed location at the southeast portion of the residence. The southwest portion of the residence contains a concrete staircase, which provides access to the basement of the house. Also, if

the addition were to be constructed on the southwest portion of the home, it would block access to/from the detached garage that is located behind that portion of the home. Lastly, a sliding glass door is located two (2) feet from the east edge of the rear of the house. If the proposed addition were to be setback to the required twenty (20) feet, the addition would be placed directly in front of that door.

There are several ZBA cases that provide precedence for the requested variation where an addition maintains the building line of the existing residence and does not further encroach into the requisite corner side yard. The property at 117 S. Stewart received a variation in 2006 to reduce the corner side yard setback from twenty feet (20') to fourteen feet – eight inches (14'8") to allow for the construction of an addition (ZBA 06-26). More recently, the property located at 103 W. Collen received a variation to reduce the corner side yard setback from twenty feet (20') to fourteen and one-half feet (14.5') to allow for the construction of a three-season room (ZBA 10-07). ZBA 10-07 is similar in nature to the subject variation as the case involved a legal non-conforming corner sideyard setback with a hardship based upon the configuration of the home.

The proposed addition would maintain the building line of the existing structure and will not encroach further into the requisite corner side yard. Also, due to the layout of the property in accordance with the construction of the existing residence, any alternative locations for the proposed addition are not feasible.

Concluding, Mr. Toth stated that staff is recommending approval of ZBA 10-14, subject to the four conditions outlined in the staff report.

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

Mr. Tap asked if the addition would be larger than the existing deck.

Mr. Heilman stated that, for the most part, the addition will have the same size footprint as the deck.

Chairperson DeFalco asked if the addition would be fully heated.

Mr. Heilman replied, yes.

Mrs. Newman asked about the height of the fence. More specifically, she asked if the fence was greater than the allowable four (4) feet in height (in the corner side yard), would they be able to replace it if they needed to remove it for construction.

Mr. Bartels stated that he visited the site and the fence is only four (4) feet in height.

Chairperson DeFalco gave an overview of the case and read the conditions of approval.

Mr. Bartels asked if the lot is considered to be larger than a typical lot.

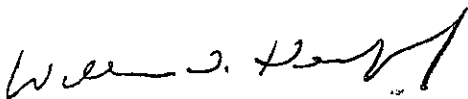
Mr. Toth stated that the minimum lot width in the R2 – Single Family District is sixty (60) feet and the minimum area is 7,500 square feet. He then stated that because the subject lot is seventy-six (76) feet wide and over 11,000 square feet, it is larger than the typical lot in the R2 – Single Family District. Mr. Toth added that there are a lot of lots in the Village that do not even meet the minimum requirement.

On a motion by Bedard and a second by Bartels, the Zoning Board of Appeals recommended by a vote of 5 to 0 that the Village Board **approve** the variation associated with ZBA 10-14, subject to the following conditions:

- 1) The subject property shall be developed in substantial conformance with the building plans and site plan prepared by Central Survey, LLC, dated October 27, 2010
- 2) The petitioner shall apply for and receive a building permit for the proposed plans.
- 3) 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.
- 4) 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 corner side yard setback.

Respectfully,

VILLAGE OF LOMBARD



John DeFalco
Chairperson
Zoning Board of Appeals

VILLAGE OF LOMBARD

TO: Zoning Board of Appeals

HEARING DATE: December 15, 2010

FROM: Department of Community

PREPARED BY: Michael S. Toth

TITLE

ZBA 10-14: 1029 E. Woodrow Ave: The petitioner requests a variation to Section 155.407(F)(2) to reduce the corner side yard setback from twenty feet (20') to eleven and one half feet (11.5') to allow for the construction of an addition in the R2 Single Family Residential District.

GENERAL INFORMATION

Petitioner:

Andrew Venamore
Airoom, LLC
6825 N. Lincoln
Lincolnwood, IL 60712

Property Owner:

Don & Linda Szady
1029 E. Woodrow Ave.
Lombard, IL 60148

PROPERTY INFORMATION

Existing Zoning:

R2 Single Family Residential District

Existing Land Use:

Single Family Residential

Size of Property:

Approximately 11,400 Square Feet

Surrounding Zoning and Land Use

North: R2 Single Family Residential District; developed as Single Family Residences

South: R2 Single Family Residential District; developed as Single Family Residences

East: R2 Single Family Residential District; developed as Single Family Residences

West: R2 Single Family Residential District; developed as Single Family Residences
ANALYSIS

SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development on November 12, 2010.

1. Petition for Public Hearing
2. Response to the Standards for Variations
3. Plat of Survey, prepared by Central Survey, LLC, dated October 27, 2010.
4. Site Plan, drawn by petitioner on plat of survey, prepared by Central Survey, LLC, dated October 27, 2010.
5. Building plans, prepared by Airoom, LLC, dated October 12, 2010.

DESCRIPTION

The subject property is located at the southwest corner of Woodrow Ave and 2nd Ave. The existing residence is currently situated eleven and eighty-two hundredths feet (11.82') from the eastern property line along 2nd Ave. The petitioner wishes to maintain the current building line and construct a one-story addition. Because the proposed addition has a corner side yard setback of eleven and eighty-two hundredths feet (11.82') where twenty feet (20') is required, a variation is needed.

INTER-DEPARTMENTAL REVIEW COMMENTS

FIRE

The Fire Department has no comments.

BUILDING DIVISION

The Building Division has no comments.

PUBLIC WORKS

Public Works Engineering has no comments.

PRIVATE ENGINEERING

The Private Engineering Services Division has no comments.

PLANNING

The subject residence is situated eleven and eighty-two hundredths feet (11.82') from the eastern property line along 2nd Ave, which is considered the corner side yard of the subject property. The

petitioner wishes to maintain the current building line and construct a three-season room to the rear of the residence. As referenced in the petitioner's response to the standards for variations, the only possible location for the three-season room to be constructed would be the proposed location at the southeast portion of the residence. The southwest portion of the residence contains a concrete staircase, which provides access to the basement of the house. Also, if the addition were to be constructed on the southwest portion of the home, it would block access to/from the detached garage that is located behind that portion of the home. Lastly, a sliding glass door is located two (2) feet from the east edge of the rear of the house. If the proposed addition were to be setback to the required twenty (20) feet, the addition would be placed directly in front of that door.

There are several ZBA cases that provide precedence for the requested variation where an addition maintains the building line of the existing residence and does not further encroach into the requisite corner side yard. The property at 117 S. Stewart received a variation in 2006 to reduce the corner side yard setback from twenty feet (20') to fourteen feet – eight inches (14'8") to allow for the construction of an addition (ZBA 06-26). More recently, the property located at 103 W. Collen received a variation to reduce the corner side yard setback from twenty feet (20') to fourteen and one-half feet (14.5') to allow for the construction of a three-season room (ZBA 10-07). ZBA 10-07 is similar in nature to the subject variation as the case involved a legal non-conforming corner sideyard setback with a hardship based upon the configuration of the home.

The proposed addition would maintain the building line of the existing structure and will not encroach further into the requisite corner side yard. Also, due to the layout of the property in accordance with the construction of the existing residence, any alternative locations for the proposed addition are not feasible. As such, staff recommends approval.

FINDINGS AND RECOMMENDATIONS

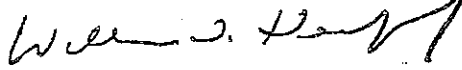
The Department of Community Development has determined that the information presented **has affirmed** the Standards for Variations for the requested variation. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make the following motion recommending **approval** of the variation:

Based on the submitted petition and the testimony presented, the requested variation **does comply** with the Standards required for a variation by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals accept the findings on the Inter-Departmental Review Committee as the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **approval** of ZBA 10-14, subject to the following conditions:

- 1) The subject property shall be developed in substantial conformance with the building plans and site plan prepared by Central Survey, LLC, dated October 27, 2010
- 2) The petitioner shall apply for and receive a building permit for the proposed plans.

- 3) 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.
- 4) 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 corner side yard setback.

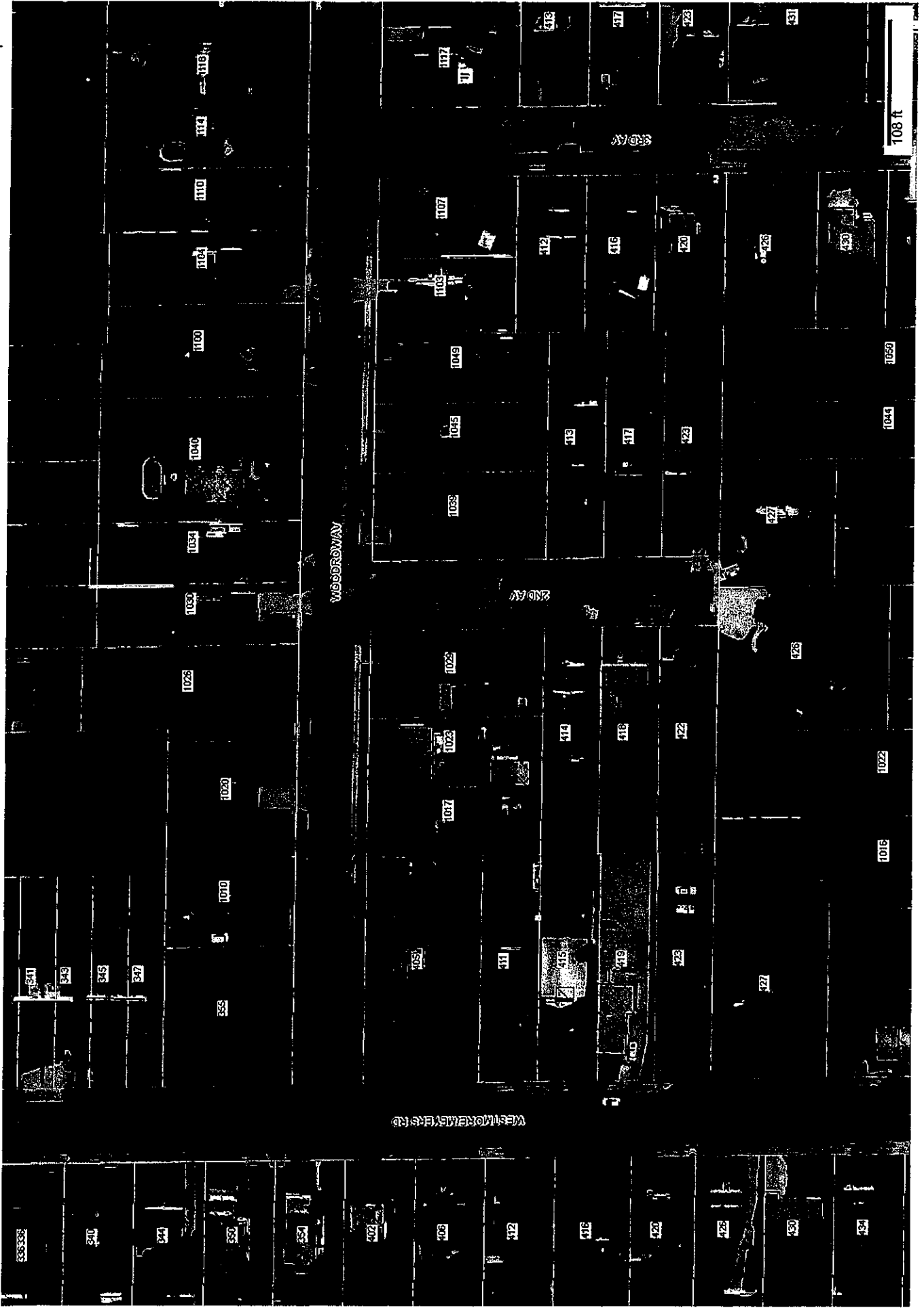
Inter-Departmental Review Group Report Approved By:



William J. Heniff, AICP
Director of Community Development

WJH:MST

c: Petitioner



**VILLAGE OF LOMBRD
VARIATION EXPLANATION
1029 Woodrow – Don and Linda Szady**

- 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 residence on this corner lot exhibits an existing non-conforming condition with respect to the corner yard setback. The home currently has an 11.82-foot setback from the east, South Second Avenue property line, whereas 20.00 feet is required. This setback condition has been in place since the home was construction in the mid-1960's. The Village's zoning ordinance has had the corner yard setback requirement in effect for some time, so this structures' non-conforming condition may have been a result of a past annexation. The hardship in this case is related to this 20.00-foot requirement, but also to the existing conditions associated with the split-level nature of the home and the location of the driveway and detached garage on the property. The proposed sunroom addition at the 'living floor' level of the home can only be located adjacent to the existing single story portion of the residence, which is the area closest to the Second Avenue property line. Meeting the 20.00-foot corner setback would create a hardship since the kitchen window would be lost which reduces light and air for this much used space, and the access into the addition from the dining area would also be greatly reduced. The location of the driveway, garage, and a set of stairs the provide access into the basement (that are located at the west side of the home) also limit the location of the addition to the proposed position. These items all create a hardship for the owner as opposed to an inconvenience if the ordinance requirement for the corner yard were strictly enforced.

- 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 conditions requiring a variation to be sought for this property are related to an existing non-conforming condition created by a change in the zoning ordinance. The change that occurred following the construction of this residence has limited the development opportunities for this lot, and the existing home.

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

The owners have lived in this approximately 25 years and this addition is intended to provide them with additional enjoyment from their home (and neighborhood) for years into the future – the request is not primarily for financial gain.

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

The creation of the current non-conforming condition was not a result of anything the current owners of the property have done. The corner yard requirement was implemented

after the initial construction of the residence, and was a result of changes in municipal requirements as opposed to anything the owner of this property has done.

- 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.**

Since the proposed addition's setback will be in line with the existing home (at 11.82 feet), and the height of the sunroom will be lower than the existing 1-story element of the home, there will be no detrimental impact to other property in the neighborhood.

- 6. The granting of the variation will not alter the essential character of the neighborhood;**

The addition will match the style and architecture of the existing home, thus maintaining the residential nature of this home and the neighborhood at large.

- 7. The proposed variation will not impair an adequate supply of light and 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.**

There will be no additional congestion created by this addition, nor will the supply of light and air to adjacent property be impacted since the addition is no closer to the property line than the existing home. There will also be no drainage impact to neighboring home as a result of the sunroom, and there may be an improvement in overall property values as a result of this addition as the perception is that the neighborhood is preserving and improving its housing stock.

ORDINANCE NO. _____

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

(ZBA 10-14; 1029 E. Woodrow Ave)

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 to Section 155.407(F)(2) to reduce the corner side yard setback from twenty feet (20') to eleven and one half feet (11.5') to allow for the construction of an addition; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on December 15, 2010 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 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 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)(2) to reduce the corner side yard setback from twenty feet (20') to eleven and one half feet (11.5') to allow for the construction of an addition in the R2 Single Family Residential District.

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 prepared by Central Survey, LLC, dated October 27, 2010
- 2) The petitioner shall apply for and receive a building permit for the proposed plans.

- 3) 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.
- 4) 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 corner side yard setback.

SECTION 3: This ordinance is limited and restricted to the property generally located at 1029 E. Woodrow Ave., Lombard, Illinois, and legally described as follows:

LOT 3 IN WILLARD MONSEN, INC., RESUBDIVISION OF LOTS 1, 2, 3, 10, 11, AND 12 IN LOUIS MELKA'S SUBDIVISION OF LOT 9 IN COUNTY CLERKS ASSESSMENT DIVISION OF THE EAST ½ OF THE SOUTHWEST ¼ OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPT THE RIGHT OF WAY OF THE CHICAGO, AURORA & ELGIN RAILROAD, ACCORDING TO THE PLAT OF SAID RESUBDIVISION RECORDED OCTOBER 15, 1959 AS DOCUMENT 943741, IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-09-310-008

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 _____, 2011.

First reading waived by action of the Board of Trustees this _____ day of _____, 2011.

Passed on second reading this _____ day of _____, 2011.

Ayes: _____

Nayes: _____

Absent: _____

Approved this _____ day of _____, 2011.

Ordinance No. _____
Re: ZBA 10-14
Page 3

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published by me this _____ day of _____, 2011

Brigitte O'Brien, Village Clerk

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MEMORANDUM

TO: David A. Hulseberg, Village Manager

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

DATE: January 6, 2011

SUBJECT: ZBA 10-14; 1029 E. Woodrow Ave

The Zoning Board of Appeals recommended approval of this petition at their December 15, 2010 meeting. This item is currently on the January 6, 2011 Village Board agenda. On January 5, 2011, the petitioner requested a waiver of first reading in order to begin construction on the project immediately. That request is attached as part of this correspondence.

RECOMMENDATION:

Staff recommends that the Village Board grant the waiver of first reading at their January 6, 2011 Village Board to allow for construction to commence.

W.

Toth, Michael

From: Andrew Venamore [avenamore@Airoom.com]
Sent: Wednesday, January 05, 2011 3:12 PM
To: Toth, Michael
Subject: 1029 East Woodrow

Afternoon Mike:

I was in earlier today and picked up the agenda report for tomorrow night's meeting. I was hoped that you would be able to request that the board waive the first reading for our case so that we can move ahead a little more quickly with getting the job started.

Please accept this email as my formal request to waive the first reading for 1029 East Woodrow so that we can get underway with construction. We have prepared the ground (by covering it with straw and plastic) and so can build during these winter conditions.

Let me know if you have any further questions, thanks.

Andrew Venamore

Director of Forecasting & Scheduling

Airoom Architects & Builders

6825 N. Lincoln Ave., Lincolnwood IL 60712

Direct: (847) 213-5253

Cell: (847) 687-8756

Fax: (847) 674-3764

Email: avenamore@airoom.com

Main office: 847.763.1100



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1/5/2011

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