

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: November 30, 2006 (B of T) Date: December 7, 2006

TITLE: ZBA 06-24: 303 W. Harding Road

SUBMITTED BY: Department of Community Development *WTL*

BACKGROUND/POLICY IMPLICATIONS:

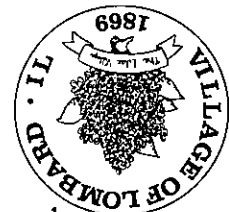
The Zoning Board of Appeals transmits for your consideration its recommendation relative to the above-mentioned petition. This petition requests a variation to Section 155.406(F)(2) to reduce the corner side yard setback to ten feet (10') where twenty feet (20') is required. (DISTRICT #2)

The Zoning Board of Appeals recommended denial of the petition.

Fiscal Impact/Funding Source:
Review (as necessary):

Village Attorney X _____
Finance Director X _____
Village Manager X _____
Date _____
Date _____
Date _____

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
DAL

DATE: December 7, 2006

SUBJECT: ZBA 06-24: 303 W. Harding Rd.

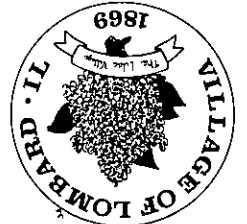
Attached please find the following items for Village Board consideration as part of the December 7, 2006 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 06-24;
3. Drawings of the proposed improvements; and
4. Plat of Survey associated with the petition.

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

VILLAGE OF LOMBARD

255 E. Wilson Avenue
Lombard, IL 60148-3926
(630) 620-5700 FAX: (630) 620-8222
TDD: (630) 620-5812
www.villageoflombard.org



Village President
William J. Mueller

Village Clerk
Britte O'Brien

Trustees

- Greg Alan Gron, Dist. 1
- Richard J. Tross, Dist. 2
- John "Jack" T. O'Brien, Dist. 3
- Steven D. Sebby, Dist. 4
- Kenneth M. Florey, Dist. 5
- Rick Soderstrom, Dist. 6

December 7, 2006

Mr. William J. Mueller

Village President, and

Board of Trustees

Village of Lombard

Subject: ZBA 06-24; 303 W. Harding Road.

Dear President and Trustees:

Village Manager
William T. Lichter

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) (2) to reduce the corner side yard setback to ten feet (10') where twenty feet (20') is required 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 November 29, 2006. Tomas Johansson, owner of the subject property, presented the petition. He stated that he and his wife moved to Lombard in June and plan to stay in their current home for years to come. He mentioned that they need to construct an addition to accommodate visiting family. He noted that he understands that the intent of the 20 foot corner side yard setback is so that cars parked on driveways are not blocking the sidewalk. He mentioned that they have pictures of other corner properties in the neighborhood, and his architect took setback measurements of those properties. He stated that the purpose of the garage is to house their cars, and they wanted it at the proposed location so that an old elm tree can be preserved.

"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."

Mr. Johansson also mentioned that they have a problem with stormwater because their property is lower than the adjacent properties. He noted that because of their age, they prefer to have everything on the ground floor level. He stated that the house enhances the neighborhood. He mentioned that the design incorporates solar heating panels on the garage which need to face south. He noted that there is a hardship due to the way the house is positioned on the lot. There isn't enough room to do an addition in the front. He stated that the only other option would be to tear down the house. He noted that a three-car garage was to store two cars as well as a snow blower and yard tools and equipment.

Tom Knapp, architect for the proposed addition, noted that three-car garages are becoming more typical. Most people are looking for at least a two and a half car garage. He stated that the two car garage is not really the standard anymore. He also noted that many people are looking for one story additions, and master bedrooms on the ground floor are becoming popular for additions and new construction.

Chairperson Defalco opened the meeting for public comment. No one spoke for or against the petition. He then requested the staff report.

Michelle Kuilkowski, Planner I, presented the staff report. She stated that the subject property is located at the southwest corner of Harding Road and Elizabeth Street and is approximately 65 feet wide and 188 feet in depth. She noted that the existing residence is a split level house that is setback approximately 50 feet from the front property line and 25 feet from the corner side property line. She mentioned that the petitioner is proposing a one story addition which includes a master bedroom suite, living room, and a three-car garage. She stated that the proposed addition would be setback 10 feet from the property line, and therefore, the petitioner is requesting a variation to reduce the corner side yard setback.

Ms. Kuilkowski stated that it is difficult to demonstrate a physical hardship that is unique to the property as the subject property is 12,220 square feet, which exceeds the minimum required lot size of 7,500 square feet in the R2 District. She noted that even though the existing residence is setback approximately 50 feet from the front property line, there is still substantial room to the rear of the existing residence to build an addition and comply with the setback requirements. She mentioned that there is a buildable area of approximately 55 feet by 39 feet.

Ms. Kuilkowski stated that the hardship in this circumstance is a personal preference for the proposed design for the addition. She noted that the portion of the proposed addition that would encroach into the corner side yard would be a third bay for the garage and storage area designated as a utility room and a laundry room. She mentioned that the proposed addition would meet the setback requirements if the three-car garage was reduced to a two-car garage and the storage areas were reconfigured. She also noted that the petitioner also has the option to construct a second story addition and/or a detached garage.

Ms. Kuilkowski discussed the other corner properties in the neighborhood. She noted that there are several corner properties that do not meet the current 20 foot corner side yard setback, but staff did not find any corner side yard variations granted in the neighborhood. She stated that these residences were likely built prior to the establishment of the current corner side yard requirements and are considered legal non-conforming. She noted that these properties would be required to meet the 20 corner side yard setback should they be redeveloped in the future. She also stated that there are also many corner properties in the neighborhood that meet the current 20 foot corner side yard setback. She mentioned that it is difficult to make the argument that reducing the corner side yard to 10 feet would be consistent with the character of the

neighborhood since there isn't a consistent pattern as it relates to corner side yard setbacks. She noted the aerial photographs of the neighborhood that are included in the Appendices of the staff report.

Ms. Kulikowski reviewed the standards for variations. She stated that the petitioner's property does not have unique physical limitations that limit the owner from meeting the intent of the ordinance. She noted that the lot is not unusually small and there is sufficient room in the rear of the existing residence to construct a sizeable addition in compliance with the setback requirements. She also noted that the conditions are not unique to the subject property as the petitioner's property is the same size and dimensions as other properties in the neighborhood. She also mentioned that the front yard setback for the existing residence is consistent with that on neighboring properties. She stated that the hardship has not been caused by the ordinance and has instead been created by the petitioner's preference for the proposed design and the extent of the proposed improvements to the property. She noted that the granting of the requested relief will set an undesirable precedent.

Chairperson Defalco opened the meeting for discussion among the members.

Chairperson Defalco noted that the southeast portion of the garage is what needs the variation. He also mentioned that the petitioner has the option to construct a two-car garage and a separate storage shed for the yard tools and equipment. He asked how close the shed could be to the garage.

Ms. Kulikowski stated that a 4 foot separation would be needed between a shed and a garage. She noted that a shed would only have to have a 3 foot setback from the rear property line and 3 foot setback from the interior side property line.

Chairperson Defalco noted that the Zoning Board of Appeals has seen a lot of variation petitions in the Green Meadows subdivision to allow existing carports to be enclosed. He stated that those were only for one or two cars. He mentioned that this is the first variation request involving a three-car garage.

Mr. Johansson distributed the pictures of other corner properties in the neighborhood to the Zoning Board of Appeals members. He noted that the pictures showed many other properties with sheds, but he did not want to put up a shed.

Chairperson Defalco commended the petitioner for his research, but noted that the pictures help demonstrate why the ordinance was changed to a 20 foot corner side yard setback.

Mr. Johansson stated that only a small portion of the addition would encroach into the corner side yard. He mentioned that they did not want to have one really long wall. He noted that having the garage pushed closer to the corner side property line would help break up the facade

and add architectural interest. He stated that he did not feel that the proposed addition set a bad precedent, rather a precedent of how a nice house should look.

Mr. Knapp stated that ordinance is more written to address new structures, but does not take into consideration the expansion of existing structures.

Chairperson Defalco noted that he agreed, but the variance process does allow for flexibility for additions if there is a hardship. He also mentioned that the Zoning Board of Appeals typically adds a condition of approval to variations that would require the entire structure to come into compliance should it be damaged to the extent of 50 percent or more of the market value.

Mrs. Johansson stated that she has a problem with her feet and her 100 year-old mother would likely be living with them. It would be difficult for them to use stairs. She also discussed the difficulty of incorporating the stormwater cistern and solar panels if they were to do a detached garage.

Mr. Knapp mentioned that they did look at doing a detached garage, but it would add a lot of paving and leave little usable yard space.

Mr. Young asked the petitioner to explain the rainwater settlement tanks and how they worked.

Mr. Johansson stated that the rainwater is collected and stored underneath the garage floor. He noted that the heat from the solar panels is also stored underneath the garage.

Mr. Knapp added that there is a 10,000 gallon cistern under the garage. He mentioned that all of the downspouts are directed to a drain tile which empties into the cistern. He noted that the property is 5 feet higher at the south end and the connection to the stormwater sewer is at the northeast corner of the property. He stated that all of the neighborhood stormwater passes through their property.

Chairperson Defalco mentioned that the proposed addition is within the clear line of sight area.

Mr. Young noted that it can be resolved by modifying the driveway. He stated that if the Zoning Board of Appeals chooses to grant the variation they should add as a condition of approval that the driveway be modified to meet the clear line of sight area.

Chairperson Defalco noted the front yard setback and that there was room to expand in the front.

Mr. Knapp stated that it would be awkward to do an addition in the front with the way the existing split level house was laid out. They would have to go up stairs and then back down stairs.

Mr. Johansson noted that all of the houses on the block have a similar setback and it would look odd to extend their house closer to the front property line.

Chairperson Defalco stated that other houses on the block may be torn down in the future and there may not be that straight building line on the block some day.

Mr. Bedard noted that they have granted corner side yard variations in circumstances where the existing building line was being maintained. He said that he couldn't support a variation in this circumstance due to the extent of the proposed construction. It is almost as if it were new construction.

Mr. Corrado agreed.

Mrs. Newman stated that she did not support the variation because the petitioner has other alternatives for constructing the addition in compliance with code.

Mr. Young noted that the proposed design is addressing a stormwater drainage problem, but he believes it can also be addressed with a two-car garage design.

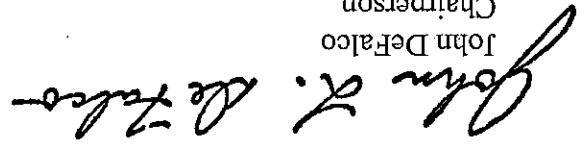
Mr. Bedard mentioned that the Village has a grant program for helping homeowner make improvements to address stormwater problems.

Mr. Bedard made a motion to deny the petition. The motion was seconded by Mrs. Newman.

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 denial of ZBA 06-24 by a roll call vote of 5 to 1.

Respectfully,

VILLAGE OF LOMBARD



John DeFalco

Chairperson

Zoning Board of Appeals

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

TO: Zoning Board of Appeals **HEARING DATE:** March 20, 2006

FROM: Department of Community Development
PREPARED BY: Michelle Kulikowski, AICP
Planner I

TITLE

ZBA 06-24; 303 W. Harding Road: The petitioner requests a variation to Section 155.406(F)(2) to reduce the corner side yard setback to ten feet (10') where twenty feet (20') is required.

GENERAL INFORMATION

Petitioner/Owner:

Tomas Johansson
303 W. Harding Road
Lombard, IL 60148

PROPERTY INFORMATION

Existing Zoning:

R2 Single Family Residential District

Existing Land Use:

Single Family Residence

Size of Property:

12,220 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: CR Conservation Recreation District; Terrace View Park
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 October 19, 2006.

1. Petition for Public Hearing
2. Response to the Standards for Variation
3. Plat of Survey prepared by Kabal Surveying Company and dated May 31, 2006.
4. Site Plan prepared by T. R. Knapp and dated October 19, 2006.
5. Proposed building plans and elevations prepared by T. R. Knapp and dated October 19, 2006.

DESCRIPTION

The subject property is located at the southwest corner of Harding Road and Elizabeth Street and is approximately 65 feet wide and 188 feet in depth. The existing residence is a split level house that is setback approximately 50 feet from the front property line 25 feet from the corner side property line. The petitioner is proposing a one story addition which includes a master bedroom suite, living room, and a three-car garage. The addition would be setback ten feet from the property line. Therefore, the petitioner is requesting a variation to reduce the corner side yard setback.

INTER-DEPARTMENTAL REVIEW COMMENTS

ENGINEERING

Private Engineering Services

The Private Engineering Services Division has the following comment on the subject petition:

- The proposed house addition, as drawn, is proposed to encroach into the required clear line-of-sight area for the driveway. This would be a safety hazard. Therefore, the driveway and/or building location must be adjusted in order to maintain the required 20' by 20' clear line-of-sight triangle.

Public Works Engineering

Public Works Engineering has no comments regarding this request.

FIRE AND BUILDING

The Fire Department/Bureau of Inspectional Services has no comments on this petition.

PLANNING

Staff finds it difficult to demonstrate a physical hardship unique to the property. The lot is 12,220 square feet, which exceeds the minimum required lot size of 7,500 square feet in the R2 District. Even though the existing residence is setback approximately 50 feet from the front property line, there is still substantial room to the rear of the existing residence to build an addition and comply with the setback requirements. There is a buildable area of approximately 55 feet by 39 feet.

The hardship in this circumstance is a personal preference for the proposed design for the addition. The portion of the proposed addition that would encroach into the corner side yard would be a third bay for the garage and storage areas designated as a utility room and a laundry room. The proposed addition would meet the setback requirements if the three-car garage was reduced to a two-car garage and the storage areas were reconfigured. The petitioner also has the option to construct a second story addition and/or a detached garage.

Staff has reviewed the corner properties in the neighborhood. There are several corner properties that do not meet the current 20 foot corner side yard setback. Staff did not find any corner side yard variations granted in the neighborhood. These residences were likely built prior to the establishment of the current corner side yard requirements and are considered legal non-conforming. These properties would be required to meet the 20 corner side yard setback should they be redeveloped in the future. There are also many corner properties in the neighborhood that meet the current 20 foot corner side yard setback. It is difficult to make the argument that reducing the corner side yard to 10 feet would be consistent with the character of the neighborhood since there isn't a consistent pattern as it relates to corner side yard setbacks. Aerial photographs of the neighborhood are included in the Appendices of this report.

Furthermore, to be granted a variation the petitioners must show that they have affirmed each of the "Standards for Variation". The following standards have not been affirmed:

1. *That because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner has been shown, as distinguished from a mere inconvenience if the strict letter of the regulations were to be applied.*

Staff finds that the petitioner's property does not have unique physical limitations that limit the owner from meeting the intent of the ordinance. The lot is not unusually small. The lot is 65 feet wide and 12,220 square feet in area. There is sufficient room in the rear of the existing residence to construct a sizeable addition in compliance with the setback requirements.

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.*

Staff finds that the conditions are not unique to the subject property. The petitioner's property is the same size and dimensions as other properties in the neighborhood. The front yard setback for the existing residence is consistent with that on neighboring properties.

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

Staff finds that the hardship has not been caused by the ordinance and has instead been created by the petitioner's preference for the proposed design and the extent of the proposed improvements to the property.

4. *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.*

Staff believes that the granting of the requested relief will set an undesirable precedent.

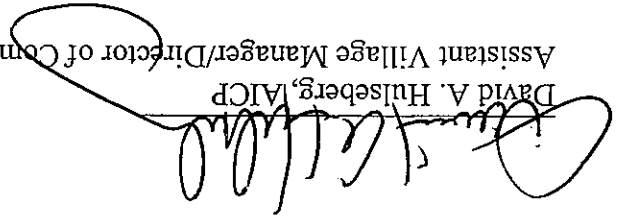
FINDINGS AND RECOMMENDATIONS

The Department of Community Development has determined that the information presented has not affirmed the Standards for Variations for the requested variation to reduce the rear yard setback. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make the following motion recommending **denial** of the aforementioned variation:

Based on the submitted petition and the testimony presented, the requested variation to reduce the corner side yard setback **does not comply** with the Standards required for a variation by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals find that the findings included as part of the Inter-departmental Review Report be the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **denial** of ZBA 06-24.

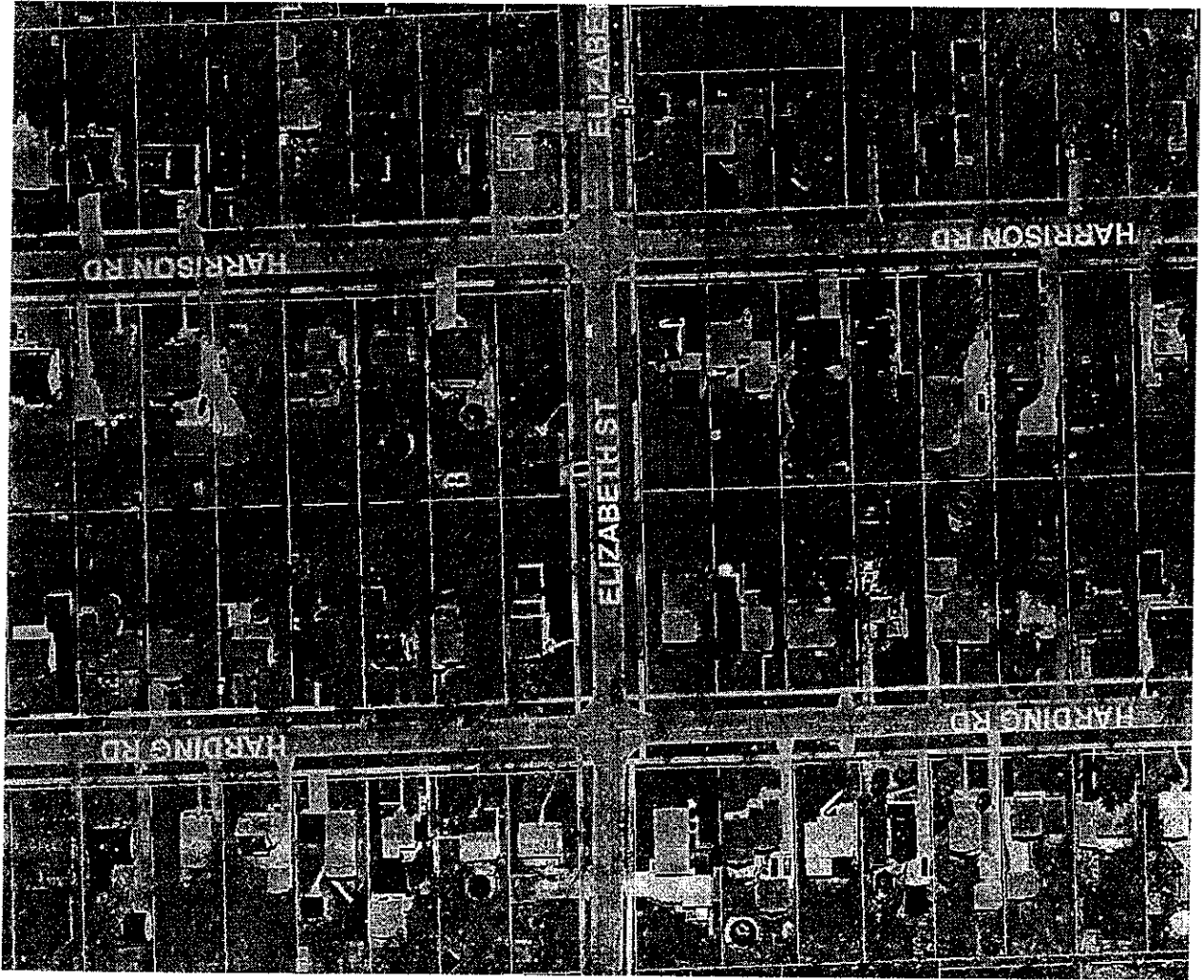
Inter-Departmental Review Report Approved By:

David A. Huliseberg, AICP
Assistant Village Manager/Director of Community Development



att-
c:

Petitioner

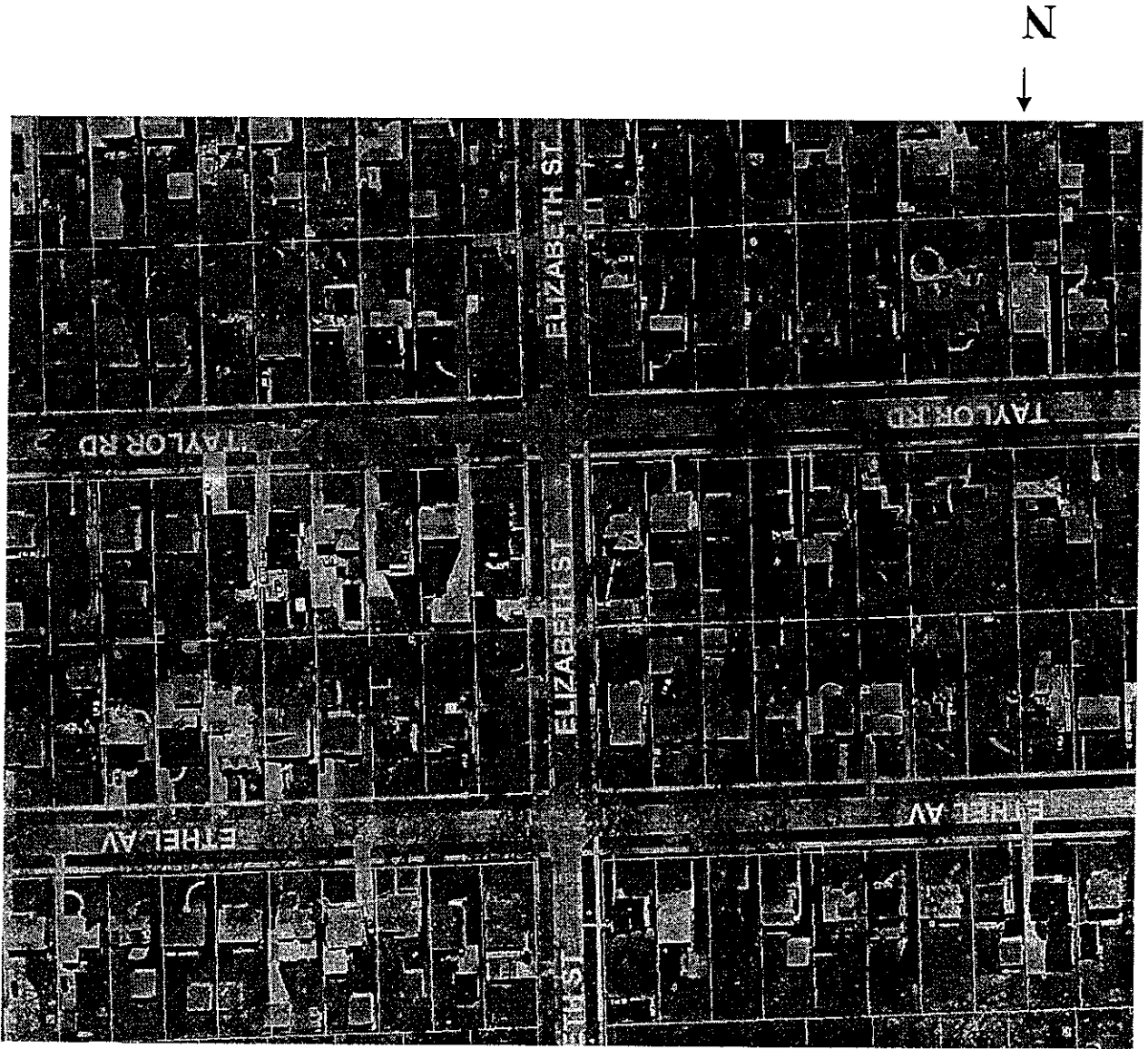


Aerial Photograph of Elizabeth Street from Harding Rd. to Harrison Rd.



Aerial Photograph of Elizabeth St. from Harrison Road to Ethel Ave.

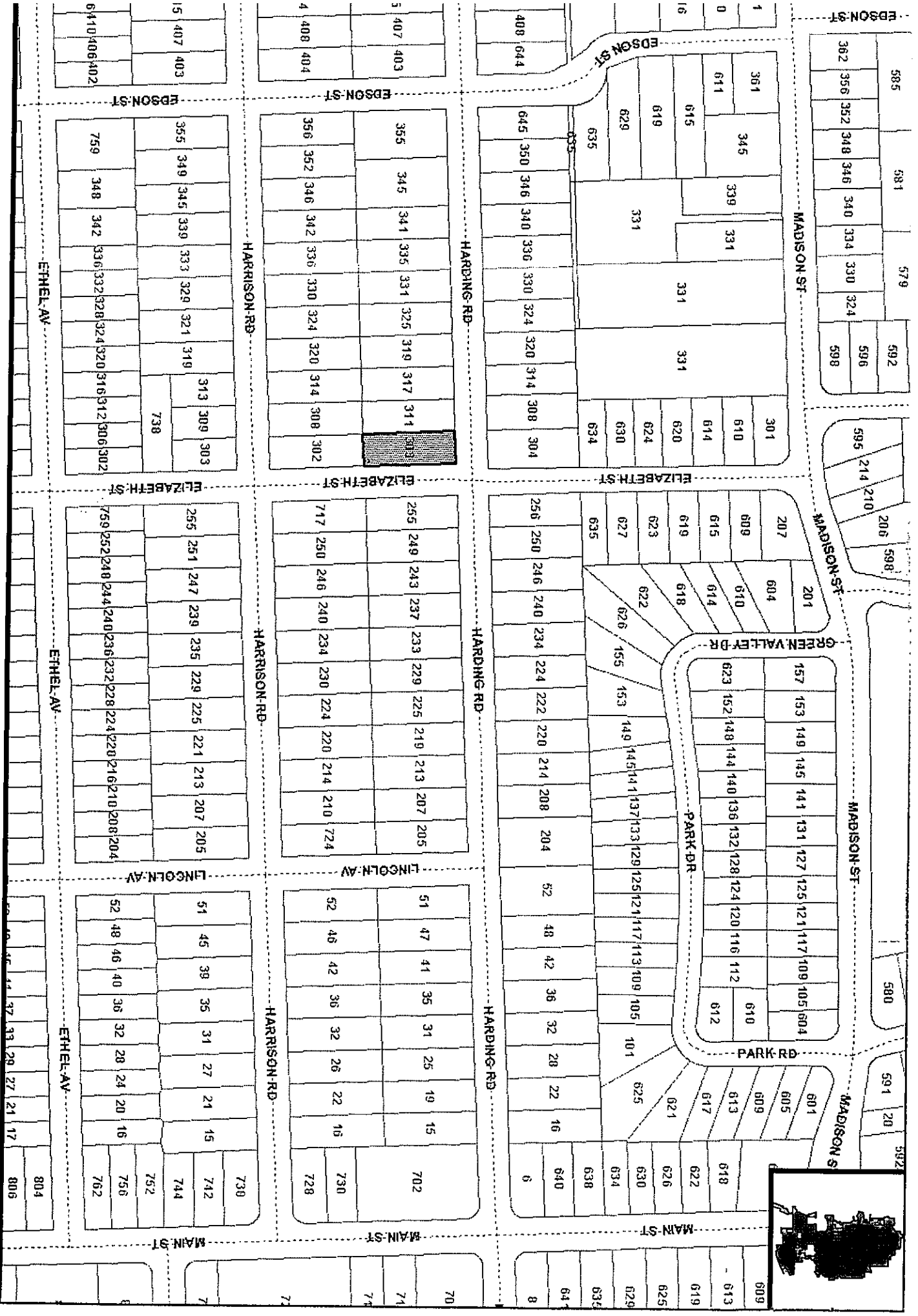
Aerial Photograph of Elizabeth Street from Ethel Ave. to Harrison to Taylor Rd.





ZBA 06-24: 303 W. Harding Rd.

1 in. = 250.0 feet





Residential - Construction Management - Commercial
320 N. Main St. Lombard, Illinois 60148 Ph / Fax: (630) 620-6512

In analyzing the property for a new addition, it became apparent early on that the location of the existing residence on the lot was not the best situation for a new addition. Because the house is set back 49.9' from the front property line, there is less than 20'-0" for a new addition on the north side, which would be located on the 2 story part of the split level residence. This would make it very difficult to tie the new addition into the existing structure without serious remodeling of the existing structure and very difficult to travel up and down stairs to the new addition. Furthermore, because the structure is located on center of the existing lot east to west, there is very little room for any sizable addition to the east or the west because of the side yard requirements. There is currently a small 8.5' x 11.0' sun room addition located between the house and the west property line, which is too small to use for a family room and there is no room on the east side, because of the required corner yard setback. Clearly the best location for the new addition is to the South of the existing residence.

The Johansson's primary purpose in adding their new addition is to gain a new attached three car garage and a new master bedroom suite on the first floor. They also wish to have a larger, more comfortable family room for their large family, with living space that opens out to a new garden. It is very important for our clients to have their primary living space on one level, a fairly typical request from older homeowners who plan to reside in their home as long as possible as senior citizens.

Our clients are both retired senior citizens who intend to use the house as their principle residence for several years into the foreseeable future. The property is a corner parcel measuring 65.00' x 188.00' which is Zoned R-2: Single Family Residential. The existing one story split level residence is located near dead center east to west and 49.95' from the front property line. There is currently no garage on the property. Since purchasing the property last spring, the Owners have had problems with water infiltration in their basement and poor drainage in their front and rear yards. There are several large trees on the property, but the existing landscaping is very sparse, with very little thought given to storm water maintenance.

Our clients respectfully request a Variation to the Zoning Ordinance to build an addition to their existing single family residence. They wish to reduce their Required Corner Side Yard from the required 20.0' to 10.0' to build a new 1-1/2 story brick and frame addition with attached 3 car garage.

Re: Request for Zoning Variance
Tomas and Kathryn Johansson Residence
303 Harding Road and Elisabeth Streets
Lombard, IL 60148
To the Zoning Board of Appeals,

Planning Services Division
Department of Community Development
Village of Lombard
255 E. Wilson Avenue
Lombard, Illinois 60148

October 19, 2006

T. R. Knapp
A R C H I T E C T S

Request for Zoning Variation
303 Harding - Lombard, IL
Page 2 of Three
October 19, 2006

We also looked at different layouts for the new garage. We tried to have a detached three car garage, but this plan took up too much of the existing rear yard with paving, and limited the amount of space available for the new master bedroom. We also tried to have a three car garage facing the street but this not only gave us substantially less room for a master bedroom, but also presented a large garage door facing the street and still encroached on the rear yard, requiring a rear yard variance.

In looking at other properties in the surrounding neighborhood, we realized that many existing homes are closer to Elisabeth Street than the required 20.0 foot corner side yard, including one directly across Elisabeth and 4 more within two blocks to the South. We realized that submitting a plan that reduces the required Corner Side Yard would not be out of character for the neighborhood and would give a plan and exterior elevation that fits well in contrast to many newer houses in the area. We believe the addition we propose is well proportioned and carefully detailed in comparison with high end new construction.

There is another element to this project that does not directly affect the Variance Request, but is still important to the placement of the proposed structure. Our clients feel very strongly that they would like their new home to be heated by Solar Energy, to reduce dependence on coal and natural gas and conserve renewable resources. Because the main roof lines of the house run north to south, we need to build a large south facing roof surface to gather the required sun light. Because of the existing trees along the south property line, it is necessary to push this roof surface as far north as possible. We believe that the addition proposed is well planned to take the best advantage of the South Facing roof slope and have designed the slope to be the most efficient for solar heat collection.

Finally, we address the water problems on the site. The existing property slopes considerably almost 5.0' in grade change from the south to the north, with a city storm water inlet at the north east corner of the property. This would suggest that the property drains well, however the opposite is true. Since purchasing the property last spring, the basement has been flooded twice even with operating sump pumps and no power outages. The existing grade on all sides of the property slope towards the residence, not away, which is a dangerous precedent for any structure. This makes use of the existing basement difficult and requires major reconfiguration of the basement drainage and finish grading. In order to properly address these concerns, we have designed a one story addition with new concrete foundations higher than the existing foundation level and have provided for a system of storm water collection and Cistern. It is our belief that we can store water that falls on our building for future use as irrigation in dryer months, while solving water infiltration problems for our building at the same time, without drastically changing the existing grades of our property lines and being respectful of our neighbors concerns.

T. R. Knapp Architects P.C.
320 N. Main St.
Lombard, Illinois 60148 Ph: (630) 620-6512
mytrk@aol.com

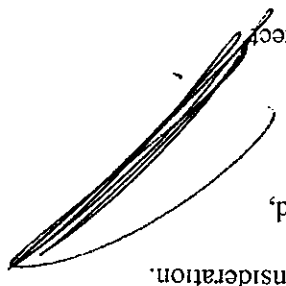
We respectfully submit our preliminary drawings for your review and request approval for a Corner Side Yard Reduction according to the following standards:

1. Because of the location of the existing residence on the lot, the best location for the new addition is to the south, with much of our existing open space located to the north. The location of the new addition solves several problems relating to the existing conditions, as well as storm water management and solar heat requirements.
2. The conditions of the Variation Request are based solely on the restrictions of this particular site, primarily because of the existing building placement and particular requirements.
3. The purpose of the Variation is to permit the construction of a structure that will be used as the Owner's Principle Residence, without concern for financial gain. The structure that is proposed will be a substantial addition to the existing residence and will be a great benefit to the community as a whole in terms of general economic development and property value.
4. The Variation sought is solely in regards to the Required Corner Side Yard Requirement written in the Lombard Zoning Ordinance and is not in response to any particular decisions or previous alterations by this or previous Owners actions.
5. The Variation sought and addition being proposed is in character with other properties in the surrounding community and will not be detrimental to other properties in the area.
6. The Variation sought and addition being proposed is in character with other properties in the surrounding community and will not change the essential character of the neighborhood.
7. The Variation sought will solve many problems on the current property but will not essentially change the situation of adjacent properties nor cause undue hardship or diminish property values of any other property in the area.

We hope that you find our submitted project to be well conceived on various levels and that you agree with our request for a Variation of Required Corner Side Yard. If the board requires any further information regarding the nature of this project or the Owners of the property, please feel free to call at any time. We will assist your review in any way we can.

Thank you for your consideration.

Respectfully Submitted,



Thomas Knapp, Architect