

June 19, 2008

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

Subject: ZBA 08-06; 210 W. Ash Street

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) of the Lombard Zoning Ordinance to reduce the required rear yard setback from thirty-five (35) feet to eleven feet (11) feet in the R2 Single-Family Residence District.

The Zoning Board of Appeals conducted a public hearing on May 28, 2008. The petitioner, Robert Meek, presented the petition. He explained that they were seeking relief from the rear yard setback requirement to bring the house into compliance with the Zoning Ordinance. He added that the variation was not self-imposed.

Chairperson DeFalco then opened the meeting for public comment. No one was present to speak for or against the petition.

Chairperson DeFalco then requested the staff report. Jennifer Backensto, Planner II, stated that, in the R2 District, the Zoning Ordinance requires a rear yard setback of thirty-five (35) feet. No variations have been previously granted for this property; therefore, the existing 11-foot setback is legal nonconforming. The petitioner is requesting the variation only to legally establish the existing rear setback. There are no plans to increase the degree of nonconformity by means of expanding upon the existing detached single family residence.

The petitioner's house was built on the subject property in 1952. A detached single family residence once stood on the property to the east of the subject property, which was known as the east half of Lot 5. The petitioner's property is unusually shaped in that the lot is wider than it is deep. There are unique physical limitations on the property whereas there is no practical way for the petitioners to meet the requirements of the Zoning Ordinance. Without the requested relief, the

property owner would not be able to rebuild the current home in the event it were destroyed or damaged more than 50% of its value. The relief associated with this petition only pertains to the current situation of the property; therefore, the neighborhood characteristics would not be altered in any way.

The northwest corner of the house is located approximately 14 feet from the north property line while the northeast corner of the house is located 15 feet from the north property line. A covered entry-way was constructed on the northern portion of the house and is located 11 feet from the rear property line. As the covered entry-way is considered to be part of the house, the rear setback is measured from the entry-way to the north property line at eleven (11) feet.

Under certain conditions posed by the physical characteristics of the property, staff has made favorable recommendations of rear yard setback relief in the past. This petition is nearly identical to relief granted in ZBA 04-02. As the lot depth creates a clear physical constraint, staff can support the variation to memorialize the existing setback so the house would no longer be considered non-conforming.

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

Mr. Young asked how this house and the lot came to be. Ms. Backensto stated that she did not know when the subdivision occurred, but it was at least several decades ago.

Mr. Bedard asked if it was related to the 2005 St. John's school development. Ms. Backensto stated that the subdivision predated any of the St. John's plans.

Mr. Tap asked if there was any problem with granting the relief in perpetuity. Chairperson DeFalco stated that the relief would be tied to the building footprint, so anything new would need to appear back before the ZBA for relief.

Mr. Tap asked if the property was on the market. The petitioner stated that it had been for sale since August, but three sales have fallen through due to the legal nonconforming issue.

On a motion by Mr. Young and a second by Mr. Tap, the Zoning Board of Appeals recommended approval of the requested variation associated with ZBA 08-06 by a roll call vote of 7 to 0, subject to the following condition:

1. The requested relief shall only apply to the current rear yard setback dimensions. In the event that an addition or any other expansion be proposed to the rear of the property, separate relief would be required.

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Respectfully,

VILLAGE OF LOMBARD

John DeFalco
Chairperson
Zoning Board of Appeals

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