

June 28, 1999

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

Subject: ZBA 99-12: 1500 Acorn Court

Dear President and Trustees:

Your Zoning Board of Appeals transmits for your consideration its recommendation on the above-referenced petition. The petitioner requests a variation to the Lombard Zoning Ordinance to reduce the rear yard setback to twenty-eight feet (28') where thirty-five feet (35') is required to allow for the construction of a one-story addition in the R2 Single-family Residence District.

The petitioner, Thomas Haas, presented the petition. He stated that approximately five (5) years ago he had purchased his home at 1500 Acorn Court. He indicated that at that time, a patio with a wooden and lattice structure covered and surrounded the patio. Over the years, the structure has aged and become dangerous. Eventually, the structure had to be removed. The petitioner stated he wants to replace the old structure with one that includes walls and windows. He stated that it would be a three-season room. He added that the proposed structure will be smaller than the previous structure and will use only a portion of the existing patio for the base.

Amy Willson, Planner I, presented the staff report. She stated that the Zoning Board members have been previously presented with similar cases where a patio or deck is the floor of a proposed three-season room. She stated that patios are permitted to encroach into a required yard, but once the patio is covered and becomes a room that is attached to the principal structure, it must meet the required setbacks of a principal structure. In this instance, a rear yard setback of thirty-five feet (35') is required. Ms. Willson stated that staff does not believe that there is a hardship in this instance, therefore staff is recommending denial of the petition. She added, however, that the petitioner has explained that the patio was previously covered on all sides with a roof, and that the proposed three-season room would actually be smaller than what was existing. She explained that patios do not require permits and lattice structures are not reviewed either.

June 28, 1999
Re: ZBA 99-12
Page 2

She added that the proposed structure will be smaller than what previously existed, and the three-season room should not diminish the character of the neighborhood or pose problems to the neighbors. However, based on hardship, staff recommends denial of this petition.

There was no one present to speak in favor of the petition.

Charles Trunnell, 1401 Acorn Court, spoke against the petition. He stated that his only concern is that the petitioner will apply for a building permit in the future to put a second story addition on the structure.

Ms. Willson stated that the petitioner must go through the building permit process, and she does not believe that the proposed structure would support a second-story addition.

Nancy Hill, Planner II, added that the ordinance would specify approval for a single-story addition only.

Eugene J. Polley, Vice-Chairperson, opened the discussion to the Zoning Board members.

Gregory Young asked the radius of property owners, by law, that are supposed to be notified for a public hearing. Ms. Willson stated that people are notified within two hundred fifty feet (250') of the petitioner's property. She also noted that only one person is present to speak at this time.

Mr. Haas, the petitioner, stated that he has a signed petition from adjacent property owners stating that they do not have a problem with this proposed addition. He then submitted the petition to the Zoning Board members.

Mr. Polley confirmed that there are no neighbors to the north of the petitioner. The petitioner stated that there is nobody to the north, just a green belt. He added that there are neighbors to the south, west and across the cul-de-sac.

Mr. Young inquired about staff's suggestion to relocate the three-season room to a different location, and confirmed with the petitioner that there was no doorway at the staff-proposed location.

Ms. Willson stated that the proposed alternative is just a suggestion, and staff is aware that it would be an extreme additional expense.

June 28, 1999
Re: ZBA 99-12
Page 3

Mary Newman also stated that there is a steep slope and adding fill would be even more expensive. Ms. Willson agreed. The petitioner agreed that he would have to bring in more fill.

Mrs. Newman asked if the petitioner is proposing to use the patio for the foundation. The petitioner stated that the proposed three-season room will be two-thirds (2/3) the size of the original enclosed structure, and will not go beyond the existing patio. Ms. Willson added that a portion of the patio will remain open.

Val Corrado asked if the proposed structure will impair sight lines. The petitioner stated that he did not believe it would any more than the previous structure may have. He stated he had pictures to show of the former structure, and handed them to the Zoning Board members.

Dr. Corrado asked if there are any accessory structures on the neighbor's property to the rear. The petitioner stated there is a deck that is attached to the house. He added that he thought the building to be approximately fifty feet (50') to one hundred feet (100') away; and the deck extends approximately twenty feet (20') out from the building.

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 for approval. The roll call vote was 4 to 0 to approve ZBA 99-12.

Respectfully,

VILLAGE OF LOMBARD

Eugene Polley
Vice-Chairperson
Zoning Board of Appeals

EJP:ACW:jd
att-