

ANALYSIS

SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development on August 25, 2006.

1. Petition for Public Hearing
2. Response to the Standards for Variation
3. Plat of Survey
4. Site Plan, prepared by the petitioner, showing existing and proposed improvements.
5. Photographs of the existing residence.

DESCRIPTION

The subject property is located at the southeast corner of Sunset Avenue and Edgewood Avenue. The existing residence has an attached garage that maintains a 10' corner side yard setback. The petitioner wishes to demolish the existing garage and construct a new garage in the same approximate location. Because the garage is legal non-conforming, a variation is needed in order to rebuild.

INTER-DEPARTMENTAL REVIEW COMMENTS

Fire and Building

Fire and Building note that the new attached garage must meet all current code requirements.

The Building Division notes that the existing foundation for the attached garage is placed in an area with poor soils and the garage foundation is deteriorating. Evidence of this deterioration can be seen when one views the exterior roof line of the house and garage. Building staff has informed the property owner to address this issue and has been working with the property owner accordingly. In further exploration of possible remedies to this issue, the cost of repairing the existing foundation would exceed the cost of demolishing the garage itself. Moreover, the repair does not provide the best remedy to the issue. As such, Building staff recommends that the property owner demolish the existing garage and construct a new garage with a proper foundation.

Public Works Engineering

Public Works has no comments on this petition.

Private Engineering

Private Engineering Services has no comment on this petition.

Planning

The petitioner has indicated that the garage is in disrepair and must be replaced. The petitioner has submitted photographs demonstrating the poor condition of the garage which are included in the appendix of this report. In reviewing past building permit files for the subject property, staff found that the existing residence was built in 1972 without an attached garage. In 1973, the previous property owner received a building permit to construct an attached garage. When the residence was originally built, it was positioned at a slight angle relative to the corner side property line along Sunset Avenue. The front wall of the residence is 17.22' from the corner side property line at the northwest corner and 19.06' at the northeast corner. The garage was constructed on the east side of the residence at a 10' setback from the corner side property line. The existing residence also includes a porch that maintains the same building line as the garage. Staff assumes that the porch and attached garage were built at the same time because of the way that the porch roof ties in with the roof of the garage. However, staff is unable to verify that due to the limited information on the microfiche for the building permit file. The residence including the attached garage and front porch complied with the corner side yard setback at the time they were constructed as the corner side yard setback for single family residences wasn't changed to 20' until 1978. The previous property owner also received a permit for an addition in 1983 and constructed a solarium to the rear of the residence.

Staff supports the requested variation for the following reasons. Relocating the attached garage in compliance with setback requirements does not seem to be a viable option. While there does appear to be sufficient space to build a new attached garage on the east side of the residence, 10' further back from the corner side property line in compliance with corner side yard setback, there would be some building code issues. Some of the existing windows would be obstructed by the garage creating issues with the building code requirements for light and ventilation. The garage would also obstruct the door to the solarium addition creating issues with building code requirements for means of egress. The garage can not be relocated to the east side of the residence because the residence would not meet the 35' rear yard setback.

As far as the option of building a detached garage on the subject property, only a one-car detached garage could be built. A detached garage on the east side of the residence would have to be at least 4' from the residence and could not be built within the 10' utility easement, which would only leave 17' for a garage. If a detached garage were to be located to the south of the residence, it would have to be at least 3' from the side property line and 4' from the solarium, leaving only 15' for a garage. Furthermore, the Zoning Ordinance states that a detached garage

can not be located in front of the front wall of the residence. Therefore a detached garage could not be located any further west on the property than the west wall of the residence. As such, a detached garage to the south of the residence would significantly block light to the solarium, thus defeating the purpose of the solarium.

There are several ZBA cases that provide precedence for the requested variation on the subject property. Just recently, a variation was granted (ZBA 06-14) to allow an attached garage to be rebuilt at the same location maintaining the same 2.5' side yard setback as the existing non-conforming garage. Also, there have been other corner side yard variations granted in the Lombard Vista Subdivision (ZBA 06-01, ZBA 98-10). The proposed garage would not alter the essential character of the neighborhood as a majority of the corner lots in the Lombard Vista do not meet the 20' corner side yard setback. The proposed garage would not negatively impact adjacent properties as there has already been a garage at that location for over 30 years.

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 06-22, subject to the following conditions:

1. The approval of the corner side yard setback variation shall only be for the proposed attached garage reconstruction only, as shown on the site plans submitted as part of this petition.
2. The petitioner shall apply for and receive a building permit for the demolition and reconstruction of the new attached garage. The garage shall meet all Village Code provisions.
3. The variation shall be limited to the existing residence. Should the existing residence be damaged or destroyed by any means, any new structures shall meet all setback provisions.

Zoning Board of Appeals

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Inter-Departmental Review Group Report Approved By:

David A. Hulseberg, AICP
Director of Community Development

DAH:MK

c: Petitioner

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APPENDIX A: PHOTOGRAPHS OF THE SUBJECT PROPERTY



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