

May 19, 2011

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

Subject: ZBA 11-04; 1155 S. Fairfield 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 from Section 155.407(F)(1)(a)(6) of the Lombard Zoning Ordinance to allow a detached single family to be constructed more than fifty (50) feet from the front lot line for the subject property located within the R2 Single-Family Residence District.

The Zoning Board of Appeals conducted a public hearing on April 27, 2011.

Chairperson DeFalco opened the meeting for public comment.

The property owner, Brian Hummert, 1N183 Stacy Ct., Glen Ellyn, presented the petition. Mr. Hummert stated that he is before the Zoning Board to ask for a front yard variation. He stated that he is asking for relief for the placement of the residence for aesthetic reasons and to be able to keep some of the mature trees that are located on the property. He added that he would also like to keep the house aligned with the houses to north of his property.

Chairperson DeFalco asked if there was anyone present to speak in favor or against the petition.

Bob Cunningham, 1161 S. Fairfield, stated that all of the houses on the block should be aligned. He added that the properties to the south of the subject property are all set back a great distance. He stated that the petitioner's residence should also be set back to the distance of the properties to the south of his property to maintain consistency.

Michael Toth, Planner I, stated that the petitioner is proposing to set his house back to a distance of seventy-two (72) feet from the front lot line. He added that if

the variation were to be denied, the residence would be required to be set back fifty (50) feet from the lot line. He stated that this would place the residence even closer to the front property line and in front of both neighboring residences.

Chairperson DeFalco then requested the staff report.

Mr. Toth presented the staff report. The petitioner is proposing to construct a new single-family residence seventy-two (72) feet from the front lot line. Section 155.407(F)(1)(a)(6) of the Lombard Zoning Ordinance states that a detached single family residence shall not be constructed more than fifty (50) feet from the front lot line in the R2 Single-Family Residence District. The new single-family residence is required to meet the current zoning ordinance provisions, unless a variation is granted by the Village.

In October 2008, the Village Board formally adopted the text amendments associated with residential development (PC 08-21), which included the residential front yard setbacks. As a result of said amendments, setbacks for all detached single-family homes are now required to consider the average front setback of adjacent properties to determine the required front setback for a given property. In addition to the average setback requirement, the amendments associated with PC 08-21 included a maximum 'build-to' line. The theory was that establishing a maximum front yard setback will help maintain neighborhood homogeneity by over time creating consistent front yard setback parameters. Prior to the amendment; if someone wanted to construct a new attached single family residence deep into the lot, the only limitation would be the thirty-five (35) foot rear yard setback requirement.

Existing Conditions

The subject property is located on Fairfield Avenue between Central Avenue and Roosevelt Road. The subject property once contained a two-story single family residence that was recently demolished. As such, the lot currently remains vacant. At its longest point, the lot itself is three hundred (300) feet in length. The setback of the previous residence was one hundred and twenty-six (126) feet from the front property line.

Proposed Conditions

The petitioner is proposing to construct a new two-story single-family residence on the subject property. The abutting property to the north of the subject property has a front yard setback approximately sixty-seven (67) feet and the abutting property to the south has a front yard setback of approximately one hundred and twenty (120) feet. According to Section 155.407(F)(1)(a)(5) of the Zoning Ordinance, lots having single family dwellings located more than fifty (50) feet from the front lot line shall be considered to have a default fifty (50) foot setback. As both abutting properties are greater than fifty (50) feet from the front lot line, they both have a default fifty (50) foot setback. Furthermore, Section 155.407(F)(1)(a)(6) of the Lombard Zoning Ordinance states that a detached single family residence shall be constructed

no more than fifty (50) feet from the front lot line, which means that the residence on the subject property would have to be built at exactly fifty (50) feet from the front property line.

Maximum Building Line

Since adoption in 2008, staff has faced a number of challenges with regard to the amended front setback provisions. One of the challenges is the maximum building line. Moreover, by requiring a fifty (50) foot maximum building line, an absolute setback is created for properties located in a neighborhood consisting of properties of greater depth, when neighboring properties are setback greater than fifty (50) feet. This is consistent with the subject variation. Moreover, the PC 08-21 staff report states that absolute setbacks can have negative implications in established neighborhoods. Staff recently conducted a workshop on the specific issues pertaining to average front yard setbacks at the March 21, 2011 Plan Commission meeting. During such meeting, the Plan Commission instructed staff to review the code provisions relative to average setbacks and the maximum building line. Under the Plan Commission's direction, staff will be proposing amendments that refine these regulations.

Concluding, Mr. Toth stated that staff is recommending approval of ZBA 11-04, subject to the four conditions outlined in the staff report.

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

Chairperson DeFalco stated that the case before them involves a front yard setback that requires a variation because the Zoning Ordinance states that the residence is to be built at exactly fifty (50) feet. He then referred to staff to provide an explanation of the regulations pertaining to average front setbacks.

Mr. Toth explained in detail the text amendments that were adopted in 2008 which require average setback and include a maximum build-to line.

Chairperson DeFalco questioned the front setbacks of the neighboring properties.

Mr. Toth stated that those residences were permitted for construction prior to the Code changes in 2008. As such, they were not subject to the new regulations.

Mr. Cunningham discussed the need to keep all of the houses on the block to a consistent setback.

Mr. Bartels asked if the petitioner's residence could be setback further. He then asked if the setback would be subject to an average setback.

Mr. Toth stated that the petitioner has requested a setback of seventy-two (72) feet for the reasons indicated. The petitioner would not be subject to an average setback because the Zoning

Ordinance requires them to be set at exactly fifty (50) feet – no more or no less. He added that after fifty (50) feet the only requirement limiting the location of the house would be the rear yard setback. He again clarified that the petitioner desires to construct the residence at seventy-two (72) feet with reason. He added that the amendments were originally created to get away from absolute setbacks, but as demonstrated in this case, they actually create absolute setbacks.

There was then discussion between Messrs. Cunningham and Hummert and the ZBA members relative to the configuration of the residences on S. Fairfield. They all discussed specific residences and how they lined up to one another.

Chairperson DeFalco stated that staff is in the process of amending the average front setbacks and maximum building line. He then deferred to staff for more information.

Mr. Toth provided an update on the progress of the proposed text amendments. He added that they are currently in the workshop phase with the Plan Commission.

Chairperson DeFalco asked if the petition should be tabled until the text amendments are resolved.

Mr. Toth stated that he advised against that on account that any text amendments that may occur may not be approved until the end of the summer, if at all. He added that the petitioner has demolished the previous residence and is ready to start construction as soon as possible.

Chairperson DeFalco read the four conditions associated with the case.

On a motion by Tap and a second by Bartels, the Zoning Board of Appeals recommended by a vote of 6 to 0 that the Village Board **approve** the variation associated with ZBA 11-04, subject to the following conditions:

1. The property owner shall obtain a building permit for the air conditioning condensers.
2. The variation shall be limited to the existing residence. Should the existing residence be damaged or destroyed by any means, any new air conditioning equipment shall meet any required Code provisions.
3. That the petitioner shall satisfactorily address all comments included within the IDRC report.
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 front yard setback.

Respectfully,

VILLAGE OF LOMBARD

John DeFalco
Chairperson
Zoning Board of Appeals

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