



Village of Lombard Master Report

Village Hall
255 East Wilson Ave.
Lombard, IL 60148
villageoflombard.org

File Number: 060134

File Number: 060134 File Type: Ordinance Status: Second Reading
 Version: 0 Reference: Controlling Body: Village Board of Trustees
 Requester: Community Development Department Cost: Introduced: 03/16/2006
 File Name: ZBA 06-06 302 W. Loy Street Final Action: 04/20/2006

Title: B. ZBA 06-06 302 W. Loy Street (Ordinance on First Reading) (Continued from April 6, 2006)
 Requests approval of the following actions on the subject property to allow for the construction of a single family residence within the R2 Single Family Residential District:
 1. A variation to Section 155.406(F)(2) to reduce the corner side yard setback to ten feet six inches (10'6") where twenty feet (20') is required.
 2. A variation to Section 155.406(4) to reduce the rear yard setback to thirty-one feet (31') where thirty-five feet (35') is required. (DISTRICT #1)

Notes: Code Sections: setback, Loy
Indexes: setback, Loy
Sponsors:
Attachments:

Agenda Number:
Enactment Date:
Enactment Number:

History of Legislative File

Ver-Action Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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0	03/22/2006	Zoning Board of Appeals recommended to the Corporate Authorities for approval with conditions as to the variation to reduce the corner side yard setback to ten feet six inches (10'6") where twenty feet (20') is required.				Pass
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Verbose Action:

1. That the petitioner shall apply for and receive a building permit for the proposed addition.

2. That the variation shall be limited to the existing residence. Shall the existing residence be reconstructed due to damage or destruction by any means, the residence will meet the current zoning requirements and setbacks.

3. That the second story shall be constructed in accordance with the plans submitted as part of the petition and shall hold the existing building line relative to the side yards.

0 Zoning Board of Appeals 03/22/2006 recommended to the

Corporate Authorities

Fail

for approval as to the

variation to reduce

the rear yard setback

to thirty-one feet (31')

where thirty-five feet

(35') is required.

Fail

03/22/2006 recommended to the

corporate authorities

for denial as to the

variation to reduce

the rear yard setback

to thirty-one feet (31')

where thirty-five feet

(35') is required.

0 Village Board of Trustees 04/06/2006 continued

Pass

Verbose Action: to the meeting of April 20, 2006.

0 Village Board of Trustees 04/20/2006 passed on first

Pass

reading

Verbose Action: To approve item one and deny item two in concurrence with the Zoning Board of Appeals

recommendation



MEMORANDUM

TO: William T. Lichter, Village Manager
FROM: David A. Huliseberg, AICP, Director of Community Development *[Signature]*

DATE: April 20, 2006

SUBJECT: ZBA 06-06: 302 W. Loy Street

The Village Board of Trustees continued the zoning variance request for the property at 302 W. Loy Street (ZBA 06-06) to the April 20, 2006 meeting in order to allow the petitioner to provide alternative drawings. In working with his architect, the petitioner was unable to provide any alternative designs that he felt were suitable for the property. As such, the petitioner wishes to move forward with the petition with the original plans that were submitted with the rear yard encroachment.

Please contact me if you have any questions regarding the petition.

H:\CD\WORD\USER\ZBA Cases\2006\ZBA 06-06\WTL referral memo2.doc

#060134

ML
4/13/06



Village of Lombard Master Report

Village Hall
255 East Wilson Ave.
Lombard, IL 60148
villageoflombard.org

File Number: 060134

File Number: 060134 File Type: Ordinance Status: Separate Action
Version: 0 Reference: Controlling Body: Zoning Board of Appeals
Requester: Community Development Department
File Name: ZBA 06-06 302 W. Loy Street
Final Action:

Title: A. ZBA 06-06 302 W. Loy Street (Ordinance on First Reading)
Requests approval of the following actions on the subject property to allow for the construction of a single family residence within the R2 Single Family Residential District:
1. A variation to Section 155.406(F)(2) to reduce the corner side yard setback to ten feet six inches (1'06") where twenty feet (20') is required.
2. A variation to Section 155.406(4) to reduce the rear yard setback to thirty-one feet (31') where thirty-five feet (35') is required. (DISTRICT #1)

Notes:
Code Sections: Agenda Date: 04/20/2006

Indexes: setback, Loy
Sponsors:
Attachments:

Agenda Number:
Enactment Date:
Enactment Number:

History of Legislative File

Ver-Action Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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0	03/22/2006	recommended to the Corporate Authorities for approval with conditions as to the variation to reduce the corner side yard setback to ten feet six inches (1'06") where twenty feet (20') is required.				Pass
0	03/22/2006	recommended to the Corporate Authorities for approval as to the variation to reduce the rear yard setback to thirty-one feet (31') where thirty-five feet (35') is required.				Fail

Fail	<p>0 Zoning Board of Appeals 03/22/2006 recommended to the corporate authorities for denial as to the variation to reduce the rear yard setback to thirty-one feet (31') where thirty-five feet (35') is required.</p>
Pass	<p>0 Village Board of Trustees 04/06/2006 continued Verbose Action: to the meeting of April 20, 2006.</p>

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: March 28, 2006 (B of T) Date: April 6, 2006

TITLE: ZBA 06-06 302 W. Loy Street

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 approval of the following actions on the subject property to allow for the construction of a single family residence within the R2 Single Family Residential District:

1. A variation to Section 155.406(F)(2) to reduce the corner side yard setback to ten feet six inches (10'6") where twenty feet (20') is required.

2. A variation to Section 155.406(4) to reduce the rear yard setback to thirty-one feet (31') where thirty-five feet (35') is required.
(DISTRICT #1)

The Zoning Board of Appeals recommended approval of the variation to the corner side yard setback with conditions but had no recommendation for the variation to the rear yard setback.

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

Village Attorney X

Finance Director X

Village Manager X

Date

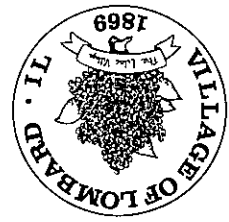
Date

Date

WTL

03/29/06

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, Director of Community Development *DALH*
DATE: April 6, 2006
SUBJECT: ZBA 06-06: 302 W. Loy Street

Attached please find the following items for Village Board consideration as part of the April 6, 2006 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 06-06;
3. An Ordinance granting approval of the corner side yard variation;
4. Plat of Survey; and
5. Plans associated with the petition.

The petition included two variation requests to reduce the corner side yard setback and the rear yard setback to accommodate the construction of a new single family home. The Zoning Board of Appeals is forwarding a recommendation of approval for the corner side yard variation, but is forwarding no recommendation for the rear yard variation. Therefore, the attached ordinance only grants approval of the corner side yard variation. Should the Board of Trustees grant approval of the rear yard variation, staff will revise the ordinance accordingly.

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
Bridette O'Brien

Trustees

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

Village Manager
William T. Lichter

April, 6 2006

Mr. William J. Mueller

Village President, and

Board of Trustees

Village of Lombard

Subject: ZBA 06-06; 302 W. Loy Street

Dear President and Trustees:

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioner requests approval of the following actions on the subject property to allow for the construction of a single family residence within the R2 Single Family Residential District:

1. A variation to Section 155.406(F)(2) to reduce the corner side yard setback to ten feet six inches (10'6") where twenty feet (20') is required.

2. A variation to Section 155.406(4) to reduce the rear yard setback to thirty-one feet (31') where thirty-five feet (35') is required.

The Zoning Board of Appeals conducted a public hearing on March 22, 2006. Michael Lambert, with Artis Architects, presented the petition. He stated that he has been working with the Caputo's (property owners) for four years on the design for their own home just to the north of the subject property. He mentioned that the petitioners were concerned about the disparity of the home on the subject property and had an opportunity to buy the home in December 2005.

Mr. Lambert noted that originally, they had requested a front yard variation because the houses on Loy have irregular setbacks. He referenced other houses on the north side of Loy Street that encroach into the thirty foot (30') front yard setback. He stated that the proposed residence is designed in such a way to keep the large pine trees on the property. He noted that after re-evaluating the location of the trees, the house had to be shifted to the north causing the proposed residence to encroach within the rear yard.

"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. Lambert referenced staff's comments about the fourth bedroom. He stated that they had done research to try and match the market. He stated that the market demand is for four bedroom homes. He stated that the bedroom on the first floor is convenient for elderly or disabled residences or can be used as an office. He stated that another reason for having the bedroom on the first floor without a second story above it was to provide architectural balance. He also referenced staff's comments about reducing the sizes of the rooms and stated that the rooms could not be reduced smaller and still accommodate furniture. Mr. Lambert also presented floor plans with furniture layouts to demonstrate this.

Mr. Lambert noted that in designing the proposed residence for the subject property, the Caputo's were particularly concerned with the rear yard and maintaining a view of the park from their current residence. He stated that the house currently existing on the subject property has been a neighborhood eyesore for a number of years. He mentioned that he was impressed with the Caputo's efforts to beautify the neighborhood.

Chairperson Defalco then opened the meeting for public comment.

Tom Zilla, who resides at 253 W. Crystal, spoke in favor of the petition. He stated that he has resided at his home for twenty nine years, and over the years has updated his home three times. He noted that he has also seen the neighborhood change over the years, and that the house at 302 W. Loy has been a neighborhood eyesore for a number of years. He stated that the proposed home will greatly improve the neighborhood.

Chairperson Defalco then requested the staff report.

Michelle Kulkowski, Planner I, presented the staff report. She stated that the subject property is a corner lot approximately fifty feet (50') by one hundred fifty one feet (151') deep. She noted that the petitioner owns the subject property and the adjacent property to the north. She mentioned that he plans to construct a new home for his family on the adjacent property as well as redevelop the subject property with a single family home to complement his anticipated home on the adjacent property. She stated that because the subject property is only fifty feet (50') wide, the setback requirements would only allow a twenty-four foot (24') wide house to be built, and in order to accommodate the construction of a new home, the petitioner is requesting two variations to reduce the corner side yard setback and to reduce the rear yard setback.

Mrs. Kulkowski stated that staff can support the variation from the corner side yard setback. She noted that the subject property is recorded as a fifty foot (50') wide lot of record and with the required interior side yard and corner side yard setbacks, only a twenty-four foot (24') wide house could be constructed. She mentioned that many of the houses currently existing on fifty-foot (50') wide corner lots are considered legal non-conforming as they were constructed during the post World War II era when the Zoning Ordinance required a different side yard setback,

usually ten feet (10'). She stated that there is a precedent for variations to reduce the corner side yard setback on fifty-foot (50') wide corner lots to allow for the construction of a single family residence (most recently ZBA 05-03).

Ms. Kulkowski noted that the proposed residence will essentially have the same corner side yard setback as the existing residence. She stated that the existing residence is setback eleven and one half feet (11.5') and the proposed residence is setback eleven and eight tenths feet (11.8'). She mentioned that only the proposed chimney projects beyond the existing building line as it is setback ten and one half feet (10.5') from the corner side property line, but because the proposed chimney does not meet the provisions for allowing chimneys as an encroachment within the corner side yard, the corner side yard must be reduced to ten and one half feet (10.5').

Ms. Kulkowski also noted that there are three very large coniferous trees existing in the corner side yard, and that the proposed residence has been designed in such a way that the trees do not have to be removed. She stated that these trees will substantially screen the proposed residence thus reducing the visual impact of the encroachment within the corner side yard. She also mentioned that the encroachment within the side yard will have the greatest impact on the adjacent property to the north, which is also owned by the petitioner and is where he resides.

In reference to the variation from the rear yard setback, Ms. Kulkowski stated that staff does not support the requested variation. She noted that the subject property meets the minimum 7,500 square foot lot area requirement for the R2 Single Family Residence District, and staff finds that one hundred fifty one feet (151') is a sufficient lot depth to construct a two-story single family residence even in consideration of the narrow width of the lot. She stated that there are no conditions unique to the property that prevents compliance with the rear yard setback requirements and that granting the requested relief would set an undesirable precedent.

Ms. Kulkowski noted that the request is not based on a hardship but the petitioner's preference for the proposed design. She stated that alterations can be made to the design to bring the proposed residence in conformance with the rear yard setback. The fourth bedroom on the first floor can be eliminated, or rather than have a two story ceiling height over the living room, a fourth bedroom can be located above the living room on the second floor. She also mentioned that the widths of the rooms can be slightly reduced so as to total a four foot (4') reduction in the total width of the proposed residence. She stated that the length of the rooms can be reduced and still provide sufficient space.

Ms. Kulkowski also noted that an email was received from a resident after the Zoning Board of Appeals packets went out. She summarized the email as part of the public record. She stated that the email was from Joe Lamie who resides at 420 N. Elizabeth Street. Mr. Lamie stated that he had reviewed the proposed architectural plans with Tom and Cheryl Caputo and that he was in favor of the variation request. He noted that the existing structure is not well maintained and had

attracted transients with no personal interest in the property. He mentioned that the proposed home would enhance the value of the adjacent properties. He also stated that Tom and Cheryl are truly advocates for beautifying the neighborhood.

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

Mr. Young asked about time limitations as it relates to the expiration of a variation and expiration of building permits. He also asked whether the petitioner plans to construct the homes on the subject property and the adjacent property simultaneously.

Mr. Caputo stated that they would construct the home on the subject property first, so his family could live there while their home was being constructed on the adjacent property.

Mr. Polley asked about the pines trees that would remain on the property. He asked whether the trees would be right up against the house and how that would affect the neighbor to the west. Mr. Caputo stated the trees would still be about ten feet (10') away from the house. He stated that the previous owner had a dilapidated shed and a trampoline in the back yard. He stated that the house is designed to provide visual interest on all sides. He said that the neighbor was very happy that he had bought the property.

Chairperson Defalco mentioned that a detached garage could be built in the rear yard which would block more of the backyard than the proposed design.

Mr. Young stated that the proposed home would most likely be sold for profit. He stated that he understands that the petitioner is trying to match the market, but most houses being built don't require variances. He also noted that the Board of Trustees typically do not grant "for profit" variations.

Chairperson Defalco asked whether the board objected to the corner side yard variation.

Mr. Young stated he did not have a problem with the corner side yard variation because code would only allow a twenty-four foot wide house to be built.

Mr. Bedard stated that he also was concerned that the variations were to facilitate for profit development.

Mrs. Newman stated that granting the rear yard variation would set a precedent. She stated that the lot is big enough to build on, but maybe not the house that petitioner wants to build. She noted that that is a condition of the lot.

Chairperson Defalco also noted that the previous Zoning Ordinance only required a thirty foot (30') rear yard setback. He mentioned that the proposed residence would comply with the previous setback requirement.

Mrs. Newman stated that the houses that being built now are also taller.

Mr. Caputo stated that the purpose of the project was not to gain a profit. He stated that his primary purpose is to improve the neighborhood. He stated that he is not in the real estate or construction business. He noted that if the property were sold to a builder, they would just build a big box that could meet code, but would not be aesthetically pleasing.

Mr. Lambert asked whether the Zoning Board of Appeals would consider a variation to allow an encroachment to decrease the rear yard by a certain percentage provided that they compensate by leaving an equivalent void space within the buildable area.

Chairperson Defalco stated that the garage is setback thirty feet (30') from Loy Street. He noted that the proposed design would require a variation from either the front yard or rear yard setback.

Mr. Heniff stated that he does not recall any circumstance where a variation was conditioned as such. He stated that he would be concerned with how the ordinance would be enforced. He stated that it is easier to get creative like that with a Planned Development. He also noted that while that provision would still provide equivalent open space, the volume within the rear yard would not meet the intent of the rear yard setback.

Chairperson Defalco noted that the portion of the house encroaching within the rear yard is only one story. He asked what the size of the 4th bedroom that encroached within the rear yard.

Mr. Lambert stated that the room was approximately eleven feet six inches (11'6") by thirteen feet (13').

Chairperson Defalco stated that approximately seven feet (7') of that room is permissible by code.

Mr. Heniff stated that the area encroaching would be approximately four feet (4') by thirteen feet (13') which equals fifty two square feet (52 s.f.). He said the Zoning Board of Appeals does have the authority to add this type of condition.

Mr. Bedard stated that the Zoning Board of Appeals has looked at "trading" open space with variations from the fifty percent (50%) open space requirement.

Mr. Young stated that the footprint of the home was approximately two thousand three hundred twenty five square feet (2,325 s.f.). Mr. Lambert stated that the second story is not as large as the first story and the square footage of the whole house is under four thousand square feet (4,000 s.f.).

Mr. Heniff stated that the Zoning Board of Appeals can vote on the two variation requests separately.

After due consideration of the petition and testimony presented, the Zoning Board of Appeals found that the requested corner side yard variation complied with the Standards of the Zoning Ordinance. Therefore, on a motion by Mr. Bedard and a second by Mrs. Newman, the Zoning Board of Appeals recommended approval of the requested corner side yard variation associated ZBA 06-06 by a roll call vote of 5 to 0, subject to the following conditions:

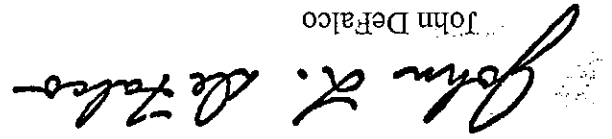
1. The petitioner shall develop the site in accordance with the plans prepared by Arris Architects and Planners and submitted as part of the petition, but with the proposed residence meeting the required thirty-five foot (35') rear yard setback. The petitioner shall submit modified plans prior to consideration by the Board of Trustees.

2. That the petitioner shall apply for and receive a building permit for the proposed improvements associated with this petition.

In consideration of the requested rear yard variation, a motion recommending denial was made by Mrs. Newman and seconded by Mr. Young and resulted in a 3 to 2 roll call vote. As this was insufficient to forward a recommendation, a motion recommending approval was made by Mr. Polley and seconded by Chairperson Defalco. The motion resulted in a roll call vote of 2 to 3. Therefore, the Zoning Board of Appeals forwards no recommendation regarding the requested rear yard variation.

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
Planner I

TITLE

ZBA 06-06; 302 W. Loy Street: The petitioner requests approval of the following actions on the subject property to allow for the construction of a single family residence within the R2 Single Family Residential District:

1. A variation to Section 155.406(F)(2) to reduce the corner side yard setback to ten feet six inches (10'6") where twenty feet (20') is required.
2. A variation to Section 155.406(4) to reduce the rear yard setback to thirty-one feet (31') where thirty-five feet (35') is required.

GENERAL INFORMATION

Petitioner/Owner:

Thomas Caputo
414 N. Elizabeth Street
Lombard, IL 60148

PROPERTY INFORMATION

Existing Zoning:

R2 Single Family Residential District

Existing Land Use:

Single Family Residence

Size of Property:

7,590 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 February 20, 2006.

1. Petition for Public Hearing
2. Response to the Standards for Variation
3. Plat of Survey prepared by Marchese Surveying, Inc. and dated December 15, 2005.
4. Site Plan prepared by Artis Architects and Planners and submitted on February 27, 2006.
5. Proposed building elevations prepared by Artis Architects and Planners.

DESCRIPTION

The subject property is a corner lot approximately fifty feet (50') by one hundred fifty one feet (151') deep. The petitioner owns the subject property and the adjacent property to the north. He plans to construct a new home for his family on the adjacent property. The petitioner also intends to redevelop the subject property with a single family home to compliment his anticipated home on the adjacent property. Because the subject property is only fifty feet (50') wide, the setback requirements would only allow a twenty-four foot (24') wide house to be built. In order to accommodate the construction of a new home, the petitioner is requesting two variations to reduce the corner side yard setback and to reduce the rear yard setback.

ENGINEERING

Private Engineering Services

From an engineering or construction perspective, PHS has no comments.

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

In reviewing the petition, staff has compared the existing conditions with the proposed site plan. The following table outlines the comparison:

Proposed Residence	Existing Residence	Code Requirements	Front Yard Setback	Interior Side Yard Setback	Corner Side Yard Setback	Rear Yard Setback	Area of Residence (Footprint)	Lot Coverage	Area encroaching into Corner Side Yard Setback
Residence	Residence	Requirements	30'	6'	20'	35'	1080.78 s.f.	<50%	Area encroaching into Corner Side Yard Setback
			≈ 30'	7.62'	11.5'	79'	2325.25 s.f.	18.1%	
			30'	6'	to residence 11.8'	31'		43.3%	
					to chimney 10.5'				

Corner Side Yard Setback

Staff can support the variation from the corner side yard setback for the following reasons. The subject property is recorded as a fifty foot (50') wide lot of record. With the required interior side yard and corner side yard setbacks, only a twenty-four foot (24') wide house could be constructed. Many of the houses currently existing on fifty-foot (50') wide corner lots are considered legal non-conforming as they were constructed during the post World War II era when the Zoning Ordinance required a different side yard setback, usually ten feet (10'). There is a precedent for variations to reduce the corner side yard setback on fifty-foot (50') wide corner lots to allow for the construction of a single family residence (most recently ZBA 05-03).

The proposed residence will essentially have the same corner side yard setback as the existing residence. The existing residence is setback eleven and one half feet (11.5') and the proposed residence is setback eleven and eight tenths feet (11.8'). Only the proposed chimney projects beyond the existing building line as it is setback ten and one half feet (10.5') from the corner side property line. Because the proposed chimney does not meet the provisions for allowing chimneys as an encroachment within the corner side yard, the corner side yard must be reduced to ten and one half feet (10.5').

There are three very large coniferous trees existing in the corner side yard. The petitioner has indicated that the proposed residence has been designed in such a way that the trees do not have to be removed. These trees will substantially screen the proposed residence thus reducing the visual impact of the encroachment within the corner side yard. Also the encroachment within the side yard will have the greatest impact on the adjacent property to the north, which is also owned by the petitioner and is where he resides.

Rear Yard Setback

Staff does not support the requested variation to reduce the rear yard setback. The lot meets the minimum 7,500 square foot lot area requirement for the R2 Single Family Residence District, and staff finds that one hundred fifty one feet (151') is a sufficient lot depth to construct a two-story single family residence even in consideration of the narrow width of the lot. There are no conditions unique to the property that prevents compliance with the rear yard setback requirements. Furthermore, staff finds that requesting the proposed relief would set an undesirable precedent.

The request is not based on a hardship but the petitioner's preference for the proposed design. Alterations can be made to the design to bring the proposed residence in conformance with the rear yard setback. The fourth bedroom on the first floor can be eliminated, or rather than have a two story ceiling height over the living room, a fourth bedroom can be located above the living room on the second floor. Also, the widths of the rooms can be slightly reduced so as to total a four foot (4') reduction in the total width of the proposed residence. Staff finds that the length of the rooms can be reduced and still provide sufficient space.

FINDINGS AND RECOMMENDATIONS

Staff recommends approval of the variation to reduce corner side yard setback, and denial of the variation to reduce the rear yard setback. Should the Zoning Board of Appeals concur with this recommendation, staff suggests that prior to consideration by the Board of Trustees, that the petitioner submit revised plans showing how the design will be changed to meet the rear yard setback.

The Department of Community Development has determined that the information presented **has affirmed** the Standards for Variations for the requested variation to reduce the corner side yard setback, but has not affirmed the standards for variations for the rear yard setback variation request. 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 aforementioned variation:

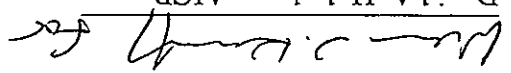
Based on the submitted petition and the testimony presented, the requested variation to reduce the corner side yard setback **does comply** with the Standards for Variation in the Lombard Zoning Ordinance but does not comply with the Standards for Variations for the rear yard setback; and, therefore, 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 **partial approval** of ZBA 06-06, subject to the following conditions:

1. The petitioner shall develop the site in accordance with the plans prepared by Arris Architects and Planners and submitted as part of the petition, but with the proposed

residence meeting the required thirty-five foot (35') rear yard setback. The petitioner shall submit modified plans prior to consideration by the Board of Trustees.

2. That the petitioner shall apply for and receive a building permit for the proposed improvements associated with this petition.

Inter-Departmental Review Group Report Approved By:

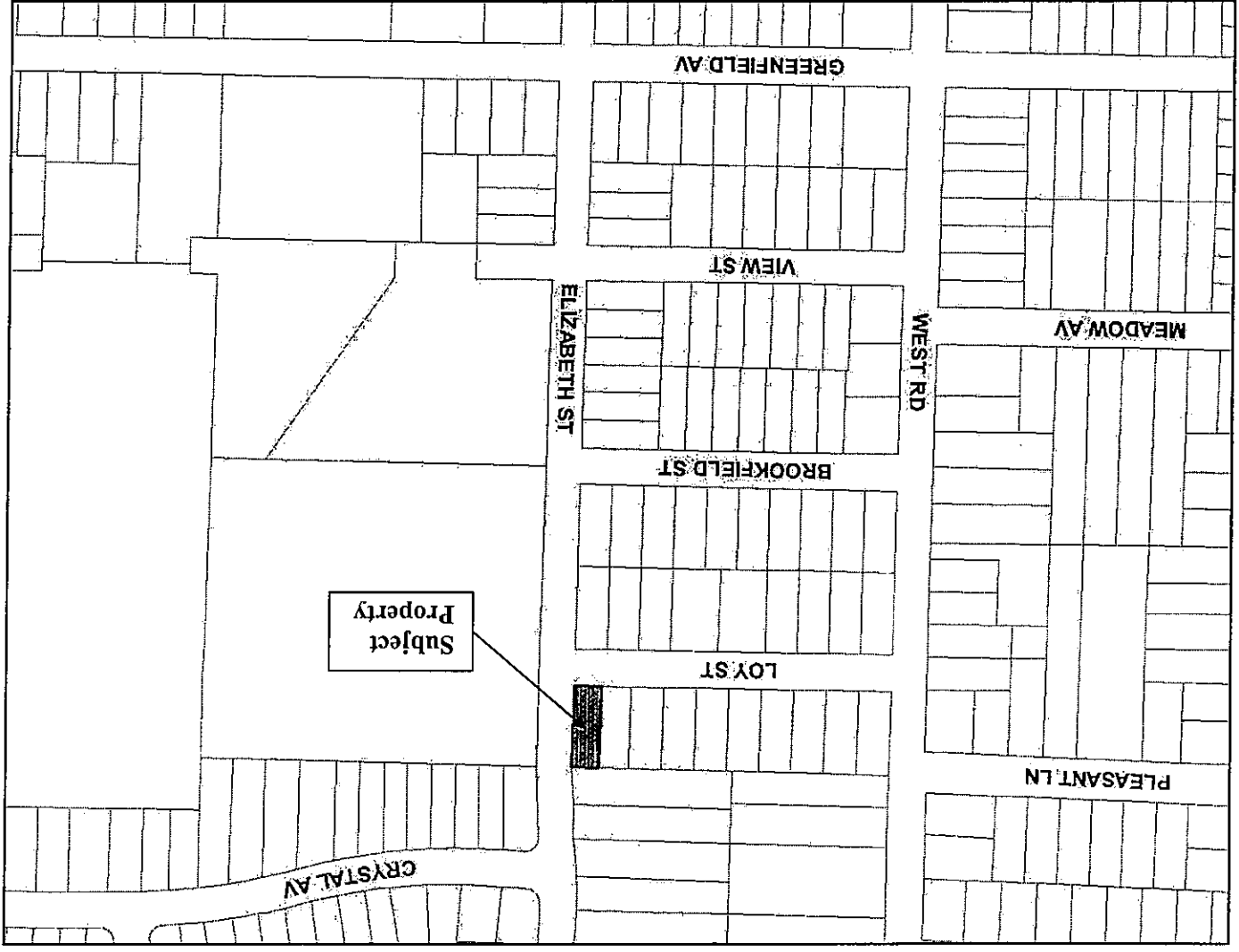


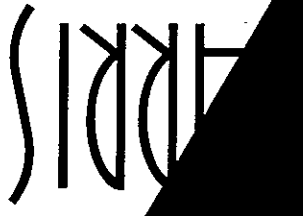
David A. Hulseberg, AICP

Director of Community Development

att-
c: Petitioner

Location Map
ZBA 06-06
302 W. Loy Street





ARCHITECTS + PLANNERS
601 N. DES PLAINES STREET
PLAINFIELD, IL 60544
815/436-8133
FAX 815/436-1864

February 27, 2006

Michelle M. Kullikowski, Planner 1
Village of Lombard
255 East Wilson Avenue
Lombard, Illinois 60148

re: Variance Request
302 West Loy Street
Lombard, Illinois
AAP 05151

Dear Michelle:

Since the original application was submitted to your office on February 23, 2006, the petitioners, Tom and Cheryl Caputo, have discovered that one tree on the subject site was improperly located on the plat of survey. Therefore, we are revising the variance request in order to save all four mature pine trees on the site. Again, thank you for meeting with Tom Caputo and me on Monday, February 20, 2006; the discussion was very helpful. Based on your comments at that time and further discussion with my clients, we have revised the proposed plans to some degree in order to retain several mature trees and eliminate one variance request (reduction of the front yard setback).

Specifically, we have re-designed the northern portion of the proposed residence; however, a rear yard variance still would be required. Additionally, in light of the requirement of a 5'-0" utility easement along the west property line, we have revised the access to and from the side yard and have indicated only a brick paver, at-grade patio in the required sideyard and over the utility easement. The re-designed plan eliminates the need for a front yard variance request.

The proposed development meets the site bulk requirements as defined by the Village of Lombard:

Total Lot Area	7,582.55 Sq. Ft.
50% of Lot Area	3,791.75 Sq. Ft.
Actual Developed Area*	3,291.75 Sq. Ft.
* Building Footprint	2,325.25 Sq. Ft.
Stoops, Drives, Sidewalks, Patios	966.50 Sq. Ft.
Total Developed Area	3,291.75 Sq. Ft.

Based on revised information regarding the actual tree location, the Owners may elect to re-incorporate a covered porch at the Elizabeth Street side of the Study / Guest Room; the porch would add an additional 120 Sq. Ft. of developed area which still results in coverage of less than 50% of the total lot area.

However, in order to construct a new residence on the subject lot which is consistent with typical new residences being constructed in the Lombard area, the Owners are requesting two variances from the Village of Lombard. Our responses to the Variance Standards are as follows:

MICHAEL A. LAMBERT

Issue 1.

- A. The corner lot is a narrow lot (50'-0" wide) with a required front yard of 30'-0" at Loy Street; a required corner side yard of 20'-0" at Elizabeth Street; and a 6'-0" wide required interior sideyard. Therefore, the buildable lot width per Village ordinance is just 24'-0", which is not compatible with typical residential construction as dictated by today's market for similar homes.
- B. Additionally, the existing construction on the subject parcel encroaches into the Loy Street and Elizabeth Street rights-of-way. The front wall of the existing house is slightly less than 30'-0" from the Loy Street property line, and an existing concrete stoop projects even further into the required yard.
- C. The Owners desire to retain as many of the mature trees on the property as possible. Of the 4 trees that are in good condition, the proposed architectural plan will allow the preservation of each of the trees.
- D. The proposed architectural plan has been designed for this lot (it is not a "stock" plan being forced onto the lot) and, in particular, to take advantage of the view of the large park across Elizabeth Street.

Issue 2.

- A. The requests for the variance stem from three unique aspects of the subject site. First, the Owners desire to capitalize on the public park views possible from Elizabeth Street and, therefore, have worked to design a new residence with its major and architecturally interesting facade along Elizabeth Street. Secondly, the Owners will live continue to live in the neighborhood on Elizabeth Street, adjacent to the subject lot. In the near future, the Owners plan to re-develop their own lot (without the anticipated need for variances) and desire to retain a view from their proposed new residence across the northerly portion of the subject lot to the park. Thirdly, the Owners desire to retain a passive yard on the subject lot alongside their property.
- B. The proposed, architectural plan has been developed to create a visually-interesting residence from both Loy and Elizabeth Street where, in order to maximize the buildable lot, a more conventional approach may yield only a "big box" behind a Loy Street facade.

Issue 3.

- A. The Owners primary purpose is not for financial gain. In fact—because the Owners wish to remain in the neighborhood and make substantial improvements to their own property, they have gone to great expense to acquire a neighborhood property which had not been maintained to the highest of standards in recent years.

Issue 4.

- A. The present ordinance is general, in nature, and does not fit the unique development aspects or criteria of the Loy Street site. The proposed architectural plans attempt to be creative and introduce period-inspired massing and detailing not found in the present structure.

Issue 5.

- A. The proposed development attempts to improve several negative conditions at the existing site. First, at the intersection, the proposed residence sits further back from either street than the existing structure. The majority of the proposed residence sits further from Elizabeth Street than the existing, non-conforming facade. A small portion of the proposed residence (the Living Room Wall) maintains the same setback as the current structure, but that wall is much further north of the intersection of Loy and Elizabeth Streets. Only a small portion of the proposed residence (one step at the Elizabeth Street stoop and a chimney on the same facade) extend closer to the street than the existing structure.

- B.** The architecturally-expressed, second floor of the proposed residence is set substantially behind (north of) the required Loy Street setback in order to maximize light and natural air to the adjoining property.
- C.** The proposed building allows vehicles to be parked on the Loy Street driveway and not extend into the public way.

Issue 6.

- A.** The proposed setback variances will not be a departure from the existing development in the neighborhood. The houses along Loy Street do not follow a consistent front yard setback. Although greater in overall length, the proposed Elizabeth Street facade encroachment is similar to the existing condition. Furthermore, the existing trees are proposed to remain, maintaining a similar relationship between building and street.
- B.** The proposed residence is consistent in scale, massing and architectural detail when compared with re-development in the immediate, surrounding area of Lombard.
- C.** The proposed rear yard encroachment is minimal but allows the construction of contemporary interior spaces within a confined building site; the additional length will satisfy the spatial needs of potential owners of the re-developed property. Additionally, the petitioners, Tom and Cheryl Caputo, own and will continue to occupy the parcel to the north of the subject lot and would be the most adversely affected residents in the neighborhood once the variance is granted.

Issue 7.

- A.** The proposed residence will not alter or impair the supply of air and light to adjacent properties. In fact, the proposed design attempts to maximize the space between the proposed residence and adjacent properties.
- B.** The proposed residence will not add to the congestion of the adjacent streets and, in fact, proposes to eliminate the driveway from Elizabeth Street, the busier of the two thoroughfares.
- C.** The proposed, architectural plan has been developed to create a visually-interesting residence from both Loy and Elizabeth Streets where a more conventional approach may yield only a "big box" behind a Loy Street facade in order to maximize the buildable lot.
- D.** No reasons exist to believe that the proposed development would alter or impair the natural drainage of the immediate area, increase the danger of fire, or endanger public safety.
- E.** The proposed improvement should assist in increasing property value in the neighborhood.

Finally, I feel it is important to re-iterate the level of concern the Owners have expressed throughout the design process for the subject parcel as well as their own parcel immediately north of the subject parcel. Having worked with them for nearly five years, Tom and Cheryl Caputo have continually demonstrated a love of their neighborhood and community as well as a desire to create aesthetically-pleasing architecture while maintaining mature trees wherever possible. In over twenty years of practice, I rarely have met clients with such concern for their community and neighborhood.

Should you have any questions, please feel free to contact me. We look forward to the opportunity of working with you towards the completion of this Project.

Sincerely,

Michael A. Lambert
ARRIS Architects + Planners, P.C.

Michael A. Lambert
Principal Architect

enclosure

**AN ORDINANCE APPROVING A VARIATION
OF THE LOMBARD ZONING ORDINANCE
TITLE 15, CHAPTER 155 OF THE CODE OF LOMBARD, ILLINOIS**

ORDINANCE NO. _____

(ZBA 06-06: 302 W. Loy Street)

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois; and,

WHEREAS, an application has been filed with the Village of Lombard requesting a variation from Title 15, Chapter 155, Section 155.406 (F)(2) of said Zoning Ordinance to reduce the corner side yard setback from twenty feet (20') to ten feet six inches (10'6") in the R2 Single-Family Residence District; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on March 22, 2006 pursuant to appropriate and legal notice; and,

WHEREAS, the Zoning Board of Appeals has forwarded its findings with a recommendation for approval to the Board of Trustees for the requested variation; and,

WHEREAS, the President and Board of Trustees have determined that it is in the best interest of the Village of Lombard to approve the requested variation subject to conditions.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That a variation is hereby granted from the provisions of Title 15, Chapter 155, Section 155.406 (F)(2) of the Lombard Zoning Ordinance for the property described in Section 2 below, so as to reduce the required corner side yard setback from twenty feet (20') to ten feet six inches (10'6").

SECTION 2: This ordinance is limited and restricted to the property generally located at 302 W. Loy Street, Lombard, Illinois, and legally described as follows:

THE EAST 50 FEET OF LOT 5 IN BLOCK "J" IN GREENFIELD RESUBDIVISION OF OUTLOT 2 AND PART OF OUTLOT 3 IN THE TOWN OF LOMBARD, BEING A RESUBDIVISION IN SECTIONS 5, 6, 7, 8, AND 18, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 24, 1914 AS DOCUMENT NUMBER 119038, IN DU PAGE COUNTY, ILLINOIS.

Parcel No: 06-06-400-010

SECTION 3: This ordinance shall be granted subject to compliance with the following conditions:

1. The petitioner shall develop the site in accordance with the plans prepared by Artis Architects and Planners and submitted as part of the petition, but with the proposed residence meeting the required thirty-five foot (35') rear yard setback. The petitioner shall submit modified plans prior to consideration by the Board of Trustees.
2. That the petitioner shall apply for and receive a building permit for the proposed improvements associated with this petition.

SECTION 4: This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this _____ day of _____, 2006.
First reading waived by action of the Board of Trustees this _____ day of _____, 2006.
Passed on second reading this _____ day of _____, 2006.

Ayes: _____
Nays: _____
Absent: _____

Approved this _____ day of _____, 2006.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk