

August 9, 2007

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

Subject: ZBA 07-08; 1144 E. Woodrow Avenue

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 155.406(F)(4) of the Lombard Zoning Ordinance to reduce the rear yard setback to twenty seven feet (27') where thirty-five feet (35') is required in order to construct an addition within the R2 Single Family Residential District.

The Zoning Board of Appeals conducted a public hearing on June 27, 2007. Thomas Lotter, owner of the subject property, presented the petition. He stated that his house was the original house on what used to be a larger estate. He noted that when he bought the house in 1986 the driveway used to extend all the way back to the rear property line. He mentioned that since he has owned the property, there has not been a garage. He stated that while there is room on the east side of the property to construct a garage, there is a large ginkgo tree that would have to be cut down.

Mr. Lotter stated that he would like to build a 1.5 car garage and a kitchen addition on the west side of the existing residence. He noted that because there isn't a lot of room in terms of width, they need to utilize the full length in order to fit both the garage and the kitchen. He mentioned that the existing first floor is approximately 4' above grade, so stairs will be needed from the garage to the first floor level. He also mentioned they would like to construct the addition at a twenty seven foot (27') setback, otherwise it would be a tight squeeze in the garage and there would be just enough room for a car to fit. He stated that the additional two feet (2') will not impact the neighbor to the west because they are setback farther.

Chairperson DeFalco opened the meeting for public comment. No one spoke for or against the petition.

Chairperson DeFalco then requested the staff report.

Michelle Kulikowski, Planner I, presented the staff report. She stated that the residence on the subject property was constructed in 1919 on what was previously a much larger lot. She noted that in 1965, the property was subdivided and the residence was located on what was known as Lot 1 in Kettel Construction's Resubdivision. She also noted that the property was subdivided again in 1979 as a result of Dudczak Resubdivision, which created a new lot out of the northern seventy-five feet (75'). After the second resubdivision, the existing residence maintained a rear yard setback of approximately twenty nine and one-half feet (29.5'). She stated that at the time, the Zoning Ordinance only required a minimum rear yard setback of thirty feet (30'). She noted that the six inch (6") discrepancy is likely the result of a surveying or construction error.

Ms. Kulikowski noted that the petitioner is proposing two options for constructing an addition. She stated that the first option is to construct the addition with a twenty-seven foot (27') rear yard setback and the other option is to construct the addition maintaining the existing building line with a twenty-nine foot (29') setback. She mentioned that the subject property is legal non-conforming with respect to the rear yard setback because at the time the property was resubdivided, it essentially met the thirty foot (30') rear yard setback requirement. She noted that the minimum rear yard setback requirement has since changed from thirty feet (30') to thirty-five feet (35'). She stated that the petitioner's preferred option is to construct the addition with a twenty-seven foot (27') rear yard setback. She noted that staff does not support a variation for this option as it will increase the degree of non-conformity. She stated that there isn't a hardship unique to the property that would necessitate a twenty-seven foot (27') setback versus a twenty nine foot (29') setback, and the request for the twenty-seven foot (27') setback is based on personal preference rather than hardship.

Ms. Kulikowski stated that staff supports a variation to allow the addition to be constructed at a twenty-nine foot (29') setback. She noted that staff has typically supported variation requests where the addition will be maintaining the existing building line. She mentioned that there is substantial room to construct an addition on the east side of the existing residence, but any addition would likely require the removal of the large Ginkgo tree currently existing on the property. She also noted that it is more desirable from a traffic safety standpoint to locate the driveway further from the intersection of Woodrow Avenue and Addison Avenue.

Chairperson DeFalco opened the meeting for discussion among the members.

Mr. Polley noted an error in the staff report. He stated that the property is at the northwest corner of Woodrow and Addison- not the northeast corner.

Chairperson DeFalco asked about the existing deck that is shown on the site plan.

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Mr. Lotter stated that a permit was issued for the deck. He referenced a plat of survey with the approval stamps from when the deck permit was issued.

Chairperson DeFalco asked whether the existing driveway would be removed after the new garage is constructed. Mr. Lotter confirmed that the driveway would be removed.

Chairperson DeFalco noted that a substantial amount of additional green space that will be provided once the driveway is removed. He noted that the ZBA has taken into consideration a "give and take" for some variation requests. He mentioned that the additional green space might substantiate an argument for granting the variation for a twenty-seven (27') setback.

Mr. Lotter stated that the driveway would need to be redone anyways. He noted that they would like to get more green space and have been slowly removing the driveway over the years.

Mr. Polley asked how the neighbors felt about the proposed addition. Mr. Lotter stated that the neighbor understands. He also noted that the neighbors have a big back yard and would still get a lot of light.

Chairperson DeFalco noted that the petitioner could build an addition without a variation, meeting the thirty five foot (35') which would have virtually the same impact on the neighbor as the proposed addition.

Mrs. Newman asked whether the addition would be a one story or two story addition. Mr. Lotter stated that the proposed addition would not be a full two stories. He noted that he would like to do a one and one half (1.5) story addition matching the existing roof line.

After due consideration of the submitted petition and the testimony presented, the Zoning Board of Appeals, by a roll call vote of 4-0, submits this petition to the Corporate Authorities with a recommendation of approval for the requested variation.

Respectfully,

VILLAGE OF LOMBARD

John DeFalco
Chairperson
Zoning Board of Appeals