

February 15, 2007

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

Subject: ZBA 07-02; 206 E. Hickory Street

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 155.415(F)(2) to reduce the corner side yard setback from twenty feet (20') to fifteen feet (15') to allow for the construction of a single family residence in the R2 Single Family Residential District.

The Zoning Board of Appeals conducted a public hearing on January 24, 2007. Thomas Schager, owner of the subject property, presented the petition. He stated that he has lived in the house since 1997. He noted that because his family has grown, they are looking for a larger home. He mentioned that they first considered doing an addition, but they discovered that there are poor soil conditions on the property. He stated that they bought another lot in Lombard to build a new home, but they were unable to sell the house after disclosing the poor soil conditions. He mentioned that they decided to demolish the existing residence and construct a new residence on the property. He noted that they modified their floor plans to accommodate the corner lot.

Mr. Schager referenced a model of the proposed residence. He noted that the portion of the house encroaching into the setback was only one story. He mentioned that the existing home was built in 1924, and the property is unique because it was originally an interior lot that became a corner lot. He stated that the existing house is only about eight feet (8') from the corner side property line and the proposed residence would improve the non-conformity. He also noted that the soil gets progressively worse as you go north on the property. He mentioned that the backyard serves as drainage for other properties.

Julianne Schager stated that there is a storm sewer inlet located at the north end of their property.

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 subject property is located at the northeast corner of Martha Street and Hickory Street and is approximately fifty-five feet (55') and one hundred eighty-three feet (183'). She noted that the existing residence is setback approximately eight feet (8') from the corner side property line. She mentioned that the petitioners desire a larger home, and they were planning to construct an addition to the rear of the existing residence. She referenced the soils investigation report that found poor soil conditions under the existing residence and the area of the proposed addition. She noted that the report recommended demolishing the existing residence and constructing a new residence on a caisson foundation. She stated that the petitioners are proposing to construct a new residence with a wrap-around front porch setback that would be setback fifteen feet (15') from the corner side property line.

Ms. Kulikowski noted that the subject property is a substandard lot in that it is only fifty-five feet (55') wide where the minimum required lot width in the R2 Single Family Residence district is sixty feet (60'). She explained that the subject property was originally platted as an interior lot known as Lot 3 of Hickory Road Homesites, but Bretsnyders Resubdivision, recorded in 1971, dedicated the rear portion of Lot 3 and a majority of Lot 4 as public right-of-way, and subsequently, Lot 3 became a corner lot.

Ms. Kulikowski stated that the existing residence is considered legal non-conforming relative to the corner side yard setback. She noted that staff has generally been supportive of corner side yard variances to construct additions maintaining the existing non-conforming building line. She mentioned that because the poor soil conditions make it difficult to construct an addition to the existing residence, the petitioners are proposing to construct a new residence on a caisson foundation system.

Ms. Kulikowski noted that staff has previously supported corner side yard variations for new construction (ZBA 05-03 and ZBA 06-06), but in those cases, the lots were fifty feet (50') wide with lot areas of 7,800 square feet and 7,500 square feet. She mentioned that the petitioner's property is 182' deep and 10,000 square feet in area and can accommodate a larger house in terms of floor area because the length of the house can accommodate for the narrow width. She stated that the hardship in this circumstance is a personal preference for the proposed design.

Chairperson DeFalco opened the meeting for discussion among the members.

Mr. Young noted that the parkway appears to be eight feet (8') to ten feet (10') wide. He asked staff if they knew how wide the parkway was. Ms. Kulikowski stated that she didn't know the exact dimension, but the parkway appeared to be closer to fifteen feet (15') wide.

Mr. Young recalled a past case where a setback variation was granted because the adjacent parkway was wide, making it appear that the house was setback further. He also noted that there isn't a sidewalk in the parkway adjacent to the subject property.

Chairperson DeFalco asked whether a sidewalk would be required with the construction of the new residence. Ms. Kulikowski stated that the Subdivision and Development Ordinance would require a sidewalk. Mr. Bedard asked how close to the property line does the sidewalk have to be. Ms. Kulikowski noted that it would depend on the width of the parkway, but she didn't recall what the engineering standards were for sidewalks.

Mr. Bedard stated that because of the poor soil conditions and the fact that the corner side yard setback would be increased from eight feet (8') to fifteen feet (15'), he can support the requested variation.

Chairperson DeFalco mentioned that because the soil conditions are worse on the northern end of the property, the petitioners don't actually have the entire property to use.

Mr. Young noted that the house could be built anywhere on the lot, it is just a matter of at what cost. He also stated that he didn't find a house that is twenty-nine feet (29') to thirty-four feet (34') deep to be outrageous.

Chairperson DeFalco stated that in the past the Zoning Board of Appeals has supported variations in cases where there would be a decrease in the degree of non-conformity.

After due consideration of the submitted petition and the testimony presented, the Zoning Board of Appeals, by a roll call vote of 4-1, 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