

April 18, 2002

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

Subject: ZBA 02-06, 337 W. Edson Place

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 the Lombard Zoning Ordinance to reduce the rear yard setback to twenty-five (25') where thirty-five (35') is required to allow for the construction of a three season room in the R2 Single Family Residence.

The petitioner, Mr. Joseph Doran, 337 W. Edson Place stated that he has lived in this home since 1965 and has made several improvements to his property. He requested clarification on if his house is grandfathered since it was built prior to the 1990 text amendment which increased the rear yard setback from 30' to 35'.

Bill Heniff, Senior Planner, responded that his house meets the current 35' rear yard setback and therefore, does not qualify as a grandfathered structure.

The petitioner explained that he is requesting a variation to build a three-season room. He stated that the addition would match the existing house and neighborhood. The petitioner then presented six pictures showing the location of the proposed three-season room and his backyard. He explained that the addition would be screened from adjacent properties and would not decrease property values in the neighborhood.

Chairperson DeFalco then opened the meeting for public comment.

Mike Doran, stated that he is the son of the petitioner and a neighbor and is in support of the variation request. He stated that the houses identified in the staff report as being located within the 35 foot rear yard setback are actually set back more than 30 feet. He explained that the petitioner has a big family that is still growing and they need space for family functions.

Margaret Gibbs, Planner I, presented the staff report. She stated that there is currently a concrete patio that extends into the rear-yard setback requirement, but open patios less than 36 inches in height are permitted obstructions within the rear yard. The petitioners wish to construct a 192 square foot addition that would reduce the rear yard to 25 feet. This no longer meets the requirements of the Zoning Ordinance and so the petitioner is requesting a variation. She stated that Engineering, Fire and Building have no comments or concerns regarding the request.

Ms. Gibbs stated that setbacks are required to control bulk on property. Without such requirements structures could be built without adequate space for health and safety. Setbacks also preserve the suburban character of the area, help prevent over intensified use and help ensure that lots do not have the appearance of being overbuilt. For these reasons staff usually does not support setback variations unless a hardship can be shown that pertains to the physical attributes of the property. Staff is not supportive of this variation because the hardship presented is of a personal nature not one based on the physical attributes of the property.

She explained that a comprehensive review of building permits, Plan Commission cases, and Zoning Board of Appeals cases revealed that no variations have been granted in the neighborhood. A visual assessment of the area surrounding the property found that homes at 329 & 357 W. Edson Place are located within the required rear yard setback. These homes were originally built before the 1990 text amendment, which increased the rear yard setback from 30 feet to 35 feet.

To be granted a variation the petitioner must show that they have affirmed each of the "Standards for Variation". The following standards have not been affirmed:

1. Staff finds that the petitioner's property does not have unique physical limitations that limit the owner from meeting the intent of the ordinance.
2. Staff finds that the conditions are not unique to the subject property. The design and layout of the petitioner's property is typical of any R2 Single Family Residential lot in the Village of Lombard.
3. Staff finds that the ordinance has not caused the hardship. The 35-foot rear yard setback for R2 properties has been consistently applied throughout the Village.
4. Staff finds that granting the request could be injurious to neighboring properties because it contributes to loss of suburban character of the neighborhood and is not consistent with the overall characteristics of the area.
5. Staff finds that the requested relief would change the visual and aesthetic character of the neighborhood.

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Chairperson DeFalco opened the meeting for discussion and questions by the Board Members.

Mrs. Newman asked is the addition bigger than the existing patio.

The petitioner replied no.

Mr. Melarkey asked if the patio is along the whole back of the house.

The petitioner replied no.

Mike Doran stated that he is an appraiser and the addition will add value to the house.

Mr. Polley asked if there are any alternatives. He stated that he does not see any.

Chairperson DeFalco stated that the house is 41 feet from the rear property line so that leaves 6 feet to build.

Mrs. Newman asked if the addition could be built in the front of the house.

The petitioner stated that this would not fit in with the original construction.

Chairperson DeFalco asked if the sunroom could be turned ninety degrees.

The petitioner stated that it could not because of a large bay window and the water meter.

Chairperson DeFalco stated that the ZBA cannot grant a variation simply because there are no alternatives unless the petitioner proves a hardship is caused by the ordinance. I understand the need for more space but it's not unique.

The petitioner stated that the addition would make the backyard more attractive than with the existing overhang.

Chairperson DeFalco asked if the overhang was part of the original construction.

The petitioner stated no and he did not receive a permit for its construction.

Chairperson DeFalco asked what is the size of the overhang.

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The petitioner stated that it extends up to the edge of the patio.

Chairperson DeFalco asked if this structure is considered legal non-conforming.

Mr. Heniff replied that it is unclear and staff would have to research this matter.

Mrs. Newman stated that approval of the variation would set a precedent.

After due consideration of the submitted petition and the testimony presented, the Zoning Board of Appeals submits this petition to the Corporate Authorities with a recommendation for denial. The roll call vote was 4-0 to deny ZBA 02-06.

Respectfully,

VILLAGE OF LOMBARD

John DeFalco
Chairperson
Zoning Board of Appeals

JDF:MMG:jd
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