

April 6, 2006

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

Subject: ZBA 06-05; 262 N. Garfield St.

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 second story addition on an existing legal non-conforming residence within the R2 Single Family Residential District:

1. A variation to Section 155.406(F) (3) to reduce the setback for the northern interior side yard from six feet (6') to five and forty-one hundredths feet (5.41').
2. A variation to Section 155.406(F)(3) to reduce the setback for the southern interior side yard when there is no attached garage constructed on the property from nine feet (9') to eight and thirty-three one hundredths feet (8.33').

The Zoning Board of Appeals conducted a public hearing on March 22, 2006. Jonathan Grant, owner of the subject property, presented the petition. He stated that he and his wife purchased the house in 1997, and now that they have two children, they have outgrown their one story ranch home. He mentioned that he was working with an architect on plans for a second story addition, and the architect noticed that the plat of survey indicated that the existing home was legal non-conforming. Mr. Grant noted that the existing home encroached approximately seven inches (7") into the side yard setback to the north and approximately eight and one-half inches (8.5") into the side yard setback to the south. He stated not only would it look more aesthetically pleasing, but it would also be more economical to build directly on top of the existing exterior walls.

Chairperson DeFalco then opened the meeting for public comment. No one spoke in favor or against the petition. He then requested the staff report.

Michelle Kulikowski, Planner I, presented the staff report. She stated that the existing residence on the subject property is setback five and forty one hundredths feet (5.41') from the northern property line where a six foot (6') setback is required and eight and thirty-three hundredths feet (8.33') from the southern property line. Because there is a detached garage, a nine-foot (9') setback is required from the southern property line. Ms. Kulikowski noted that the nine-foot side yard is intended to accommodate the driveway area for detached garages. She mentioned that the petitioners are proposing a second story addition that would maintain the same building line relative to the northern and southern side property lines. She noted that because this would be considered an expansion of non-conformity, a variation is needed.

Ms. Kulikowski stated that even though the proposed second-story addition will not encroach any further into the side yard than the existing home, a variation is needed because the proposed addition is considered an expansion of a nonconforming structure. She referenced the Zoning Ordinance definition of a yard, which denotes a yard as having as having three dimensions. She noted that a side yard must then be considered in terms of volume. Ms. Kulikowski stated that the construction of a second story addition above the existing footprint would increase the volume of the residence within the side yard, and by decreasing the open-air volume of the side yard, the degree of non-conformity is increased.

Ms. Kulikowski stated that staff can support the requested relief. She noted that the proposed addition will not be setback less than the existing residence. She stated that the requested relief is not substantial relative to the six foot (6') and nine foot (9') setback requirements, as both side yards will be decreased by less than one foot. She mentioned that the proposed addition will not have a negative impact on the surrounding properties. She also noted that staff has typically supported variations in the past for additions that hold existing building lines.

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

Mr. Young referred to the Zoning Ordinance definition of a yard and asked whether eaves were a permitted obstruction.

Ms. Kulikowski stated that the Zoning Ordinance outlines the permitted obstructions within required yards. She noted that eaves projecting no more than 24" are a permitted obstruction within the side yard.

Mr. Young asked if it was necessary to grant the variation to the precise one hundredths of a foot. He stated that it be better to grant the variation to a slightly broader number to allow room for

leeway. He suggested wording the approval of the variation to limit the second story addition to hold the existing building line.

Mr. Polley asked if the existing home was constructed of brick. The petitioner stated that the existing home is constructed of brick, but the second story addition will be constructed of siding and timber in an "Arts and Crafts" style that would match the existing brick.

After due consideration of the petition and testimony presented, the Zoning Board of Appeals found that the proposed variation complied with the Standards of the Zoning Ordinance. Therefore, on a motion by Mr. Young and a second by Mr. Bedard, the Zoning Board of Appeals recommended approval of ZBA 06-05 by a roll call vote of 5 to 0, subject to the following conditions:

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.

Respectfully,

VILLAGE OF LOMBARD

John DeFalco
Chairperson
Zoning Board of Appeals

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