

January 6, 2011

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

**Subject: ZBA 10-14; 1029 E. Woodrow Ave**

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 155.407(F)(2) to reduce the corner side yard setback from twenty feet (20') to eleven and one half feet (11.5') to allow for the construction of an addition in the R2 Single Family Residential District.

The Zoning Board of Appeals conducted a public hearing on December 15, 2010.

Robert Heilman, Airoom LLC, Lincolnwood, IL presented the petition. Mr. Heilman explained that he is the architect for the proposed addition. He then gave a brief overview of the proposed addition. Mr. Heilman stated that the principal structure on the property is non-conforming with respect to the corner side yard setback. He then stated that the location of the addition was selected (as proposed) due to the configuration of the home. He stated that the location of the kitchen window, concrete staircase and detached garage prevent the addition from being constructed on the east side of the house. Mr. Heilman stated that the space will be air conditioned so it would be a four-season room. He then stated that the addition will maintain the building line of the house and will maintain the original appearance of the home.

Michael Toth, Planner I, presented the staff report. The subject residence is situated eleven and eighty-two hundredths feet (11.82') from the eastern property line along 2<sup>nd</sup> Ave, which is considered the corner side yard of the subject property. The petitioner wishes to maintain the current building line and construct a three-season room to the rear of the residence. As referenced in the petitioner's response to the standards for variations, the only possible location for the three-season room to be constructed would be the proposed location at the southeast portion of the residence. The southwest portion of the residence contains a concrete staircase, which provides access to the basement of the house. Also, if

the addition were to be constructed on the southwest portion of the home, it would block access to/from the detached garage that is located behind that portion of the home. Lastly, a sliding glass door is located two (2) feet from the east edge of the rear of the house. If the proposed addition were to be setback to the required twenty (20) feet, the addition would be placed directly in front of that door.

There are several ZBA cases that provide precedence for the requested variation where an addition maintains the building line of the existing residence and does not further encroach into the requisite corner side yard. The property at 117 S. Stewart received a variation in 2006 to reduce the corner side yard setback from twenty feet (20') to fourteen feet – eight inches (14'8") to allow for the construction of an addition (ZBA 06-26). More recently, the property located at 103 W. Collen received a variation to reduce the corner side yard setback from twenty feet (20') to fourteen and one-half feet (14.5') to allow for the construction of a three-season room (ZBA 10-07). ZBA 10-07 is similar in nature to the subject variation as the case involved a legal non-conforming corner sideyard setback with a hardship based upon the configuration of the home.

The proposed addition would maintain the building line of the existing structure and will not encroach further into the requisite corner side yard. Also, due to the layout of the property in accordance with the construction of the existing residence, any alternative locations for the proposed addition are not feasible.

Concluding, Mr. Toth stated that staff is recommending approval of ZBA 10-14, subject to the four conditions outlined in the staff report.

Chairperson DeFalco then opened the meeting for discussion by the ZBA members.

Mr. Tap asked if the addition would be larger than the existing deck.

Mr. Heilman stated that, for the most part, the addition will have the same size footprint as the deck.

Chairperson DeFalco asked if the addition would be fully heated.

Mr. Heilman replied, yes.

Mrs. Newman asked about the height of the fence. More specifically, she asked if the fence was greater than the allowable four (4) feet in height (in the corner side yard), would they be able to replace it if they needed to remove it for construction.

Mr. Bartels stated that he visited the site and the fence is only four (4) feet in height.

Chairperson DeFalco gave an overview of the case and read the conditions of approval.

Mr. Bartels asked if the lot is considered to be larger than a typical lot.

Mr. Toth stated that the minimum lot width in the R2 – Single Family District is sixty (60) feet and the minimum area is 7,500 square feet. He then stated that because the subject lot is seventy-six (76) feet wide and over 11,000 square feet, it is larger than the typical lot in the R2 – Single Family District. Mr. Toth added that there are a lot of lots in the Village that do not even meet the minimum requirement.

On a motion by Bedard and a second by Bartels, the Zoning Board of Appeals recommended by a vote of 5 to 0 that the Village Board **approve** the variation associated with ZBA 10-14, subject to the following conditions:

- 1) The subject property shall be developed in substantial conformance with the building plans and site plan prepared by Central Survey, LLC, dated October 27, 2010
- 2) The petitioner shall apply for and receive a building permit for the proposed plans.
- 3) Such approval shall become null and void unless work thereon is substantially under way within 12 months of the date of issuance, unless extended by the Board of Trustees prior to the expiration of the ordinance granting the variation.
- 4) In the event that the principal structure on the subject property is damaged or destroyed to fifty-percent (50%) of its value, the new structure shall meet the required corner side yard setback.

Respectfully,

VILLAGE OF LOMBARD

John DeFalco  
Chairperson  
Zoning Board of Appeals