

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

Resolution or Ordinance (Blue) *Waiver of First Requested*
Recommendations of Boards, Commissions & Committees (Green)
Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: July 24, 2007 (B of T) Date: August 9, 2007

TITLE: ZBA 07-08: 1144 Woodrow Avenue

SUBMITTED BY: Department of Community Development *del*

BACKGROUND/POLICY IMPLICATIONS:

The Zoning Board of Appeals transmits for your consideration its recommendation relative to the above-mentioned petition. This petition 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. (DISTRICT #5)

The Zoning Board of Appeals recommended approval of this request with conditions.

Staff is requesting a waiver of first reading.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney

Finance Director

Village Manager

Date _____
Date _____
Date _____
7-27-07

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



MEMORANDUM

TO: William T. Lichter, Village Manager
FROM: David A. Hulseberg, AICP
Assistant Village Manager/Director of Community Development

DATE: August 9, 2007

SUBJECT: ZBA 07-08: 1144 E. Woodrow

Please find the following items for Village Board consideration as part of the August 9, 2007 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 07-08;
3. Plat of Survey; and
4. Plans associated with the petition.

Staff is requesting a waiver of first reading due to the summer meeting schedule.

Please contact me if you have any questions regarding the aforementioned materials.



VILLAGE OF LOMBARD

255 E. Wilson Avenue
Lombard, IL 60148-3931
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TDD: (630) 620-5811
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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 15.406(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 DeFalso opened the meeting for public comment. No one spoke for or against the petition.

Village President
William J. Mueller

Village Clerk
Britte O'Brien

Trustees

Greg Alan Cron, Dist. 1
Richard J. Tross, Dist. 2
John "Jack" T. O'Brien, Dist. 3
Dana L. Moreau, Dist. 4
Laura A. Fitzpatrick, Dist. 5
Rick Soderstrom, Dist. 6

Village Manager
William T. Lichter

"Our shared *Vision* for Lombard is a community of excellence exemplified by its government working together with residents and business to create a distinctive sense of spirit and an outstanding quality of life."
"The *Mission* of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."

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.

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.

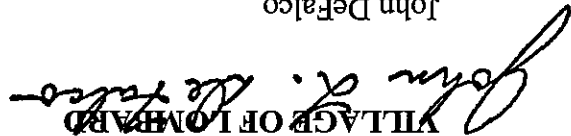
Mr. Polley asked how the neighbors felt about the proposed addition. Mr. Lotter stated that the neighbor understands. He also noted that the neighbors have a big back yard and would still get a lot of light.

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

**VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT**

TO: Zoning Board of Appeals **HEARING DATE:** June 27, 2007

FROM: Department of Community Development
PREPARED BY: Michelle Kulkowski, AICP
Planner I

TITLE

ZBA 07-08; 1144 Woodrow Avenue: 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.

GENERAL INFORMATION

Petitioner/Owner:

Thomas Lotter
1144 Woodrow Avenue
Lombard, IL 60148

PROPERTY INFORMATION

Existing Zoning: R2 Single Family Residential District

Existing Land Use:

Single Family Residence

Size of Property:

10,500 square feet

Surrounding Zoning and Land Use:

North: R2 Single Family Residence District; Single Family Residences

South: R2 Single Family Residence District; Single Family Residences

East: R2 Single Family Residence District; Single Family Residences

West: R2 Single Family Residence District; Single Family Residences

ANALYSIS

SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development on May 25, 2007.

1. Petition for Public Hearing.

2. Response to the Standards for Variation.

3. Plat of Survey prepared by Glen D. Kirsch and dated August 13, 1980.

DESCRIPTION

The subject property is located at the northeast corner of Woodrow Avenue and Addison Avenue. The residence on the subject property was constructed in 1919 on what was previously a much larger lot. In 1965, the property was subdivided and the residence was located on what was known as Lot 1 in Kettel Construction's Resubdivision. The property was subdivided again in 1979 as a result of Dudezak 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'). At the time, the Zoning Ordinance only required a minimum rear yard setback of thirty feet (30'). It is likely that the six inch (6") discrepancy is a result of a surveying or construction error.

The petitioner is proposing two options for constructing an addition. 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. Because the current rear yard setback requirement is thirty-five feet (35') a variation is required.

INTER-DEPARTMENTAL REVIEW COMMENTS

ENGINEERING

Private Engineering Services

The Private Engineering Services Division states that the new addition to the home shall meet all Village Codes and requirements for utility connections, street and driveway, and stormwater.

Public Works Engineering

Public Works Engineering states that the existing driveway and any associated curb cut should be removed when the new driveway to the proposed attached garage is constructed.

FIRE AND BUILDING

The Fire Department/Bureau of Inspectional Services has no comments on this petition.

PLANNING

The subject property is legal non-conforming with respect to the rear yard setback. At the time the property was resubdivided, it essentially met the thirty foot (30') rear yard setback requirement. The minimum rear yard setback requirement has since changed from thirty feet (30') to thirty-five feet (35'). The petitioner is proposing two options for constructing an addition. The petitioner's preferred option is to construct the addition with a twenty-seven foot (27') rear yard setback. Staff does not support a variation for this option as it will increase the degree of non-conformity. Furthermore, 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. The request for the twenty-seven foot (27') setback is based on personal preference rather than hardship.

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

FINDINGS AND RECOMMENDATIONS

The Department of Community Development has determined that the information presented **has affirmed** the Standards for Variations for a variation to reduce the rear yard setback to twenty nine feet (29'). Based on the above considerations, the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make the following motion recommending **approval** of the aforementioned variation:

Based on the submitted petition and the testimony presented, the variation to reduce the rear yard setback to twenty nine feet (29') **does comply** with the Standards required for a variation by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals find that the findings included as part of the Inter-departmental Review Report be the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **approval** of ZBA 07-08 for a variation to reduce the rear yard setback from thirty-five feet (35') to twenty-nine feet (29'), subject to the following conditions.

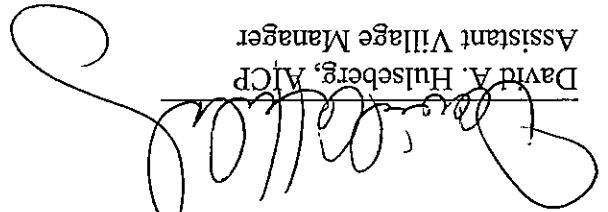
1. That the petitioner shall construct the proposed improvements in accordance with the plans submitted as part of the petition for an addition maintaining a twenty-nine foot (29') rear yard setback.

2. That the petitioner shall apply for and receive a building permit for the proposed addition.

3. The existing driveway and any associated curb cut shall be removed when the new driveway to the proposed attached garage is constructed.

4. That the variation shall be limited to the existing residence. Should the existing residence be damaged or destroyed by any means, to the extent of more than fifty percent (50%) of the fair market value of the residence, than any new structures shall meet the full provisions of the Zoning Ordinance.

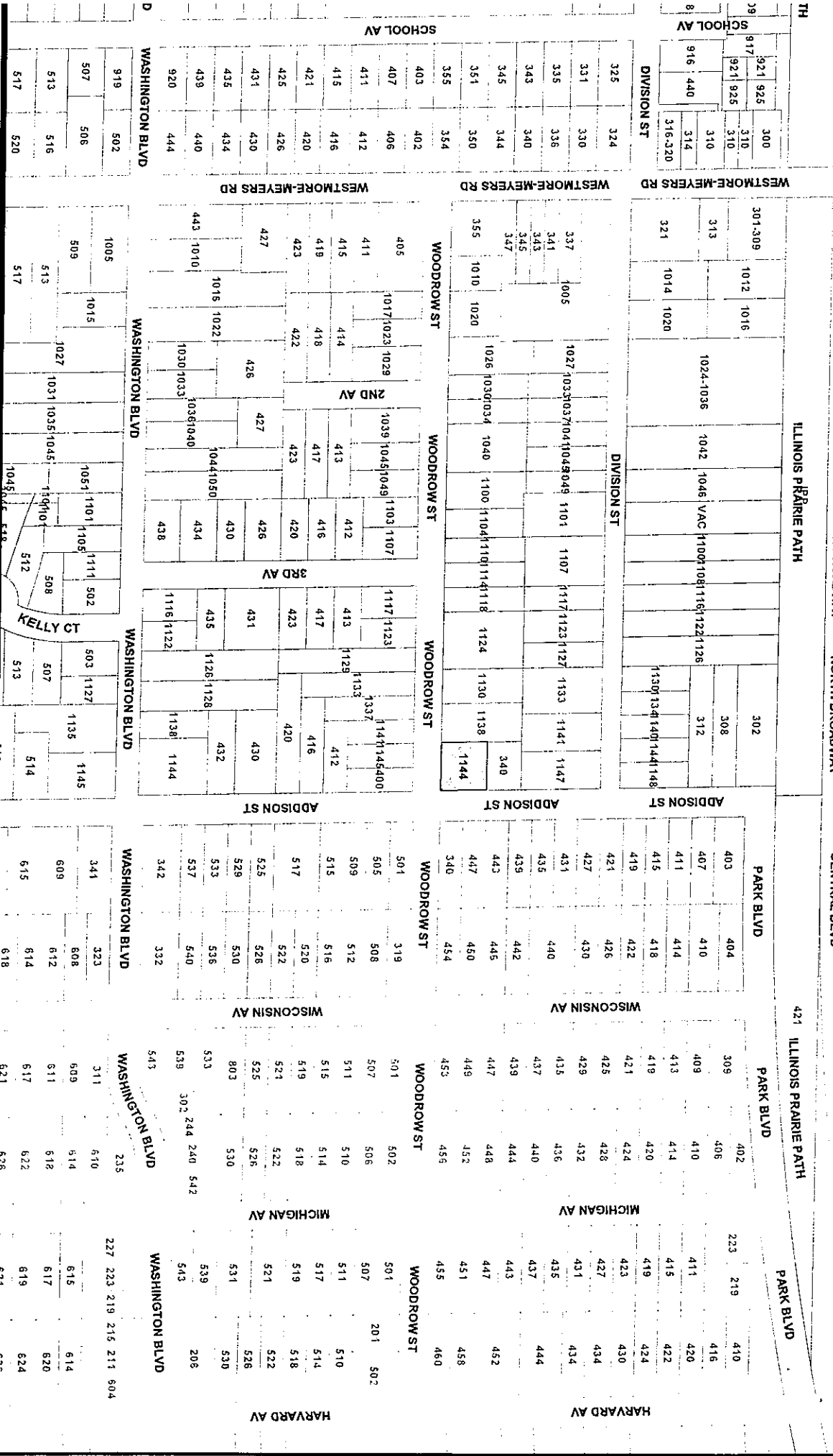
Inter-Departmental Review Group Report Approved By:



David A. Hulseberg, AICP
Assistant Village Manager

att-
c: Petitioner

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ZBA 07-08: 1144 E. Woodrow St.

1 in. = 300.0 feet



OF LOT 2 IN DUDZAK RESUBDIVISION OF LOT 1 IN KETTEL
CONSTRUCTION'S RESUBDIVISION OF LOT 1 (EXCEPT THE NORTH
554.66 FEET AND EXCEPT THE WEST 75 FEET THEREOF) IN COUNTY
CLERK'S ASSESSMENT DIVISION OF THE EAST HALF OF THE
SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 39 NORTH, RANGE

SECTION 2: This ordinance is limited and restricted to the property generally
located at 1144 E. Woodrow Street, Lombard, Illinois, and legally described as follows:

SECTION 1: That a variation is hereby granted from the provisions of Title 15,
Chapter 155, from Title 15, Chapter 155, Section 155.406(F)(4) of the Lombard Zoning
Ordinance to reduce the rear yard setback to twenty-nine feet (29') where thirty-five feet (35') is
required in order to construct an addition within the R2 Single Family Residential District.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF
TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

WHEREAS, the President and Board of Trustees have determined that it is in the best
interest of the Village of Lombard to approve a lesser variation to reduce the rear yard setback to
twenty-nine feet (29'), subject to conditions.

WHEREAS, the Zoning Board of Appeals has forwarded its findings with a
recommendation for approval to the Board of Trustees for the requested variation; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on
June 27, 2007 pursuant to appropriate and legal notice; and,

WHEREAS, an application has been filed with the Village of Lombard requesting a
variation from Title 15, Chapter 155, Section 155.406(F)(4) 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.

WHEREAS, the subject property is zoned R2 Single-Family Residence District; and,

WHEREAS, the President and Board of Trustees of the Village of Lombard have
heretofore adopted the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of
the Code of Lombard, Illinois; and,

(ZBA 07-08: 1144 E. Woodrow St.)

**AN ORDINANCE APPROVING A VARIATION
OF THE LOMBARD ZONING ORDINANCE
TITLE 15, CHAPTER 155 OF THE CODE OF LOMBARD, ILLINOIS**

ORDINANCE NO. _____

11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY,
ILLINOIS.

Parcel No: 06-09-309-048

SECTION 3: This ordinance shall be granted subject to compliance with the following conditions:

1. That the petitioner shall construct the proposed improvements in accordance with the plans submitted as part of the petition for an addition maintaining a twenty-nine foot (29') rear yard setback.

2. That the petitioner shall apply for and receive a building permit for the proposed addition.

3. The existing driveway and any associated curb cut shall be removed when the new driveway to the proposed attached garage is constructed.

4. That the variation shall be limited to the existing residence. Should the existing residence be damaged or destroyed by any means, to the extent of more than fifty percent (50%) of the fair market value of the residence, than any new structures shall meet the full provisions of the Zoning Ordinance.

SECTION 4: This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this _____ day of _____, 2007.

First reading waived by action of the Board of Trustees this _____ day of _____, 2007.

Passed on second reading this _____ day of _____, 2007.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2007.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk