


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)


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TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: David A. Hulseberg, Village Manager 

DATE: May 11, 2010 (B of T) Date: May 20, 2010

TITLE: ZBA 10-04: 350 N. Fairfield Avenue

SUBMITTED BY: Department of Community Development 

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 155.210(A)(2)(a) of the Lombard Zoning Ordinance to reduce the required corner side yard setback from twenty (20) feet to eight (8) feet to allow the construction of an accessory structure in the R2 Single-Family Residence District.

The ZBA recommended denial of this petition.

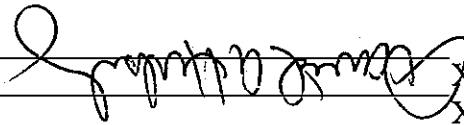
Please place this item on the May 20, 2010 Board of Trustees consent agenda.

Fiscal Impact/Funding Source:  
Review (as necessary):

Village Attorney X

Finance Director X

Village Manager X



Date \_\_\_\_\_  
Date \_\_\_\_\_  
Date \_\_\_\_\_

5/12/10

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:** David A. Hulseberg, Village Manager  
**FROM:** William Heniff, AICP,  
Director of Community Development *WHD*  
**DATE:** May 20, 2010  
**SUBJECT:** ZBA 10-04: 350 N. Fairfield Avenue

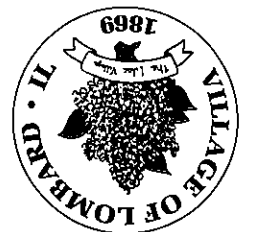
Please find the following items for Village Board consideration as part of the May 20, 2010 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 10-04; and
3. Plans associated with the petition.

The Zoning Board of Appeals recommended denial of this petition. Please place this petition on the May 20, 2010 Board of Trustees consent agenda.



**VILLAGE OF LOMBARD**  
 255 E. Wilson Ave.  
 Lombard, Illinois 60148-3926  
 (630) 620-5700 Fax (630) 620-8222  
 www.villageoflombard.org



May 20, 2010

Village President  
 William J. Mueller

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

Village Clerk  
 Brigitte O'Brien

Village of Lombard  
 Trustees

Greg Alan Gron, Dist. 1  
 Richard J. Tross, Dist. 2  
 Zachary C. Wilson, Dist. 3  
 Dana L. Moreau, Dist. 4  
 Laura A. Fitzpatrick, Dist. 5  
 William "Bill" Ware, Dist. 6

**Subject: ZBA 10-04: 350 N. Fairfield 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 155.210(A)(2)(a) of the Lombard Zoning Ordinance to reduce the required corner side yard setback from twenty (20) feet to eight (8) feet to allow the construction of an accessory structure in the R2 Single-Family Residence District.

Village Manager  
 David A. Hulseberg

The Zoning Board of Appeals conducted a public hearing on April 28, 2010.

"Our shared vision for Lombard is a community of excellence exemplified by its government working together with residents and businesses to create a distinctive sense of spirit and an outstanding quality of life."

Chairperson Defalco opened the meeting for public comment.

"The Mission of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."

Mark Edison, 350 N. Fairfield, presented the petition. Mr. Edison stated that this matter pertains to a shed he wants to construct over an existing bomb shelter. The bomb shelter is a water collecting concrete pit that has a long history. He gave the history of the property and stated that a fence was erected to the south of the bomb shelter for safety purposes. This fence was granted through a previous variation request made in December, 2008. Subsequent to the December, 2008 approval, he received a letter from the Fire Department indicating that he was in violation of property maintenance code and he requested that he remove the wood chips and fill the bomb shelter to encapsulate the structure.

When the fence variation appeared at the Board level, Trustee Tross was the only trustee that voted against it as he also asked for it to be encapsulated. Ultimately, to appease the Village, he tried to fill in the bomb shelter with mulch and dirt but the end result was noxious fumes as well as problems with animals, water accumulation and mosquitoes. He is now seeking to do what Trustee Tross asked him to do, as well as act on a recommendation from Keith Steiskal of the Building Division.

He believes that the Planning Department is missing the point. They believe he wants the shed for purposes of only having a shed. They reference the setback ordinance and he referenced paragraph 2 in the staff report, which states that the structure is screened by a fence. They fail to recognize that if the setback ordinance is to control the structures adjacent to the road, the fence is closer to the road than the structure. There is no purpose for the prohibition. Mr. Edison continued that this would not be an undue hardship because of the area. As a compromise, he will remove the existing shed. Mr. Edison stated that he has no need to construct a shed as this will cost him thousands of dollars. The only point is of the shed is to encapsulate the bomb shelter.

With regard to corner lots, Mr. Edison indicated that he noticed that south of St. Charles Road there is a plethora of structures on the lot line. Staff fails to recognize the conditions. The Fire Department is telling him to do it, Keith Steiskal tells him he supports it and the Planning Division is telling him no. Planning is not taking into consideration the conditions of the property.

Mr. Edison then questioned how many people from the Village have actually visited the property to take a look at it. He mentioned the letter from the Fire Department, which stated that he repair the hole, but he questioned they actually visited the property because there was snow cover on the property the date that the letter was written but yet he saw no evidence of footprints. He would pose that question and invite people to look at what he is trying to do.

Chairperson Defalco asked if there was anyone present to speak in favor or against the petition. Hearing none, he requested the staff report.

Michael Toth, Planner I, presented the staff report.

The subject property is located at the northwest corner of View Street and Fairfield Avenue. The petitioner is requesting a variation to allow the installation of a shed, eight (8) feet from the corner side lot line on the southern portion of the property. As the Zoning Ordinance specifically prohibits the placement of accessory structures in the corner side yard, a variation is required.

The petitioner is proposing to construct a shed that is two-hundred (200) square foot in area and eleven (11) feet in height, in the corner side yard. The petitioner has indicated that the purpose of the shed is to cover an existing bomb shelter located on the southern portion of the subject property, within the corner side yard. The bomb shelter element was first introduced to the Zoning Board of Appeals at their December 16, 2008 meeting where the same petitioner sought approval to erect a six (6) foot fence in the corner side yard (ZBA 08-16). The petitioner desired to construct a six (6) foot tall fence under the auspices that the additional fence height would ensure that no persons could enter the yard, as the petitioner strongly advocated that the bomb shelter was an attractive nuisance and a public safety hazard. In 2009, the Village Board approved ZBA 08-16. As such, the six (6) foot fence was erected per the approved plan and still resides on the subject property today.

The petitioner has indicated that he has attempted to fill the bomb shelter structure, which has resulted in a health safety hazard by providing a refuge for insects and animals. While staff recognizes the presence of the bomb shelter on the subject property, such a structure does not constitute a geographic or topographic feature that would warrant a variation, nor does staff have the authority to recommend alternative methods of encapsulating the bomb shelter. The structure is situated below grade on the subject property. As such, staff finds that placing a two-hundred (200) square foot shed that stands eleven (11) feet in height would be an excessive method of encapsulating a below-grade structure. Furthermore, the bomb shelter is already screened from public access by the six (6) foot tall fence that was approved through ZBA 08-16. The petitioner has made reference that the shed would be screened by the existing six (6) foot fence; however, it should be noted that staff recommended denial of the six (6) foot fence associated with ZBA 08-16.

There is ample space on the subject property to construct a two-hundred square foot shed, without the need for a variation. As the staff report illustrates there is a sufficient buildable area for the placement of a two-hundred square foot shed. Staff notes that the petitioner has indicated that the existing shed would be removed in the event that the proposed shed were to be constructed.

Concluding, Mr. Toth stated that staff recommends that the petition be denied on the grounds that a hardship has not been demonstrated

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

Mr. Young asked Mr. Edison if there was a health problem and a problem with water and animals before he attempted to fill in the bomb shelter with organic material because he didn't recall hearing that before. Mr. Edison answered no - before there was a structure encapsulating it. He explained how he tore down the existing home and built a new one, and removed the original fence. He requested a fence variation which was approved rather than try and circumvent the 4' height rule or being able to repair 25% of a fence without a permit

Chairperson Defalco clarified that the ZBA ended up in a split decision, which meant it went to the Board with no recommendation. The variation was ultimately granted by the Board of Trustees.

Mr. Young asked how high above grade the structure is. Mr. Edison answered the pipe is 3' tall but when you speak to grade it's almost like a 1-1/2' dome. Like a big hump in the yard approximately 2-3' high with the grade.

Mr. Young asked how much it would cost to encapsulate this structure as you commented that it would cost thousands of dollars. Mr. Edison answered that it depends on the type of structure

that would be built. The BIS Department wants him to go to the underlying structure. That changes the cost.

Mr. Young asked him what it would cost to fill with concrete. Mr. Edison answered that he didn't know.

Mr. Young asked him what it would cost to get a demolition contract. Mr. Edison answered \$25,000. He added that they attempted to remove it during construction, but couldn't do it. Mr. Young asked if he would have to take out the whole thing or just the part above grade. Mr. Edison answered that it is solid concrete with reinforced rebar so you can't cut into it even using heavy equipment. They were built to withstand bombs.

Mr. Tap indicated that the petitioner mentioned that the Fire Department had an issue early on. Mr. Tap stated he was confused as he did not see any comments from the Fire Department in the IDRC portion of the staff report. Mr. Edison read into the record the letter that he received from the Fire Department dated January 26, 2009.

Chairperson Defalco asked staff if the Building Department was under the direction of the Fire Chief. Mr. Toth answered that it previously was, but it is now under the Community Development Department. Chairperson Defalco clarified that the Fire Department was overseeing the Building Division at that point.

Mr. Young asked if the letter sent by the Fire Department to the petitioner was in response to a complaint. The petitioner answered that it was in response to his comments that he wanted to build a hatch, Keith's observations, and Trustee Tross's comments at the Board meeting.

Chairperson Defalco mentioned that Mr. Bedard asked about filling the shelter with stone and putting concrete on top. The erection of the fence did not eliminate the hazard. He had concerns for your son falling into the bomb shelter. You mentioned that you had control over your son but not over the neighborhood kids. Mr. Edison indicated that the condition was stricken as it was unlawful to condition that. Chairperson Defalco asked if the erected fence helped you with your concerns about the neighborhood kids. Mr. Edison answered that the fence was erected because it was a safety hazard. Chairperson Defalco questioned whether it was erected not for yourself and your son but for other people. Mr. Edison answered that he was taking his comments out of context. Chairperson Defalco stated that he suggested a steel plate, but it was not the purview of the ZBA to tell you what to do.

Mr. Edison stated that he was mistaking his testimony. He sought to erect the fence for neighbors traversing on his property if compliant with the ordinance. Chairperson Defalco asked what the reason was for the 6' fence. Mr. Edison answered to prevent children from entering his property and getting into the area.

Chairperson Defalco stated that we have ordinances that allow for a 4' fence.

Mr. Edison stated that the conversation to revert a condition is unlawful. He then made reference to Tom Bayer's finding that there was no nexus between the condition and the bomb shelter being on the property. Chairperson Defalco stated he is not asking to revert a condition. The rationale you presented for a 6' fence was to try to keep people out of your yard due to the hazard that existed. He asked Mr. Edison if that hazard still existed. Mr. Edison answered that it is still a hazard with the 6' fence and the condition still exists.

Mr. Tap stated he was confused and asked if it was the petitioner's intent to use the below grade structure. Mr. Edison answered no, he would encapsulate it. The shed would be on top of the stairway. I would have to have the water ejected from the bottom pit. If I filled it with stone it would still have water. If I cover the hole, I still have the same issue. He indicated that there is an existing sump pump but it is not hooked up to electric. Mr. Tap referred to the IDRC comments from the Building Division, specifically #2, which states the shed is required to have a level of frost protection and reinforced with more concrete. Mr. Edison stated that he is looking to put the shed on the existing foundation.

Mr. Tap referred to the petitioner's written testimony, page 2, 3<sup>rd</sup> sentence, where he states that "on or about January 2009 he successfully argued the case for the fence variance...the removal of which is both cost preclusive as well as impossible..." and asked if he was saying it's more expensive to remove the structure than renovate it. Mr. Tap stated that in his opinion it seems that there are other less costly options than to encapsulate it. Mr. Edison answered less costly, yes, and it caused more problems.

Mrs. Newman asked the petitioner if he was getting water in the bomb shelter beforehand. Mr. Edison answered that there was a cover with a mini shed that he tore down. Mrs. Newman asked if he would replace the cover. The petitioner answered he would have the shed. Mrs. Newman asked what type of materials he would use. Mr. Edison answered wood shingles. Mrs. Newman questioned if that would hold water out. It seems that if you have an opening water will continue to seep in anyway and didn't think that it would help. Mr. Edison offered to put in a sump pump. There is one there now and I can dig out the debris in the pit and replace the sump pump.

Chairperson Defalco stated that the ZBA doesn't have a response or the power to make a recommendation on what he can build or enclose. A hazard is on his property, which previously existed when it was filled with leaves, and he came before us and asked for a fence. We don't have the responsibility outright to tell him what he needs to do. Our responsibility is to determine whether or not a condition exists to grant a variation to contract a building on his property outside our ordinance. Discussion should not be what can or cannot be done. The homeowner has a responsibility to maintain his property and keep it safe for him and his family. While asking for a variation outside of our ordinances in that location we should look at if there is a condition that warrants that. The petitioner had no comment.



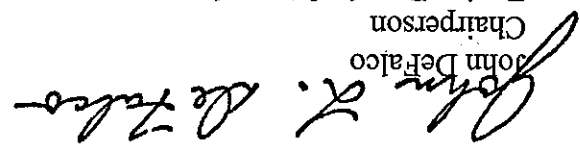
Mr. Young confirmed with staff that the height nor the size is an issue, but it's the proximity to the lot line. Mr. Toth answered yes.

Mr. Tap stated that in his opinion and based on the facts, there are other available locations in which to build a shed that would be in compliance with the ordinance.

On a motion by Tap and seconded by Newman the ZBA recommended denial of the variation by a 5-0 vote.

Respectfully,

VILLAGE OF LOMBARD

  
John DeFalco  
Chairperson

Zoning Board of Appeals

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

**TO:** Zoning Board of Appeals  
**FROM:** Department of Community Development  
**HEARING DATE:** April 28, 2010  
**PREPARED BY:** Michael S. Toth  
Planner I

**TITLE**

**ZBA 10-04; 350 N. Fairfield Avenue:** The petitioner requests a variation to Section 155.210(A)(2)(a) of the Lombard Zoning Ordinance to reduce the required corner side yard setback from twenty (20) feet to eight (8) feet to allow the construction of an accessory structure in the R2 Single-Family Residence District.

**GENERAL INFORMATION**

**Petitioner/Owner:** Mark Edison

350 N. Fairfield Avenue  
Lombard, IL 60148

**PROPERTY INFORMATION**

**Existing Zoning:** R2 Single Family Residential District

**Existing Land Use:** Single Family Residence

**Size of Property:** Approximately 14,100 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 April 1, 2010.

1. Petition for Public Hearing.
2. Response to the Standards for Variations.
3. Written narrative, prepared by the petitioner, describing the need for a variation.
4. Plat of Survey prepared by ARS Surveying Services dated January 4, 2008 and showing the location of the proposed shed.

### DESCRIPTION

The subject property is located at the northwest corner of View Street and Fairfield Avenue. The petitioner is requesting a variation to allow the installation of a shed, eight (8) feet from the corner side lot line on the southern portion of the property. As the Zoning Ordinance specifically prohibits the placement of accessory structures in the corner side yard, a variation is required.

### INTER-DEPARTMENTAL REVIEW COMMENTS

#### ENGINEERING

##### Private Engineering Services

The PES Division of Community Development has the following comment on the above petition:

- 1) Should the variance be granted, a condition shall be added to ensure that drainage is not impacted. Drainage flows west to east and shall not be hindered by the proposed shed.

##### Public Works Engineering

Public Works Engineering has no comments regarding this request.

#### FIRE

The Fire Department has no comments regarding this request.

#### BUILDING DIVISION

The Building Division offers the following comments in reference to ZBA 10-04; 350 N. Fairfield:

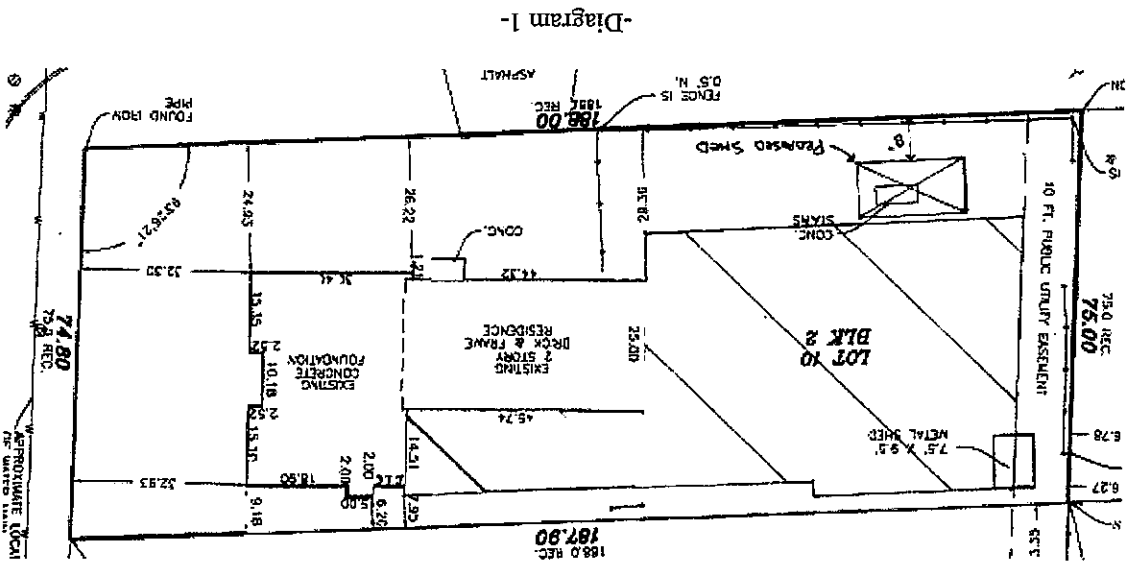
- 1) A raised curb of 6" would need to be constructed around the stairwell inside the shed, so as to not allow a lawn tractor or similar equipment from going into the stairwell. Steel doors installed over the stairwell could also be proposed for such a purpose.
- 2) The shed is required to have a foundation that not only supports the weight of the shelter, shed, and shed contents, but also has an equal level of frost protection on all sides of the shed. If the existing shelter would not provide a foundation under the entire shed, a foundation would need to be added in the areas of the shed that the existing shelter would not support. Additional drawings would need to be provided to give full detail on the proposed foundation type(s).
- 3) Details would need to be provided in reference to the proposed floor design. There is no mention of floor construction or construction details in the plans provided.

## PLANNING

The petitioner is proposing to construct a shed that is two-hundred (200) square foot in area and eleven (11) feet in height, in the corner side yard. The petitioner has indicated that the purpose of the shed is to cover an existing bomb shelter located on the southern portion of the subject property, within the corner side yard. The bomb shelter element was first introduced to the Zoning Board of Appeals at their December 16, 2008 meeting where the same petitioner sought approval to erect a six (6) foot fence in the corner side yard (ZBA 08-16). The petitioner desired to construct a six (6) foot tall fence under the auspices that the additional fence height would ensure that no persons could enter the yard, as the petitioner strongly advocated that the bomb shelter was an attractive nuisance and a public safety hazard. In 2009, the Village Board approved ZBA 08-16. As such, the six (6) foot fence was erected per the approved plan and still resides on the subject property today.

The petitioner has indicated that he has attempted to fill the bomb shelter structure, which has resulted in a health safety hazard by providing a refuge for insects and animals. While staff recognizes the presence of the bomb shelter on the subject property, such a structure does not constitute a geographic or topographic feature that would warrant a variation, nor does staff have the authority to recommend alternative methods of encapsulating the bomb shelter. The structure is situated below grade on the subject property. As such, staff finds that placing a two-hundred (200) square foot shed that stands eleven (11) feet in height would be an excessive method of encapsulating a below-grade structure. Furthermore, the bomb shelter is already screened from public access by the six (6) foot tall fence that was approved through ZBA 08-16. The petitioner has made reference that the shed would be screened by the existing six (6) foot fence; however, it should be noted that staff recommended denial of the six (6) foot fence associated with ZBA 08-16.

There is ample space on the subject property to construct a two-hundred square foot shed, without the need for a variation. As the area in red illustrates in Diagram 1, there is a sufficient buildable area for the placement of a two-hundred square foot shed. Staff notes that the petitioner has indicated that the existing shed would be removed in the event that the proposed shed were to be constructed.



In order 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. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.

Staff finds that there are no conditions related to the property that prevent compliance with the setback regulations. The property does not have physical surroundings, shape, or natural topographical features that differ substantially from other corner lots in the neighborhood.

2. The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification.

Staff finds that the physical conditions are not unique to the subject property. Many other properties with a similar layout and design have been able to meet the established regulations.

4. The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.

The subject property is over 14,000 square feet in area. As Diagram 1 illustrates, the shed could be constructed per the Ordinance requirements by located it within the large buildable area that is provided on the property. The hardship has been created by the petitioner as a result of the preference for the shed's location.

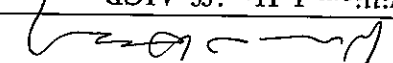
Staff recommends that the petition be denied on the grounds that a hardship has not been demonstrated.

## FINDINGS AND RECOMMENDATIONS

The Department of Community Development has determined that the information presented **has not affirmed** the Standards for Variations for the requested variation. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make the following motion recommending **denial** of the aforementioned variation:

Based on the submitted petition and the testimony presented, the requested variation **does not 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 **denial** of ZBA 10-04.

Inter-Departmental Review Report Approved By:

  
\_\_\_\_\_

William J. Heniff, AICP

Director of Community Development

c: Petitioner



**Law Office of Mark E. Edison P.C.**

1415 W. 22<sup>ND</sup> STREET TOWER FLOOR • OAK BROOK, ILLINOIS 60523

PHONE 630/495-3951 • FAX 630/495-9151

**Mark E. Edison**

**Robert T. Metz**

Of Counsel

April 1, 2010

Village of Lombard  
Zoning Board of Appeals

Re: 350 North Fairfield  
Lombard, IL

Zoning Variance Request  
Construction of Shed

This letter of explanation comes at the request of the Village of Lombard pursuant to the Zoning Board of Appeals Submission Requirements For Petition For Public Hearing.

On or about November 8, 2008 Petitioner made request for a fence variation, said variation was approved as the Village had determined that the benefits outweighed the 20 foot line of sight set back requirement as there currently existed a concrete bomb shelter/bunker on the property.

On or about November 2008, in response to the safety concerns of both Petitioner and Village of Lombard, Petitioner backfilled the bunker/bombshelter with mulch and dirt, however, due to the inability of the material to decompose and its lack of contact with the ground (due to concrete and bladder like water tight barrier), the concrete pit developed noxious fumes, became home to mosquitoes, skunks, snakes, and created a health and safety hazard, furthermore water would pool in said bunker creating an environment which was conducive to mosquito larvae and reproduction at an alarming rate as water would pool in the bunker and absorption into the ground below was prevented due to concrete floor and presumably a vinyl or rubber liner as was the custom in the construction of these shelters in the 1950's and 1960's which was when the subject bunker was constructed. Subject bunker is approximately 20 inches of concrete on the roof with rebar and approximately 3 feet of concrete on each side with a concrete stairway leading into an approximate 8 by 8 square room analogous to a basement. The roof of the bunker is stable enough to support a loaded dump truck as it had in the demolition of the previous structure and was witnessed by Petitioner.

In fall of 2009 due to the pest and mosquito infestation, Petitioner removed the mulch, dirt, and debris in the shelter and now seeks to encapsulate the shelter with a shed. Petitioner currently has a shed on the property, same would be removed and the shed as depicted in the application submitted herewith is the new proposed structure.




On or about January 2009 successfully argued the case for the fence variance, however, a major point of contention with the trustees was the request to encapsulate the bomb shelter as the removal of which is both cost preclusive as well as impossible without major demolition and destruction of the subject property. While Trustee Tross objected to the variance, he sought to make approval of the fence variation conditioned upon the construction of some type of bunker/bombshelter which would prevent public access and potential injury. Village attorney correctly asserted that such a condition did not carry the requisite nexus to the issue at hand such a condition was rejected.

At this time, due to the dangers created by the existing bunker/bombshelter, petitioner seeks to encapsulate same with a shed which will provide the necessary security and safety to both Petitioner's family and the general public. Said shelter will also prevent the accumulation water, prevent animal and insect infestation and petitioner is also willing to install a sump pump to eject water and further prohibit mosquito reproduction. It is for the health, safety, and welfare of the public that Petitioner makes the variance request and further in accordance with the desires of the objecting Trustee Tross as articulated at the January 2009 variance hearing.

Pursuant to express request, below is a response to the 7 standards set forth in Section 155.103C.7 of the Lombard Zoning Ordinance:

1. The conditions of the property create a dangerous and toxic environment without encapsulation.
2. Concrete bunker/bombshelters within the 20 foot setbacks are not commonplace. There will be no financial gain in installing a shed, on the contrary the installation is at and to the detriment of petitioner as the existing shed which the subject seeks to replace is in good condition.
4. Petitioner did not construct the bunker, and at the time of construction it was in accordance with the laws of the village/county/state.
5. The grating on the variation will protect the public.
6. There will be no alteration of neighborhood character.
7. No impairment of light or air will occur as a result of the variation, and proposed structure will protect the public.

Respectfully submitted,  
  
Mark E. Edison  
Attorney at Law

RECEIVED  
4/26/10

Ps I'm already  
talked to the other  
addressers + they  
agreed  
Thanks again

351 +  
353

353 N Fairfield Ave - part of  
354 " " Ave -  
part of  
part of

Thank you

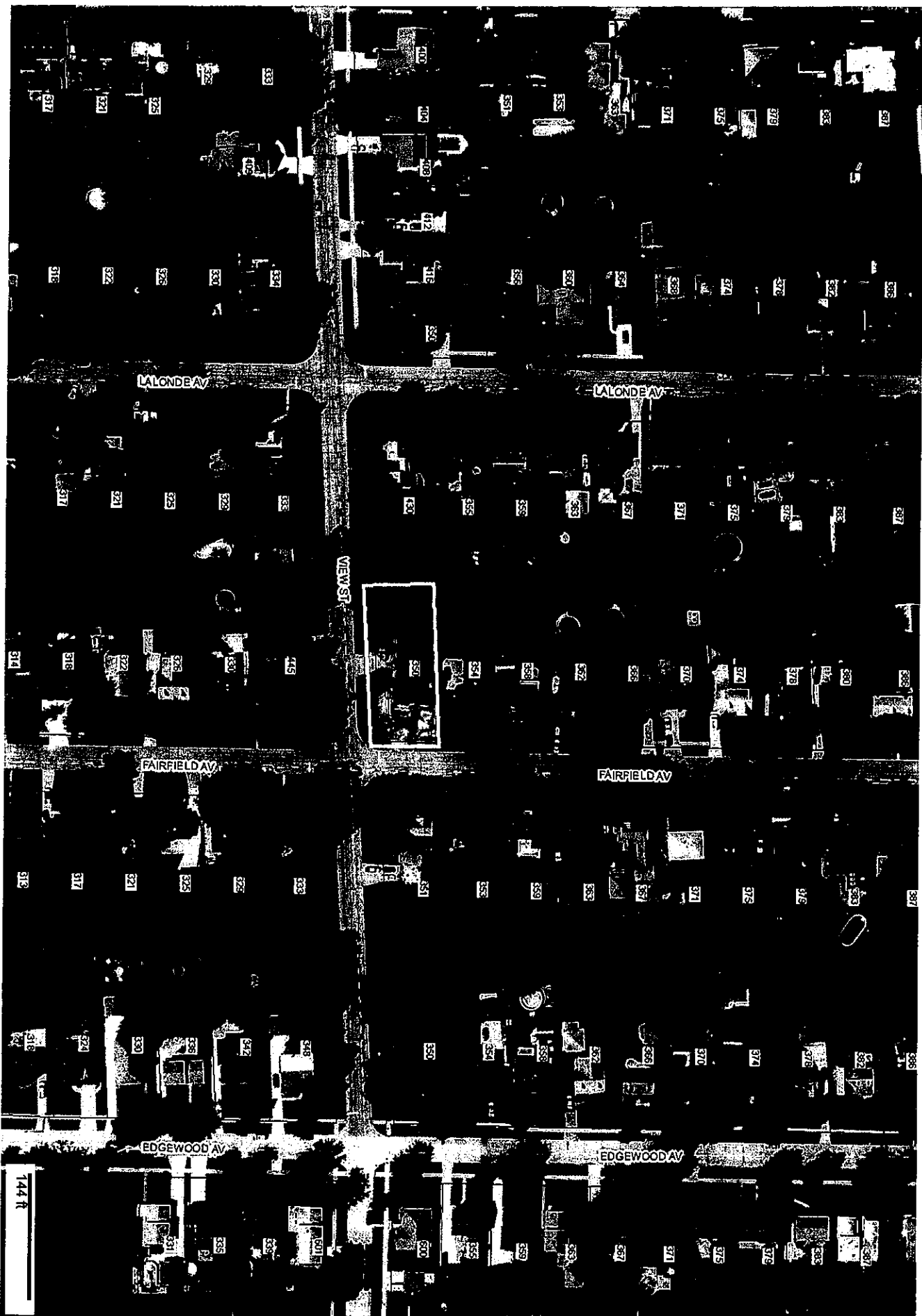
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learn that nice family

at asking you to  
a bag over to our neighbor -  
that this family has been  
address ~~we~~ are in agreement  
our neighbors @ the above  
would like you to know that  
we as neighbors of the above

Particular for our neighbor  
located @ 350 N. Fairfield Ave  
ZBA-10-04

# ZBA 10-04: 350 N. Fairfield Ave

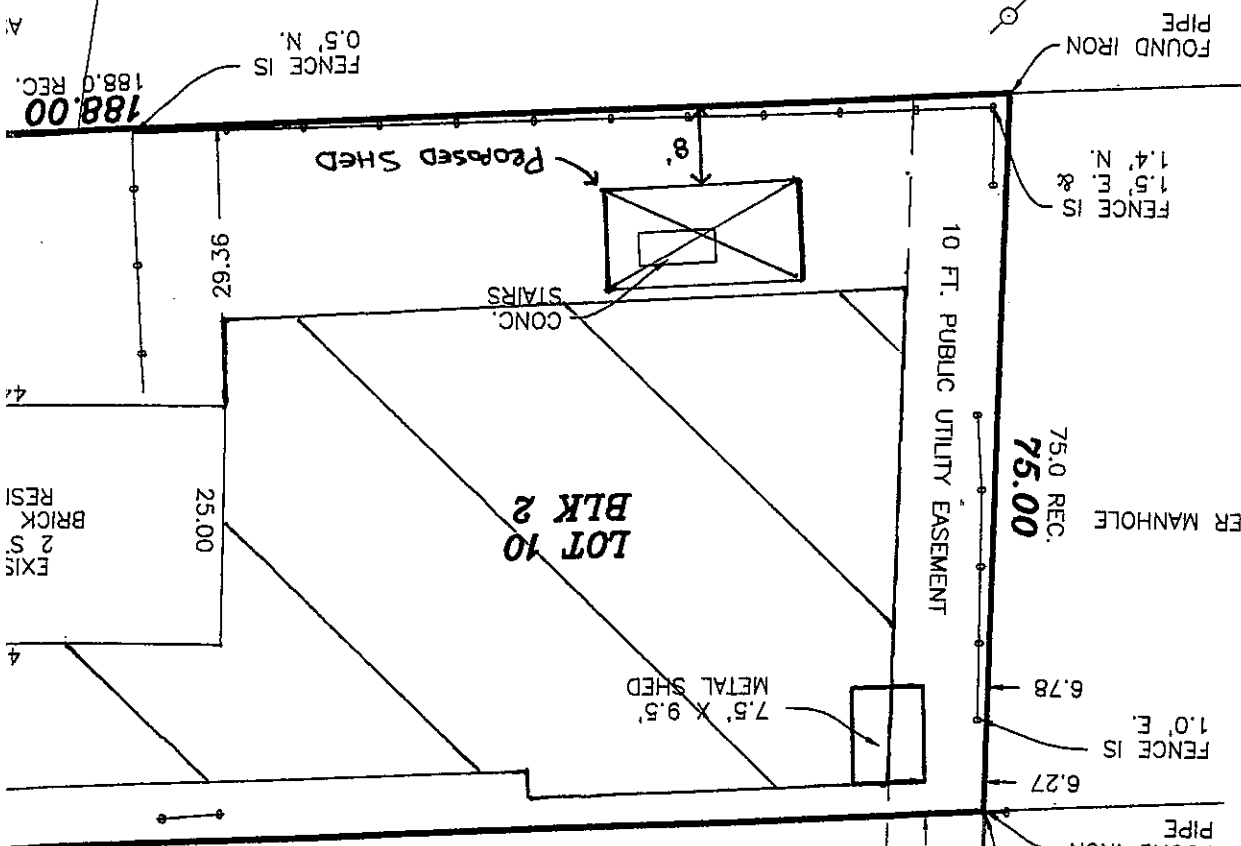


# PLAT OF

LOT 10 IN BLOCK 2 IN FIRST ADDITION TO LOT BEING A SUBDIVISION OF PART OF THE SOUTH NORTH, RANGE 11 EAST OF THE THIRD PRINCIPLE RECORDED ON JULY 19, 1948 AS DOCUMENT 1

188.0 REC. 187.90

EXIS 2 S. BRICK RESI



## LEGEND

- ⊗ CATCH BASIN
- ⊙ SANITARY SEWER MANHOLE
- ⊗ FIRE HYDRANT
- ⊗ WATER VAULT
- ⊗ WATER VALVE
- ⊙ UTILITY POLE
- ⊗ B-BOX



For Building Restrictions and Easements refer to your Abstract Deed, Guarantee Policy and Local Ordinances. Compare All Points Before Building AND AT ONCE REPORT ANY DIFFERENCE FOUND IRON PIPE

## VIEW

ASPHALT PAVEMENT

FOUNDATION LOCATION

ORDERED BY: EXCLUSIVE BUILDERS

SCALE: 1" = 20'

COMMON ADDRESS: LOMBARD, ILLINOIS

SURVEY NO.: 043-08  
DRAWN BY: RJM  
FILE NAME: 043-08.dwg

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

ILLINOIS

HANOVEI

All distc and cor

is a co

I, Rajpt

County

State c

# VILLAGE OF LOMBARD ZONING BOARD OF APPEALS

Date: \_\_\_\_\_

- Single Family    
  Accessory Structure    
  Non-Single Family    
  Principal Building    
  Fence    
  Sign

ADDRESS OF SUBJECT PROPERTY: 350 N. Fairchild Lombard IL 60148

PROPERTY IDENTIFICATION NUMBER(S) (P.I.N.(S)):

PETITIONER: Mark Edison

PHONE NO.: 630 495 3951

PETITIONER'S E-MAIL ADDRESS: mark.edison@yelp.com

PETITIONER'S ADDRESS: Mark Edison @ yelp.com

PETITIONER'S ADDRESS: Peperdy

FAX NO.: 630 495 9151

CITY: Peperdy

RELATIONSHIP OF PETITIONER TO PROPERTY: Owner

OWNER OF PROPERTY: Mark Edison

OWNER'S ADDRESS: Subject Peperdy

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

EXISTING ZONING: \_\_\_\_\_ AREA OF PROPERTY: \_\_\_\_\_ acres / ft<sup>2</sup>

EXISTING LAND USER(S):

EXISTING SITE IMPROVEMENTS: Shed over concrete Bomb Shelter

to construct open concrete bunker for safety

DESCRIPTION OF REQUEST

(attach additional pages as needed)

A COMPLETE SUBMITTAL MUST BE HANDED IN DIRECTLY TO A MEMBER OF  
THE PLANNING SERVICES DIVISION OF THE DEPARTMENT OF COMMUNITY DEVELOPMENT

THE ABOVE INFORMATION, TO THE BEST OF MY KNOWLEDGE, IS TRUE AND CORRECT

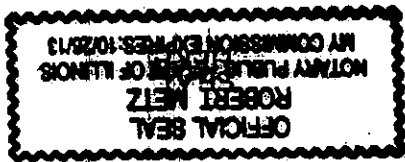
(name of petitioner (printed)) Mark Edison

(petitioner's title) 4/1/2010

(petitioner's signature) \_\_\_\_\_

SUBSCRIBED AND SWORN TO before me

this 1st day of April, 2010.



SEAL  
HERE

(owner's signature) \_\_\_\_\_

(name of owner (printed)) \_\_\_\_\_

(owner's title) \_\_\_\_\_

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_

(Notary Public)

(Notary Public)

**Law Office of Mark E. Edison P.C.**

1415 W. 22<sup>ND</sup> STREET TOWER FLOOR • OAK BROOK, ILLINOIS 60523

PHONE 630/495-3951 • FAX 630/495-9151

**Mark E. Edison**  
**Robert T. Metz**  
Of Counsel

April 1, 2010

Village of Lombard  
Zoning Board of Appeals

Re: 350 North Fairfield

Lombard, IL

Zoning Variance Request

Construction of Shed

This letter of explanation comes at the request of the Village of Lombard pursuant to the Zoning Board of Appeals Submission Requirements For Petition For Public Hearing.

On or about November 8, 2008 Petitioner made request for a fence variation, said variation was approved as the Village had determined that the benefits outweighed the 20 foot line of sight set back requirement as there currently existed a concrete bomb shelter/bunker on the property.

On or about November 2008, in response to the safety concerns of both Petitioner and Village of Lombard, Petitioner backfilled the bunker/bombshelter with mulch and dirt, however, due to the inability of the material to decompose and its lack of contact with the ground (due to concrete and bladder like water tight barrier), the concrete pit developed noxious fumes, became home to mosquitoes, skunks, snakes, and created a health and safety hazard, furthermore water would pool in said bunker creating an environment which was conducive to mosquito larvae and reproduction at an alarming rate as water would pool in the bunker and absorption into the ground below was prevented due to concrete floor and presumably a vinyl or rubber liner as was the custom in the construction of these shelters in the 1950's and 1960's which was when the subject bunker was constructed. Subject bunker is approximately 20 inches of concrete on the roof with rebar and approximately 3 feet of concrete on each side with a concrete stairway leading into an approximate 8 by 8 square room analogous to a basement. The roof of the bunker is stable enough to support a loaded dump truck as it had in the demolition of the previous structure and was witnessed by Petitioner.

In fall of 2009 due to the pest and mosquito infestation, Petitioner removed the mulch, dirt, and debris in the shelter and now seeks to encapsulate the shelter with a shed. Petitioner currently has a shed on the property, same would be removed and the shed as depicted in the application submitted herewith is the new proposed structure.


On or about January 2009 successfully argued the case for the fence variance, however, a major point of contention with the trustees was the request to encapsulate the bomb shelter as the removal of which is both cost preclusive as well as impossible without major demolition and destruction of the subject property. While Trustee Tross objected to the variance, he sought to make approval of the fence variation conditioned upon the construction of some type of encapsulation of the bunker/bombshelter which would prevent public access and potential injury. Village attorney correctly asserted that such a condition did not carry the requisite nexus to the issue at hand such a condition was rejected.

At this time, due to the dangers created by the existing bunker/bombshelter, petitioner seeks to encapsulate same with a shed which will provide the necessary security and safety to both Petitioner's family and the general public. Said shelter will also prevent the accumulation water, prevent animal and insect infestation and petitioner is also willing to install a sump pump to eject water and further prohibit mosquito reproduction.

It is for the health, safety, and welfare of the public that Petitioner makes the variance request and further in accordance with the desires of the objecting Trustee Tross as articulated at the January 2009 variance hearing.

Pursuant to express request, below is a response to the 7 standards set forth in Section 155.103C.7 of the Lombard Zoning Ordinance:

1. The conditions of the property create a dangerous and toxic environment without encapsulation.
2. Concrete bunker/bombshelters within the 20 foot setbacks are not commonplace.
3. There will be no financial gain in installing a shed, on the contrary the installation is at and to the detriment of petitioner as the existing shed which the subject seeks to replace is in good condition.
4. Petitioner did not construct the bunker, and at the time of construction it was in accordance with the laws of the village/county/state.
5. The grating on the variation will protect the public.
6. There will be no alteration of neighborhood character.
7. No impairment of light or air will occur as a result of the variation, and proposed structure will protect the public.

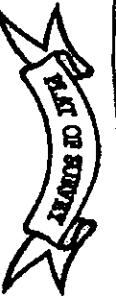
Respectfully submitted,  
  
Mark E. Edison  
Attorney at Law

# ARS

## SURVEYING SERVICES, LLC

1221 LARKVIEW CT.  
 HOMERIDGE, ILLINOIS 60446  
 PH: (630) 216-9200 FAX: (630) 216-9234

FOR AN EXACT AND TRUE REPRESENTATION TO LONGER CONTAINED PLANNING, SURVEYING, MAPS & SPECIFICATIONS OF PART OF THE SOUTHWEST 1/4 OF SECTION 4, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED ON JULY 15, 1948 AS DOCUMENT NUMBER 64779, IN DEWARB COUNTY, ILLINOIS.

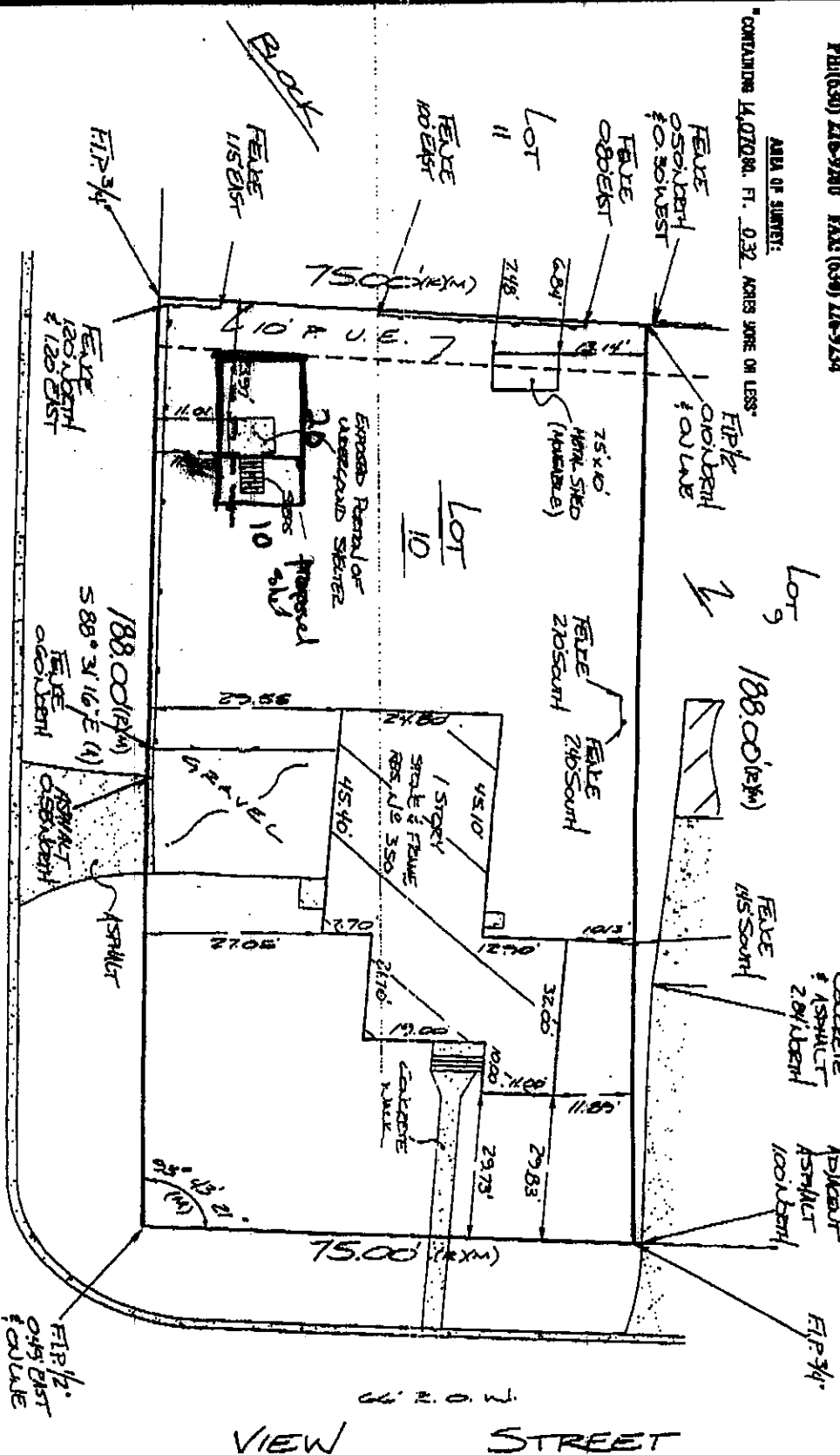


DATE OF SURVEY:  
 NORTH LINE OF VIEW STREET AS MONUMENTED AND OCCUPIED PER RECORDED SUBDIVISION PLAT.  
 S 89°31'18" E (A)



### AREA OF SURVEY:

CONTAINING APPROX. FT. 0.32 ACRES MORE OR LESS



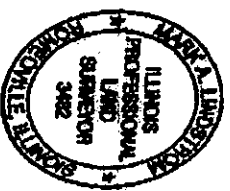
STATE OF ILLINOIS  
 COUNTY OF WILL  
 188  
 N  
 FAIRFIELD AVE.  
 JANUARY 1, A.D. 2006, AT HOMERIDGE, ILLINOIS.  
 I, THE UNDERSIGNED, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS PROFESSIONAL SERVICE COMPARES TO THE CURRENT ILLINOIS SURVEYING STANDARDS FOR A REGISTRY SURVEY, AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY.

ILLINOIS PROFESSIONAL LAND SURVEYING NO. 096-3482 JRS 30.  
 LICENSE EXPIRES ON DATE NOVEMBER 30, 2008

CLIENT: EDISON

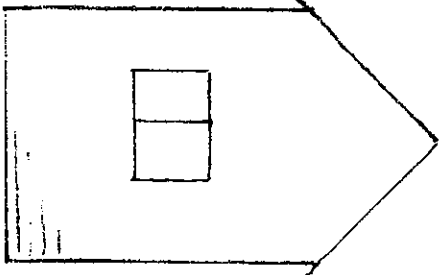
93188-08

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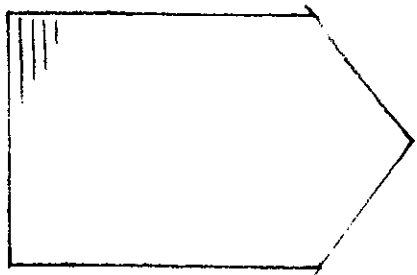




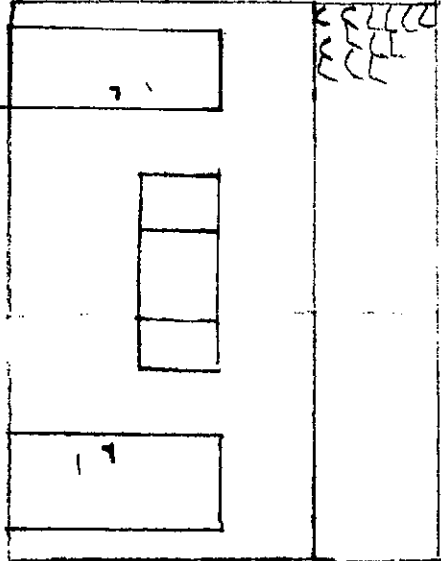
EAST



WEST



NORTH



SOUTH

