

MEMORANDUM

TO: William T. Lichter, Village Manager

FROM: David A. Hulseberg, AICP, Director of Community Development *Dak*

DATE: April 6, 2006

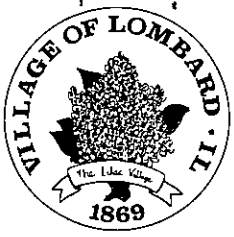
SUBJECT: ZBA 06-05: 262 N. Garfield Street

Attached please find the following items for Village Board consideration as part of the April 6, 2006 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 06-05;
3. An Ordinance granting approval of the requested variation;
4. Plat of Survey; and
5. Plans associated with the petition.

The petitioner is requesting that the Village Board waive a first reading of the aforementioned Ordinance due to time constraints associated with the project. Please find the written request attached.

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



VILLAGE OF LOMBARD

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Village Clerk
Brigitte O'Brien

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Rick Soderstrom, Dist. 6

Village Manager
William T. Lichter

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').

"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."

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.

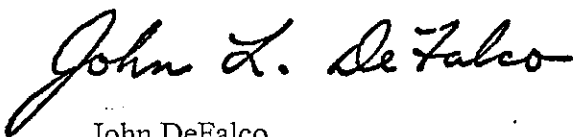
Mr. Polley asked if the existing home was constructed of brick. The petitioner stated that the existing home is constructed of brick, but the second story addition will be constructed of siding and timber in an "Arts and Crafts" style that would match the existing brick.

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

att-

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 February 17, 2006.

1. Petition for Public Hearing
2. Response to the Standards for Variation
3. Plat of Survey, dated November 8, 1990, prepared by Lambert and Associates.
4. Proposed building elevations.

DESCRIPTION

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. The existing residence is setback 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. The nine-foot side yard is intended to accommodate the driveway area for detached garages. The petitioners are proposing a second story addition that would maintain the same building line relative to the northern and southern side property lines. Because this would be considered an expansion of a non-conformity, a variation is needed.

ENGINEERING

Private Engineering Services

From an engineering or construction perspective, PES has no comments.

Public Works Engineering

Public Works Engineering has no comments regarding this request.

FIRE AND BUILDING

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

PLANNING

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. The definition of “yard”, as defined in Section 155.802 of the Zoning Ordinance, reads as follows:

Yard is an open area on the same zoning lot with a building or structure, unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted in Section 155.212 of this Ordinance. A “yard” extends along a lot line, and to a depth of width specified in the yard requirements for the zoning district in which such zoning lot is located.

The definition of a “yard” references a yard as having three dimensions. Therefore, a side yard must be considered in terms of volume. With a nonconforming residence that encroaches into a required yard, the construction of a second story addition above the existing footprint would increase the volume of the residence within the side yard. By decreasing the open-air volume of the side yard, the degree of non-conformity is increased.

Staff can support the requested relief for the following reasons. The proposed addition will not be setback less than the existing residence. Staff finds that that the requested relief is not substantial relative to the six foot (6’) and nine foot (9’) setback requirements. Both side yards will be decreased by less than one foot. Staff finds that the proposed addition will not have a negative impact on the surrounding properties. Also, staff has typically supported variations in the past for additions that hold to existing building lines.

FINDINGS AND RECOMMENDATIONS

The Department of Community Development has determined that the information presented **has affirmed** the Standards for Variations for the requested relief. 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 requested variation:

Based on the submitted petition and the testimony presented, the requested variation **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 06-05, 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.

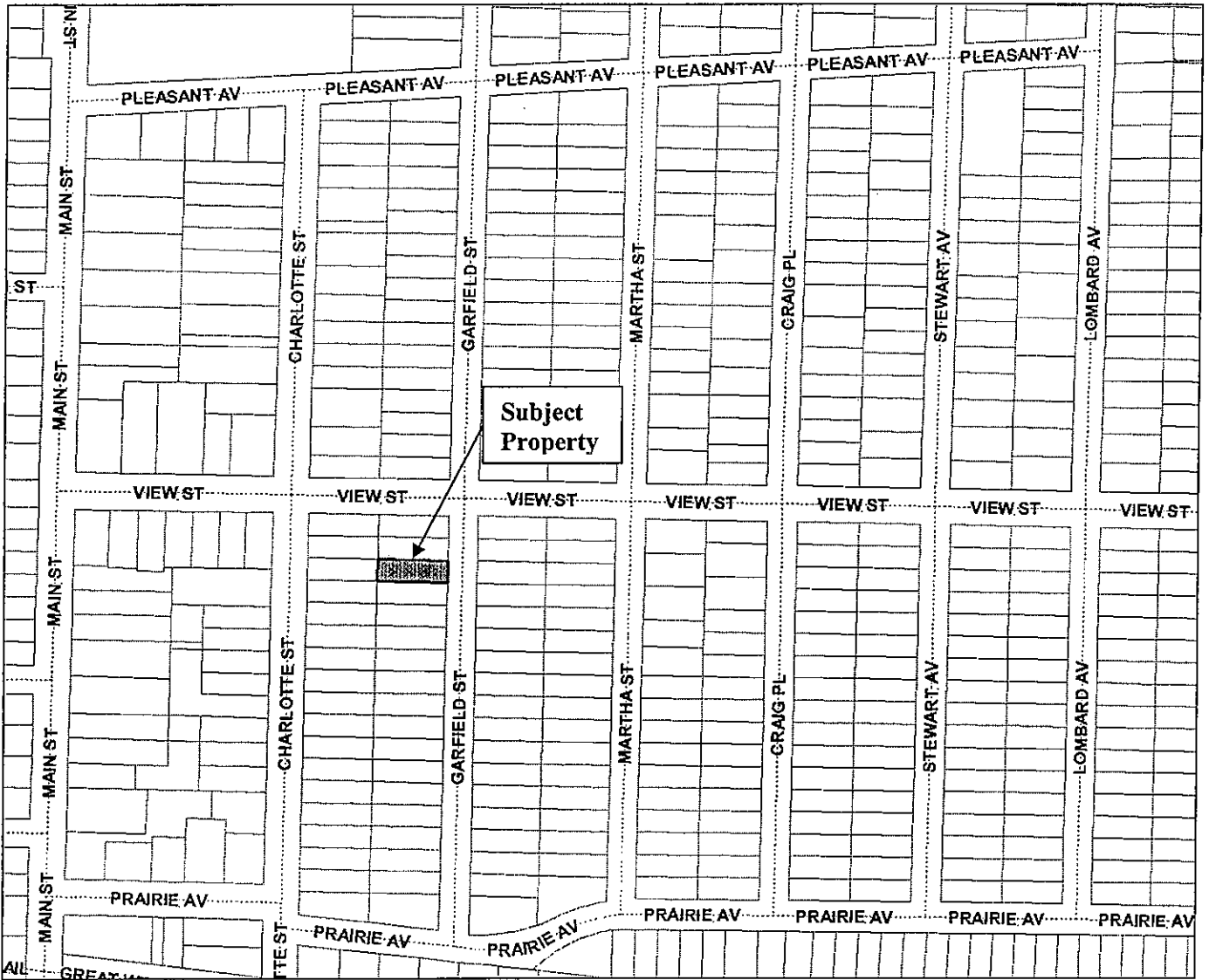
Inter-Departmental Review Group Report Approved By:



David A. Hulseberg, AICP
Director of Community Development

att-
c: Petitioner

REVISED
Location Map
ZBA 06-05
262 N. Garfield Street



Request for Waiver of First Reading
Re: Variance Request for 262 N. Garfield St.

Submitted by: Jonathan Grant, Petitioner and Owner of Record

The petitioner/owner of 262 N. Garfield St., a residential property that is the subject of a variance request before the Board of Trustees, respectfully requests a waiver of first reading in regards to this variance request. The decision of the Board on this matter will have an effect on the final construction drawings that will need to be submitted both for financing of the project and the application for building permits. In order to complete the construction before the winter of 2006/07, the petitioner/owner would like to expedite those processes as much as possible and respectfully requests a waiver of first for this reason.

Respectfully,

Jonathan Grant

ORDINANCE NO. _____

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

(ZBA 06-05: 262 N. Garfield Street)

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,

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

WHEREAS, an application has been filed with the Village of Lombard requesting a variation from Title 15, Chapter 155, Section 155.406(F)(3) of the Lombard Zoning Ordinance to reduce the northern interior side yard setback from six feet (6') to five and forty-one hundredths feet (5.41'); and,

WHEREAS, said application also requests approval of a variation from Section 155.406(F)(3) of the Lombard Zoning Ordinance to reduce the southern interior side yard where no attached garage is constructed from nine feet (9') to eight and thirty-three hundredths feet (8.33') in the R2 Single-Family Residence District; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on March 22, 2006 pursuant to appropriate and legal notice; and,

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

WHEREAS, the President and Board of Trustees have determined that it is in the best interest of the Village of Lombard to approve the requested variation subject to conditions.

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

SECTION 1: That a variation is hereby granted from the provisions of Title 15, Chapter 155, Section 155.406(F)(3) of the Lombard Zoning Ordinance to reduce the northern interior side yard setback from six feet (6') to five and forty-one hundredths feet (5.41').

SECTION 2: That a variation is hereby granted from the provisions of Title 15, Chapter 155, Section 155.406(F)(3) of the Lombard Zoning Ordinance to reduce the southern interior side yard setback where no attached garage is constructed from nine feet (9') to eight and thirty-three hundredths feet (8.33').

SECTION 3: This ordinance is limited and restricted to the property generally located at 262 N. Garfield Street, Lombard, Illinois, and legally described as follows:

LOT 3 IN BLOCK 7 IN H.O. STONE AND COMPANY'S ADDITION TO LOMBARD IN THE SOUTHWEST QUARTER OF SECTION 5 AND PART OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 26, 1924 AS DOCUMENT 179463, IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-05-308-021

SECTION 4: This ordinance shall be granted subject to compliance with 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.

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 _____, 2006.

First reading waived by action of the Board of Trustees this _____ day of _____, 2006.

Passed on second reading this _____ day of _____, 2006.

Ayes: _____

Nayes: _____

Absent: _____

Approved this _____ day of _____, 2006.

Ordinance No. _____
Re: ZBA 06-05
Page 3

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

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