

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES  
FROM: William T. Lichter, Village Manager  
DATE: October 9, 2006 (B of T) Date: October 19, 2006  
TITLE: ZBA 06-22: 601 E. Sunset Avenue  
SUBMITTED BY: Department of Community Development *W.T.L.*

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 155.415(F)(2) to reduce the corner side yard setback from twenty feet (20') to ten feet (10') to allow for the construction of an attached garage on an existing legal non-conforming structure in the R2 Single Family Residential District. (DISTRICT #4)

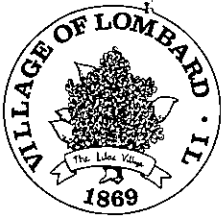
The Zoning Board of Appeals recommended approval of this petition with conditions.

Fiscal Impact/Funding Source:

Review (as necessary):

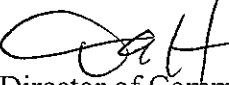
Village Attorney X \_\_\_\_\_ Date \_\_\_\_\_  
Finance Director X \_\_\_\_\_ Date \_\_\_\_\_  
Village Manager X *W.T.L. Lichter* Date *10/10/06*

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

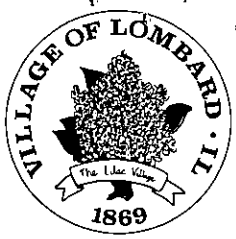
**DATE:** October 19, 2006

**SUBJECT:** ZBA 06-22: 601 E. Sunset Avenue

Attached please find the following items for Village Board consideration as part of the October 19, 2006 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 06-22;
3. An Ordinance granting approval of the requested variation;
4. Plat of Survey; and
5. Site plan associated with the petitioner's request.

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



## VILLAGE OF LOMBARD

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Lombard, IL 60148-3926  
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**Village President**  
William J. Mueller

September 29, 2006

**Village Clerk**  
Brigitte O'Brien

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

**Trustees**  
Greg Alan Gron, Dist. 1  
Richard J. Tross, Dist. 2  
John "Jack" T. O'Brien, Dist. 3  
Steven D. Sebby, Dist. 4  
Kenneth M. Florey, Dist. 5  
Rick Soderstrom, Dist. 6

**Subject: ZBA 06-22; 601 E. Sunset Ave.**

**Village Manager**  
William T. Lichter

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 155.415(F)(2) to reduce the corner side yard setback from twenty feet (20') to ten feet (10') to allow for the construction of a an attached garage on an existing legal non-conforming structure in the R2 Single Family Residential District.

The Zoning Board of Appeals conducted a public hearing on September 27, 2006. Wayne Holler, owner of the property, presented the petition. He stated that the existing two-car garage attached to his home was in disrepair. He noted that the north wall has sunken 12". He mentioned that he has had soil tests done and the concrete restoration costs would exceed the cost to rebuild the garage. He stated that he wants to start over again from scratch and build a new garage of the same size and in the same location.

"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."

Chairperson DeFalco then opened the meeting for public comment.

Michelle Kulikowski, Planner I, presented the staff report. She stated that the subject property is located at the southeast corner of Sunset Avenue and Edgewood Avenue. She noted that the existing residence has an attached garage that maintains a 10' corner side yard setback, and the petitioner wishes to demolish the existing garage and construct a new garage in the same approximate location. She mentioned that because the garage is legal non-conforming, a variation is needed in order to rebuild.

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

Ms. Kulikowski stated that the petitioner has indicated that the garage is in disrepair and must be replaced. She referenced the photos submitted by the petitioner and included in the appendix of this report demonstrating the poor condition of the garage. She also noted the comments from the Bureau of Inspectional Services in the staff report. Ms. Kulikowski stated that past building permit for the subject property revealed that the existing residence was built in 1972 without an attached garage, and in 1973, the previous property owner received a building permit to

construct an attached garage. She noted that when the residence was originally built, it was positioned at a slight angle relative to the corner side property line along Sunset Avenue with the northwest corner setback 17.22' from the corner side property line and the northeast corner setback 19.06'. She stated that the garage was constructed on the west side of the residence at a 10' setback from the corner side property line. She noted that the existing residence also includes a porch that maintains the same building line as the garage. She mentioned that the residence including the attached garage and front porch complied with the corner side yard setback at the time they were constructed as the corner side yard setback for single family residences wasn't changed to 20' until 1978.

Ms. Kulikowski stated that staff supports the requested variation as relocating the attached garage in compliance with setback requirements does not seem to be a viable option. She noted that while there does appear to be sufficient space to build a new attached garage on the east side of the residence, 10' further back from the corner side property line in compliance with corner side yard setback, there would be some building code issues. She mentioned that the garage would obstruct some of the existing windows creating issues with the building code requirements for light and ventilation as well as the door to the solarium addition creating issues with building code requirements for means of egress. She stated that the garage can not be relocated to the east side of the residence because the residence would not meet the 35' rear yard setback.

Ms. Kulikowski stated that as far as the option of building a detached garage on the subject property, only a one-car detached garage could be built. She noted that with the required setbacks and 10' utility easement, there would only 17' for a garage on the east side of the residence. She noted that to the south of the residence there is only 15' for a detached garage when considering the minimum required setbacks and building separation. She mentioned the Zoning Ordinance prohibits accessory structures in front of the front wall of the residence, therefore a detached garage could not be located to the west of the residence.

Ms. Kulikowski noted that there are several ZBA cases that provide precedence for the requested variation on the subject property. She referenced a recent case, ZBA 06-14, which granted a variation to allow an attached garage to be rebuilt at the same location maintaining the same 2.5' side yard setback as the existing non-conforming garage. She also mentioned that there have been other corner side yard variations granted in the Lombard Vista Subdivision such as ZBA 06-01 and ZBA 98-10. She stated that the proposed garage would not alter the essential character of the neighborhood as a majority of the corner lots in the Lombard Vista do not meet the 20' corner side yard setback. She noted that the proposed garage would not negatively impact adjacent properties as there has already been a garage at that location for over 30 years.

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

Chairperson DeFalco asked whether staff had checked whether the property was in compliance with the 50% minimum open space requirement. He noted that there was a pool on the property. He asked if the pool counted against open space.

Jennifer Backensto, Planner II, noted that a pool would count against open space.

Chairperson DeFalco asked whether condition three needed to specify damage or destruction of more than 50% of the value of the residence.

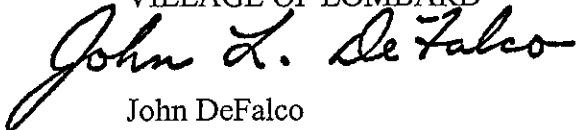
Ms. Kulikowski stated that Section Three of the Zoning Ordinance pertaining to non-conforming structures specifies that destruction of more than 50% is the point at which the building must come into compliance.

After due consideration of the petition and testimony presented, the Zoning Board of Appeals found that the requested corner side yard variation complied with the Standards of the Zoning Ordinance. Therefore, on a motion by Mr. Young and a second by Mr. Polley, the Zoning Board of Appeals recommended approval of the requested variation associated ZBA 06-22 by a roll call vote of 6 to 0, subject to the following conditions:

1. The approval of the corner side yard setback variation shall only be for the proposed attached garage reconstruction only, as shown on the site plans submitted as part of this petition.
2. The petitioner shall apply for and receive a building permit for the demolition and reconstruction of the new attached garage. The garage shall meet all Village Code provisions.
3. The variation shall be limited to the existing residence. Should the existing residence be damaged or destroyed by any means, any new structures shall meet all setback provisions.

Respectfully,

VILLAGE OF LOMBARD



John DeFalco  
Chairperson  
Zoning Board of Appeals



## ANALYSIS

### SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development on August 25, 2006.

1. Petition for Public Hearing
2. Response to the Standards for Variation
3. Plat of Survey
4. Site Plan, prepared by the petitioner, showing existing and proposed improvements.
5. Photographs of the existing residence.

### DESCRIPTION

The subject property is located at the southeast corner of Sunset Avenue and Edgewood Avenue. The existing residence has an attached garage that maintains a 10' corner side yard setback. The petitioner wishes to demolish the existing garage and construct a new garage in the same approximate location. Because the garage is legal non-conforming, a variation is needed in order to rebuild.

### INTER-DEPARTMENTAL REVIEW COMMENTS

#### Fire and Building

Fire and Building note that the new attached garage must meet all current code requirements.

The Building Division notes that the existing foundation for the attached garage is placed in an area with poor soils and the garage foundation is deteriorating. Evidence of this deterioration can be seen when one views the exterior roof line of the house and garage. Building staff has informed the property owner to address this issue and has been working with the property owner accordingly. In further exploration of possible remedies to this issue, the cost of repairing the existing foundation would exceed the cost of demolishing the garage itself. Moreover, the repair does not provide the best remedy to the issue. As such, Building staff recommends that the property owner demolish the existing garage and construct a new garage with a proper foundation.

### **Public Works Engineering**

Public Works has no comments on this petition.

### **Private Engineering**

Private Engineering Services has no comment on this petition.

### **Planning**

The petitioner has indicated that the garage is in disrepair and must be replaced. The petitioner has submitted photographs demonstrating the poor condition of the garage which are included in the appendix of this report. In reviewing past building permit files for the subject property, staff found that the existing residence was built in 1972 without an attached garage. In 1973, the previous property owner received a building permit to construct an attached garage. When the residence was originally built, it was positioned at a slight angle relative to the corner side property line along Sunset Avenue. The front wall of the residence is 17.22' from the corner side property line at the northwest corner and 19.06' at the northeast corner. The garage was constructed on the east side of the residence at a 10' setback from the corner side property line. The existing residence also includes a porch that maintains the same building line as the garage. Staff assumes that the porch and attached garage were built at the same time because of the way that the porch roof ties in with the roof of the garage. However, staff is unable to verify that due to the limited information on the microfiche for the building permit file. The residence including the attached garage and front porch complied with the corner side yard setback at the time they were constructed as the corner side yard setback for single family residences wasn't changed to 20' until 1978. The previous property owner also received a permit for an addition in 1983 and constructed a solarium to the rear of the residence.

Staff supports the requested variation for the following reasons. Relocating the attached garage in compliance with setback requirements does not seem to be a viable option. While there does appear to be sufficient space to build a new attached garage on the east side of the residence, 10' further back from the corner side property line in compliance with corner side yard setback, there would be some building code issues. Some of the existing windows would be obstructed by the garage creating issues with the building code requirements for light and ventilation. The garage would also obstruct the door to the solarium addition creating issues with building code requirements for means of egress. The garage can not be relocated to the east side of the residence because the residence would not meet the 35' rear yard setback.

As far as the option of building a detached garage on the subject property, only a one-car detached garage could be built. A detached garage on the east side of the residence would have to be at least 4' from the residence and could not be built within the 10' utility easement, which would only leave 17' for a garage. If a detached garage were to be located to the south of the residence, it would have to be at least 3' from the side property line and 4' from the solarium, leaving only 15' for a garage. Furthermore, the Zoning Ordinance states that a detached garage



can not be located in front of the front wall of the residence. Therefore a detached garage could not be located any further west on the property than the west wall of the residence. As such, a detached garage to the south of the residence would significantly block light to the solarium, thus defeating the purpose of the solarium.

There are several ZBA cases that provide precedence for the requested variation on the subject property. Just recently, a variation was granted (ZBA 06-14) to allow an attached garage to be rebuilt at the same location maintaining the same 2.5' side yard setback as the existing non-conforming garage. Also, there have been other corner side yard variations granted in the Lombard Vista Subdivision (ZBA 06-01, ZBA 98-10). The proposed garage would not alter the essential character of the neighborhood as a majority of the corner lots in the Lombard Vista do not meet the 20' corner side yard setback. The proposed garage would not negatively impact adjacent properties as there has already been a garage at that location for over 30 years.

#### **FINDINGS AND RECOMMENDATIONS**

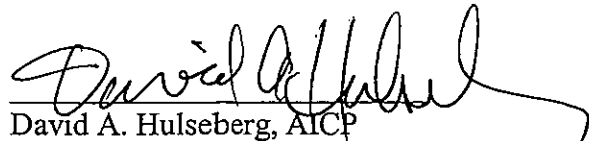
The Department of Community Development has determined that the information presented **has affirmed** the Standards for Variations for the requested variation. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make the following motion recommending **approval** of the 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 accept the findings on the Inter-Departmental Review Committee as the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **approval** of ZBA 06-22, subject to the following conditions:

1. The approval of the corner side yard setback variation shall only be for the proposed attached garage reconstruction only, as shown on the site plans submitted as part of this petition.
2. The petitioner shall apply for and receive a building permit for the demolition and reconstruction of the new attached garage. The garage shall meet all Village Code provisions.
3. The variation shall be limited to the existing residence. Should the existing residence be damaged or destroyed by any means, any new structures shall meet all setback provisions.

Zoning Board of Appeals  
Re: ZBA 06-22  
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Inter-Departmental Review Group Report Approved By:



David A. Hulseberg, AICP  
Director of Community Development

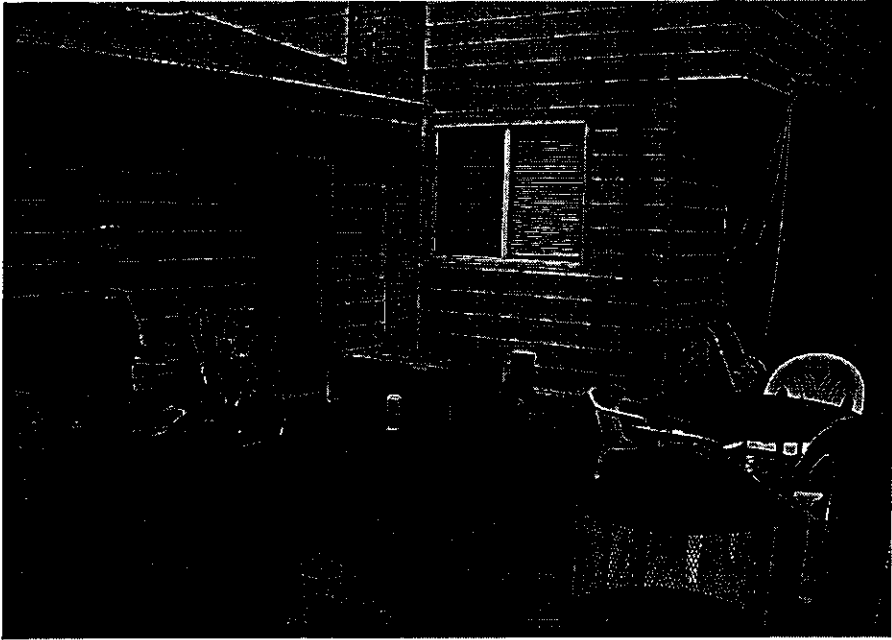
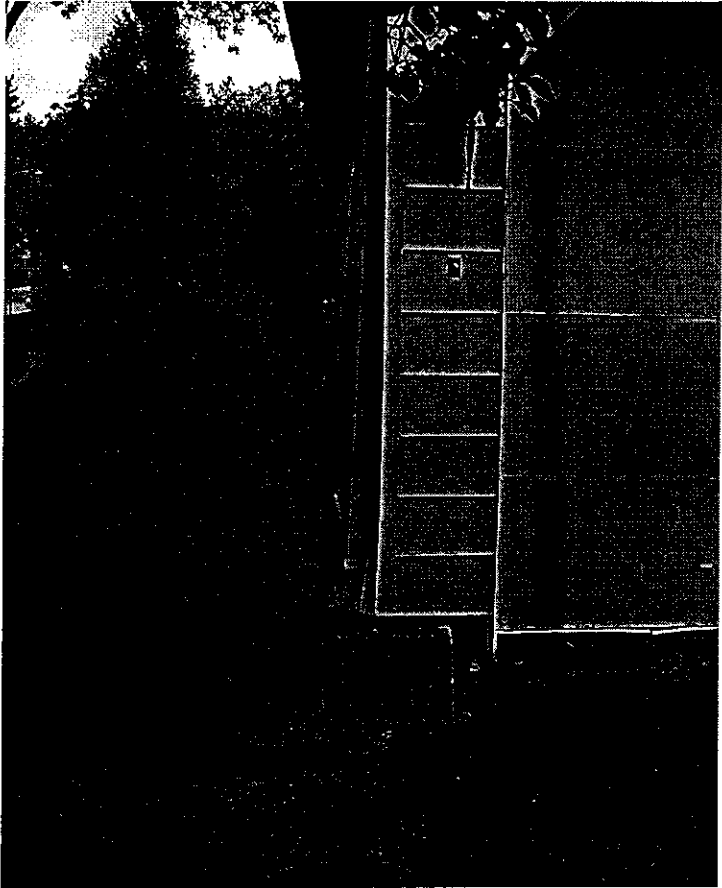
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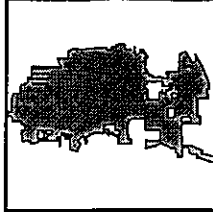
c: Petitioner

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**APPENDIX A: PHOTOGRAPHS OF THE SUBJECT PROPERTY**







1 in. = 250.0 feet

# ZBA 06-22: 601 E. Sunset Avenue



ORDINANCE NO. \_\_\_\_\_

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

(ZBA 06-22: 601 E. Sunset Ave.)

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 155.415(F)(2) to reduce the corner side yard setback from twenty feet (20') to ten feet (10') to allow for the construction of an attached garage in the R2 Single-Family Residence District; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on September 27, 2006 pursuant to appropriate and legal notice; and,

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, 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 155.415(F)(2) to reduce the corner side yard setback from twenty feet (20') to 10 feet (10') to allow for the construction of an attached garage in the R2 Single-Family Residence District.

SECTION 2: This ordinance is limited and restricted to the property generally located at 601 E. Sunset Avenue, Lombard, Illinois, and legally described as follows:

LOT 21 IN BLOCK 4 IN LOMBARD VISTA, BEING A SUBDIVISION OF PART OF SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED ON SEPTEMBER 14, 1927, AS DOCUMENT 243024, IN DUPAGE COUNTY, ILLINOIS.

Parcel No. 06-05-213-001

Ordinance No. \_\_\_\_\_

Re: ZBA 06-22

Page 2

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

1. The approval of the corner side yard setback variation shall only be for the proposed attached garage reconstruction only, as shown on the site plans submitted as part of this petition.
2. The petitioner shall apply for and receive a building permit for the demolition and reconstruction of the new attached garage. The garage shall meet all Village Code provisions.
3. The variation shall be limited to the existing residence. Should the existing residence be damaged or destroyed by any means, any new structures shall meet all setback provisions.

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.

\_\_\_\_\_  
William J. Mueller, Village President

ATTEST:

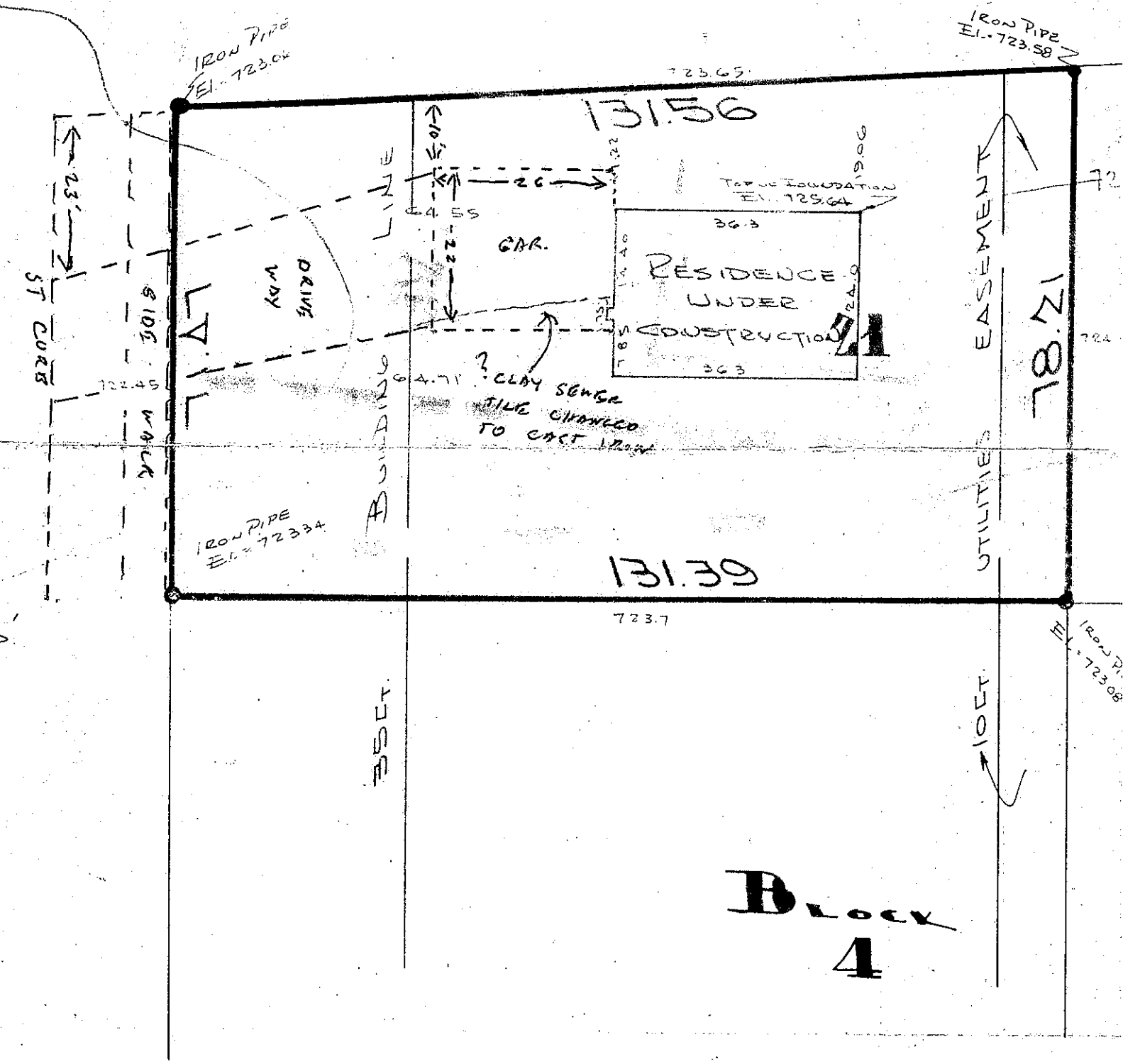
\_\_\_\_\_  
Brigitte O'Brien, Village Clerk

SUNSET

AVE.

723.7

723.88



Block  
4

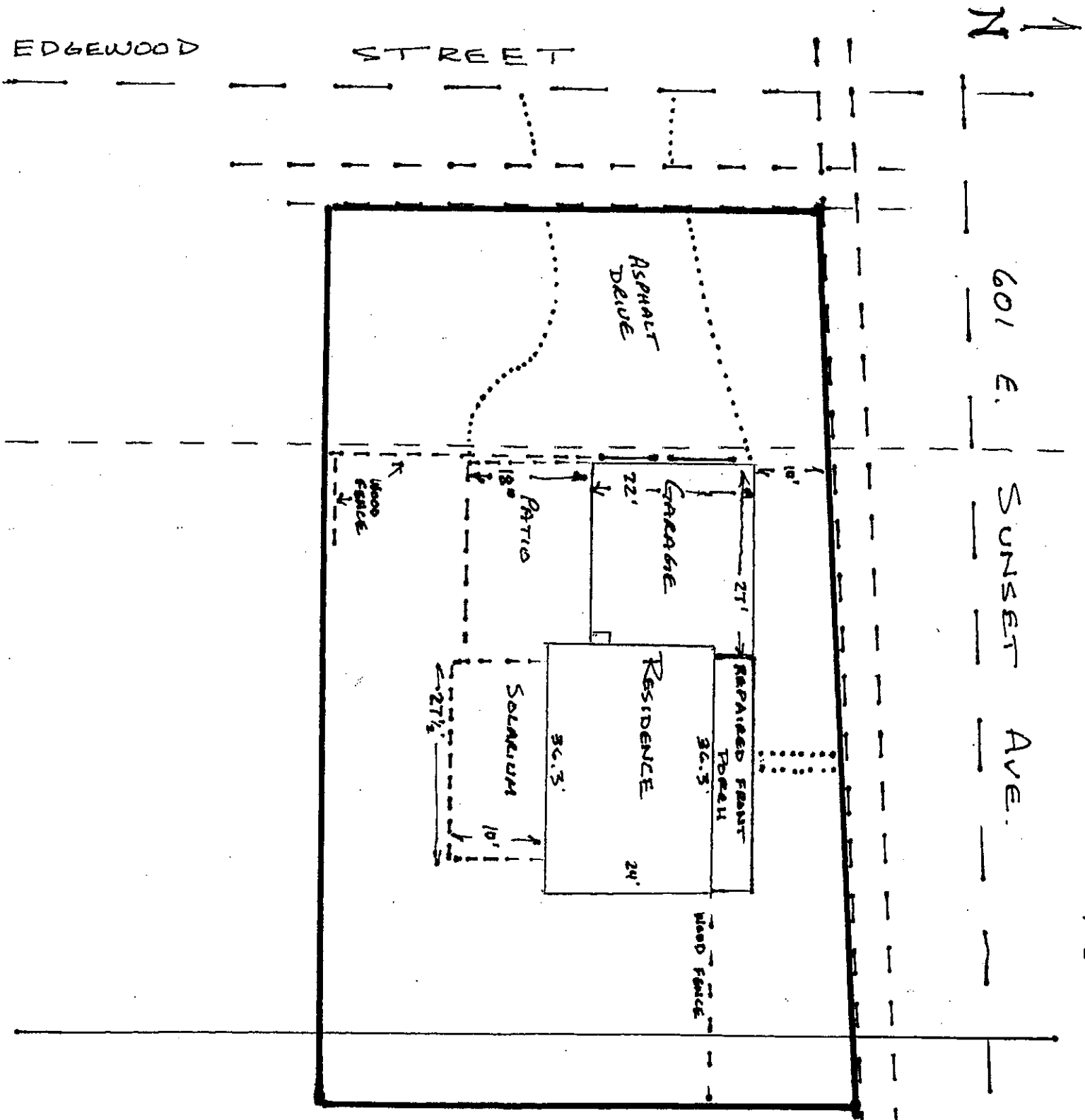
STATE OF ILLINOIS S. S.  
COUNTY OF DUPAGE

THIS IS TO CERTIFY THAT I, AN ILLINOIS LAND SURVEYOR, HAVE SURVEYED THE PROPERTY DESCRIBED IN THE ABOVE CAPTION(S) AS SHOWN BY THE ANNEX-



# PLAT OF SURVEY

OF LOT 21 IN BLOCK 4 IN LOMBARD VISTA, BEING A SUBDIVISION OF THE SOUTH HALF OF THE NORTHEAST QUARTER AND THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 14, 1927, AS DOCUMENT 243024, IN DUPAGE COUNTY, ILLINOIS.



8/25/06