

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

Resolution or Ordinance (Blue) X *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: March 23, 2005 (B of T) Date: March 7, 2005
TITLE: ZBA 05-03: 1051 S. Stewart Avenue
SUBMITTED BY: Department of Community Development *WTL*

BACKGROUND/POLICY IMPLICATIONS:

The Zoning Board of Appeals transmits for your consideration its recommendation relative to the above-mentioned petition. This petition a variation to Section 155.406 (F)(2) of the Lombard Zoning Ordinance to reduce the required corner side yard setback to seventeen and one half feet (17.5'), where twenty feet (20') is required to allow for the construction of a single-family residence in the R2 Single-Family Residence District

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

Staff is requesting waiver of first reading.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X *W. T. Lichter* _____ Date 3/24/05

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.



VILLAGE OF LOMBARD

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Lombard, Illinois 60148
630/620-5700 FAX: 630/620-8222
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Village President
William J. Mueller

Trustees
Tyler L. Williams, Dist. 1
Richard J. Tross, Dist. 2
Karen S. Koenig, Dist. 3
Steven D. Sebby, Dist. 4
Kenneth M. Florey, Dist. 5
Rick Soderstrom, Dist. 6

Village Manager
William T. Lichter

April 7, 2005

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

Subject: ZBA 05-03; 1051 S. Stewart

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 from Section 155.406(F)(2) of the Lombard Zoning Ordinance to reduce the required corner side yard setback from twenty feet (20') to eighteen feet (18') to accommodate the construction of a new single family residence in the R2 Single-Family Residence District.

The Zoning Board of Appeals conducted a public hearing on March 2, 2005. Joe DeFrancesco presented the petition. He referenced the letter and response to standards for variations included with his application. He stated that he had nothing further to add and would answer any questions the members had.

Chairperson DeFalco then opened the meeting for public comment. No one spoke for or against the petition.

Angela Clark, Planner II, presented the staff report. She stated that the subject lot was fifty feet in width while sixty feet is required in the R2 Single Family Residential District. Ms. Clark stated that the lot is a lot of record therefore it is considered buildable since it meets eighty percent of the lot area and width requirements. She noted that the new residence could only be twenty-four feet in width if the petitioner were to construct the home according to the current code requirements. She stated that this would be comparable to the width of a two car garage.

Ms. Clark stated that the construction of the new residence would reduce the degree of the existing nonconformity therefore staff supported the petition. She noted that there were two items on the site plan that would need

"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."

Re: ZBA 05-03
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modification. She stated that bay windows are not permitted within interior side yards and the petitioner would need to address this. She also noted that there is a provision within the code that requires accessory structures that are within the rear fifteen feet of a reverse corner lot to meet the front yard setback of the neighboring lot. She stated that the petitioner's proposed garage would be subject to this requirement. She stated that the petitioner would have to move the garage seven feet to the west in order to meet code.

Chairperson DeFalco asked if the petitioner understood the requirements for the accessory structure. Mr. DeFrancesco asked for clarification on the requirements.

Chairperson DeFalco explained that the rear yard of the petitioner's property abutted the front yard of the neighboring property, therefore the proposed garage could not be placed in front of the neighbor's residence.

Mr. DeFrancesco asked if the garage could be placed in the same location on the site plan if it were thirty feet from the property line. Ms. Clark stated that it could. Chairperson DeFalco stated that there would not be adequate room to move the garage back to meet the thirty-foot setback. Mr. DeFrancesco stated that he would move the garage to the west to meet the requirement.

Mr. Young asked about the code requirement in question. Ms. Clark stated that the provision was only for accessory structures within the rear fifteen feet of the yard.

Mr. Bedard stated that the proposed residence would be an improvement to the neighborhood.

After due consideration of the submitted petition and the testimony presented, the Zoning Board of Appeals on a roll call vote of 5-0 submits this petition to the Corporate Authorities with a recommendation for **approval** of the requested variation subject to the following conditions:

1. That the petitioner shall develop the site in accordance with the plans submitted as part of the petition and dated January 26, 2005, with the following modifications to the plans:
 - a. That the bay window on the south side of the proposed residence shall be removed or modified to meet the six foot (6') interior side yard setback requirements.

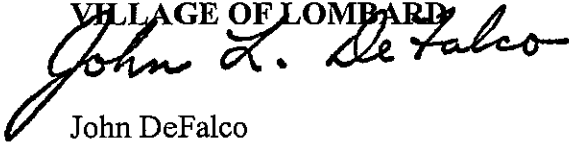
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That the proposed detached garage be relocated at least seven feet (7') to the west on the subject property in order to meet reverse corner yard setback requirements as set forth in Section 155.210 (B)(3) of the Zoning Ordinance.

2. That the petitioner shall apply for and receive a building permit for the proposed improvements associated with this petition.

Respectfully,

~~VILLAGE OF LOMBARD~~

A handwritten signature in black ink that reads "John L. DeFalco". The signature is written in a cursive style with a large initial "J".

John DeFalco
Chairperson
Zoning Board of Appeals

att-

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

TO:	Zoning Board of Appeals	HEARING DATE:	March 2, 2005
FROM:	Department of Community Development	PREPARED BY:	Michelle Kulikowski Associate Planner

TITLE

ZBA 05-03; 1051 S. Stewart: The petitioner requests a variation to Section 155.406 (F)(2) of the Lombard Zoning Ordinance to reduce the required corner side yard setback to seventeen and one half feet (17.5'), where twenty feet (20') is required to allow for the construction of a single-family residence in the R2 Single-Family Residence District.

GENERAL INFORMATION

Petitioner:	Joseph DeFrancesco 1060 S. Fairfield Ave. Lombard, IL 60148
Relationship of Petitioner:	General Contractor/Builder
Property Owner:	Anthony DeFrancesco 1051 S. Stewart Ave. Lombard, IL 60148

PROPERTY INFORMATION

Existing Zoning:	R2 Single-Family Residence District
Existing Land Use:	Single-Family Residence
Size of Property:	Approximately 7,800 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:	O Office District; Village of Lombard municipal complex

ANALYSIS

SUBMITTALS

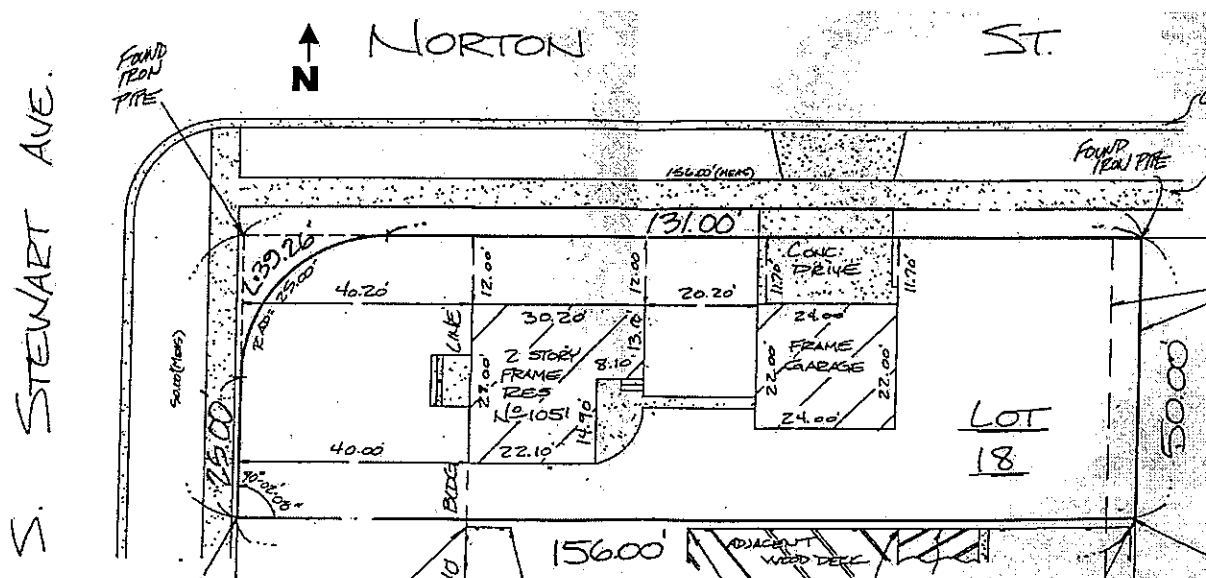
This report is based on the following documents, which were filed with the Department of Community Development on January 26, 2005.

1. Petition for Public Hearing
2. Response to the Standards for Variation
3. Plat of Survey, prepared by ARS Surveying, dated August 2, 2004
4. Site Plan, submitted by petitioner and dated January 26, 2005
5. Floor plan drawings, submitted by petitioner and dated January 26, 2005
6. Elevation drawings, submitted by petitioner and dated January 26, 2005

DESCRIPTION

The subject property is a corner lot that is fifty feet (50') wide by one hundred fifty-six feet (156') deep. The existing house on the property is in poor condition and has been vacant for several years. The petitioner is proposing to demolish the existing house and detached garage in order to construct a 2,688 square foot, two-story single family residence with a detached garage. The existing house, built in 1947 is considered legal non-conforming because it only maintains a twelve-foot (12') corner side yard setback. The property was developed prior to annexation into the Village. The current zoning regulations require a twenty-foot (20') corner side yard setback, which would only allow for a single-family residence that is twenty-four feet (24') wide.

Existing Site Plan



ENGINEERING

Private Engineering Services

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

Public Works Engineering

Public Works Engineering has no comments or changes.

FIRE AND BUILDING

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

PLANNING

The subject property is a fifty-foot (50') wide corner lot. The minimum lot width for the R2 Single Family Residential District is sixty feet (60'). The subject property is considered a buildable lot because it is a lot of record, and because Section 155.209 of the Zoning Ordinance allows for the construction of a single-family dwelling on lots meeting at least eighty percent (80%) of the width requirement for the applicable zoning district, provided that the lot of record was established prior to the effective date the Zoning Ordinance. Under the current yard setback requirements, the maximum allowable width for the proposed residence is twenty-four feet (24'). Twenty-four feet (24') is comparable to the width of a two-car garage.

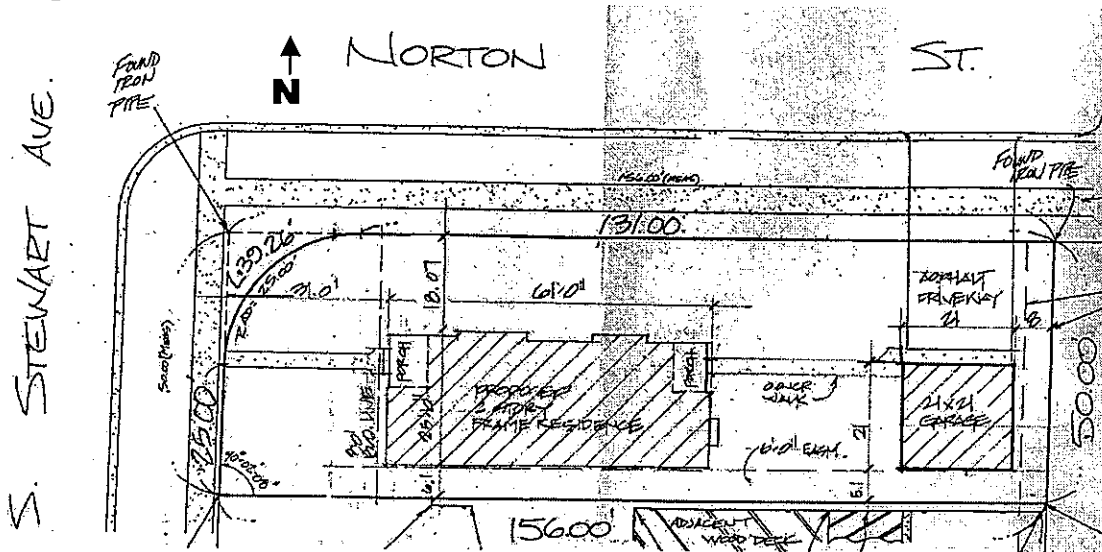
The proposed improvements will decrease the degree of non-conformity as it relates to the corner side yard setback. The existing house only maintains a twelve-foot (12') corner side yard setback, while the proposed single-family residence will maintain a seventeen and one half foot (17.5') corner side yard setback. The requested variance would reduce the setback by thirteen percent (13%). The proposed single-family residence meets other open space and setback requirement applicable to the R2 Single Family Residence District.

	Existing conditions	Proposed plan	Zoning Ordinance regulations
Open space	78%	66 %	50%
Front yard setback	40'	31'	30'
Interior side yard setback	10'	6'	6'
Corner side yard setback	12'	17.5'	20'

Staff would like to note two issues with the proposed site plan that will need to be addressed. First, the proposed plan indicates a bay window within the interior side yard. Section 155.212 of the Zoning Ordinance does not list bay windows as a permitted obstruction in the interior side yard. Bay windows are permitted obstructions within the front, rear, and corner side yard.

Second, because the property is a reverse corner lot, the new detached garage would have to be moved relative to the front yard setback of the adjacent property to the east. Section 155.210(B)(3)(a) of the Zoning Ordinance states that if an accessory structure is located within 15 feet of the rear property line on a reverse corner lot, it shall be located no closer than the required front yard setback of the lot abutting the rear lot line. The detached garage would have to be moved seven feet (7') to the west to meet this provision of the Zoning Ordinance.

Proposed Site Plan



Staff also feels that granting the requested variation will not be injurious or have a negative effect on the surrounding neighbors. The existing house is in poor condition and has been vacant for several years. The proposed single-family residence will be a substantial improvement to the property and the neighborhood. Staff feels that the width of the lot creates a hardship on the property. The yard setback requirements unreasonably restrict the size of house that could be placed on the property. Also, the proposed improvements will decrease the degree of nonconformity associated with the Village's yard setback requirements

FINDINGS AND RECOMMENDATIONS

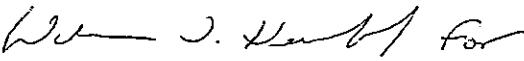
The Department of Community Development has determined that the information presented **has affirmed** the Standards for Variations for the requested variation. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make the following motion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

therefore recommend to the Corporate Authorities **approval** of ZBA 05-03, subject to the following conditions:

1. That the petitioner shall develop the site in accordance with the plans submitted as part of the petition and dated January 26, 2005, with the following modifications to the plans:
 - a. That the bay window on the south side of the proposed residence shall be removed or modified to meet the six foot (6') interior side yard setback requirements.
 - b. That the proposed detached garage be relocated at least seven feet (7') to the west on the subject property in order to meet reverse corner yard setback requirements as set forth in Section 155.210 (B)(3) of the Zoning Ordinance.
2. That the petitioner shall apply for and receive a building permit for the proposed improvements associated with this petition.

Inter-Departmental Review Group Report Approved By:



David A. Hulseberg, AICP
Director of Community Development

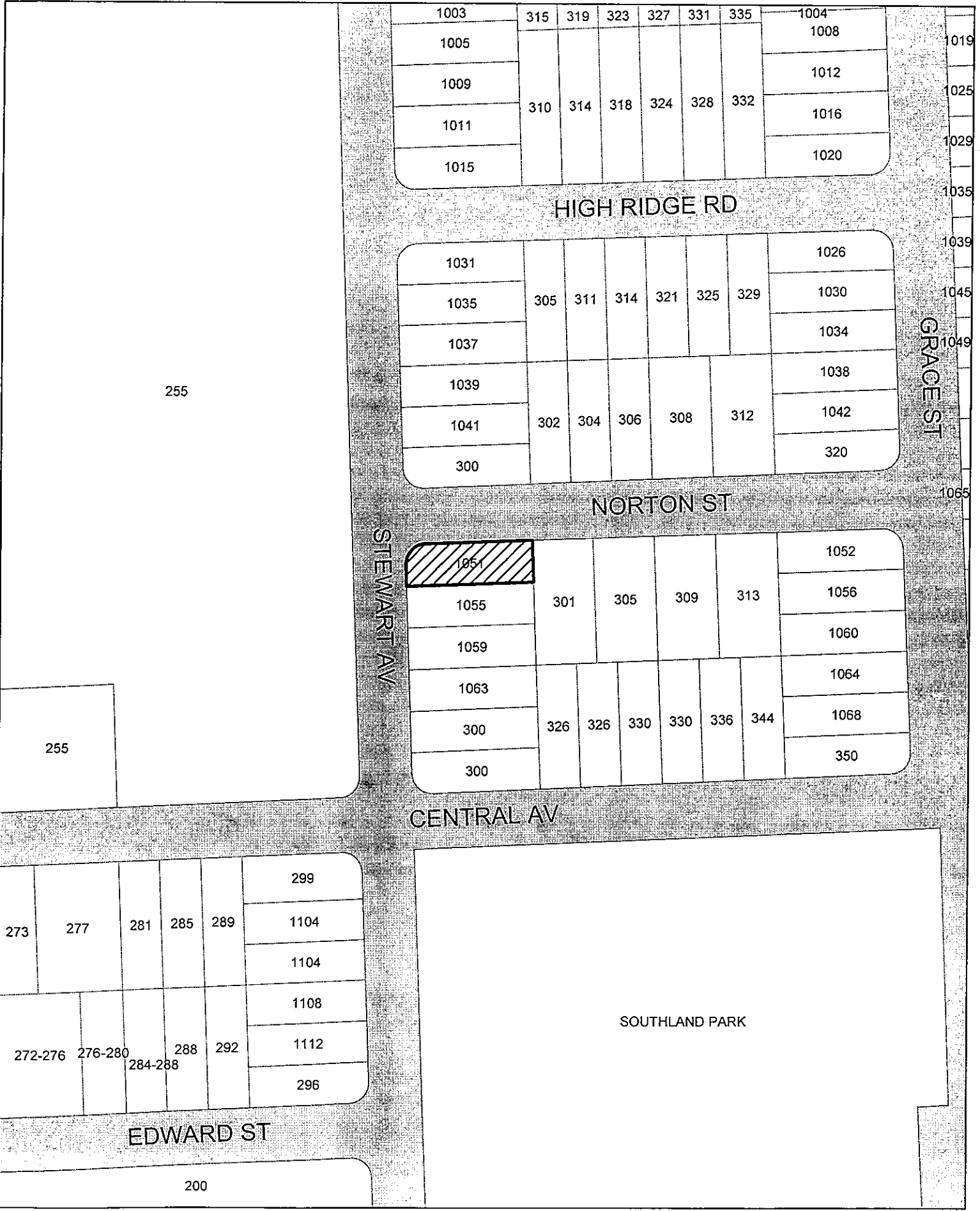
DAH:MK

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c: Petitioner

Location Map

ZBA 05-03: 1051 S. Stewart Avenue



January 20, 2005

To: Village of Lombard, Zoning Board of Appeals
Re: Property Located at 1051 S. Stewart Avenue, Lombard, IL
Applicant: Joseph P. DeFrancesco, Principal
The Building Connection

Ladies and Gentlemen:

As the Building Contractor for this property, I propose plans to build a 2688 sq. ft., 2-story, single family home with a detached 2-car garage on this corner lot that is 50' wide by 156' long. The proposed house is designed to fit nicely into this neighborhood and would greatly enhance the area immediately east of the Public Works Building. The target price is \$520,000.00.

The building code now states, you must build a minimum of 20 ft. off the street side yard lot line on a corner lot. With a lot that is only 50 ft. wide, this only allows a 24-ft. wide home to be built which is the same width as a 2-car garage.

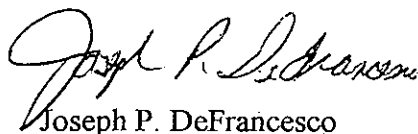
I am requesting a variation to reduce this 20-ft. setback by 13%, which would make the setback approximately 17 ft. 6 in. (a reduction of only 2 ft. 6 in.). Changing the street side yard setback would allow the construction of this proposed home to be:

- aesthetically pleasing
- proportionate to the lot
- practical in design and layout
- symmetrical in shape instead of "really narrow and long"
- a great enhancement to the entire surrounding Lombard area.

Working with the square footage of the proposed home (2688 sq. ft.), this would reconfigure the layout from 24 ft. wide by 67 ft. 4 in. long to a more comfortable layout of 25 ft. 10 in. wide by only 61 ft. long which on this lot is a more proportional fit.

Please consider this request, as it would be an asset in the further development of the Village of Lombard.

I thank you for your time and consideration,



Joseph P. DeFrancesco
The Building Connection

February 13, 2005


To: Village of Lombard, Zoning Board of Appeals
Re: Property at 1051 S. Stewart Avenue, Lombard, IL
Applicant: Joseph P. DeFrancesco, Principal
The Building Connection

Ladies and Gentlemen:

Following is a response to the standards for variations:

- 1.) Due to the current condition of the house (water damage caused by holes in roof, mold on walls, rodent and animal infestation, no heat for 2 years has caused pipes to freeze, and major structural damage) the homeowner has chosen to tear it down and rebuild a more suitable home for the property. Tearing down the existing structure is the best choice, however, rebuilding on this property under current building codes would lead to a house that is unproportionate to the lot and one that would be the width of a 2-car garage.
- 2.) The conditions are unique to this property because it is a corner lot that is only 50' wide. With a minimum required side yard easement of 6' and a required side street easement of 20', that leaves less than 1/2 of the property (only 24') to be buildable.
- 3.) The purpose of this variation is to build a comfortable and functional house that will be proportional to the lot, that will fit in with the surrounding neighborhood, and that will be marketable for generations to come.
- 4.) This corner lot's size is the cause of this hardship because after the required easements, there is only 24' left to build on which is the width of a 2-car garage and not enough space to build a comfortable, functional home that will fit proportionately on the lot and in the surrounding neighborhood.
- 5.) The granting of the variation will not be detrimental to public welfare or injurious to other property or improvements in the neighborhood. It will not have a negative effect on anything and will have a positive effect overall as it will be a great improvement to the surrounding area and the Village of Lombard.
- 6.) The granting of the variation will enhance the character of the neighborhood, which is a well-traveled area. People will note the home for its attractive appearance rather than its odd shape or unbalanced position on the lot, and will help stimulate other upgrades in the area.
- 7.) The granting of the variation will not have a negative effect on any of the items listed. It will only help to increase the property values in the neighborhood and improve the overall character and appearance of the entire area directly East of the Village Hall.

Thank you for your time and consideration,



Joseph P. DeFrancesco
The Building Connection

ORDINANCE NO. _____

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

(ZBA 05-03: 1051 S. Stewart Avenue)

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)(2) of said Zoning Ordinance to reduce the corner side yard setback from twenty feet (20') to eighteen feet (18') in the R2 Single-Family Residence District; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on March 2, 2005 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 155.406 (F)(2) of the Lombard Zoning Ordinance for the property described in Section 2 below, so as to reduce the required corner side yard setback from twenty feet (20') to eighteen feet (18').

SECTION 2: This ordinance is limited and restricted to the property generally located at 1051 S. Stewart, Lombard, Illinois, and legally described as follows:

LOT 18 IN BLOCK 5 IN LOMBARD PARK TERRACE. A SUBDIVISION OF PART OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDIN TO THE PLAT THEREOF RECORDED AS DOCUMENT 195807, IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-17-315-001

Ordinance No. _____

Re: ZBA 05-03

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

1. That the petitioner shall develop the site in accordance with the plans submitted as part of the petition and dated January 26, 2005, with the following modifications to the plans:
 - a. That the bay window on the south side of the proposed residence shall be removed or modified to meet the six foot (6') interior side yard setback requirements.
 - b. That the proposed detached garage be relocated at least seven feet (7') to the west on the subject property in order to meet reverse corner yard setback requirements as set forth in Section 155.210 (B)(3) of the Zoning Ordinance.
2. That the petitioner shall apply for and receive a building permit for the proposed improvements associated with this petition.

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 _____, 2005.

First reading waived by action of the Board of Trustees this _____ day of _____, 2005.

Passed on second reading this _____ day of _____, 2005.

Ayes: _____

Nayes: _____

Absent: _____

Approved this _____ day of _____, 2005.

William J. Mueller, Village President

ATTEST:

Barbara A. Johnson, Deputy Village Clerk

Ordinance No. _____
Re: ZBA 05-03
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