

April 17, 2008

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

Subject: ZBA 08-03; 217 N. Craig Place

Dear President and Trustees:

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioner requests that the Village grant a variation from Section 155.407(F)(3) of the Lombard Zoning Ordinance to reduce the interior side yard setback to (7.9') feet where nine feet (9') is required within the R2 Single-Family Residence District.

The Zoning Board of Appeals conducted a public hearing on March 26, 2008.

Chairperson DeFalco opened the meeting for public comment. The petitioner, Cher Angeles, presented the petition. Ms. Angeles began by stating that her parents were long time residents of Illinois but moved to Florida when they became older. Illnesses forced her parents to move back so that they could be cared for by family. One of their daughters lives nearby at 230 N. Craig Place. So, they purchased the home at 217 N. Craig Place to be close by. Other family members are within a short drive. Ms. Angeles stated that her parents miss Florida. She wants to be able to give them a sunroom to enjoy the sunshine during part of the year. She also would like to give them a little more living space. Ms. Angeles stated that her intent is to make her parents' older years a little more enjoyable.

Chairperson DeFalco asked if anyone was present to speak for or against the petition. There was nobody present to speak for or against the petition.

Chairperson DeFalco then requested the staff report. Stuart Moynihan, Associate Planner, read the staff report. Mr. Moynihan stated that the property contains a one-story single family residence built approximately 7.9 feet from the northern side property line. The petitioner plans to erect a sunroom on the footprint of an existing wood deck attached to the rear of the home. The addition will utilize the posts of the existing deck. As there is no attached garage, the Lombard Zoning

Ordinance requires that one interior side yard setback be a minimum of 9 feet. Therefore, the house is legal non-conforming and will require a variation for the proposed construction. The sunroom will maintain the current side yard setback of 7.9 feet.

According to Section 155.212, decks that are not over three feet above the average level of the ground and that maintain a minimum two (2) foot side yard are permitted encroachments the required interior side yard. Therefore, the petitioner's deck is permitted in its current condition. Granting this variation would address the existing nonconformities on the property as well as the new sunroom.

Setbacks are required to control bulk on property. Without such requirements structures could be built without adequate space for health and safety. Setbacks also preserve the suburban character of the area. For these reasons staff usually does not support setback variations unless a hardship can be shown that pertains to the physical attributes of the property.

There are several ZBA cases that provide precedence for the requested variation where the addition holds the setback of the existing residence and does not further encroach into the requisite yard. Examples of these variations include:

- 1) The property at 576 Green Valley Drive received approval of a variation to reduce the required interior side yard setback from six feet (6') to two feet (2') for the conversion of a carport into a garage and for a residential addition (ZBA 03-10).
- 2) The property at 828 S. Fairfield received approval of a variation to reduce the required interior side yard setback from six feet (6') to two and a half feet (2.5') for a residential addition (ZBA 05-14).
- 3) The property at 219 W. Hickory received approval of a variation to reduce the required interior side yard setback from six feet (6') to two and a half feet (2.5') for an attached garage (ZBA 06-14).
- 4) The property at 259 N. Garfield received approval of a variation to reduce the required interior side yard setback from nine feet (9') to 7.88 feet for a second story addition holding the previously developed exterior wall of the residence (ZBA 07-12).

The proposed addition would maintain the existing building line and would not increase the degree of encroachment into the existing non-conforming setback. There are no similar cases in the immediately surrounding neighborhood to provide additional precedent for this case.

Staff finds that this petition meets the Standards for Variations. The proposed location for the sunroom is the only option at the rear of the house due to the location of windows, meters, and the only rear access door. The deck will be constructed upon a legal non-conforming structure, maintaining the building line, and would therefore not increase the setback non-conformity. The

proposed addition would neither be out of character in the neighborhood nor detrimental to the public welfare or other the neighborhood properties.

Mr. Moynihan stated that the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make a motion recommending **approval** of the side yard setback variation subject to the two conditions in the staff report.

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

Mr. Tap suggested an additional condition should be added to the motion for approval. This condition was that the petitioner will apply for and receive a building permit.

Chairperson DeFalco suggested that another condition should be added. This condition was that the approval of the side yard setback variation would apply only to the proposed construction and that if fifty (50) percent or more of the home is destroyed, the variation will no longer be applicable to the property.

Mr. Bedard suggested that a condition limiting the depth of the side yard setback variation should not extend further back into the property than the plans require. However, Mr. Young pointed out this was not necessary as the approval would only apply to the approved plans. This was agreed upon.

On a motion by Mr. Young and a second by Mr. Bedard, the Zoning Board of Appeals recommended by a vote of 6 to 0 that the Village Board approve a variation to reduce the interior side yard setback to (7.9') feet where nine feet (9') is required within the R2 Single-Family Residence District, subject to the following conditions:

1. The addition to the single-family residence shall be developed in accordance with the site plan drawn on the June 6, 2003 Plat of Survey submitted February 20, 2008 as part of this petition; and
2. The petitioner will apply for and receive a building permit.
3. The variation shall only apply to the proposed construction and submitted plans, and that if fifty (50) percent or more of the home is destroyed, the variation will no longer be applicable to the property.
4. The proposed development shall meet all codes of the Village of Lombard.

Respectfully,

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VILLAGE OF LOMBARD

John DeFalco
Chairperson
Zoning Board of Appeals

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