

June 15, 2006

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

Subject: ZBA 06-09; 332 S. Martha

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 a variation to Section 155.406 (F)(4) to reduce the rear yard setback to twenty-one feet (21') where thirty-five feet (35') is required to allow for the construction of an addition within the R2 Single Family Residential District.

The Zoning Board of Appeals conducted a public hearing on May 24, 2006. Don Meyer, owner of the property, presented the petition. He stated that he would like to build a twelve and one-half foot (12.5') by twelve and one-half foot (12.5') addition. He noted that his property is located on a cul-de-sac and that his house's orientation on the lot is angled two different ways. He stated that he considered building the addition further to the north, but the addition would block windows to the bedroom. He noted that the proposed location functionally makes the most sense. The addition would be off of the living room, and an existing window would be replaced with a door. He mentioned that the only other way would be to build up, but because of his age, he did not want to add stairs to his home. Mr. Meyer stated that the front yard is sloped toward the street and the backyard is relatively flat. The runoff pattern would remain the same. He mentioned that he would also be doing construction at the front entrance which does not need a variance. He stated that his property is unique for a cul-de-sac, and if the variation was approved, it would not be setting a precedent for very many properties. He also noted that it is just the very corner of the addition that would be setback 21' from the property line, the rest of the addition would be setback farther.

Chairperson DeFalco then opened the meeting for public comment. No one spoke in favor of or against the petition. He then requested the staff report.

Michelle Kulikowski, Planner I, presented the staff report. She stated that the subject property is a "pie-shaped" lot located on a cul-de-sac with a depth that ranges from one hundred eleven feet (111') to one hundred fifty-nine feet (159'). She noted that the subject property is approximately twenty-six feet (26') wide at the front property line and one hundred forty one feet (141') at the rear property line. She mentioned that the existing residence is currently legal non-conforming with a twenty-eight foot (28') rear yard setback. She stated that the petitioner is proposing a one story addition to the rear of the home that would be setback twenty-one feet (21') from the property line, and because the proposed addition would expand the degree of non-conformity, a variation is needed in order to construct the addition. Ms. Kulikowski noted that the proposed addition is twelve and one half by twelve and one half foot (12.5'x12.5'). She mentioned that the proposed addition could be built meeting the rear yard setback if it were moved six feet to the northwest. However, the addition would be adjacent to one of the bedrooms, thus blocking the windows to the exterior. Building Code requires windows in bedrooms for the purposes of light and ventilation.

Ms. Kulikowski stated that staff has conducted a review of all the petitions for rear yard variations since 2000. She noted that staff has only recommended approval for rear yard variations in situations when the proposed improvement maintained the existing building line or where the depth of the lot was unusual (e.g., less than one hundred feet (100') in depth). She stated that staff remains consistent in its interpretation of the standards for variations and finds that the standards for variations have not been affirmed. She noted that the shape of subject property is typical for a lot located on a cul-de-sac and that the property has sufficient depth ranging from one hundred eleven feet (111') to one hundred fifty-nine feet (159'). She mentioned that there are not any unique differences between the petitioner's lot and others with the R2 Single Family District with respect to the depth of the property and the required front and rear yard setbacks. She stated that the 35-foot rear yard setback for R2 properties has been consistently applied throughout the Village. She noted that staff finds that the hardship has not been created by the ordinance, and the requested relief is needed due to a personal preference for an office addition to the existing residence. She noted that the granting of the requested relief will set an undesirable precedent.

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

Mr. Bedard asked about locating the addition so that the addition maintained at least the existing twenty-eight foot (28') building line.

Mr. Meyer stated that it wouldn't work because his property is an odd shaped lot.

Chairperson DeFalco asked about moving the addition to the north so that it met the setback and constructing a hallway through the corner bedroom to access the addition.

Mr. Meyer stated that the corner bedroom is already small and he wouldn't even be able to put a bed in the room if the room were made any smaller.

Chairperson DeFalco noted that the petitioner's house is not visible from the Prairie Path.

Mr. Polley stated that the intent of the ordinance would still be fulfilled because the petitioner's property is a unique lot.

Chairperson DeFalco mentioned a previous ZBA case on Sycamore Court in which the Zoning Board of Appeals discussed the intent of the ordinance as it relates to the rear yard setback. He noted that the intent of the ordinance was to give a sense of openness in rear yards. He stated that in the Sycamore case the intent of the ordinance was not met, but in this case it would be.

Mr. Meyer noted that there is a line of trees along the west property line.

Chairperson DeFalco noted that there have been two rear yard variations granted in the past because the properties backed up to Glenbard East. He also noted that the properties located at 323 and 329 Garfield are the most impacted.

Mrs. Newman stated that she agreed that those properties are the most impacted, but if the property owners were concerned, they would probably have come to the meeting.

Chairperson DeFalco noted the Building Code requirement for windows that was mentioned in the staff report. He asked whether the Village would allow the petitioner to build the addition further to the north in compliance with the thirty-five foot setback.

Ms. Kulikowski stated that the Village would not issue a permit for the addition to be located there. The addition would be blocking the windows to one of the bedrooms and would not comply with building code requirements for light and ventilation in bedrooms.

Mr. Meyer stated that the proposed layout for the addition is the most appropriate for the interior.

Dr. Corrado stated that the addition will have very little impact on the neighboring properties because it will not be visible.

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 Dr. Corrado and a second by Mr. Polley, the Zoning Board of Appeals recommended approval of the requested rear yard variation associated ZBA 06-09 by a roll call vote of 5 to 0, subject to the following conditions:

1. That the variation shall be limited to the existing residence. Should the existing residence be damaged or destroyed by any means, to the extent of more than fifty percent (50%) of the fair market value of the residence, then any new structures shall meet the full provisions of the Zoning Ordinance.

Respectfully,

VILLAGE OF LOMBARD

John DeFalco
Chairperson
Zoning Board of Appeals

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