

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

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

 X

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: David A. Hulseberg, Village Manager *John*

DATE: February 10, 2010

(B of T) Date: February 18, 2010

TITLE: ZBA 10-01: 41 S. 2nd Avenue

SUBMITTED BY: Department of Community Development *WA*

BACKGROUND/POLICY IMPLICATIONS:

The Zoning Board of Appeals transmits for your consideration its recommendation relative to the above-mentioned petition. This petition requests that the Village take the following actions for the subject property located within the R2 Single-Family Residence District:

1. A variation from Section 155.407(F)(2) of the Lombard Zoning Ordinance to reduce the required corner side yard setback from twenty feet (20') to sixteen and eight-tenths feet (16.8').
2. A variation from Section 155.407(F)(3) of the Lombard Zoning Ordinance to reduce the required interior side yard setback from six feet (6') to three and ninety-five one-hundredths feet (3.95').
3. A variation from Section 155.407(F)(4) of the Lombard Zoning Ordinance to reduce the required rear yard setback from thirty-five feet (35') to six feet (6').

As the ZBA was unable to obtain four votes either in favor or against the petition it is being forwarded to the Board of Trustees with no recommendation.

Please place this item on the February 18, 2010 Board of Trustees agenda under Items for Separate Action.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X

Finance Director X

Village Manager X

[Signature]

Date

Date

Date

2/12/10

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As the ZBA was unable to obtain four votes either in favor or against the petition it is being forwarded to the Board of Trustees with no recommendation.

Please place this item on the February 18, 2010 Board of Trustees agenda under Items for Separate Action.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X

Finance Director X

Village Manager X

[Signature]

Date

Date

Date

2/18/10

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: David A. Hulseberg, Village Manager

FROM: William Heniff, AICP,
Director of Community Development *WH*

DATE: February 18, 2010

SUBJECT: ZBA 10-01; 41 S. 2nd Avenue

Please find the following items for Village Board consideration as part of the February 18, 2010 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 10-01;
3. Plans associated with the petition; and

This petition consists of variation requests for the rear, interior side, and corner side yard setbacks for an existing single story residence. The residence was destroyed by fire to an extent greater than fifty percent (50%) of its value. The petitioner proposes increase the rear yard and interior side yard setbacks and construct a second story addition.

As the ZBA did not have four votes to approve or deny the petition, it is being forwarded to the Board of Trustees without a recommendation.

Please place this petition on the February 18, 2010 Board agenda under items for separate action.

VILLAGE OF LOMBARD
 255 E. Wilson Ave.
 Lombard, Illinois 60148-3926
 (630) 620-5700 Fax (630) 620-8222
 www.villageoflombard.org

February 18, 2010

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

Subject: ZBA 10-01; 41 S. 2nd Avenue:

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 take the following actions for the subject property located within the R2 Single-Family Residence District:

1) A variation from Section 155.407(F)(2) of the Lombard Zoning Ordinance to reduce the required corner side yard setback from twenty feet (20') to sixteen and eight-tenths feet (16.8').

2) A variation from Section 155.407(F)(3) of the Lombard Zoning Ordinance to reduce the required interior side yard setback from six feet (6') to three and ninety-five one-hundredths feet (3.95').

3) A variation from Section 155.407(F)(4) of the Lombard Zoning Ordinance to reduce the required rear yard setback from thirty-five feet (35') to six feet (6').

The Zoning Board of Appeals conducted a public hearing on January 27, 2010.

Dustin Smith, 41 S. 2nd Avenue, presented the petition. He stated that the main reasons for his request were that he had a fire about five months ago and now the house has to be brought up to code. He said that in order to do this the setback variations would be necessary. He stated the insurance company will only reimburse him for the damages to the home, not to rebuild completely. He stated that there are other reasons. He is a landscape architect and would like to maintain the character of the site and some large trees on the property. Also, he would have to remove the detached garage to rebuild.

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

"Our shared vision for Lombard is a community of excellence exemplified by its government working together with residents and businesses to create a distinctive sense of spirit and an outstanding quality of life."

David A. Hulseberg
 Village Manager

Trustees
 Greg Alan Gron, Dist. 1
 Richard J. Tross, Dist. 2
 Zachary C. Wilson, Dist. 3
 Dana L. Moreau, Dist. 4
 Laura A. Fitzpatrick, Dist. 5
 William "Bill" Ware, Dist. 6

William J. Mueller
 Village President
 Brigitte O'Brien
 Village Clerk



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

Chairperson Defalco then requested the staff report.

Stuart Moyinhan, Associate Planner, present the staff report. The subject property is located at the southeast corner of 2nd Avenue and Kenilworth Avenue and is improved with a one-story residence built in 1907. The existing home is non-conforming in the following respects:

- A setback of 0.42 from the rear (western) property line where a thirty-five foot (35') rear yard setback is required.
- A corner side yard setback of sixteen and eight-tenths feet (16.8') where twenty feet (20') is required.
- An interior side yard setback of three and ninety-two one-hundredths feet (3.92') where six feet (6') is required.

Following a July 25, 2009 house fire at the property, the Fire Department made a determination that the structure had been destroyed to greater than fifty percent (50%) of its value. As a non-conforming structure, the Zoning Ordinance requires that the structure be brought into full compliance with code. Rather than demolish the home, the owner has developed a new plan to construct a two-story residence on nearly the same footprint as the existing home. The plan would increase the rear yard setback to six feet (6') from the existing 0.42' and increase the interior side yard setback to 3.95' from 3.92'. The existing corner side yard setback of sixteen and eight-tenths feet (16.8') would remain the same. With the new plan, the petitioner has requested variations to reduce the required setbacks to the indicated measurements. The proposed plan, labeled "Site Plan", is included within the petitioner's submitted packet.

The new plan involves removal of the master bedroom and an office which are located at the far eastern side of the residence. The removed square footage will be made up for on the proposed second floor. The petitioner has indicated that replacing these areas on the western side of the home is undesirable. This would require the removal of two large trees that the petitioner would prefer to maintain. The petitioner has also indicated that placing the bedroom on the eastern side of the home is undesirable due to the proximity of the laundry area and utilities as well as distance from the bathroom and other living areas.

The Building Division comments on this petition indicate that improvements and repairs to the foundation will be necessary. This applies should the residence remain as a single-story structure or be expanded to two stories. The Building Division has indicated that the exterior walls appear to be structurally intact following an initial inspection. However, further evaluation will be necessary during the remodeling process.

Although the requested zoning relief is significant, staff is supportive of the proposed variations as the "Standards for Variations" have been met in the following respects:

1. Staff finds that both the configuration of the improvements on the lot and the existence of a few large trees would require the site to be completely redeveloped in order to construct a new residence of comparable size to the existing residence. Redevelopment would include removal of the residence, the detached garage, and most likely the large trees which are located in the buildable area of the lot. The plan that the petitioner has proposed would bring the property into closer compliance with code than the current layout of the property. Please see the attached Exhibit B which depicts the existing residence and garage, the proposed footprint, and the applicable required setbacks.
2. Staff finds that the conditions on the subject property are uncommon. It is rare within the Village for a property to contain a single-family residence which is located exclusively in the rear yard setback area. The degree of non-conformity regarding the rear yard setback is extreme and the petitioner is proposing to improve this condition by bringing it into closer compliance with the Zoning Ordinance. The petitioner has proposed to maintain the current corner side yard setback while increasing the interior side yard setback slightly.

Staff notes that the location of the garage is also non-conforming as Section 155.210(A)(2)(b) of the Zoning Ordinance requires that all detached accessory buildings be located behind the front wall of the principal building. However, staff has determined that no relief for the garage is necessary as no changes to the garage are proposed.

3. The petitioner does not stand to profit from the requested variations. The petitioner plans to utilize as much of the existing residence as possible and they plan to live in the residence following restoration.

4. The degree of non-conformity on the property is due to the selected location for the residence, constructed in 1907 according to the petitioner, and the manner in which the lot was subdivided in 1908.

5. It is staff's opinion that the requested variations will not have a detrimental effect on the public or the improvements on neighboring properties. In fact, the proposed plan is likely to improve safety over the current design of the property. The principal residence and the detached garage on the neighboring property to the east, 44 S. 3rd Avenue, are currently separated by approximately seven feet (7'). The new plan would create a separation of approximately twelve and one-half feet (12.5') meeting the minimum requirements of the Zoning Ordinance.

As the petitioner indicated within his submitted statement, the new plan will also provide a clear path completely around the home. The Fire Department has indicated that this is desirable for firefighting and access purposes.

Staff believes that the additional height of the proposed second story is unlikely to have a negative impact on any of the adjacent residences. Each of the principal structures on the adjacent properties would be more than sixty (60') feet from the proposed house on the subject property. Please see the attached Exhibit C which depicts the proximity of the residences on adjacent properties.

6. Although the location of the residence, both currently and as proposed, is unusual within the neighborhood, the residence has occupied the same location for more than one hundred years. Further, the layout of 45 S. 3rd Avenue is similar to the subject property in that the detach garage is located closer to the front lot line than the principal residence.

7. As stated above, the proposed plan is unlikely to have any adverse effect on the neighborhood or the general public.

Staff is recommending approval of the petition subject to the conditions in the staff report.

Mr. Tap asked the petitioner if the house is habitable.

Mr. Smith stated that it is not. The fire was in the roof and holes were cut in the roof. There is no electricity. He stated that code upgrades are necessary even if the house is rebuilt as it was.

Mr. Young asked where the project was in the process and if there are architectural drawings.

Mr. Smith stated that he did not want to invest his limited funds in that if it might not be approved.

Mr. Young asked if the proposed project will be economically feasible.

Mr. Smith stated that he is asking for the second story because the roof will have to be rebuilt in any case. He stated that he could use some of his own resources for the second floor.

Mr. Young asked if these variations would expire in twelve months if the project was not completed.

Mr. Moynihan stated that construction would have to begin within twelve months. However, this could be extended by the Board of Trustees.

Mr. Smith stated that he plans to begin the project as soon as he is approved and permits can be issued.

Chairperson Defalco asked if the variations were not granted would insurance cover a new home within ordinance requirements.

Mr. Smith stated that he has had trouble getting a straight answer. However, the insurance company has indicated that they do not consider the home a total loss and will only pay for repairs. He stated that he would probably have to hire an attorney.

Chairperson Defalco stated that the Zoning Board usually include a condition that states if a property has been destroyed greater than 50% of its value, it will have to meet code. Chairperson Defalco felt that granting this variation could set a precedent.

Mr. Young stated that he did not think it was a precedent because he said that he is applying for the necessary relief and that this has been done for other non-conforming structures.

Chairperson Defalco asked if the 2nd story addition was part of the variation request. Mr. Moyrihan stated that is was included in their request.

Chairperson Defalco asked if the property had a cinder block foundation.

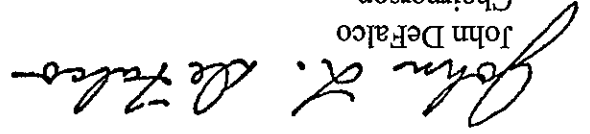
Mr. Smith stated that it is a cinder block foundation.

On a motion by Mr. Tap and a second by Mr. Bedard, the Zoning Board of Appeals voted 3 to 2 that the Village Board approve the variation. The motion having failed, Mrs. Newman made a motion to deny the variation which was seconded by Chairperson Defalco. The Zoning Board of Appeals voted 2 to 3 to deny the variation.

Based upon the testimony presented by the petitioner, the ZBA was unable to obtain four votes for either approval or denial of the petition. Therefore, this petition will be forwarded to the Village Board with no ZBA recommendation.

Respectfully,

VILLAGE OF LOMBARD



John Defalco
Chairperson
Zoning Board of Appeals

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

TO: Zoning Board of Appeals
HEARING DATE: January 27, 2009

FROM: Department of Community Development
PREPARED BY: Stuart Moynihan
Associate Planner

TITLE

ZBA 10-01; 41 S. 2nd Avenue: The petitioner requests that the Village take the following actions for the subject property located within the R2 Single-Family Residence District:

- 1) A variation from Section 155.407(F)(2) of the Lombard Zoning Ordinance to reduce the required corner side yard setback from twenty feet (20') to sixteen and eight-tenths feet (16.8').
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- 3) A variation from Section 155.407(F)(4) of the Lombard Zoning Ordinance to reduce the required rear yard setback from thirty-five feet (35') to six feet (6').

GENERAL INFORMATION

Petitioner/Owner:
Dustin Smith
41 S. 2nd Avenue
Lombard, IL 60148

PROPERTY INFORMATION

Existing Zoning: R2 Single Family Residential District
Existing Land Use: Single Family Residence
Size of Property: approximately 7,694 square feet
Surrounding Zoning and Land Use:

North: R2 Single Family Residence District; developed as Single Family Residences

South:	R2 Single Family Residence District; developed as Single Family Residences
East:	R2 Single Family Residence District; developed as Single Family Residences
West:	R2 Single Family Residence District; developed as Single Family Residences

ANALYSIS

SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development on December 16, 2009.

1. Petition for Public Hearing.
2. Narrative prepared by the petitioner, dated December 7, 2009.
3. Response to the Standards for Variation.
4. Plans associated with the petition, prepared by the petitioner, undated.
5. Plat of Survey, prepared by Schlaf-Sedig & Associates, Inc., dated February 12, 2009.

DESCRIPTION

The subject property is located at the southeast corner of 2nd Avenue and Kenilworth Avenue and is improved with a one-story residence built in 1907. The existing residence was constructed at the rear of the property and is legal non-conforming with regard to the rear, corner side, and interior side yard setbacks as defined by the current Zoning Ordinance. On July 25, 2009, the residence caught on fire, resulting in damage greater than fifty percent (50%) of the fair market value. Pursuant to the Zoning Ordinance, in the event that any building or structure is damaged or destroyed to the extent of more than 50% of the fair market value, the structure shall not be restored unless it meets all the regulations of the underlying zoning district.

The petitioner is proposing to reconstruct the home and add a second-story with nearly the same footprint as the existing residence. The petitioner is proposing to increase the rear yard setback from the current 0.42 feet to 6 feet; however variations for the rear, corner side, and interior side yard setbacks are required.

INTER-DEPARTMENTAL REVIEW COMMENTS

ENGINEERING

Private Engineering Services

The PBS Division of Community Development has the following comments on the above petition:

1. The rear yard setback at 6' is acceptable as there is currently a building in this area. The foundation in this area shall be removed and positive grading established via a swale that directs flow from the south to the north.
2. A statement should be added to the plat that would require the garage to be moved out of the interior side yard setback at such time that it is reconstructed.
3. As far as the required utility easements that would typically be dedicated to the Village and other utility companies, the Village would not object to a 5' easement along the rear yard, and no easement along the interior side yard. It is the petitioner's responsibility to obtain the approval of the other utility companies for the same.

Public Works Engineering

Public Works Engineering has no comments regarding this request.

FIRE DEPARTMENT

The Fire Department has reviewed the petition and has no comments.

BUILDING DIVISION

Upon review of the above referenced property, the Building Division has the following comments:

1. As to the petitioner's proposal to construct a 2nd story addition on the current structure, the issues raised and noted on Keith Steiskal's letter to the homeowner on 8/25/09 should be addressed, as well as the structural feasibility of the current foundation to support the additional weight of a second story along with the remodeling of the first floor layout of the floors and walls.

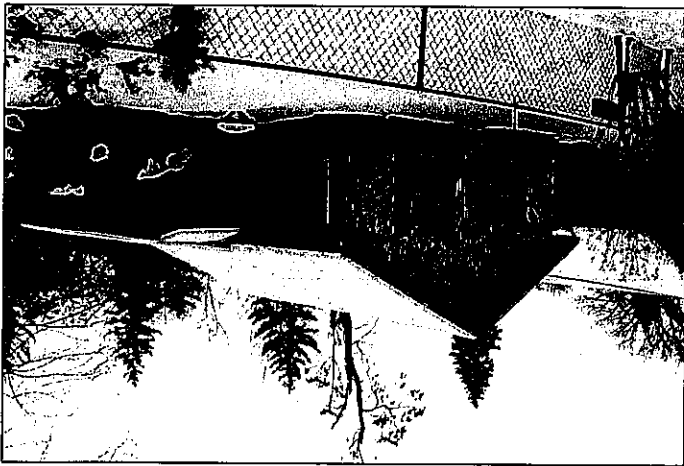
PLANNING

The subject property is developed with a single-story residence constructed at the far western side of the property. The existing home is also non-conforming in the following respects:

- A setback of 0.42 from the rear (western) property line where a thirty-five foot (35') rear yard setback is required.
- A corner side yard setback of sixteen and eight-tenths feet (16.8') where twenty feet (20') is required.
- An interior side yard setback of three and ninety-two one-hundredths feet (3.92') where six feet (6') is required.

Following a July 25, 2009 house fire at the property, the Fire Department made a determination that the structure had been destroyed to greater than fifty percent (50%) of its value. As a non-conforming structure, the Zoning Ordinance requires that the structure be brought into full compliance with code. Rather than demolish the home, the owner has developed a new plan to construct a two-story residence on nearly the same footprint as the existing home. The plan would increase the rear yard setback to six feet (6') from the existing 0.42' and increase the interior side

yard setback to 3.95' from 3.92'. The existing corner side yard setback of sixteen and eight-tenths feet (16.8') would remain the same. With the new plan, the petitioner has requested variations to reduce the required setbacks to the indicated measurements. The proposed plan, labeled "Site Plan", is included within the petitioner's submitted packet.



The residence as it currently exists.

The new plan involves removal of the master bedroom and an office which are located at the far eastern side of the residence. The removed square footage will be made up for on the proposed second floor. The petitioner has indicated that replacing these areas on the western side of the home is undesirable. This would require the removal of two large trees that the petitioner would prefer to maintain. The petitioner has also indicated that placing the bedroom on the eastern side of the home is undesirable due to the proximity of the laundry area and utilities as well as distance from the bathroom and other living areas. Please see Exhibit A for existing layout of the residence.

The Building Division comments on this petition indicate that improvements and repairs to the foundation will be necessary. This applies should the residence remain as a single-story structure or be expanded to two stories. The Building Division has indicated that the exterior walls appear to be structurally intact following an initial inspection. However, further evaluation will be necessary during the remodeling process.

The Zoning Ordinance allows non-conforming structures to remain in existence provided that once a non-conforming structure reaches the end of its useful life any new construction will meet current code requirements. In time, this allows for full compliance with the Zoning Ordinance. Variations may only be granted if there is a demonstrated hardship that distinguishes the subject property from other properties in the area.

Staff notes that Section 155.305 of the Zoning Ordinance allows for a petitioner to apply to the Plan Commission for a conditional use to allow a non-conforming building to be reestablished. However, such a request would not be applicable in this case as the non-conforming building is proposed to be expanded.

Although the requested zoning relief is significant, staff is supportive of the proposed variations as the "Standards for Variations" have been met in the following respects:

1. *Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.*

Staff finds that both the configuration of the improvements on the lot and the existence of a few large trees would require the site to be completely redeveloped in order to construct a new residence of comparable size to the existing residence. Redevelopment would include removal of the residence, the detached garage, and most likely the large trees which are located in the buildable area of the lot. The plan that the petitioner has proposed would bring the property into closer compliance with code than the current layout of the property. Please see the attached Exhibit B which depicts the existing residence and garage, the proposed footprint, and the applicable required setbacks.

2. *The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification.*

Staff finds that the conditions on the subject property are uncommon. It is rare within the Village for a property to contain a single-family residence which is located exclusively in the rear yard setback area. The degree of non-conformity regarding the rear yard setback is extreme and the petitioner is proposing to improve this condition by bringing it into closer compliance with the Zoning Ordinance. The petitioner has proposed to maintain the current corner side yard setback while increasing the interior side yard setback slightly.

Staff notes that the location of the garage is also non-conforming as Section 155.210(A)(2)(b) of the Zoning Ordinance requires that all detached accessory buildings be located behind the front wall of the principal building. However, staff has determined that no relief for the garage is necessary as no changes to the garage are proposed.

3. *The purpose of the variation is not based primarily upon a desire to increase financial gain.*
The petitioner does not stand to profit from the requested variations. The petitioner plans to utilize as much of the existing residence as possible and they plan to live in the residence following restoration.

4. *The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.*

The degree of non-conformity on the property is due to the selected location for the residence, constructed in 1907 according to the petitioner, and the manner in which the lot was subdivided in 1908.

5. *The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.*

It is staff's opinion that the requested variations will not have a detrimental effect on the public or the improvements on neighboring properties. In fact, the proposed plan is likely to improve safety over the current design of the property. The principal residence and the detached garage on the neighboring property to the east, 44 S. 3rd Avenue, are currently separated by approximately seven feet (7'). The new plan would create a separation of

approximately twelve and one-half feet (12.5') meeting the minimum requirements of the Zoning Ordinance.

As the petitioner indicated within his submitted statement, the new plan will also provide a clear path completely around the home. The Fire Department has indicated that this is desirable for firefighting and access purposes.

Staff believes that the additional height of the proposed second story is unlikely to have a negative impact on any of the adjacent residences. Each of the principal structures on the adjacent properties would be more than sixty (60') feet from the proposed house on the subject property. Please see the attached Exhibit C which depicts the proximity of the residences on adjacent properties.

6. *The granting of the variation will not alter the essential character of the neighborhood.*

Although the location of the residence, both currently and as proposed, is unusual within the neighborhood, the residence has occupied the same location for more than one hundred years. Further, the layout of 45 S. 3rd Avenue is similar to the subject property in that the detach garage is located closer to the front lot line than the principal residence.

7. *The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.*

As stated above, the proposed plan is unlikely to have any adverse effect on the neighborhood or the general public.

FINDINGS AND RECOMMENDATIONS

The Department of Community Development has determined that the information presented has affirmed the Standards for Variations for the requested variations. 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 aforementioned variations:

Based on the submitted petition and the testimony presented, the requested variations **do 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 10-01; subject to the following conditions:

1. The subject property shall be developed in substantial conformance with the drawing labeled "Site Plan" submitted as part of the public hearing packet prepared by the petitioner and dated December 7, 2009.

2. The approved setback variations shall apply only to the principal residence on the subject property.

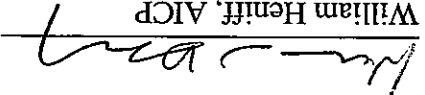
3. All portions of the existing residence within six feet (6') of the rear lot line, including the foundation, shall be removed and positive grading established via a swale that directs flow from the south to the north.

4. In the event that the detached garage on the subject property is damaged or destroyed to fifty-percent (50%) of its value, any new garage shall meet the required interior side yard setback.

5. That the petitioner shall satisfactorily address all comments included within the IDRC report.

6. Prior to the issuance of the building permit, the petitioner shall submit for final approval, a Plat of Subdivision. The plat shall include a minimum five foot (5') easement along the rear yard and a statement that requires the existing garage to be moved out of the interior side yard setback at such time that it is reconstructed.

Inter-Departmental Review Group Report Approved By:



William Heniff, AICP
Director of Community Development

c: Petitioner

(APPROX) SCALE: 1" = 5'
WEDNESDAY, NOVEMBER 18, 09

EXISTING STRUCTURE
41 S. 2ND AVE.

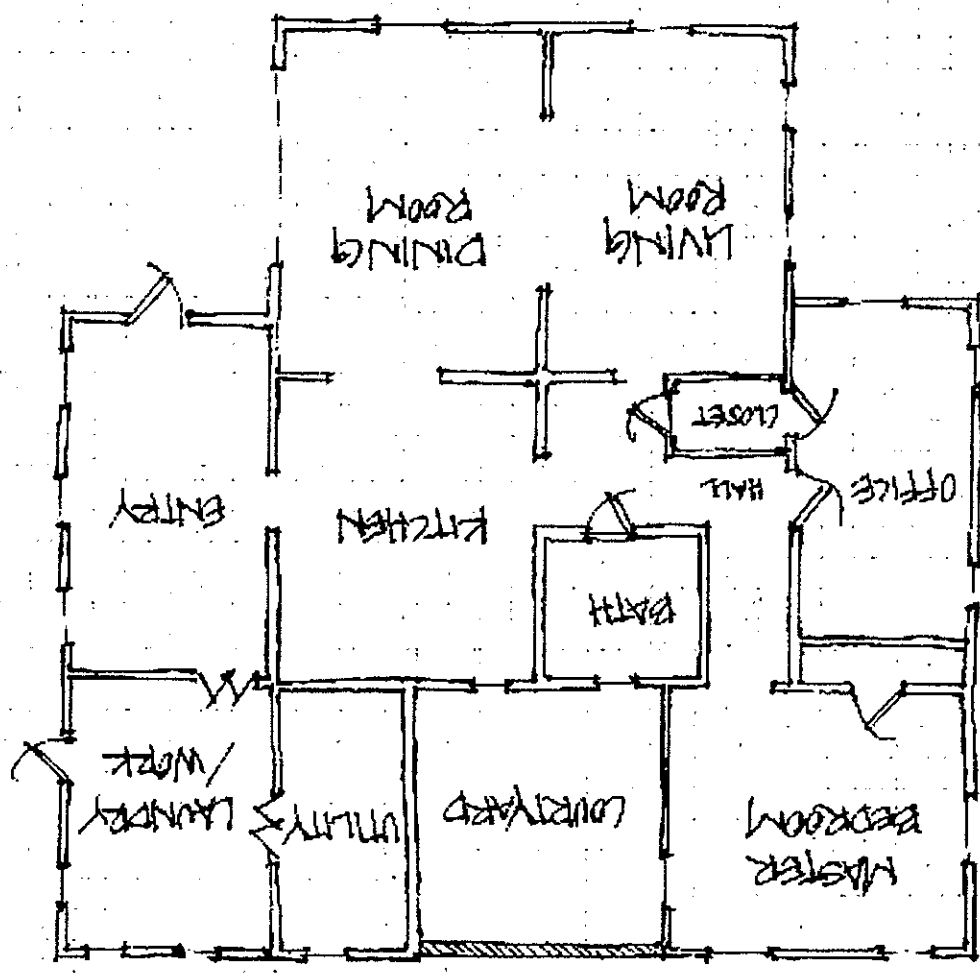


Exhibit A

Exhibit B

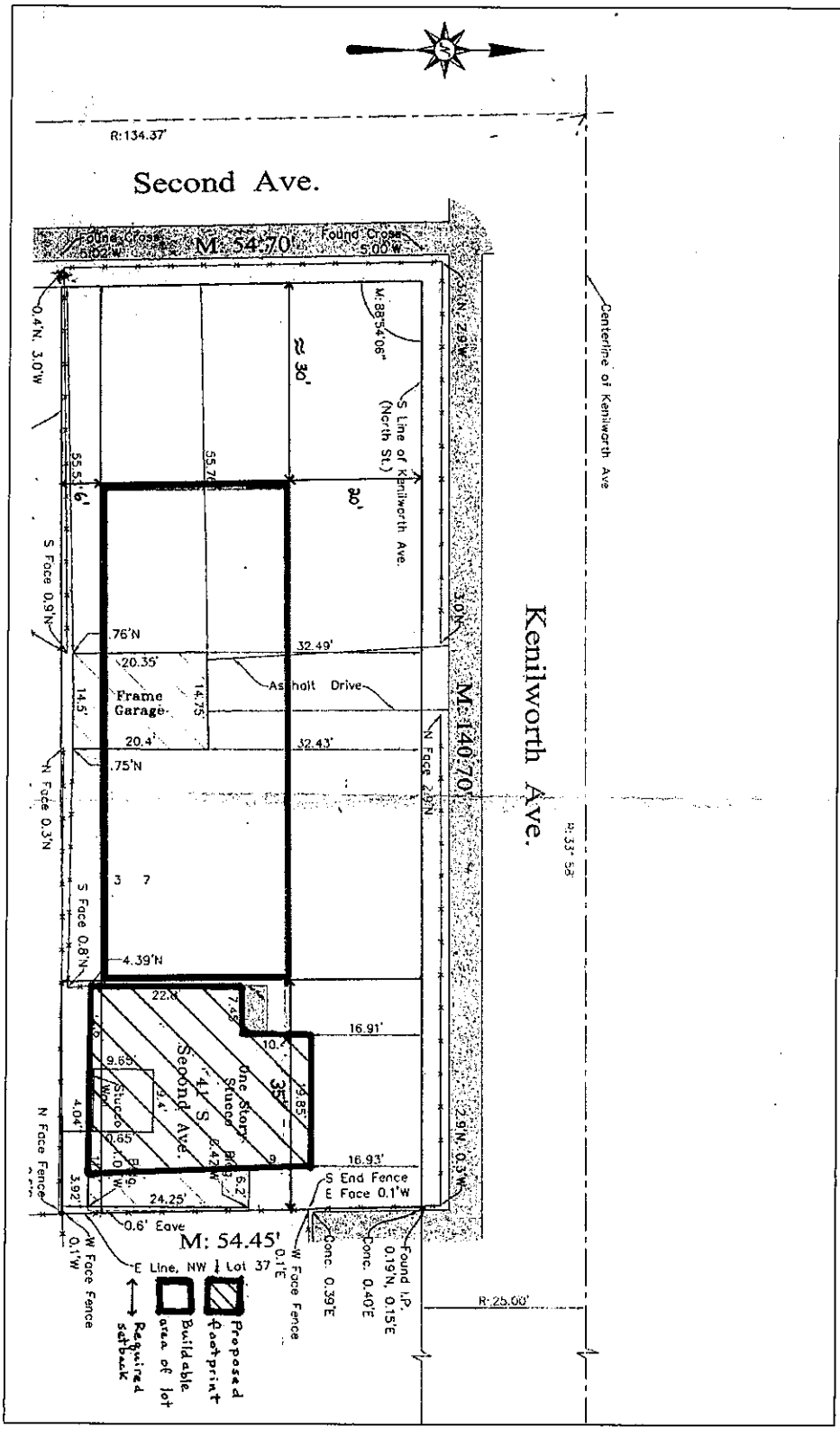


Exhibit C



LOMBARD FIRE DEPARTMENT • George E. Seagraves, Fire Chief

255 East Wilson Avenue
Lombard, Illinois 60148-3926
630/620-5738 FAX 630/629-2374
TDD: 630/620-5812



August 25, 2009

41 S. Second

Dear Homeowner:

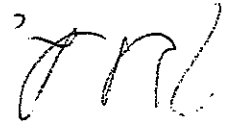
Following the fire on 07/25/09 at 41 S. Second, an inspection was performed on 08/11/09. The purpose of the inspection was to determine the extent of the damage caused by the fire and determine what code upgrades will be necessary as part of the repairs to the structure. The last purpose of the inspection is to determine if there are any existing code violations or concerns with the structure that were not a result of the fire, but are not allowed to remain under the current code.

The Village of Lombard has an ordinance that requires any project that has a replacement/reconstruction cost over 50% of the value of the structure to meet all current zoning codes. The value of the structure and repairs is determined by the Building Department, and if the owner does not agree, the value of the structure can be reevaluated by the York Township Assessors Office, and/or by a third party, agreeable to both Homeowner and Building Department.

As a result of the fire on 07/25/09 there was structural damage to the following:

- 1) Roof rafters.
 - 2) Roof sheathing.
 - 3) Roof shingles and flashings.
 - 4) Electrical conduit, BX, Electrical devices, electrical brand circuit wiring.
 - 5) Electrical service cut.
 - 6) Drywall/Plaster.
 - 7) Wall and attic insulation.
 - 8) Interior doors, trim, etc.
- This is the damage known from a visual inspection of the structure prior to removal of any drywall or plaster. A complete inspection will need to be performed after the drywall/plaster is removed.

Keith Steiskal
Plan Reviewer/Building Inspector II
Village of Lombard



Please feel free to contact me with any questions (630)620-5750

The last issue is to determine if the repairs needed would be in excess of 50% of the value of the structure, thus requiring the structure to meet all current codes. The cost to repair the fire damage to the structure should be \$40,000-\$60,000. If we use the lowest estimated repair cost at \$40,000, the house value would have to be less than \$80,000 to be in excess of 50% and thus requiring the structure to meet all current codes. It is our opinion that the structure was worth less than \$80,000 prior to the fire due to the large amount of code violations and construction deficiencies. As such, in order to issue permits for reconstruction, the structure will need to meet all current codes including zoning setbacks etc.

As with any repair this extensive, Smoke and Carbon Monoxide detectors will need to be installed throughout the structure. They will need to be interconnected, 120 Volt, and battery back-up.

LOMBARD FIRE DEPARTMENT • George E. Seagraves, Fire Chief
255 East Wilson Avenue
Lombard, Illinois 60148-3926
630/620-5738 FAX 630/629-2374
TDD: 630/620-5812



FILE COPY

December 07, 2009

Dustin Smith
41 S. 2nd Avenue
Lombard, IL 60148

To the Zoning Board of Appeals Members,

I am a 2008 graduate from the 5 year ASLA accredited Bachelors of Landscape Architecture program at SUNY College of Environmental Science and Forestry. I've since returned to Lombard to continue my career and start a family.

On March 05, 2009 I took out my first mortgage loan to purchase the property in question. Less than 6 months later on July 25th, my home caught fire due to faulty electrical wiring in the ceiling. Thanks to a quick response from the Village of Lombard's Fire Department, the fire damage was limited to the roof. Smoke and water damage account for more than half of the damage. Between myself, my insurance company, and a fire restoration company, the agreed cost to restore the structure and apply code upgrades to the interior of the structure will be around \$74,000. This is the total amount of money I will have to complete this project. With the value of the structure at the time of loss being less than half of the cost of the restoration project, the Village of Lombard Building Inspector Mark Steiskal has informed me that the entire building is to be brought up to code.

I am petitioning for a variance in response to code issues dealing with the building setback from the property line.

From the first time I walked on this property, I fell in love with the character of the house and its landscape surrounding it. From what I've been told of the previous owner, John Tingler was an older man who enjoyed his little piece of Earth. He spent many hours everyday working on the house and in the yard, and last spring I had the opportunity to watch it blossom. His neighbors all speak positively of him, and were sad to see him leave about 2 years ago. The house sat for the next 2 years waiting for a buyer.

One story of the property says that the entire block at one point was owned by one family. Around the turn of the 20th century the property

The following are responses to the **Standards for Variations** of the Lombard Zoning Ordinance and Lombard Sign Ordinance.

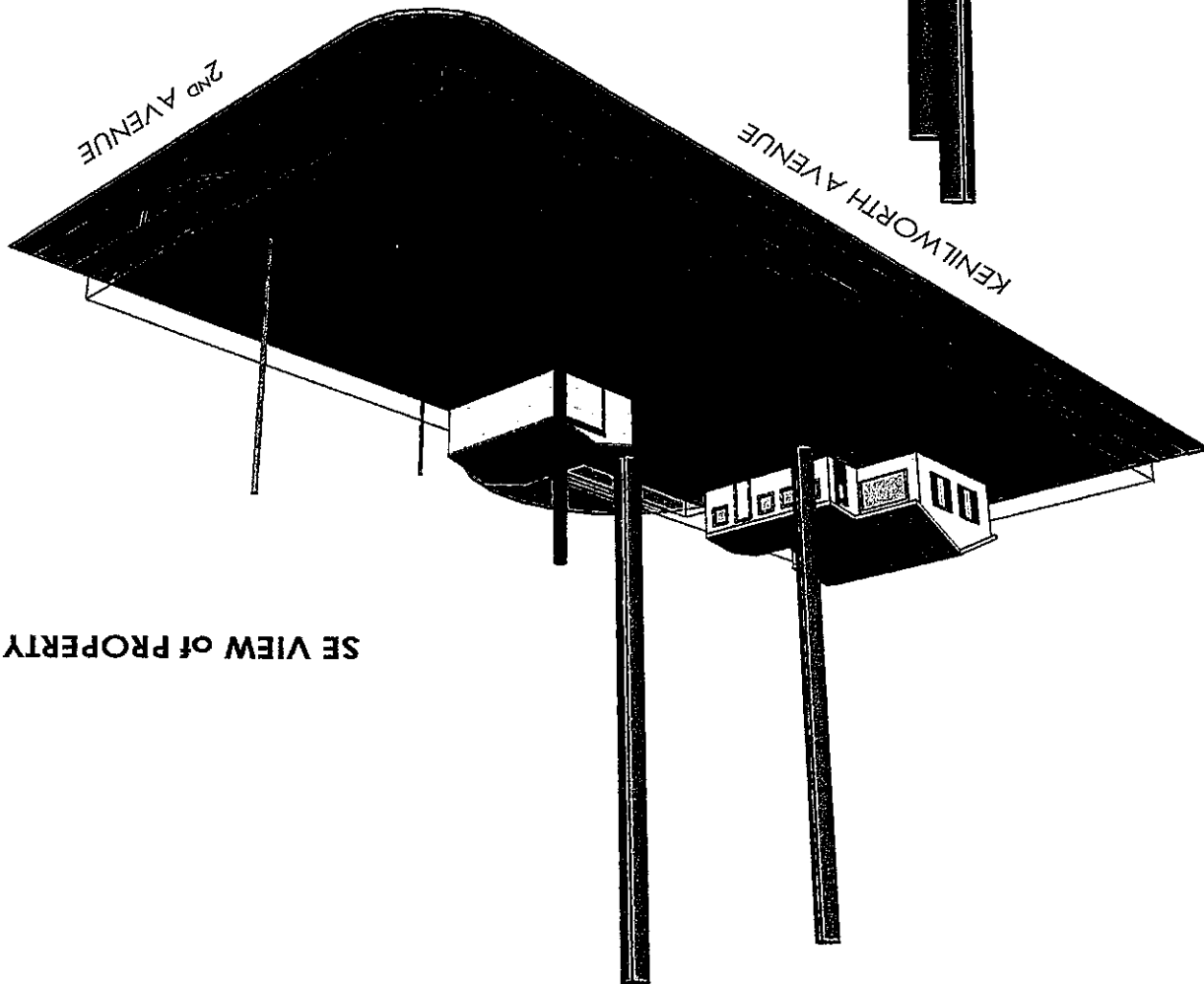
1. It is never convenient to have a fire in one's home. To be able to repair and improve the structure where it stands would be more financially feasible than it would be to tear down and rebuild on a new foundation. The financial hardship of having to start all over would be unbearable. With all our other living expenses, we can barely afford the mortgage on the property as it is. I do not have any savings to rely on.
2. This home has stood on this property for over 100 years. If it were my intent to tear-down and rebuild the home, it would be entirely reasonable to apply the zoning ordinance. As a restoration/improvement project, the placement of the building should not be the main issue.
3. The purpose of the variation is based primarily on the approval of a fire restoration project.
4. The financial hardship at the root of the need for a variance is due to a fire caused by faulty electric. The entire electrical system will be built up to code.
5. The granting of the variance will reduce runoff and improve drainage onsite, also allowing accessibility around the structure further improving public welfare in the neighborhood.
6. Leaving alone the major trees on the property while working with the existing structure's geometry and materials will ensure that the character of the neighborhood will remain unaltered.
7. Most of the shade created from the second story would fall within the property's boundaries. Removing the section of house on the East side of the building will slightly increase airflow around the site. The proposed 6' setback will lessen the fire hazard and increase the drainage of the site. The improvements and updates to the house will not negatively affect the property values within the neighborhood.

Thank you for your time,

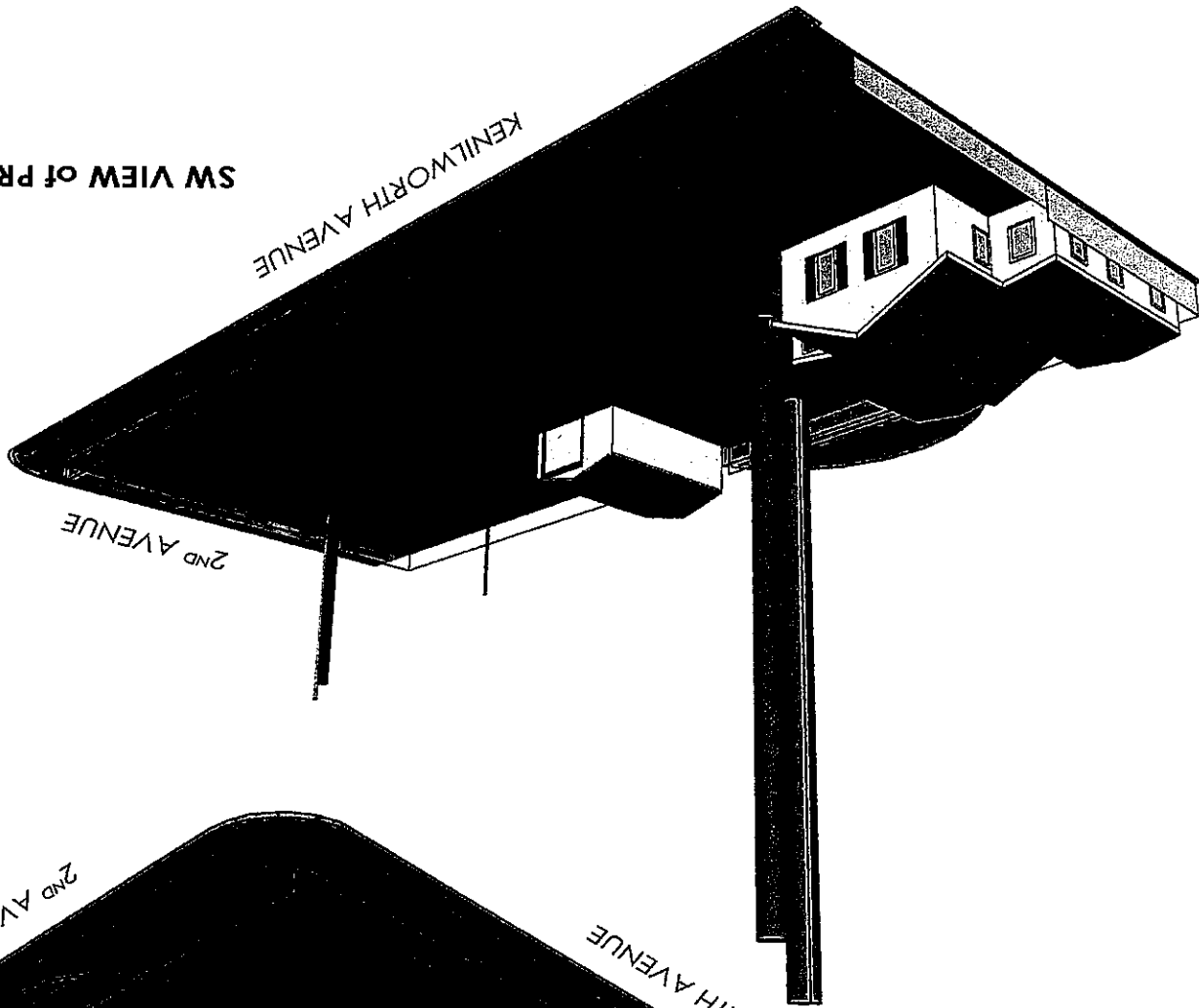
Dustin Smith, BLA

FIRE REBUILD PROJECT : 41 SOUTH 2ND AVENUE, LOMBARD, IL 60148
Bird's Eye Perspective of Existing Model

SE VIEW of PROPERTY

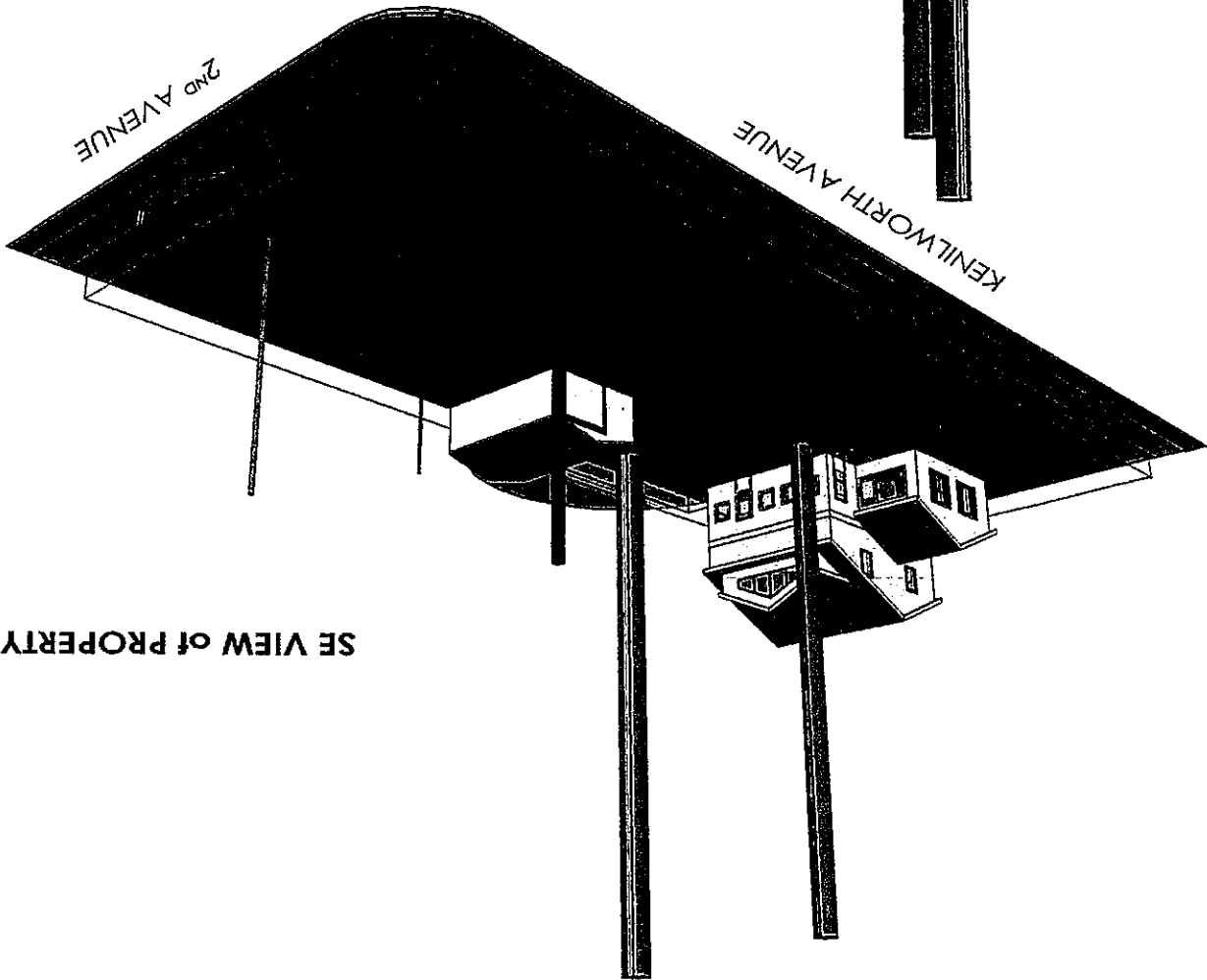


SW VIEW of PROPERTY

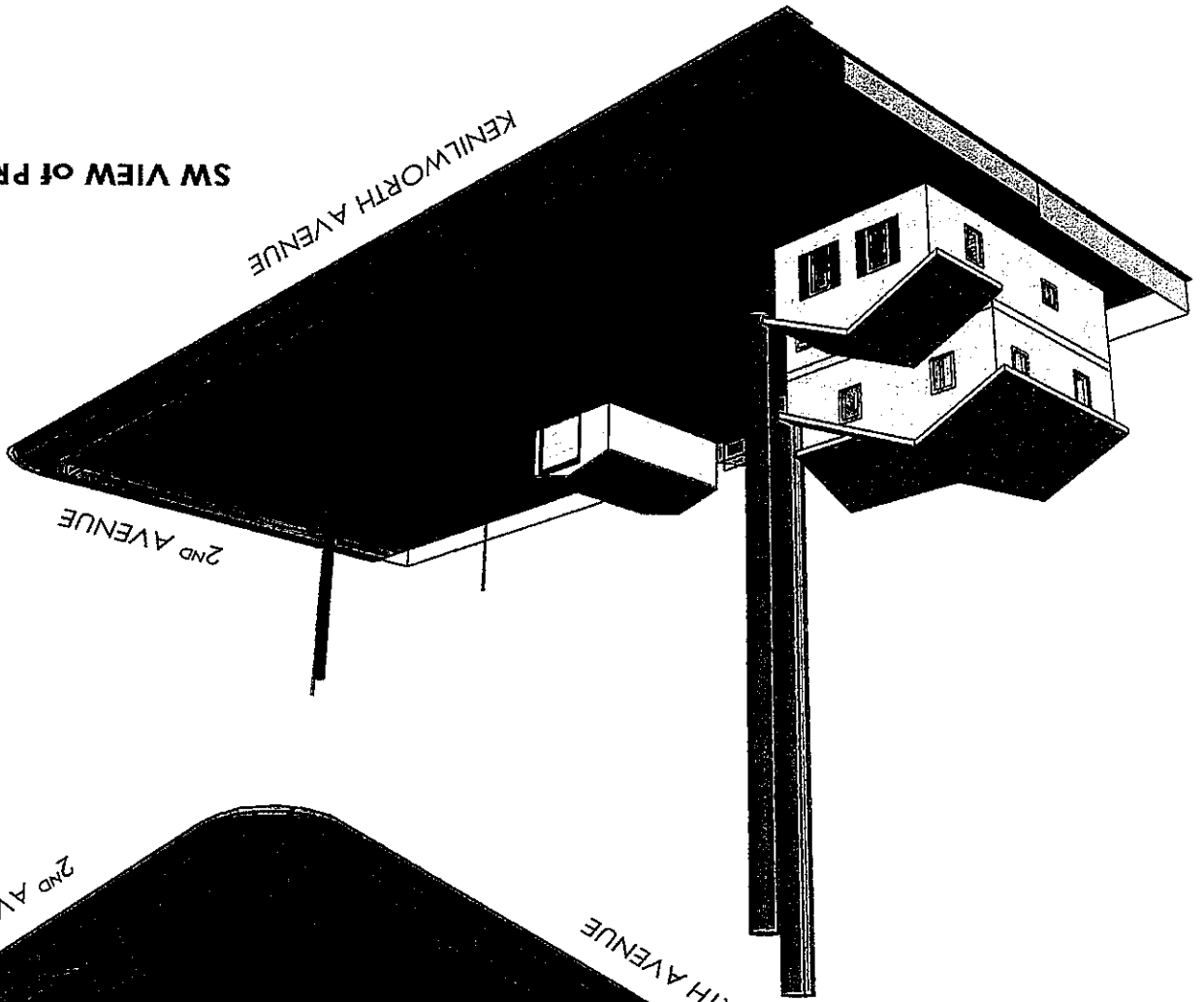


FIRE REBUILD PROJECT : 41 SOUTH 2ND AVENUE, TOMBARD, IL 60148
Bird's Eye Perspective of Proposed Model

SE VIEW of PROPERTY

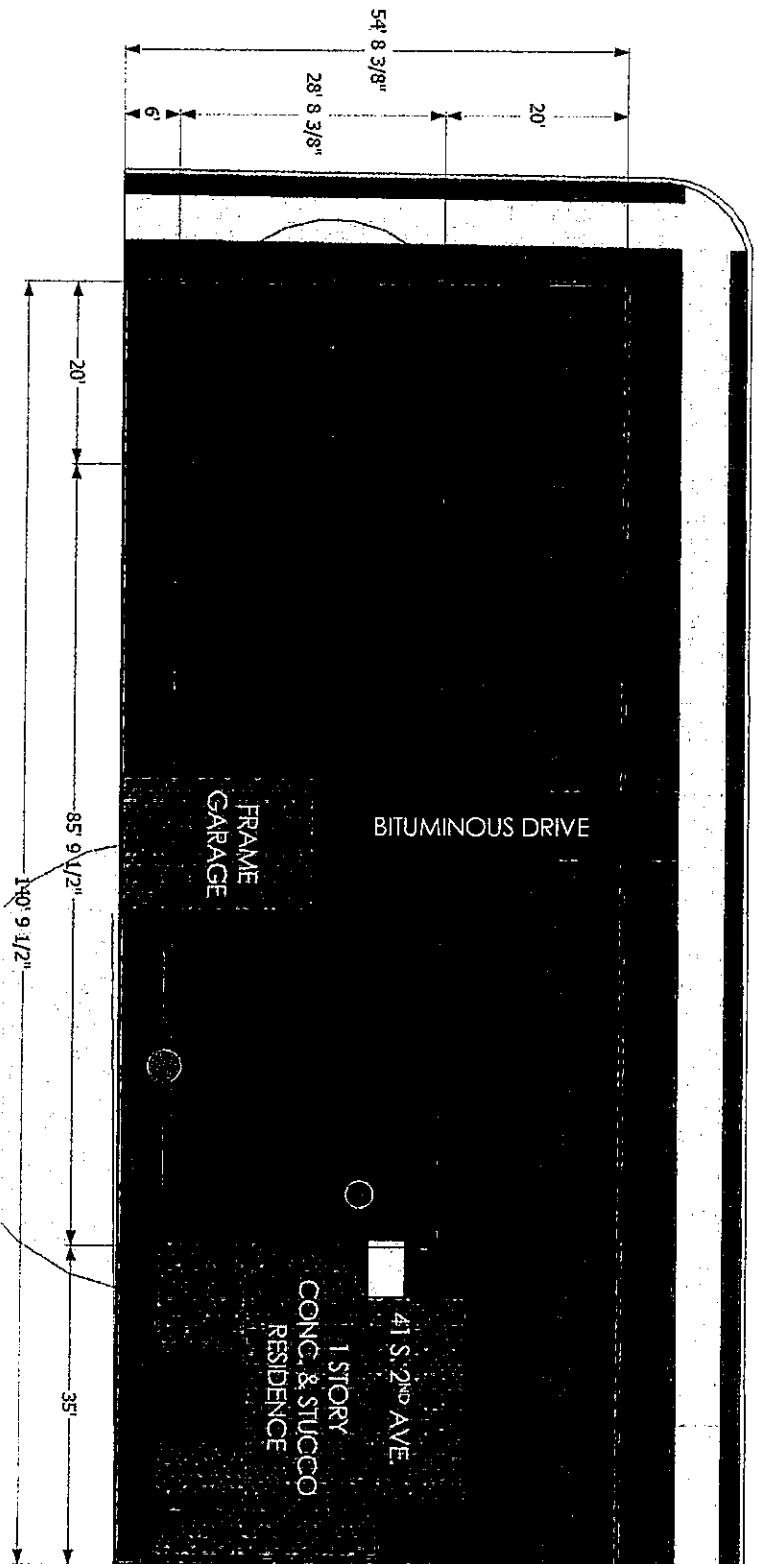


SW VIEW of PROPERTY



FIRE REBUILD PROJECT : 41 SOUTH 2ND AVENUE, LOMBARD, IL 60148

Existing Site
scale 1:20



PLAN VIEW (existing)

This is a plan view taken from a model based off the plat of survey. The red area represents the buildable space allowed for new construction due to code restrictions.

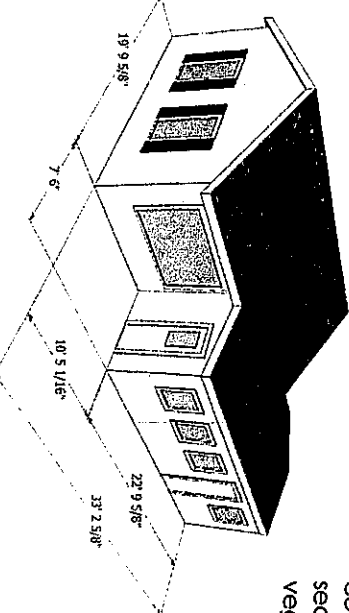
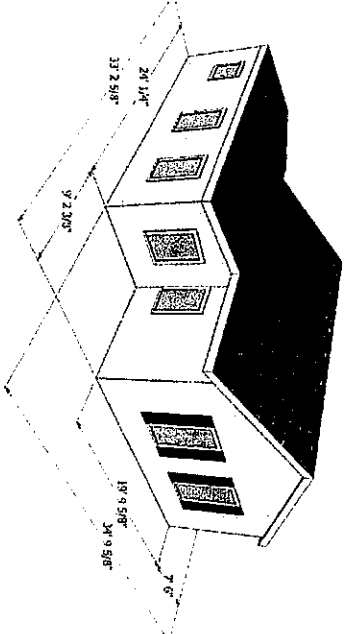
The mature trees have been added to the survey to show their root zone based off the spread of their canopy. These trees are all healthy specimens and are irreplaceable.

The total square footage of buildable space is 2,465 sqft on a 7,700 sqft lot. More than half of that space is affected by something already existing on the property.

SW VIEW of HOUSE

This view shows the wing that extends 6' off the main structure bordering the property line. This has always posed a safety issue and at this time should be addressed. The fire started in the rear of this part of the house.

Most of the fire damage was to this part of the house and primarily to the roof.



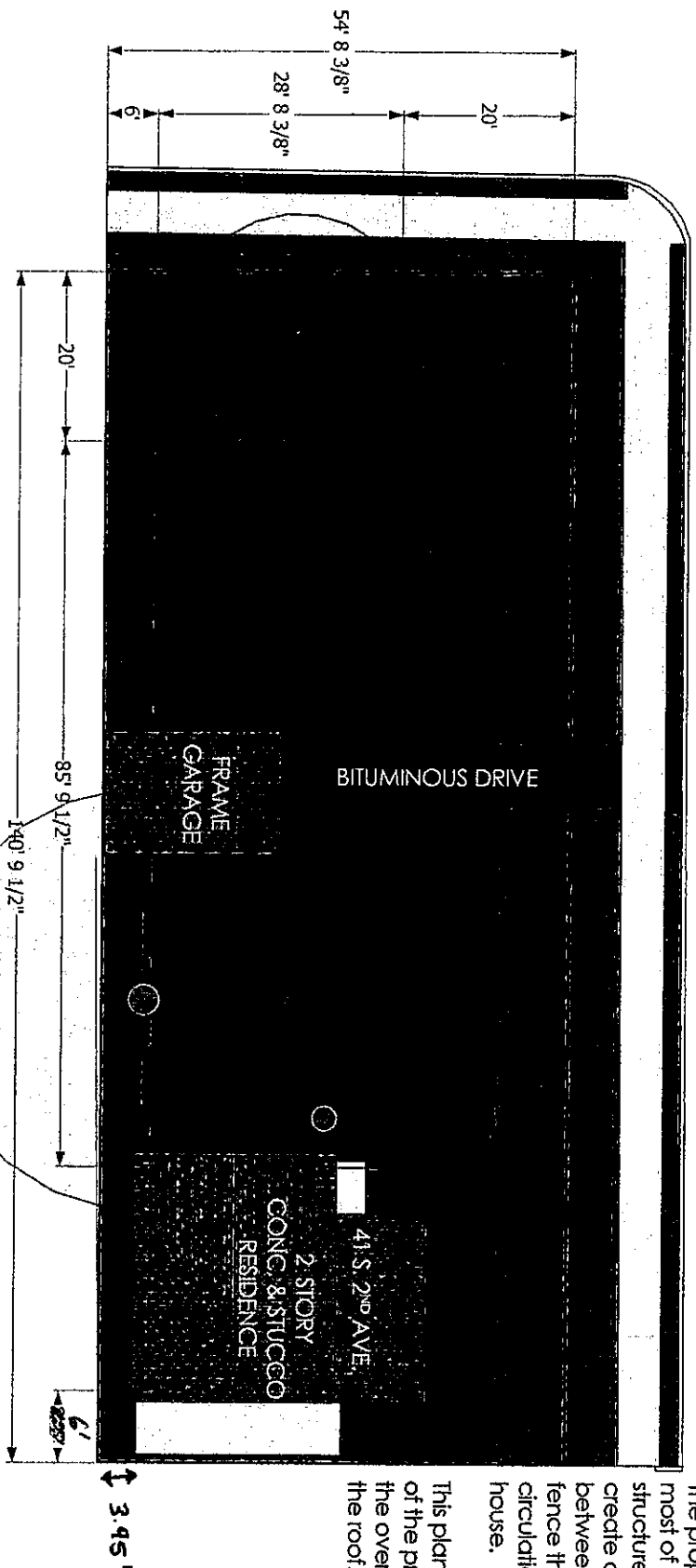
SE VIEW of HOUSE

This view shows the only entrance into the house, and the view that most people see. There is a door in the SW corner, but it has been sealed and blocked by vegetation.

FIRE REBUILD PROJECT: 41 SOUTH 2ND AVENUE, LOMBARD, IL 60148

Site Plan

Scale 1:20



PLAN VIEW

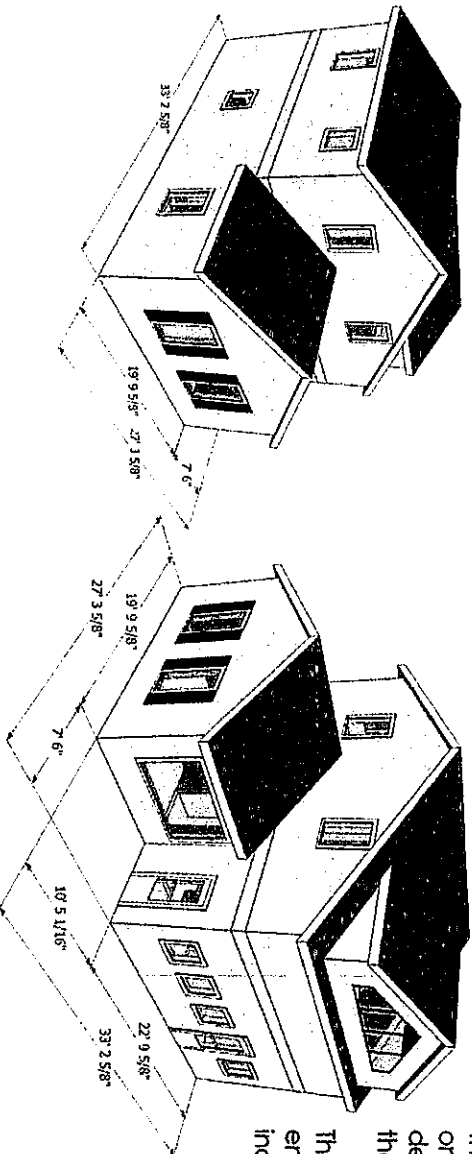
The proposed plan removes most of the east wing of the structure. By doing this we create at least a 6' space between the house and fence that would allow for circulation around the entire house.

This plan will reduce runoff of the property by reducing the overall surface area of the roof.

SW VIEW of HOUSE

This view shows how the structure would look with 6' of the East wing removed. The lost square footage will be made up by adding a second floor.

The roof line of the second story has been taken from the original roof line and all the siding will remain stucco to maintain the character of the structure.

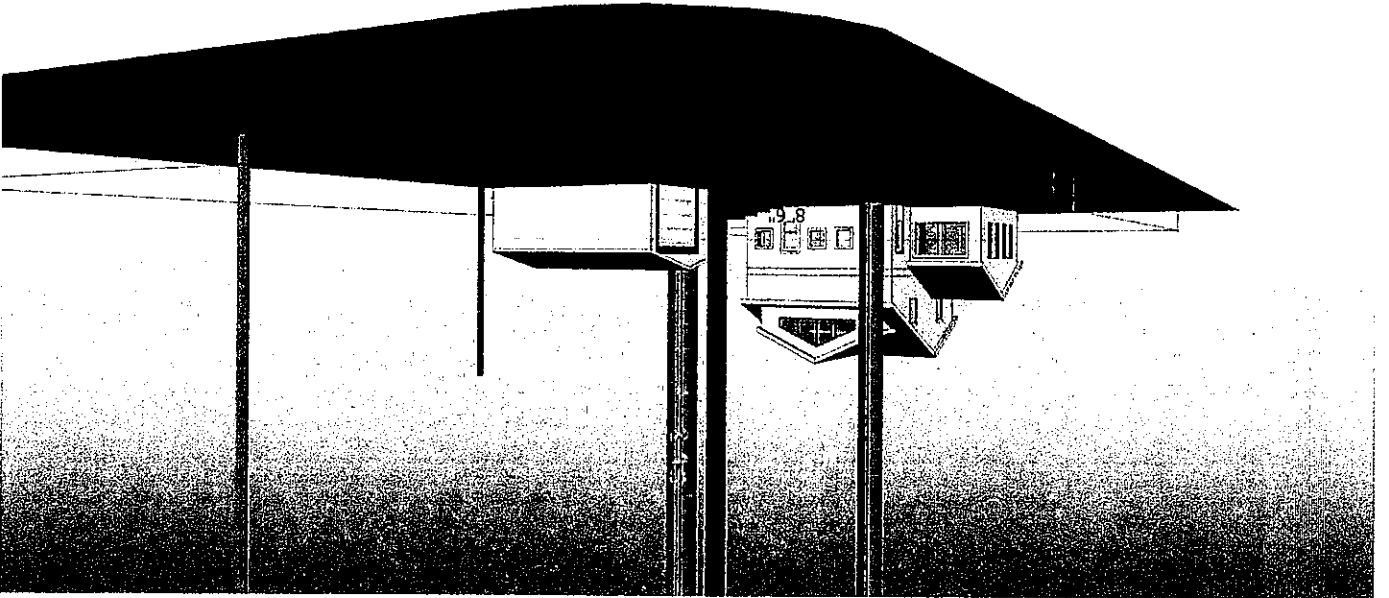


SE VIEW of HOUSE

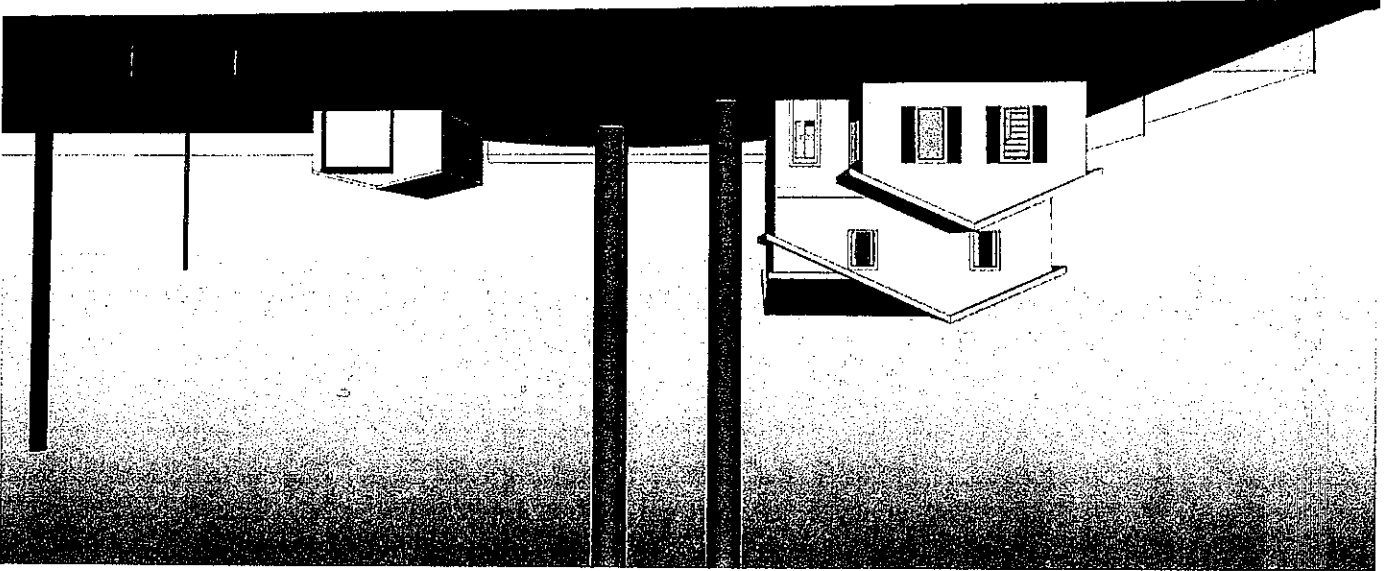
This would be the new face on an old house that was designed to blend well with the old structure.

There has been additional entrances added to increase safety.

FIRE REBUILD PROJECT : 41 SOUTH 2ND AVENUE, LOMBARD, IL 60148
Bordering Perspectives of Proposed Model

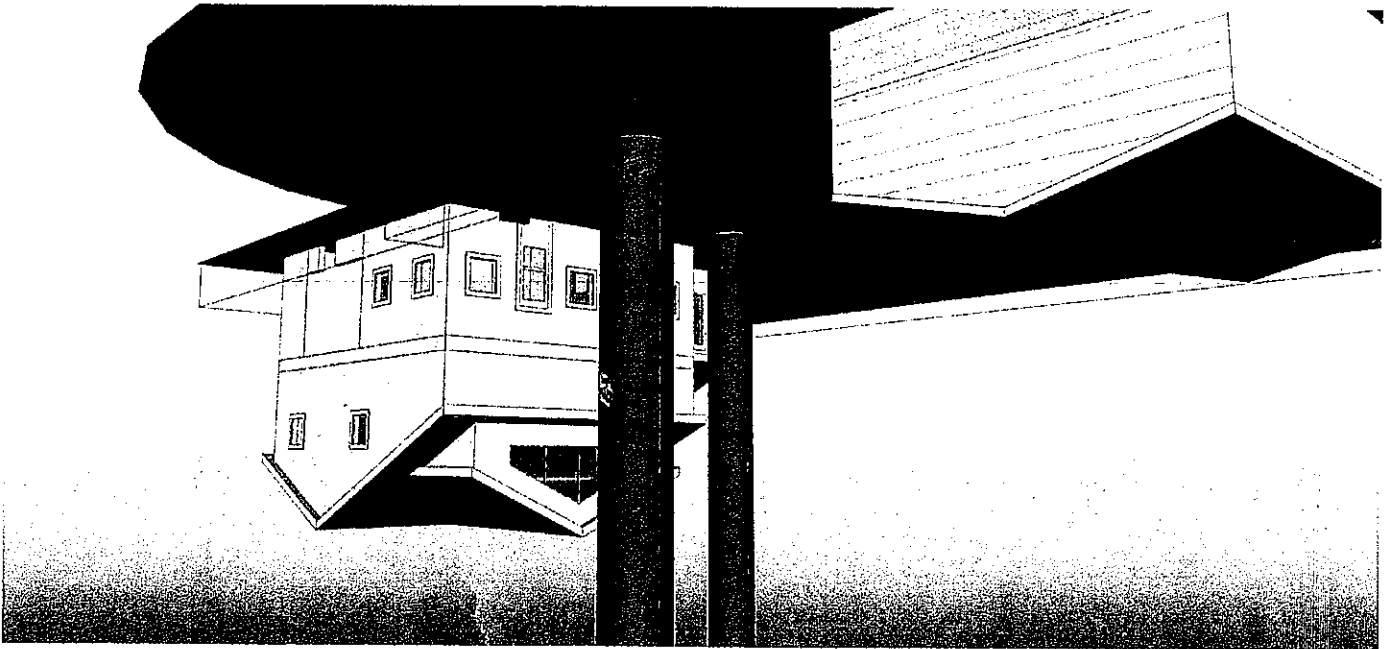


SOUTHEAST VIEW ACROSS THE SITE FROM THE INTERSECTION
This view shows a little more of the character of the home. The large trees still dwarf the now taller structure.

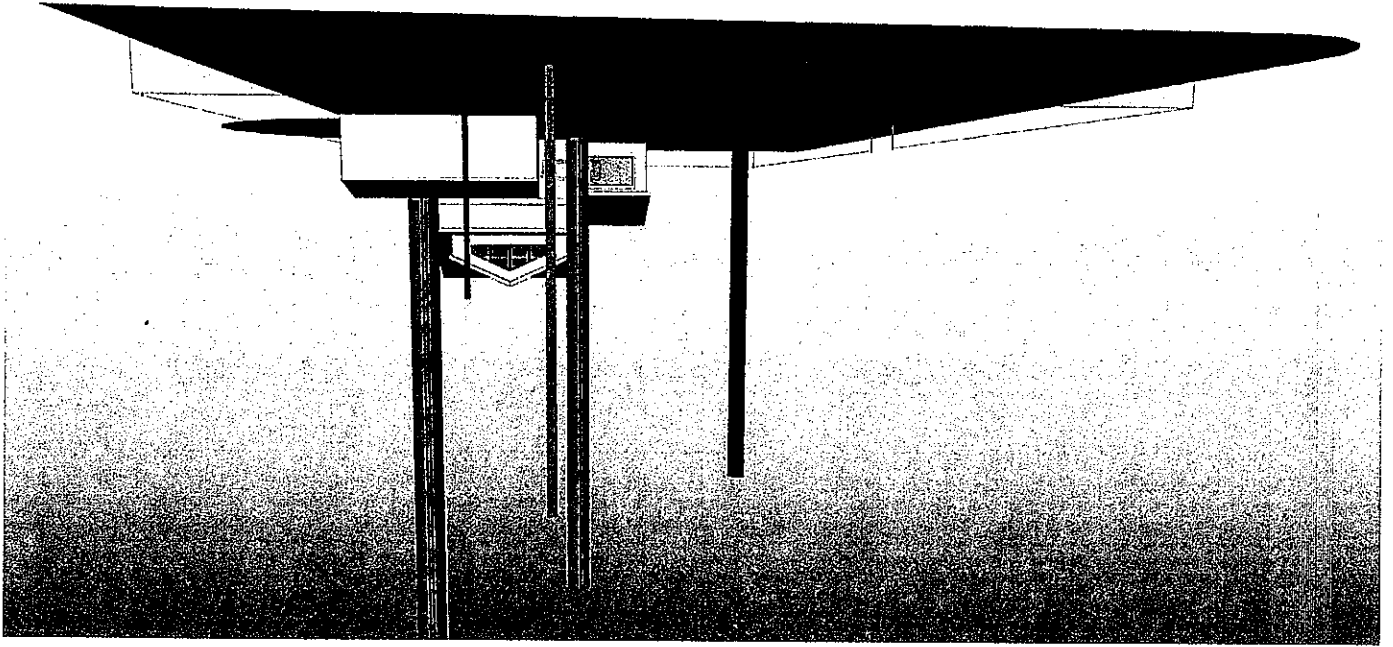


SOUTH VIEW FROM ACROSS KENILWORTH
This is the view from the front door of my neighbor's house. Leaving the mature trees unharmed keeps the house looking smaller even with the second story addition.

FIRE REBUILD PROJECT : 41 SOUTH 2ND AVENUE, LOMBARD, IL 60148
Bordering Perspectives of Proposed Model



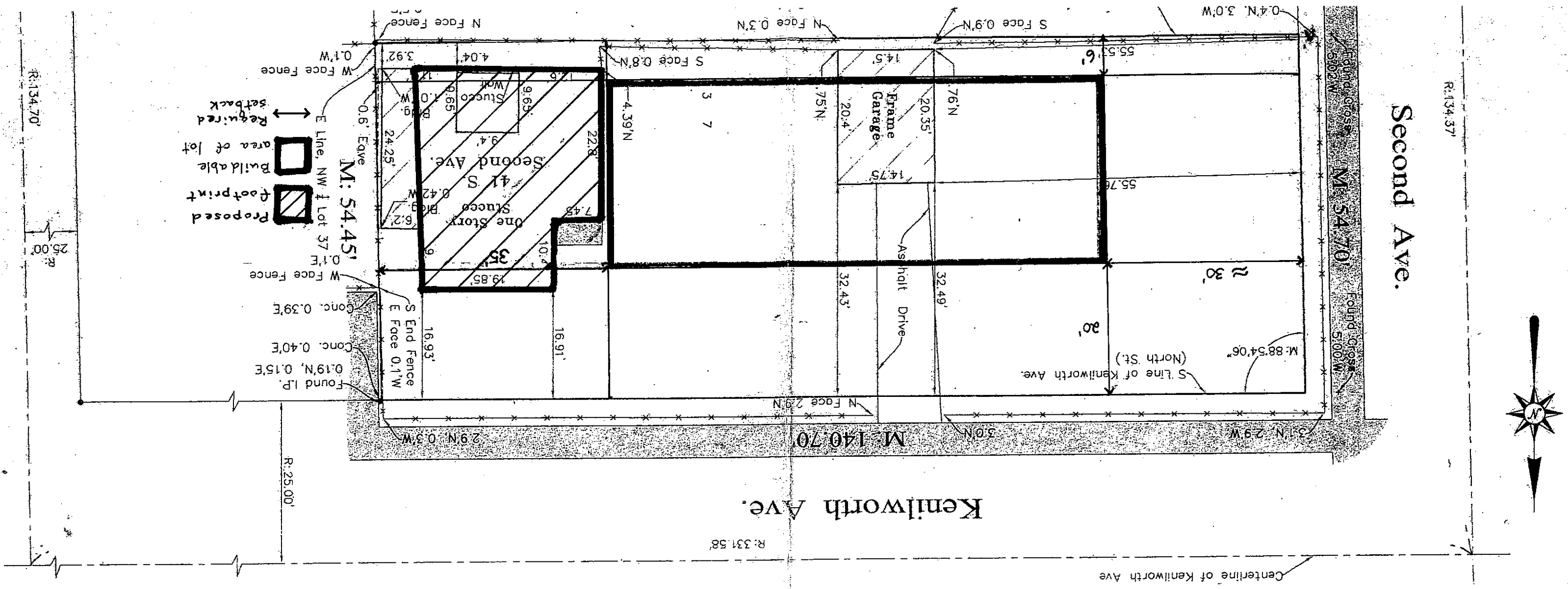
NORTHEAST VIEW ONTO PROPERTY FROM NEIGHBOR'S HOUSE
This view shows my neighbor's view of the property from out their back window. The existing trees continue to buffer the direct views between houses.



EAST VIEW FROM 2ND AVENUE
This view shows how the character of the site has been nearly unchanged. The mature trees left untouched continue to create depth as they visually buffer the view onto the house.

PLAT OF SURVEY

Of the Northernly quarter of that part of Lot 37 lying South of the South line of North Avenue, East of the East line of Second Avenue and West of the West line of Third Street in Home Acres, being a Subdivision in the East half of the Northwest quarter of Section 9, Township 39 North, Range 11, East of the Third Principal Meridian, according to the Plat thereof recorded October 31, 1908 as Document 95054 in DuPage County, Illinois.



R:134.37'

Second Ave.

M: 54.70'

Found cross 5.00' W



Kenilworth Ave.

R: 331.58'

M: 140.70'

Centerline of Kenilworth Ave

- Proposed footprint
- Buildable area of lot
- Required setback

M: 54.45'

Found I.P. 0.19' N, 0.15' E
 Conc. 0.40' E
 Conc. 0.39' E
 W Face Fence 0.1' E
 E Line, NW 1/4 Lot 37
 Required setback
 area of lot
 Proposed footprint

R:134.70'

R: 25.00'

R: 25.00'