

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

\_\_\_\_\_  
  X    
\_\_\_\_\_

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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: March 9, 2004 (B of T) Date: March 18, 2004

TITLE: ZBA 04-01: 338 W. View Street

SUBMITTED BY: Department of Community Development *DCH*

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. Approve a variation from Section 155.406 (E) of the Zoning Ordinance to reduce the minimum required lot width from 60 feet to 47.5 feet;
2. Approve a variation from Section 155.406 (F) (1) of the Zoning Ordinance to reduce the minimum required front yard setback from 30 feet to 27 feet to allow for an addition and front deck; and
3. Approve a variation from Section 155.406 (F) (1) of the Zoning Ordinance to reduce the minimum required front yard setback from 30 feet to 25 feet to allow for bay window. (DISTRICT #1)

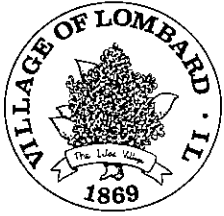
The Zoning Board of Appeals recommended approval of this petition with conditions.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____	Date _____
Finance Director X _____	Date _____
Village Manager X <i>W. Lichter</i>	Date <u>3/10/04</u>

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, Director of Community Development *DAH*

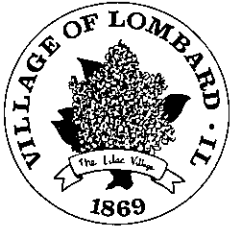
**DATE:** March 18, 2004

**SUBJECT:** ZBA 04-01: 338 West View Street

Attached please find the following items for Village Board consideration as part of the March 18, 2004 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 04-01;
3. A draft Ordinance granting approval of the requested variation to the lot width requirements for the existing property; and
4. A draft Ordinance granting approval of the requested relief to the front yard, subject to conditions; and
5. Companion site plans associated with the petitioner's request.

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



**VILLAGE OF LOMBARD**

255 E. Wilson Ave.  
Lombard, Illinois 60148  
630/620-5700 FAX: 630/620-8222  
TDD: 630/620-5812  
www.villageoflombard.org

March 18, 2004

**Village President**  
William J. Mueller

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

**Trustees**

Joan DeStephano, 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

**Subject: ZBA 04-01; 338 W. View Street**

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

1. Approve a variation from Section 155.406 (E) of the Zoning Ordinance to reduce the minimum required lot width from 60 feet to 47.5 feet;
2. Approve a variation from Section 155.406 (F) (1) of the Zoning Ordinance to reduce the minimum required front yard setback from 30 feet to 27 feet to allow for an addition and front deck; and
3. Approve a variation from Section 155.406 (F) (1) of the Zoning Ordinance to reduce the minimum required front yard setback from 30 feet to 25 feet to allow for bay window.

"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."

The Zoning Board of Appeals conducted a public hearing on February 25, 2004. The petitioner, Mark Caballos, stated that he wanted to make improvements to his house in order to accommodate his mother-in-law moving into the residence. He referenced his site plan and stated that the only direction which can accommodate the addition is toward the front yard. He stated that although he may not be able to meet the test for a hardship as noted within the Ordinance, he believes there are mitigating circumstances to the property that warrant consideration of his request.

He passed out pictures of the subject property and neighboring lots. He described his plans and explained that the improvements he is proposing are similar to what others have done in the area. He also submitted a signed petition from neighbors stating that they do not object to his petition.

Chairperson DeFalco then opened the meeting for public comment. Speaking in favor of the petition was Sigmund Faber, 336 W. View Street. He said the improvement will help both the petitioner's property and will improve the neighborhood. Randy Grote, 344 W. View Street, supported the petition and said that the improvements are necessary and can only improve the block.

No one spoke against the petition.

William Heniff, Senior Planner, presented the staff report. The existing home, including the enclosed front porch is set 30 feet back from the front property line. The petitioner proposes to replace the existing enclosed porch with an addition and five-foot high deck that will extend three feet into the front yard, making the new setback 27 feet where 30 feet is required by Code. The bay window in the front of the addition will extend an additional two feet, making the setback for the window 25 feet.

The petitioner's lot was platted in 1928 at 47.5 feet wide, where 60 feet is now the minimum permitted in the R2 District. He noted that the Zoning Ordinance permits development on lots in the R2 District that meet 80% of the required lot width, or 48 feet. The property has a lot width of 47.5 feet, which is 79% of the required width. The petitioner's neighborhood was developed and has evolved with residences on lots that range from 47.5 to 100.5 feet, with an average width of only 53.4 feet. As the petitioner's residence is already constructed on the lot, granting the variation would not further increase the degree of nonconformity. Without the requested relief, the property owner would not be able to make any additions to the property or rebuild the current home in the event it were destroyed or damaged more than 50% of its value.

He then discussed the setbacks for other residences in the area. The residence at 316 W. View Street has an open, roofed-over front porch with a 23-foot setback where open porches are permitted to have a minimum 25-foot setback. Although there are no building permit records for 332 W. View Street, aerial photos show that this property appears to have an approximately 28-foot setback. Both of these properties are legal nonconforming as no setback variations have been granted for any of the properties on the block.

He then raised concerns about granting the requested relief for the front yard. The lot at 336 W. View Street is identical to the subject property with respect to its size and shape. This property has an elevated deck and enclosed room similar to that proposed by the petitioners, both with a setback of 31 feet. The petitioner's lot is not unique and is comparable to other lots on the same block as the subject property. As there are no unique circumstances related to the subject property, granting a variation would set a precedent to allow similar variations to be granted on each of the other properties on the block. The variations would decrease the visual open space along View Street. Although there are two properties that encroach into the front yard, granting

this variation would increase the likelihood of further encroachments and a further reduction in open space, thereby taking away from the neighborhood character.

In 2002, the Zoning Ordinance was modified to allow unenclosed, roofed-over front porches as a permitted obstruction within the front yard (provided that the porch is not more than 7 feet deep and maintains a minimum 25-foot setback). The petitioner could make front porch improvements on the property that would not require any setback relief from the Zoning Ordinance (assuming the variation for a 47.5-foot wide lot is granted). Staff notes that if the requested relief is denied, the petitioner could still construct a roofed over front porch, subject to the Code provisions.

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

Mr. Young noted that the first request is basically a housekeeping issue that will allow the petitioner to improve his property.

Mr. Polley referenced the plat of survey and the aerial photograph and noted that the existing sidewalk is not located one foot off of the property line as is typically done. In this case, the sidewalk is between five and seven feet from the property line. From a visual standpoint, if the petitioner's improvements were completed, it would appear no different than others located on the block. The petitioner's house with the addition would still be more than thirty feet from the sidewalk.

Mr. Bedard asked if View Street could be vacated north of the sidewalk - this action would remove the need for zoning relief. Mr. Heniff said that View Street right-of-way is 66 feet in width and although the sidewalk is not located right off the property line the overall right-of-way width is necessary to ensure that there is adequate room for all public improvements. Public Works typically would not support actions that would create substandard right-of-way widths.

Mr. Young noted that the Board has supported relief in other cases, such as variation requests along Washington Street, where the sidewalk was not located along the property line.

Discussion then ensued regarding how conditions of approval could be added to the petition. The Board felt that two votes should be taken. The first variation should be considered separately, the second should tie conditions of approval to the petitioner's plan. The conditions should also provide provisions to tie the approval to the petitioner's specific plans.

With respect to the request to reduce the minimum required lot width, the ZBA recommended approval of the variation (4-0).

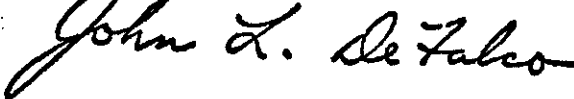
With respect to the proposed setback variations and recognizing the location of the public sidewalk within the adjacent View Street right-of-way, the ZBA recommended approval of the variations (4-0), subject to the following conditions, as amended:

1. Any development shall meet all applicable Village Code requirements;
2. The property shall be developed in accordance with the proposed building elevations and floor plans submitted by the petitioner as part of ZBA 04-01; and
3. The front yard setback reduction to twenty-five feet (25') shall only apply to a bay window extending no more than two feet (2') from the front wall of the building.
4. The front yard variations shall be applicable to the petitioner's proposed addition to the existing single-family residence. Shall the principal structure be razed in the future, any new development on the property shall meet the front yard setback requirement.

After the vote was taken, Chairperson DeFalco wanted it to be noted to the Village Board and for the record that their support for the request was based upon the location of the sidewalk within the right-of-way and that the addition would not visually appear to be an encroachment into the thirty foot front yard.

Respectfully,

VILLAGE OF LOMBARD



John DeFalco  
Chairperson  
Zoning Board of Appeals

att-

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

TO: Lombard Zoning Board of Appeals      HEARING DATE: February 25, 2004  
FROM: Department of      PREPARED BY: Jennifer Backensto  
Community Development      Planner I

**TITLE**

**ZBA 04-01; 338 W. View Street:** The petitioner requests that the Village take the following actions for the subject property located within the R2 Single-Family Residence District:

1. Approve a variation from Section 155.406 (E) of the Zoning Ordinance to reduce the minimum required lot width from 60 feet to 47.5 feet;
2. Approve a variation from Section 155.406 (F) (1) of the Zoning Ordinance to reduce the minimum required front yard setback from 30 feet to 27 feet to allow for an addition and front deck; and
3. Approve a variation from Section 155.406 (F) (1) of the Zoning Ordinance to reduce the minimum required front yard setback from 30 feet to 25 feet to allow for bay window.

**GENERAL INFORMATION**

Petitioner/Property Owner:      Michael Ceballos  
338 W. View Street  
Lombard, IL 60148

**PROPERTY INFORMATION**

Existing Land Use:      Single-family Residence  
Size of Property:      7,296 sq. ft.  
Comprehensive Plan:      Recommends Low Density Residential  
Existing Zoning:      R2 Single-Family Residence District

Surrounding Zoning and Land Use:

North: R2 Single-Family Residence District – single-family homes  
South: R2 Single-Family Residence District – single-family homes  
East: R2 Single-Family Residence District – single-family homes  
West: R2 Single-Family Residence District – single-family homes

## ANALYSIS

### SUBMITTALS

This report is based on the following documents filed on January 21, 2004 with the Department of Community Development:

1. Petition for Public Hearing.
2. Response to the Standards for Variations.
3. Plat of Survey, prepared by L.S.C.I., dated April 30, 1998.
4. Proposed building elevations and floor plan.
5. Photograph of subject property.

### DESCRIPTION

The existing home on this property, including the enclosed front porch, is set 30 feet back from the front property line. The petitioner proposes to replace the existing enclosed porch with an addition and five-foot high deck that will extend three feet into the front yard, making the new setback 27 feet where 30 feet is required by Code. The bay window in the front of the addition will extend an additional two feet, making the setback for the window 25 feet. The proposed improvements would leave the lot with approximately 54% open space, which meets the 50% minimum required by the Zoning Ordinance. Also, the petitioner's lot was platted in 1928 at 47.5 feet wide, where 60 feet is now the minimum permitted in the R2 District. As this does not meet the 80% requirement for redevelopment, a variation is required for any addition or reconstruction. (See **Appendix A** for detailed breakdown of requested zoning relief).





## INTER-DEPARTMENTAL REVIEW COMMENTS

### Public Works - Engineering

Public Works Engineering Division has no comments or changes.

### Public Works - Utilities

Public Works Utilities Division has no comments on this petition.

### Private Engineering Services

From an engineering or construction perspective, the Private Engineering Services Division has no comments.

### Building and Fire

The Fire Department/Bureau of Inspectional Services has the following comments:

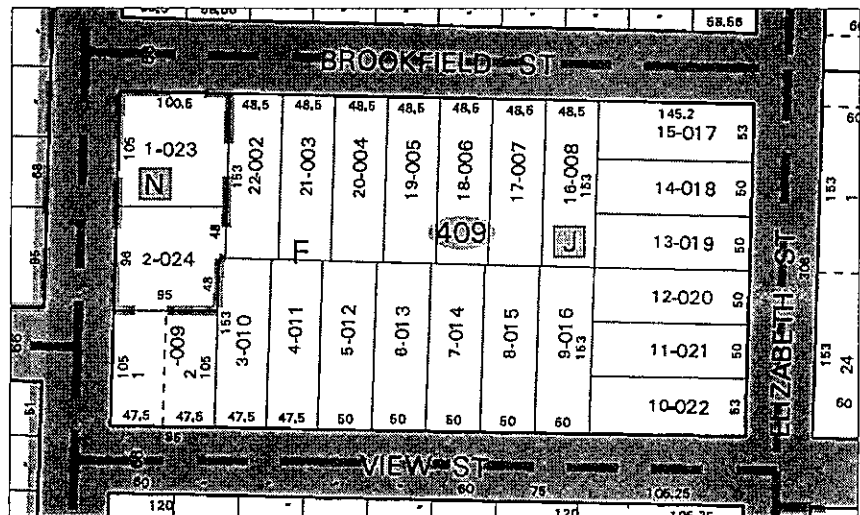
- The existing structure and supports must be removed in their entirety and the new addition must have a full concrete foundation and footing installed per code.
- The new addition must meet all current Village building codes.

### Planning

#### *Lot Width*

Staff finds that the variation request to reduce the minimum lot width to 47.5 feet meets the Standards for Variations. The Zoning Ordinance permits development/reconstruction on lots in the R2 District that meet 80% of the required lot width, or a minimum of 48 feet. The intent of this rule is to provide a higher level of review for nonconforming lots platted before the 60-foot minimum lot width requirement. The subject property has a lot width of 47.5 feet, which is 79% of the required width.

The petitioner's neighborhood was developed and has evolved with residences on lots that range from 47.5 to 100.5 feet, with an average width of only 53.4 feet (see tax parcel map, right). Of the 24 lots of record on this block, only two meet the R2 minimum lot width of 60 feet. Four of the lots on this block (17%) do not meet the 80% standard for reconstruction.

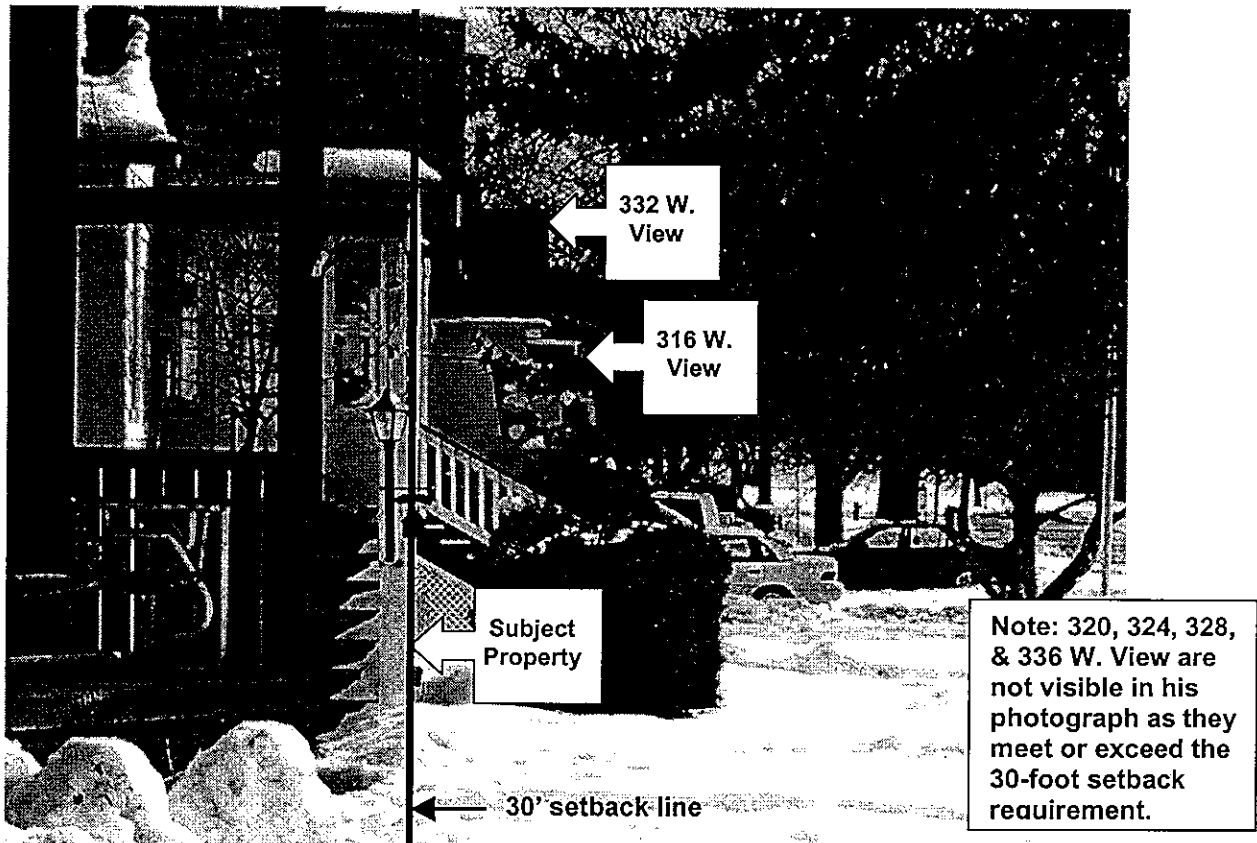


As the petitioner's residence is already constructed on the lot, granting the variation would not further increase the degree of nonconformity. There are unique physical limitations on the property in that, due to the width of the subject property and surrounding lots, there is no practical way for the petitioners to meet the requirements of the Zoning Ordinance. Without the requested relief, the property owner would not be able to make any additions to the property or rebuild the current home in the event it were destroyed or damaged more than 50% of its value. The requested relief is not needed due to the actions of anyone presently having an interest in the property as this subdivision occurred in 1928. Granting the request would neither be injurious to neighboring properties, nor would it change the visual and aesthetic character of the neighborhood. Staff is therefore supportive of the lot width variation request.

*Setback*

A review of building permit records shows that of the seven lots on this block, five meet the 30-foot setback requirement (see table, right).

	distance to house	distance to porch	front yard setback
316 W View St	30'	23'	23'
320 W View St	37'	30'	30'
324 W View St	30'	n/a	30'
328 W View St	37'	30'	30'
332 W View St	28'	n/a	28' (estimate)
336 W View St	31'	n/a	31'
338 W View St (proposed)	27'	n/a	27'



The residence at 316 W. View Street has an open, roofed-over front porch with a 23-foot setback where open porches are permitted to have a minimum 25-foot setback. Although there are no building permit records for 332 W. View Street, the aerial photo shows that this property appears to have an approximately 28-foot setback. Both of these properties are legal nonconforming as no setback variations have been granted for any of the properties on this block. As the Village has never made a finding that the 30-foot setback requirement is inappropriate for this block, the nonconforming structures should not be considered as valid comparisons to the subject property.

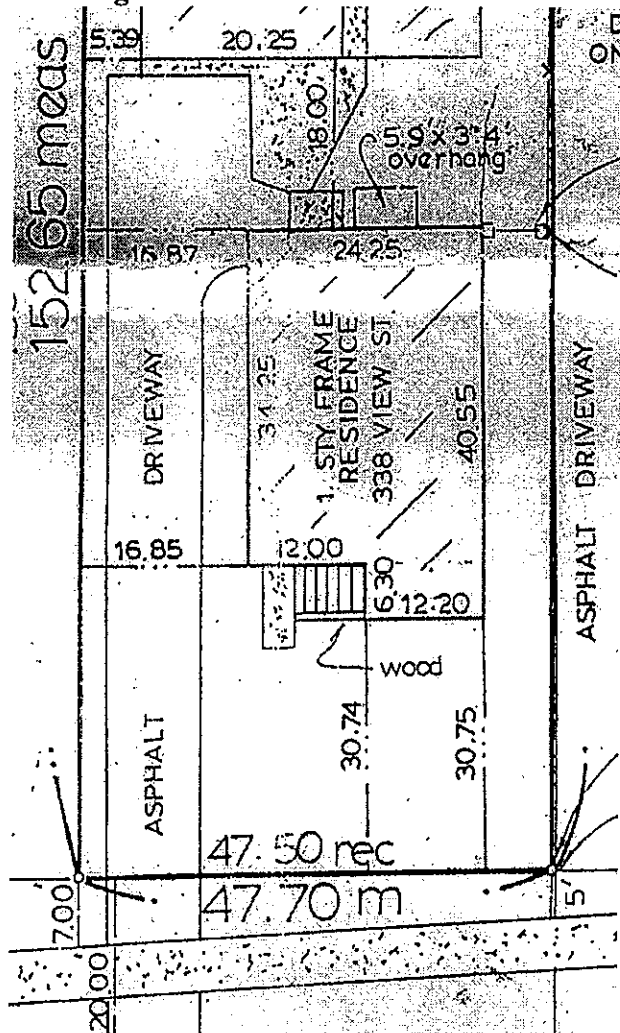
Furthermore, to be granted a variation the petitioners must show that they affirmed each of the “Standards for Variation”. Staff finds that the following standards are not affirmed:

1. *That because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner has been shown, as distinguished from a mere inconvenience if the strict letter of the regulations were to be applied.* Staff finds that there is no demonstrated physical hardship, nor are there any unique topographical conditions related to this property that would prevent compliance with the ordinance. The lot immediately to the east (336 W. View Street) is identical to the subject property with respect to its size and shape. This property has an elevated deck and enclosed room similar to that proposed by the petitioners, both with a setback of 31 feet.
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.* The petitioner’s lot is comparable to other lots in the single-family residential district and, more specifically, on the same block as the subject property. As there are no unique circumstances related to the subject property, granting a variation would set a precedent to allow similar variations to be granted on each of the other properties on the block.
3. *The alleged difficulty or hardship is shown to be caused by this ordinance and has not been created by any person presently having an interest in the property.* Staff finds that the hardship has not been created by the ordinance as the existing residence meets the setback requirements that are applied to all R2-zoned properties within the Village. The hardship in this case is created by the petitioner’s desire to add approximately 66 square feet of living space within the required front yard.
4. *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.* The proposed variation will decrease the visual open space along View Street that is typically protected by the required 30-foot front yard setback. Although there are two properties that encroach into the front yard, granting this variation would increase the likelihood of further encroachments and a further reduction in open space, thereby taking away from the spacious, residential character of the neighborhood.

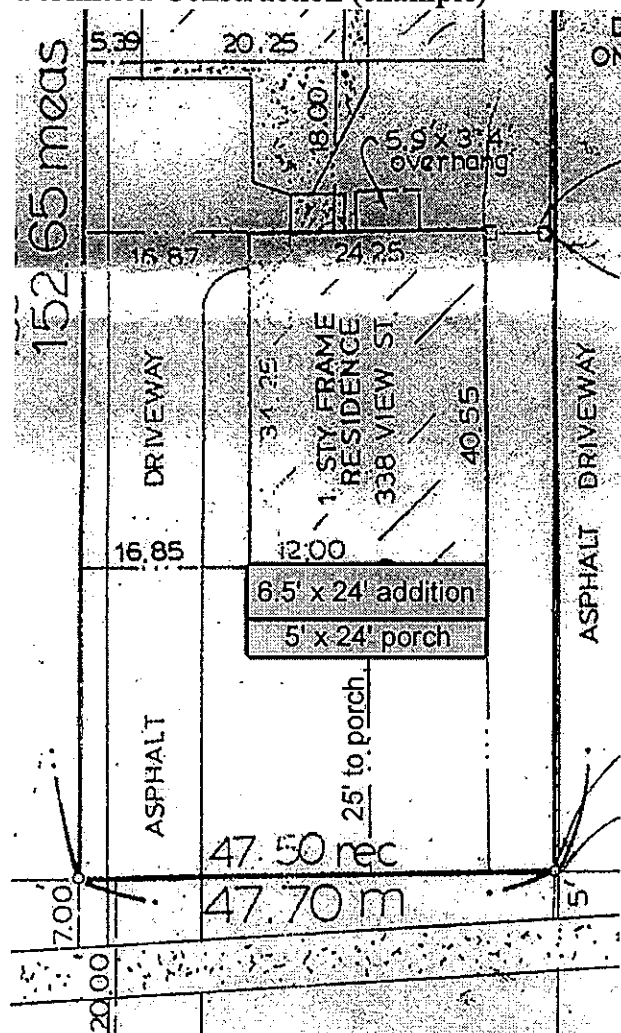
The Zoning Ordinance does not permit the petitioner from expanding the front of the house. The enclosed porch and stairway could be replaced with a 6.5-foot by 24-foot addition, which would add the desired additional living space. Also, in 2002, the Zoning Ordinance was modified to allow unenclosed, roofed-over front porches as a permitted obstruction within the front yard (provided that the porch is not more than 7 feet deep and maintains a minimum 25-foot setback).

The illustrations below show the existing conditions on the property and demonstrate potential improvements the petitioner could make. These improvements would not require any setback relief from the Zoning Ordinance (assuming the variation for a 47.5-foot wide lot is granted).

Existing Conditions



Permitted Construction (example)



## FINDINGS AND RECOMMENDATIONS

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 request to reduce the lot width from 60 feet to 47.5 feet and **denial** of all other requested relief:

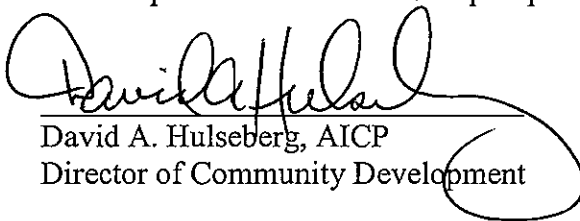
Based on the information and testimony presented, the proposed lot width variation complies with the standards required by the Lombard Zoning Ordinance, and, therefore, I move that the Zoning Board of Appeals recommend to the Corporate Authorities **approval** of the request to reduce the minimum required lot width from 60 feet to 47.5 feet and **denial** of all other requested relief associated with ZBA 04-01.

### *Alternate Recommendation:*

In the event the Board chooses to recommend approval of all relief associated with ZBA 04-01, staff recommends that the following conditions be added to ensure that the property improvements as constructed are consistent with those proposed as part of this public hearing process:

1. Any development shall meet all applicable Village Code requirements;
2. The property shall be developed in accordance with the proposed building elevations and floor plans submitted by the petitioner as part of ZBA 04-01; and
3. The front yard setback reduction to twenty-five feet (25') shall only apply to a bay window extending no more than two feet (2') from the front wall of the building.

Inter-Departmental Review Group Report Approved By:



David A. Hulseberg, AICP  
Director of Community Development

DAH:JB:jd

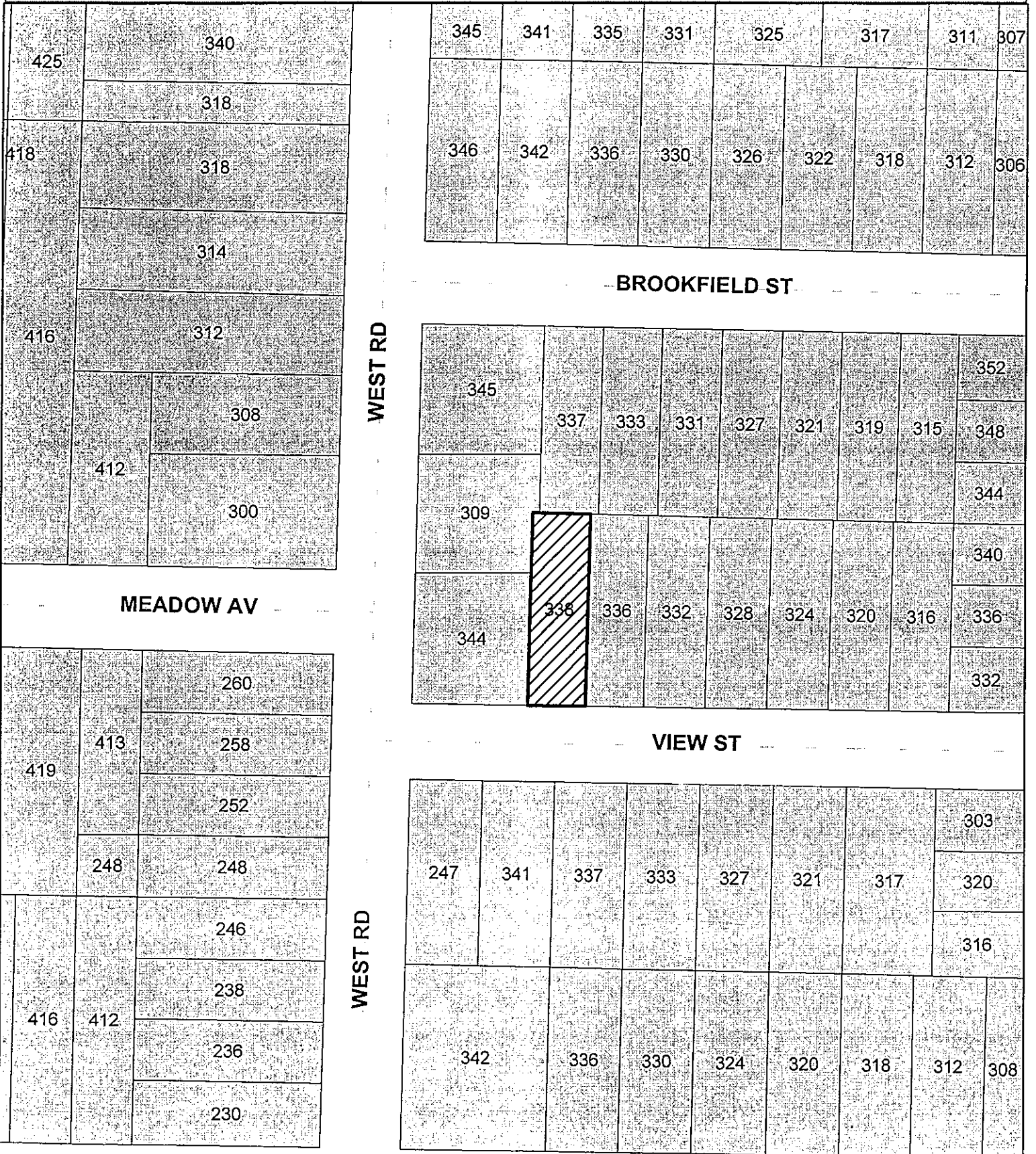
**Appendix A – R2 Regulations v. Requested Relief**

	<b>Required in R2</b>	<b>Existing</b>	<b>Proposed</b>
Lot Width	60 feet*	47.5 feet	47.5 feet
Front Yard Setback for principal structure (house addition)	30 feet	30 feet	27 feet
Front Yard Setback for front deck (greater than 3 feet in height)	30 feet	N/A	27 feet
Front Yard Setback for bay window (one story high)	27 feet	N/A	25 feet

\*Section 155.306 of the Zoning Ordinance permits structures to be erected on those previously platted Lots of Record in the R1 or R2 Single-Family Residence Districts where the lot width equals at least 80% of the requirement (48 feet in the R2 District).

# Location Map

ZBA 04-01: 338 W. View Street  
 Variations to lot width & front yard setback



GREENFIELD AV

PETITION TO APPROVE ZBA 04-01: 338 W. VIEW STREET

TO: ZONING BOARD OF APPEALS  
FROM: RESIDENTS OF WEST VIEW STREET  
SUBJECT: ZBA04-01 338 W. VIEW STREET  
DATE: 2/22/2004  
CC: JOHN DEFALCO, MARY NEWMAN, EUGENE POLLEY, GREG YOUNG, VAL CORRADO, TED BEDARD

We the undersigned neighbors of the Ceballos family, who reside at 338 W. View Street, have reviewed and approve of the design plans for the proposed room addition for which a set back variation has been applied for by the Ceballos family. We do not feel that the addition, as proposed, will adversely affect the existing character of the neighborhood, and do not disprove this request.

Signed: Penelope A. Prots Date: 2-22-04  
Address: 344 W. VIEW ST.  
Signed: William F. Faber Date: 2-23-04  
Address: 336 W. VIEW ST.  
Signed: Margaret M. Fisher Date: 2-23-04  
Address: 336 W. View St.  
Signed: Gregory Green Date: 2/22/04  
Address: 324 W. View St  
Signed: Christina J. Petta Date: 2/22/04  
Address: 332 W. View St.  
Signed: Gregory Dennis Date: 2-22-04  
Address: 333 W VIEW  
Signed: Anthony Perrone Date: 2-22-04  
Address: 227 W. View  
Signed: Joan Wilson Date: 2-22-04  
Address: 320 W. View St



COMMUNITY DE...

RECEIVED FEB 0 9 2004

February 4, 2004

Department of Community Development  
255 East Wilson Avenue  
Lombard, IL 60148

Attn: Jennifer Backensto:

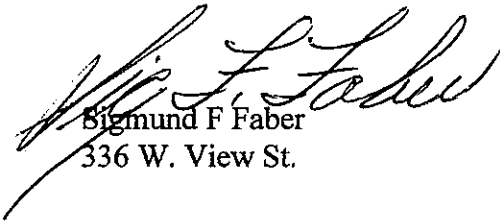
I'm writing this letter in regards to the petition referred to as ZBA 04-01. A request for a variation to the Zoning Ordinance.

Of the three items listed, I see no reason why the petitioner should not be granted permission to do make the improvements to his property.

I have seen the drawings of what he wants to do and wish that I could afford to do something like this also.

If the work done to the outside of his house, is anything like what has been done inside his house. It can only be a credit to the entire block and improve our property values.

Perhaps others will take notice and make an effort to improve their property too.



Sigmond F Faber  
336 W. View St.

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

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

(ZBA 04-01: 338 W. View Street)

(See also Ordinance \_\_\_\_\_)

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 (E) of said Zoning Ordinance, to reduce the minimum required lot width in the R2 Single-Family Residence District; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on February 25, 2004 pursuant to appropriate and legal notice; 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 (E) of the Lombard Zoning Ordinance for the property described in Section 2 below, so as to reduce the minimum required lot width from sixty feet (60') to forty-seven and five-tenths feet (47.5').

SECTION 2: This ordinance is limited and restricted to the property generally located at 338 W. View Street, Lombard, Illinois, and legally described as follows:

LOT 3 IN S.L. BEACH'S SUBDIVISION OF BLOCK "F" IN GREENFIELD'S RESUBDIVISION OF ALL OF OUTLOT 2 AND THAT PORTION OF OUTLOT 3 LYING NORTH OF CHICAGO GREAT WESTERN RAILROAD, IN THE

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

Re: ZBA 04-01

Page 2

SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 39 NORTH, RANGE 11,  
EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF  
BEACH'S SUBDIVISION RECORDED JULY 20, 1928 AS DOCUMENT 252359, IN  
DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-06-409-010

SECTION 3: 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 \_\_\_\_\_, 2004.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

Ayes: \_\_\_\_\_

Nayes: \_\_\_\_\_

Absent: \_\_\_\_\_

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

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

ATTEST:

\_\_\_\_\_  
Barbara A. Johnson, Deputy Village Clerk

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

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

(ZBA 04-01: 338 W. View Street)

(See also Ordinance \_\_\_\_\_)

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) (1) of said Zoning Ordinance, to reduce the minimum required front yard setback for an addition to an existing single-family residence in the R2 Single-Family Residence District; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on February 25, 2004 pursuant to appropriate and legal notice; 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: A variation is hereby granted from the provisions of Title 15, Chapter 155, Section 155.406 (F) (1) of the Lombard Zoning Ordinance for the property described in Section 3 below, so as to reduce the minimum required front yard setback from thirty feet (30') to twenty-seven feet (27') to allow for an addition and front deck.

SECTION 2: A variation is hereby granted from the provisions of Title 15, Chapter 155, Section 155.406 (F) (1) of the Lombard Zoning Ordinance for the property described in Section 3 below, so as to reduce the minimum required front yard setback from thirty feet (30') to twenty-five feet (25') to allow for a bay window.

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

Re: ZBA 04-01

Page 2

SECTION 3: This ordinance is limited and restricted to the property generally located at 338 W. View Street, Lombard, Illinois, and legally described as follows:

LOT 3 IN S.L. BEACH'S SUBDIVISION OF BLOCK "F" IN GREENFIELD'S RESUBDIVISION OF ALL OF OUTLOT 2 AND THAT PORTION OF OUTLOT 3 LYING NORTH OF CHICAGO GREAT WESTERN RAILROAD, IN THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF BEACH'S SUBDIVISION RECORDED JULY 20, 1928 AS DOCUMENT 252359, IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-06-409-010

SECTION 4: This ordinance shall be granted subject to compliance with the following conditions:

1. Any development shall meet all applicable Village Code requirements;
2. The property shall be developed in accordance with the proposed building elevations and floor plans submitted by the petitioner as part of ZBA 04-01; and
3. The front yard setback reduction to twenty-five feet (25') shall only apply to a bay window extending no more than two feet (2') from the front wall of the building.
4. That the front yard variations shall be applicable to the petitioner's proposed addition to the existing single-family residence. Shall the principal structure be razed in the future, any new development on the property shall meet the front yard setback requirement.

SECTION 5: 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 \_\_\_\_\_, 2004.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

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

Re: ZBA 04-01

Page 3

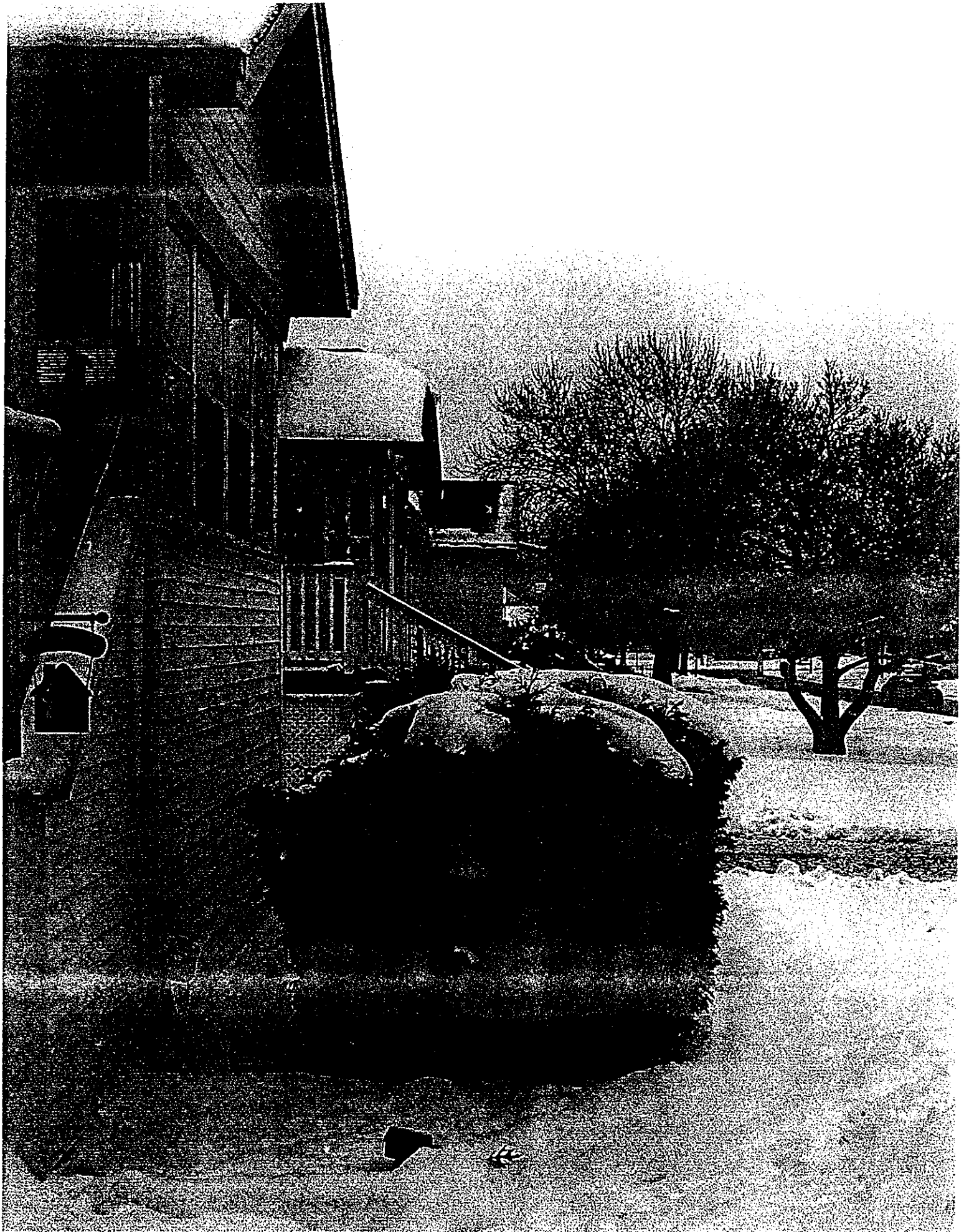
Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

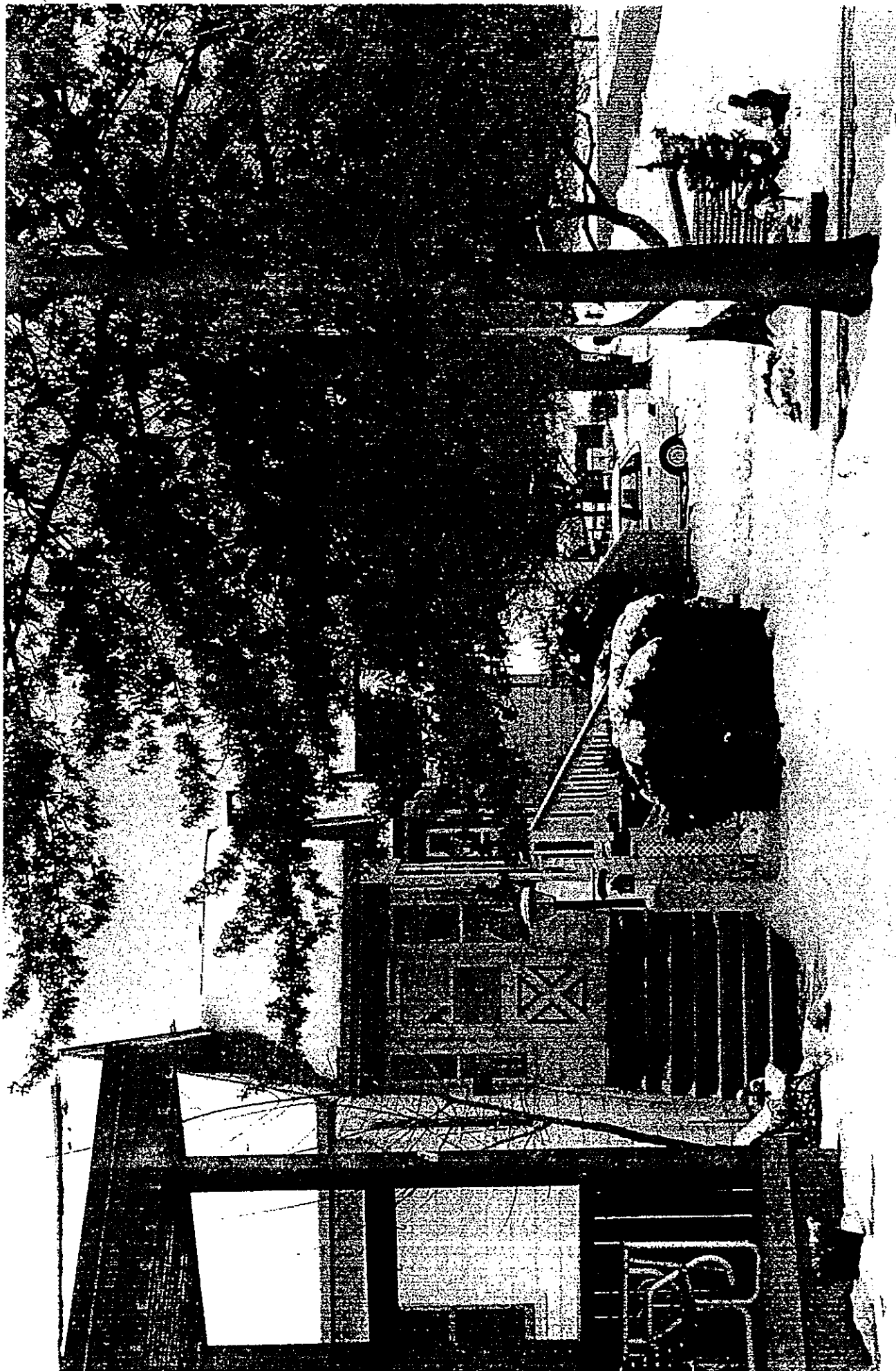
\_\_\_\_\_  
William J. Mueller, Village President

ATTEST:

\_\_\_\_\_  
Barbara A. Johnson, Deputy Village Clerk

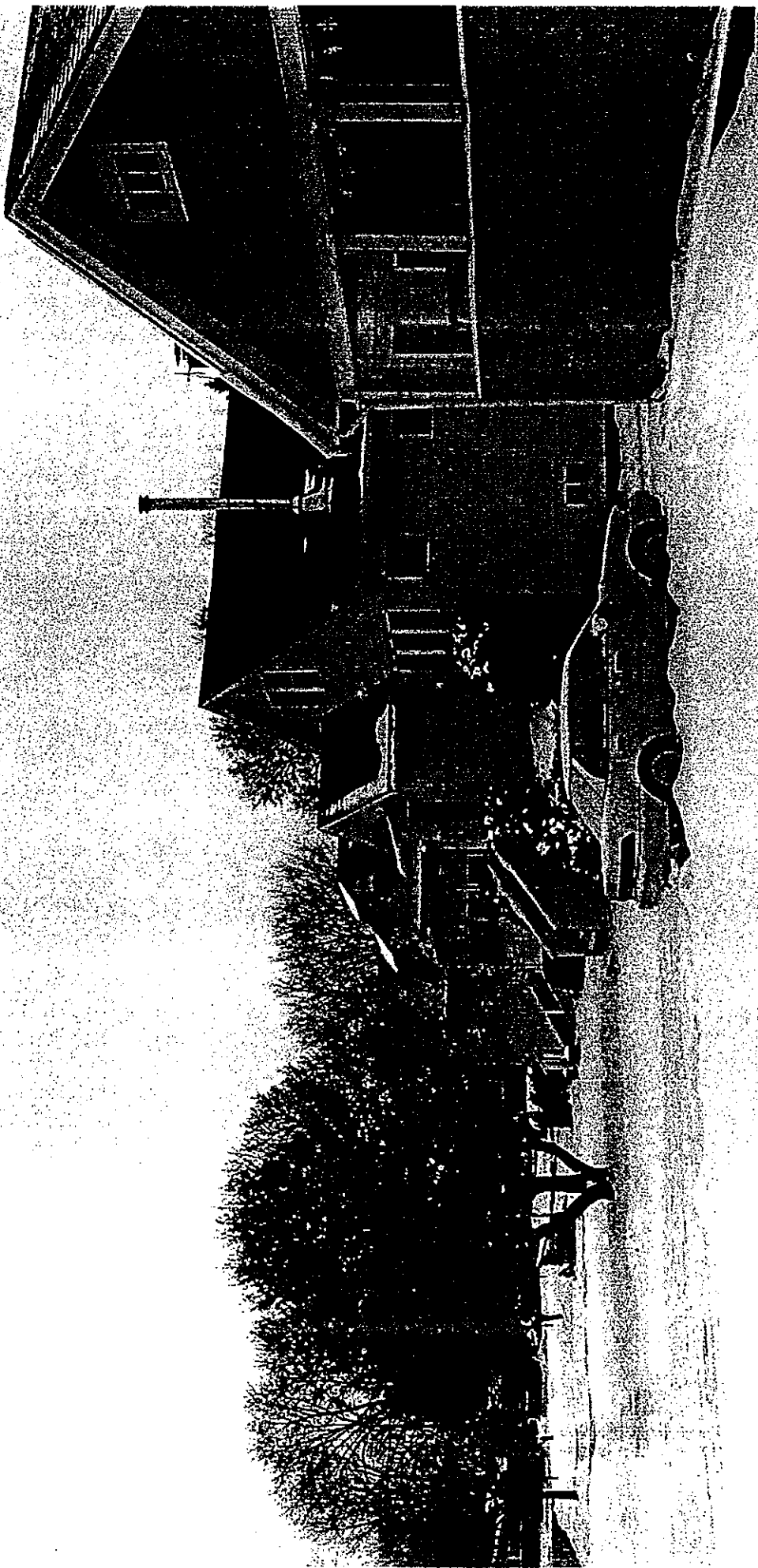
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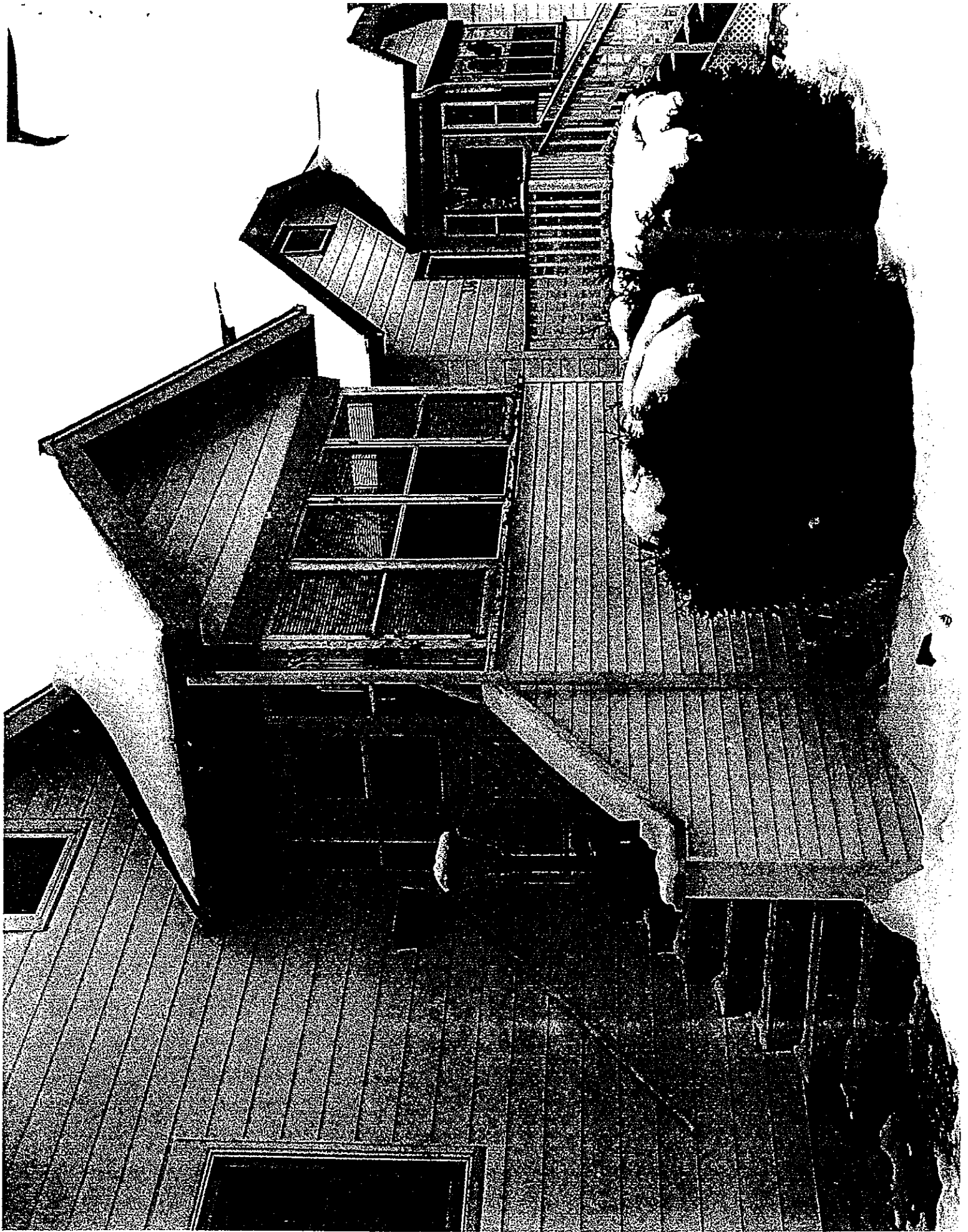


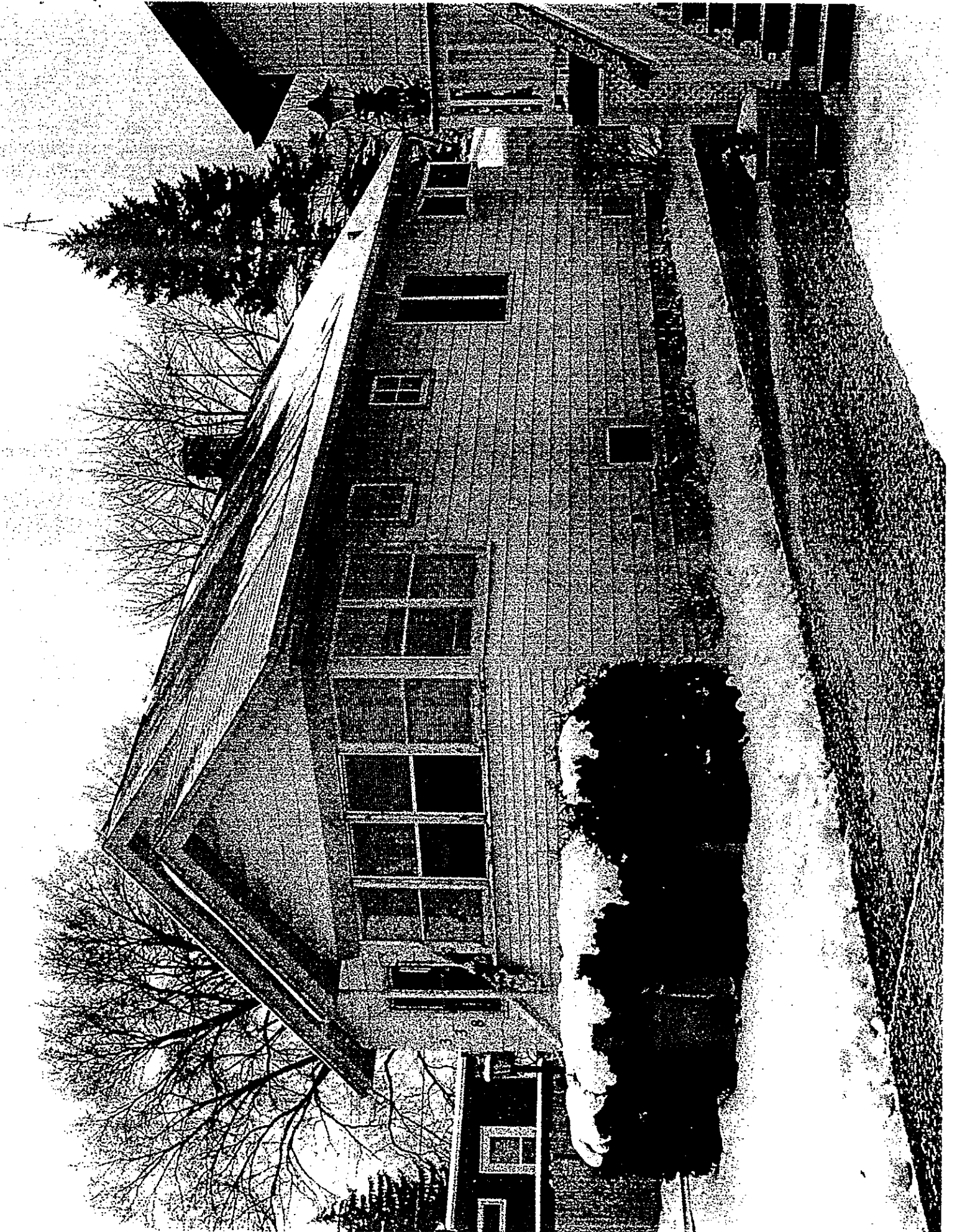












My wife and I purchased our home, which is at 338 W. View Street in Lombard, from my wife's widowed mother several years ago. Our decision to buy the home was made for several reasons. First, because my mother-in-law was reaching retirement age, and could no longer afford to maintain the home. Second, because my wife did not want her mother to live alone. (All of my wife's siblings were already married and moved out leaving my wife with her mother.) The third and final reason was because my wife has lived in this home since childhood and would like to stay here indefinitely.

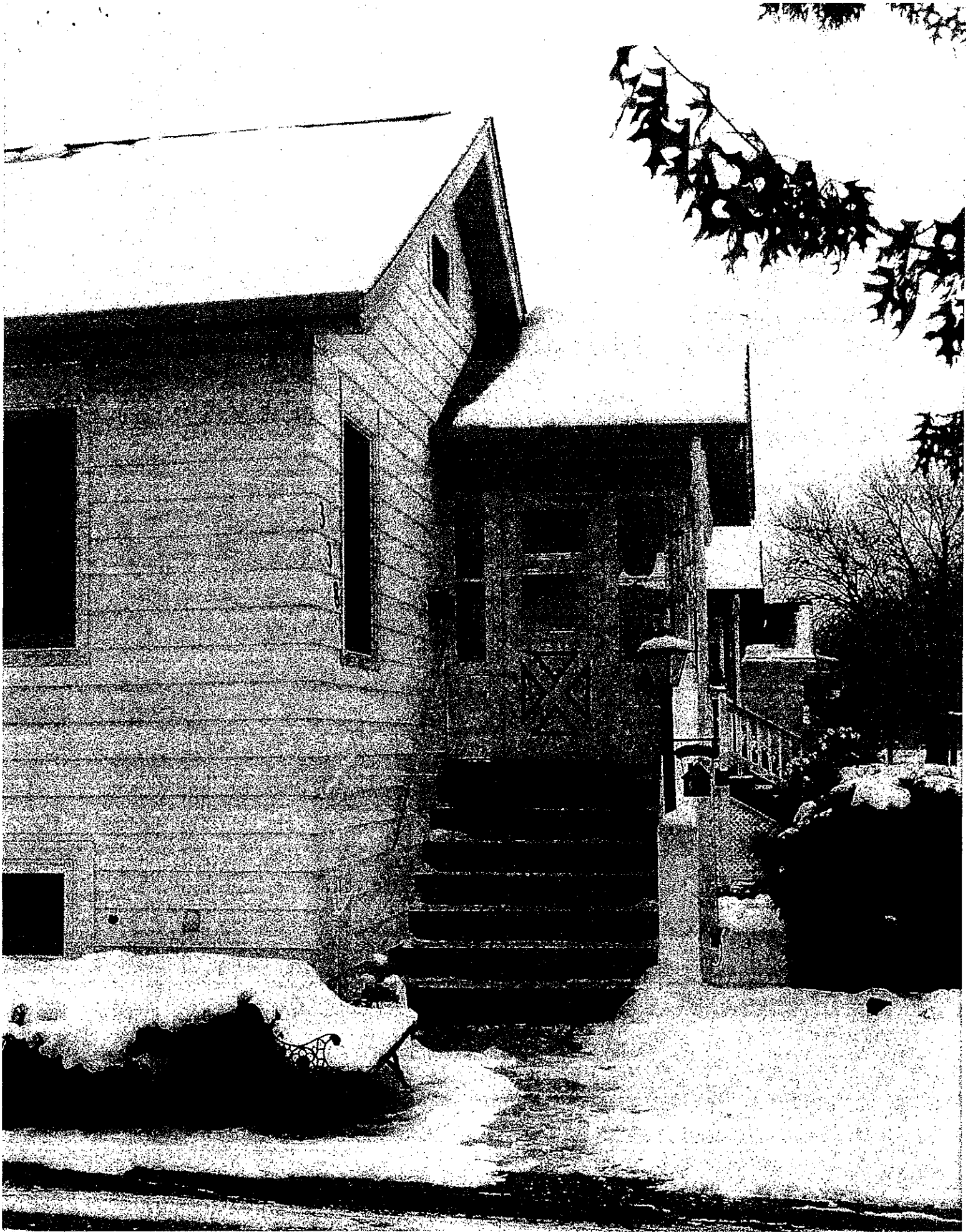
Since we purchased the home, we have been making steady improvements, i.e. replacing windows, doors, and adding insulation to the exterior walls, as we remodel rooms. We are now in need of rebuilding the front portion of our home. At the present time, the enclosed front porch of our home has sunken to the point where the storm door is now scraping the floor and will no longer open all the way. Rather than just rebuild the front porch, we would like to convert it into practical living space and make the room as large as feasibly possible. However, accomplishing this would require extending the front of the home three (3) feet into the thirty (30) foot building line, which the front set back ordinance permits.

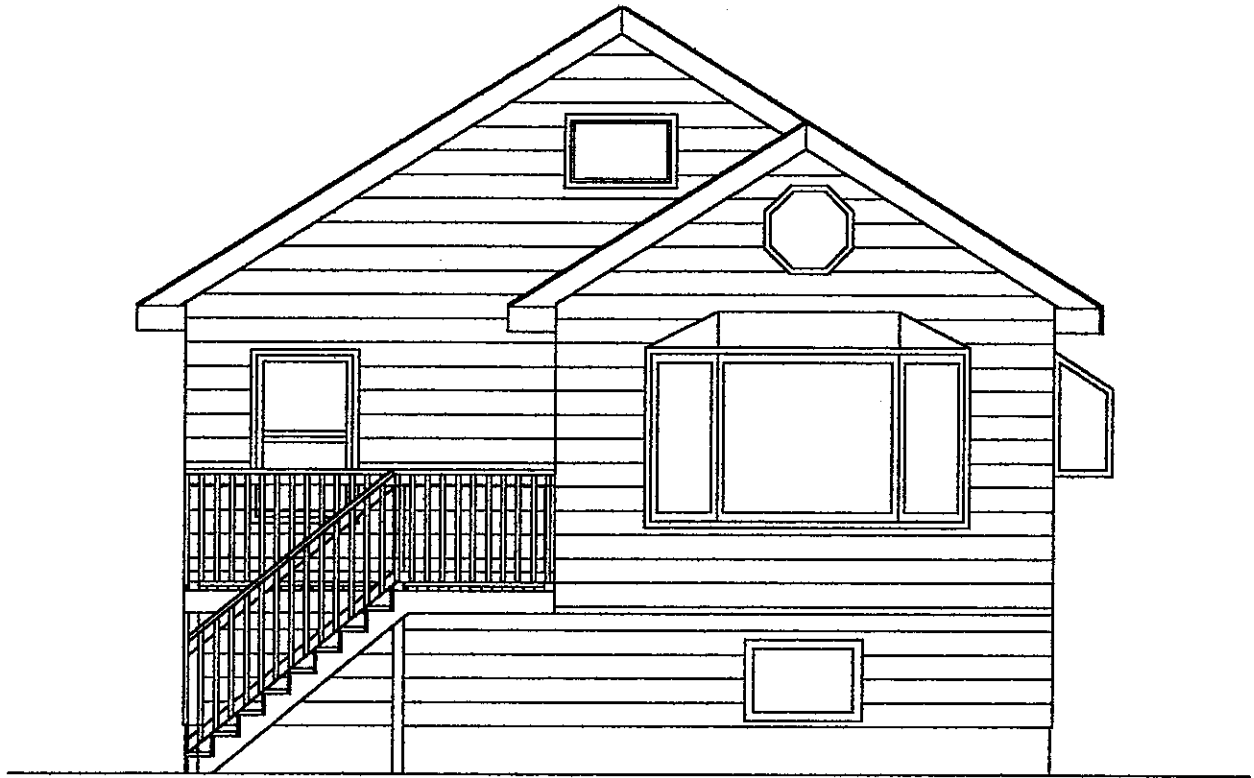
The three of us living together has been somewhat of a hardship and our hope is that creating the extra room, which would add approximately one hundred and forty (140) square feet of added living space to the front of the home, will allow us a little more space and ease the hardship. Also, with my mother-in-law getting older, and her health eventually deteriorating, the need for a wheel chair may be necessary. Wheel chair access from the back of our home would not be possible. So the additional space supplied by the variation, would allow enough room for a future wheel chair lift or a similar mechanism. If the strict letter of the regulations were to be applied, our only other alternative for adding space would be to build a second story, which would be too costly and impractical, requiring the need to replace the foundation in order to support the additional weight. (The existing foundation is constructed of cinder block.) We have looked at all of our other options and have come to the conclusion that going forward is our only choice. For example, being that our lot is not very wide, building out to the sides is not feasible. Additionally, building toward the back yard is not an option due to the placement of the garage.

We feel that the extra three (3) feet would give us a little extra room, while not altering the essential character of the neighborhood. (There are several other houses in the neighborhood that already extend many feet beyond the front of adjacent houses.) Since we are requesting to extend only three (3) feet further than we are now, we will not be changing the character of the neighborhood. Nor will we be impairing an adequate supply of light and air to adjacent property, nor substantially increasing the congestion of the public streets, nor increasing the danger of fire, nor impairing natural drainage or creating drainage problems on adjacent properties, nor endangering the public safety, nor substantially diminishing or impairing property values within the neighborhood.

Building forward the additional three (3) feet may result in some financial gain; however, this would merely be due to the fact that we are improving the home, and is not a basis in asking for the variation.

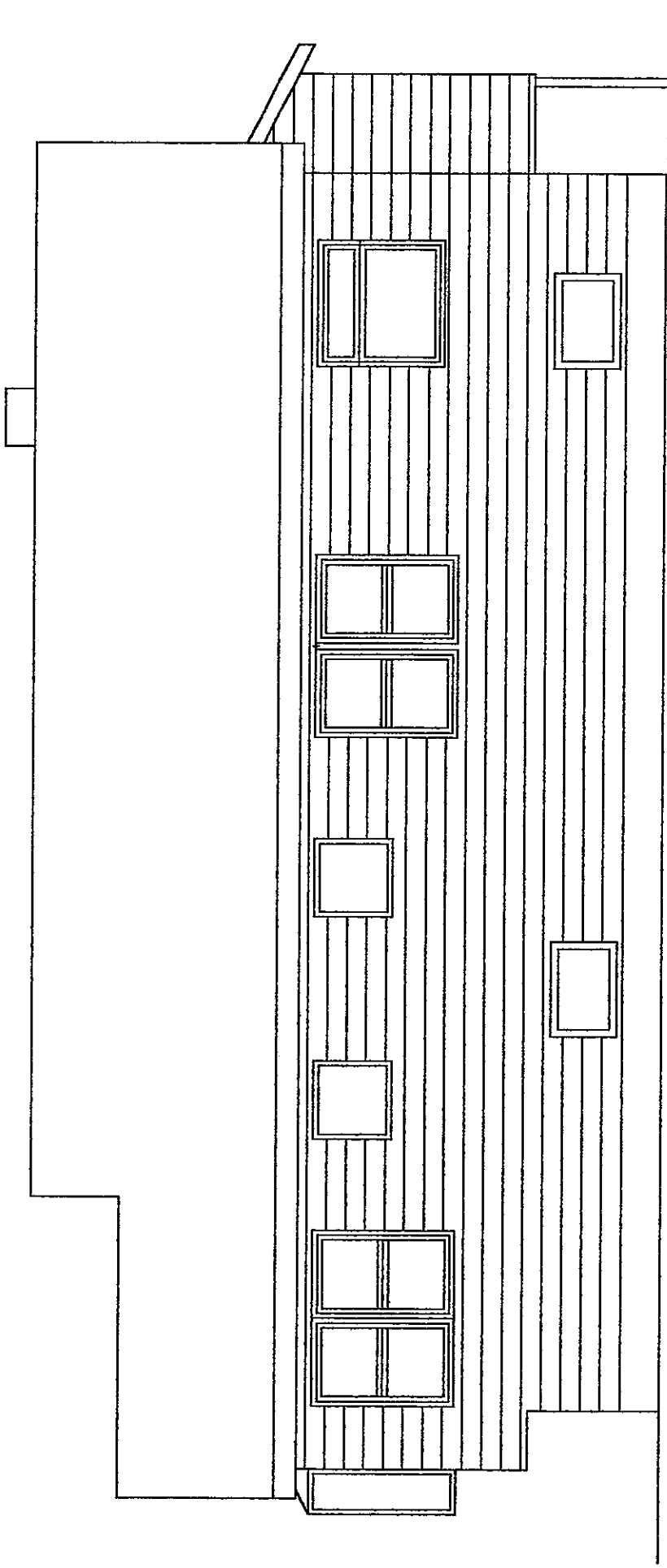






South Elevation

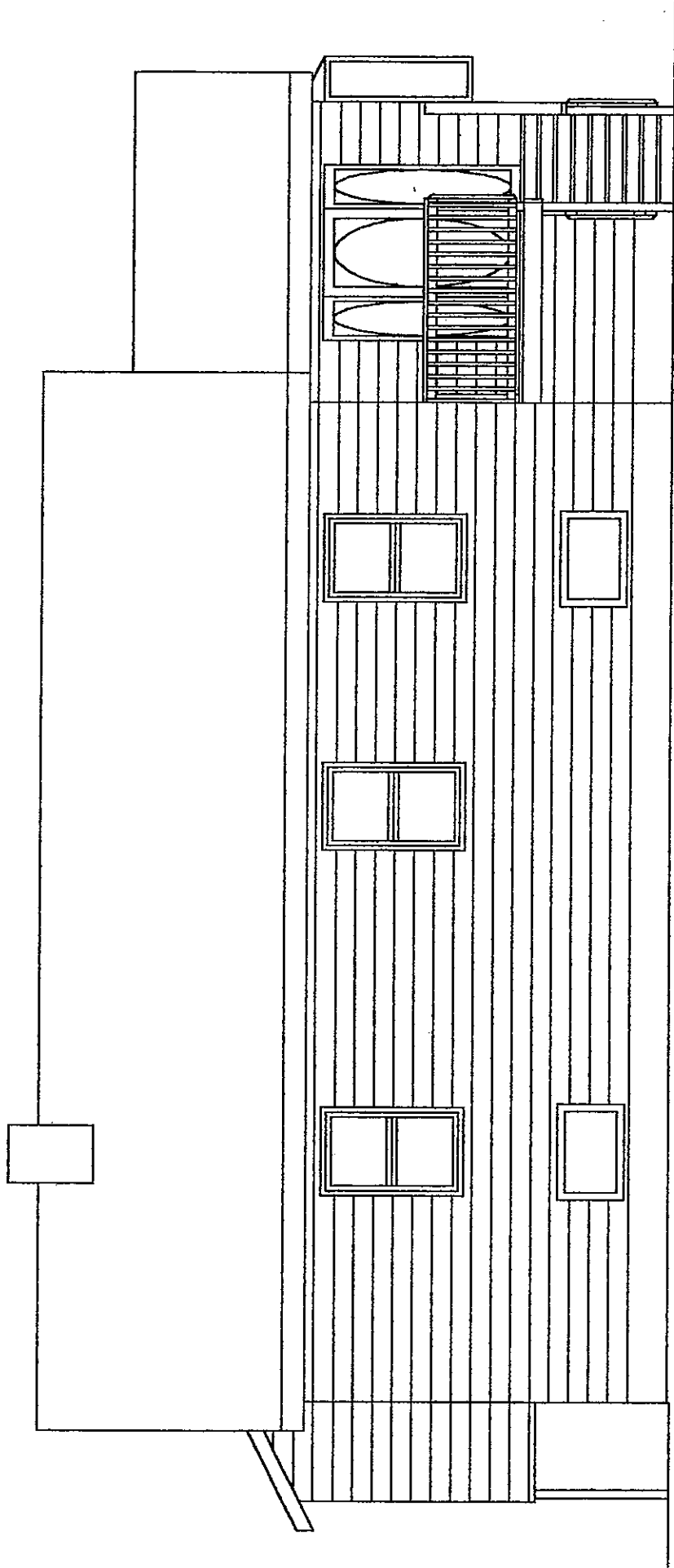
Scale 1' = 3/16"



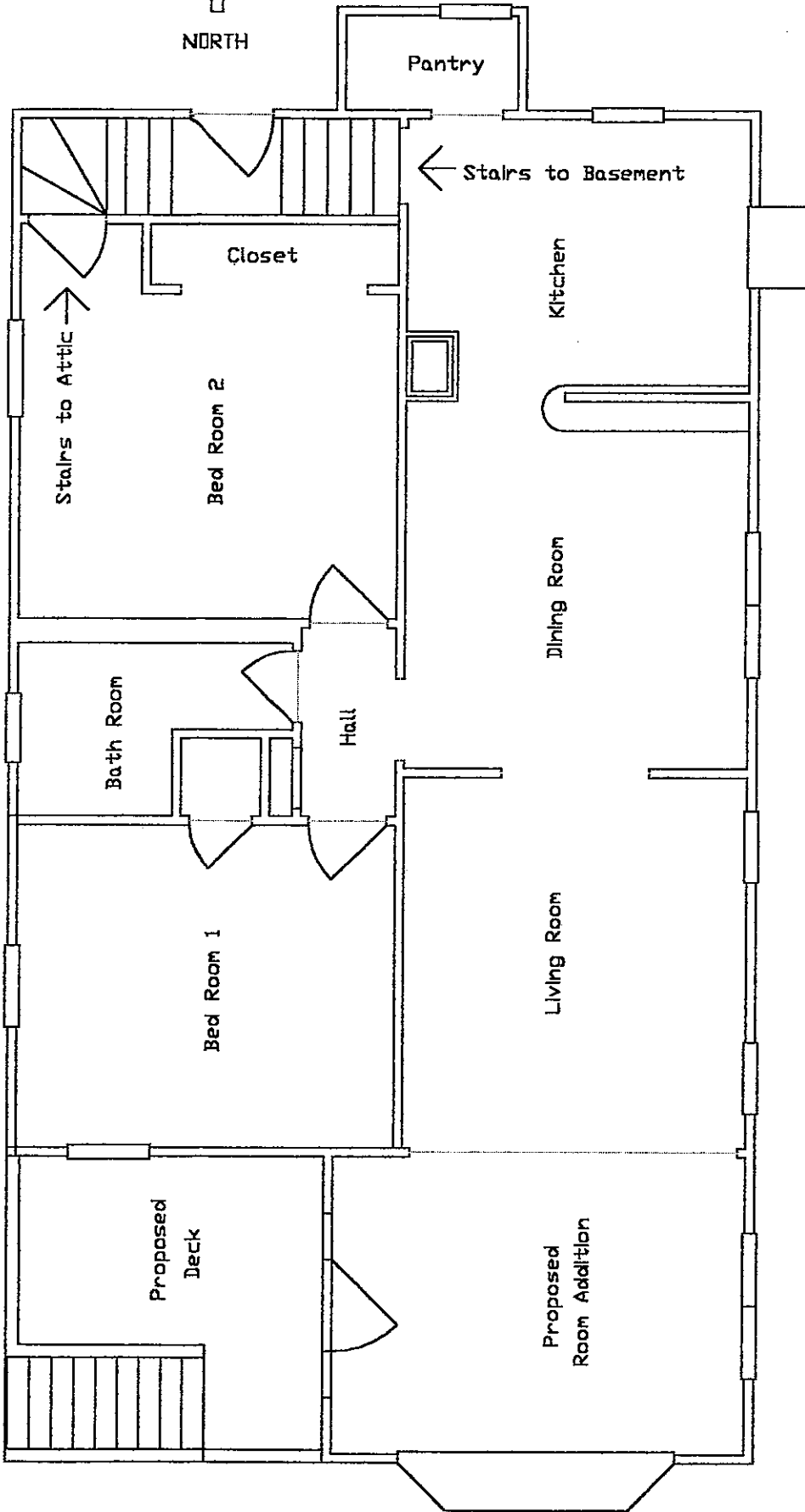
Scale 1' = 3/16"

East Elevation

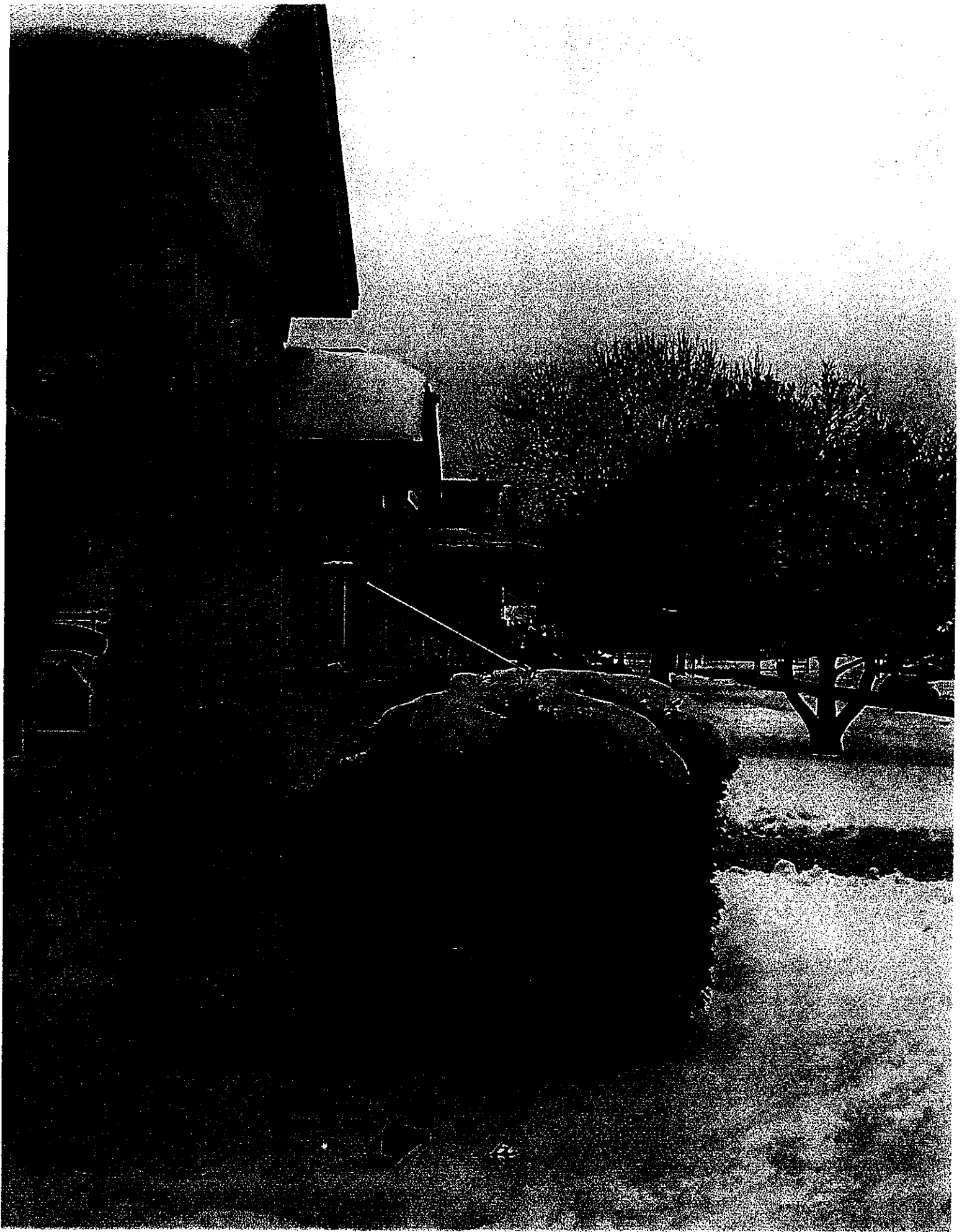


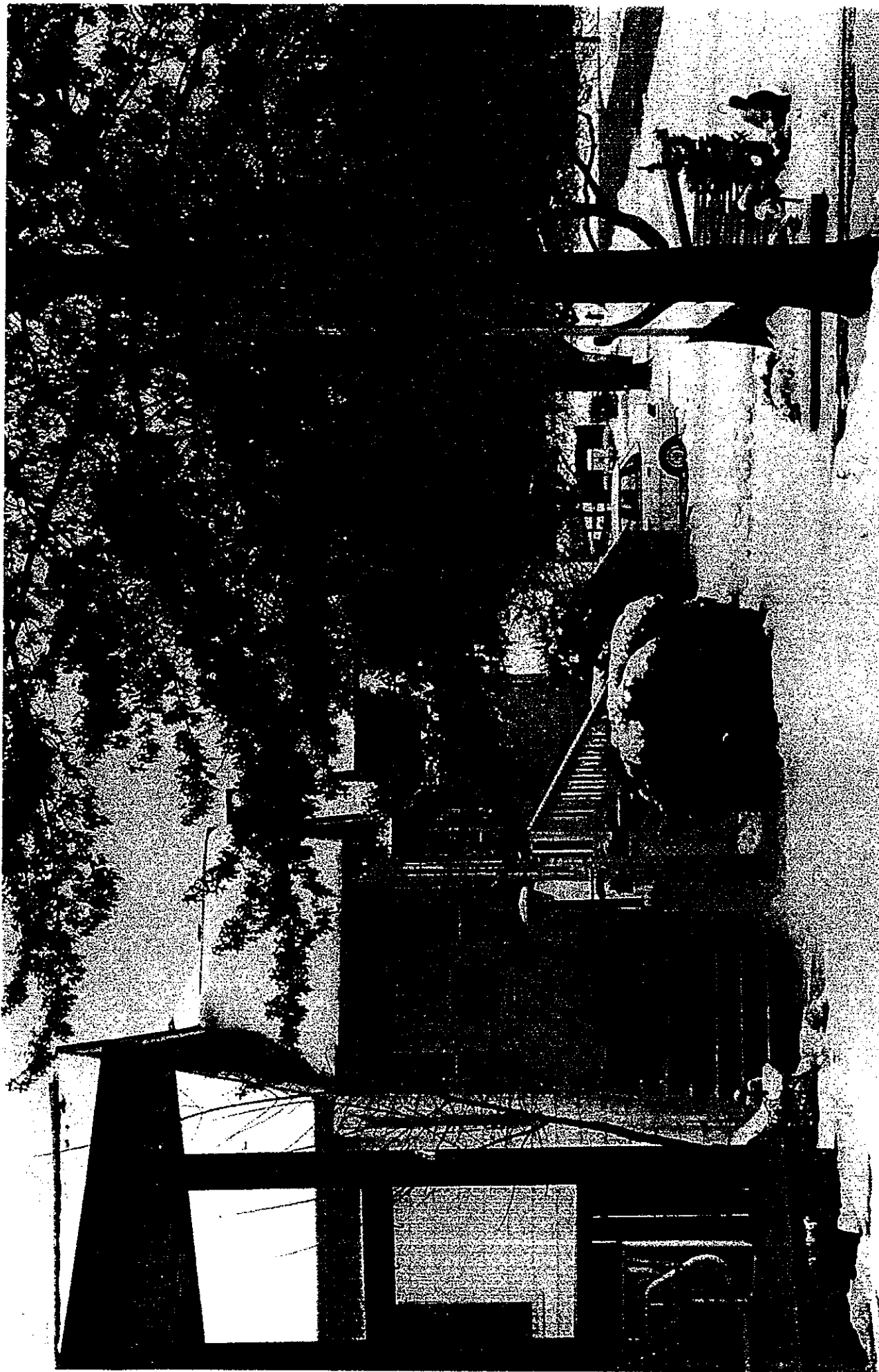


West Elevation      Scale 1' = 3/16"

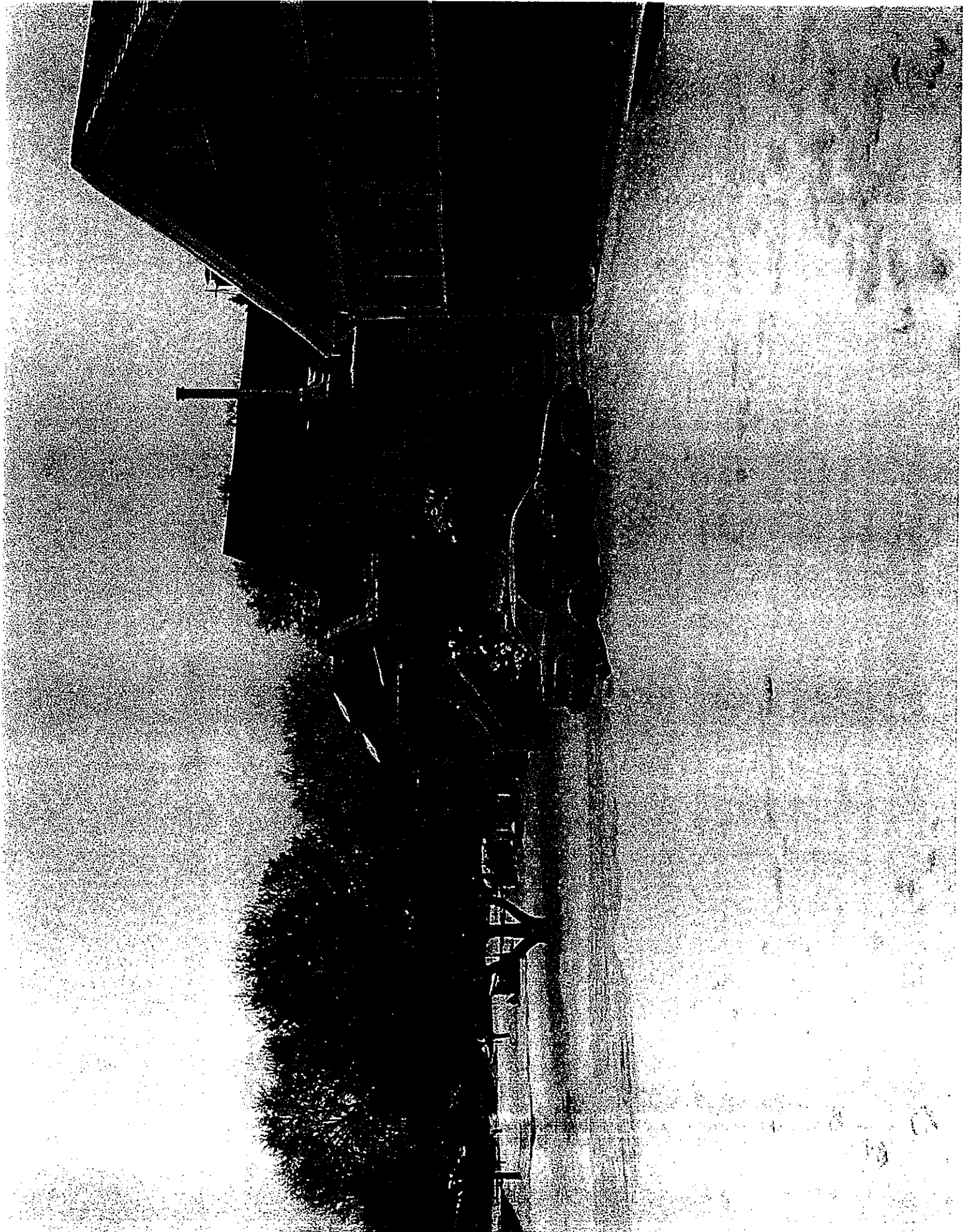


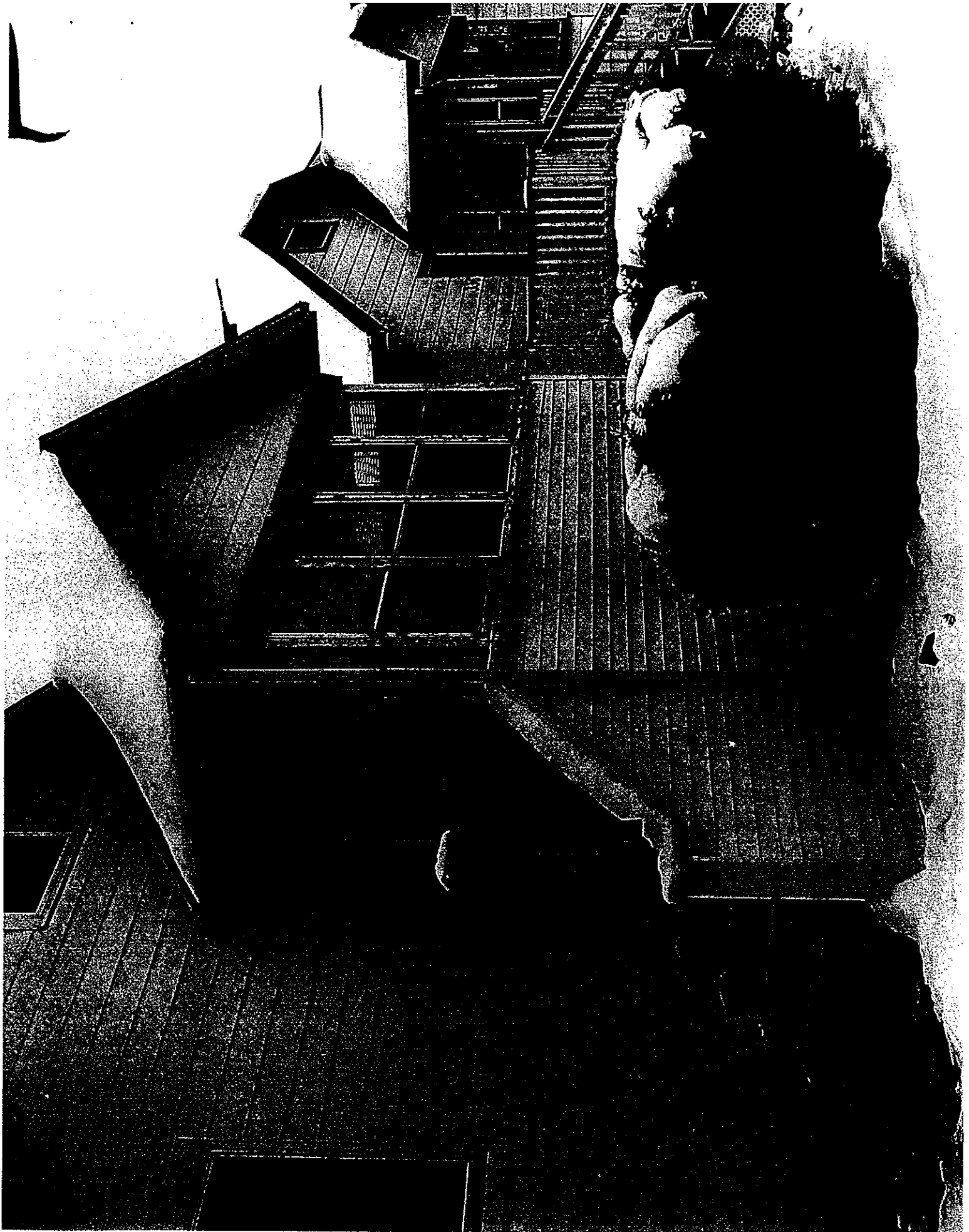
FLOOR PLAN Scale 1' = 3/16"



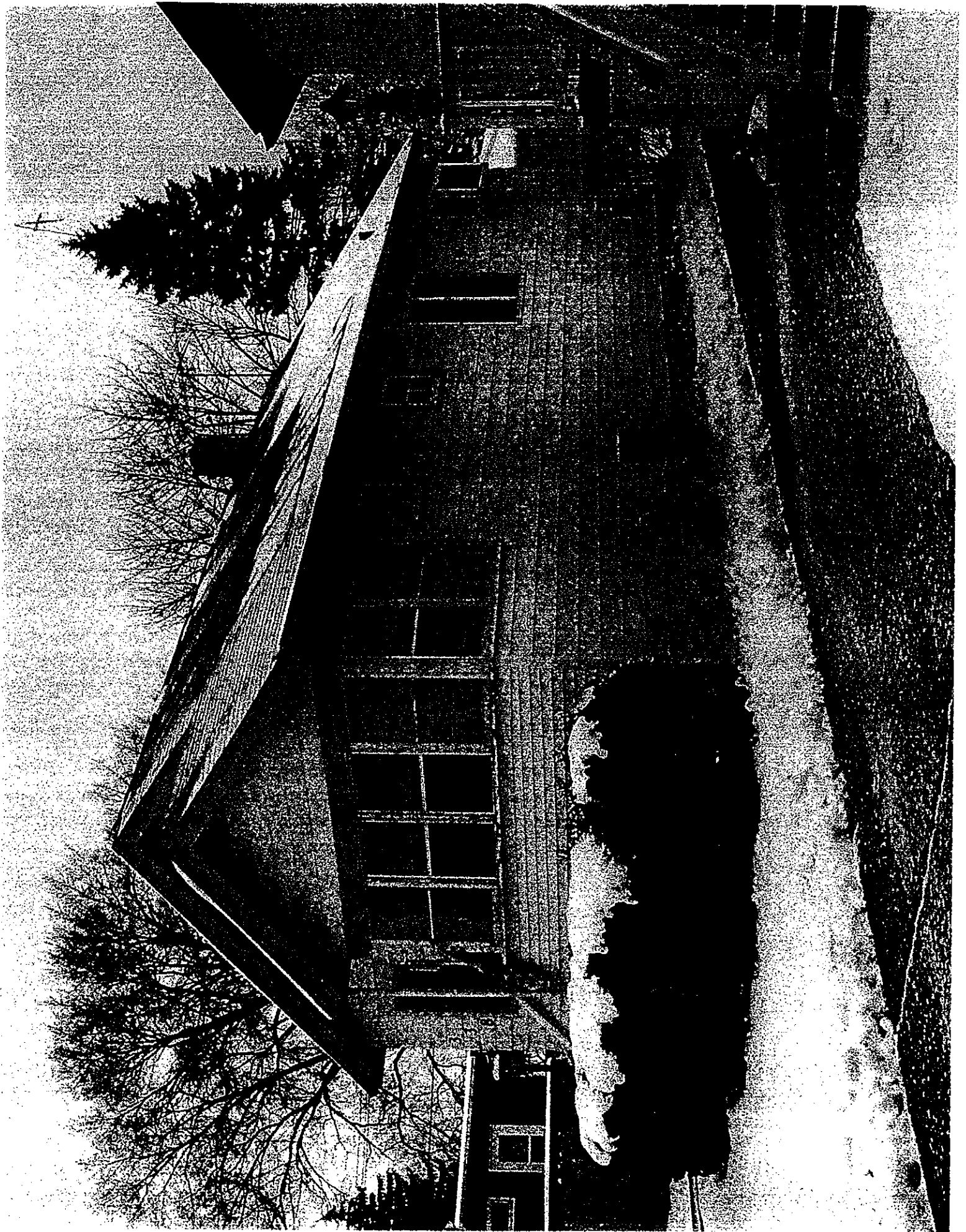














# PLAT OF SURVEY

BY

L.S.C.I.

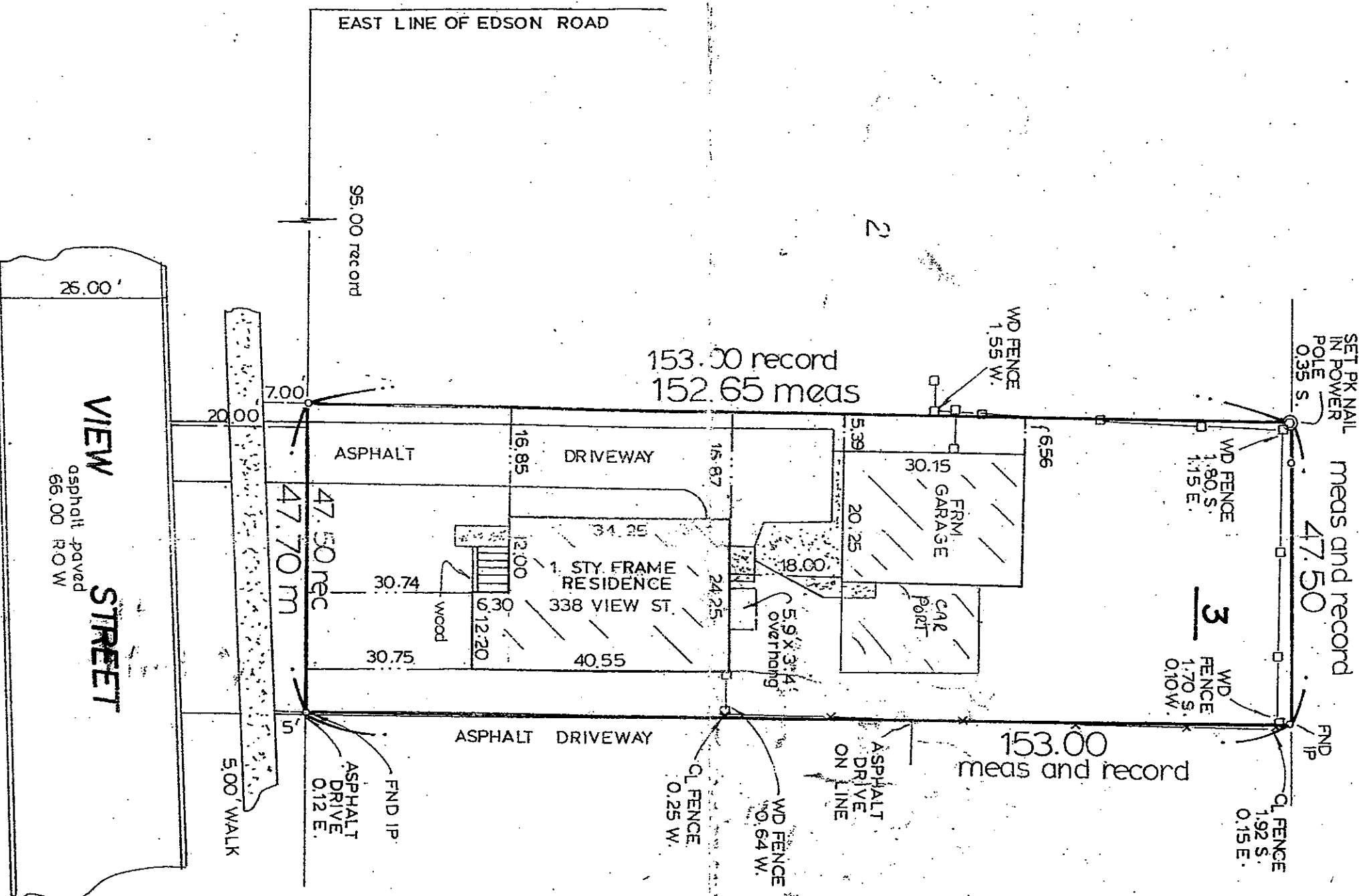
12 E WILLOW ST. LOMBARD, ILLINOIS 60148



## LEGAL DESCRIPTION

LOT 3 IN S.L. BEACH'S SUBDIVISION OF BLOCK "P" IN GREENFIELD'S RESUBDIVISION OF ALL OF OUT LOT 2 AND THAT PORTION OF OUT LOT 3 LYING NORTH OF CHICAGO GREAT WESTERN RAILROAD, IN THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF BEACH'S SUBDIVISION RECORDED JULY 20, 1928 AS DOCUMENT 252359, IN DUPAGE COUNTY, ILLINOIS.

1 INCH = 20'



THIS SURVEY AND PLAT OF SURVEY ARE NULL AND VOID IF SURVEYORS EMBOSSED SEAL IS NOT AFFIXED HEREON.

STATE OF ILLINOIS }  
COUNTY OF DU PAGE } S S

TIMOTHY J. KRISCH, A REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THIS PLAT IS A CORRECT REPRESENTATION OF SAID SURVEY. ALL DIMENSIONS ARE IN FEET AND DECIMAL PARTS THEREOF, CORRECT AT 69° FAHRENHEIT.

4/30/98  
DATE

*Timothy J. Krisch*  
ILLINOIS REGISTERED LAND SURVEYOR #2502

ADDRESS: 338 View, Lombard.  
SURVEYED FOR: R.J. Pauls  
ORDER NO: 98-23509  
BOOK 437, PAGE: 57

REFER TO DEED TITLE POLICY AND LOCAL ORDINANCE FOR BUILDING RESTRICTIONS. NO MEASUREMENTS ARE TO BE ASSUMED BY SCALING.

