

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)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: July 30, 2007 (B of T) Date: August 9, 2007

TITLE: ZBA 07-11: 1020 Kenilworth Avenue

SUBMITTED BY: Department of Community Development *WTL*

BACKGROUND/POLICY IMPLICATIONS:

The Zoning Board of Appeals transmits for your consideration its recommendation relative to the above-mentioned petition. This petition requests a variation from Section 155.210(A)(2)(b) of the Lombard Zoning Ordinance to allow for the construction of a detached garage in front of the wall of the principal building in the R2 Single-Family Residential District. (DISTRICT #5)

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

The petitioner is requesting a waiver of first reading.

Fiscal Impact/Funding Source:
Review (as necessary):

Village Attorney

Finance Director

Village Manager

Date

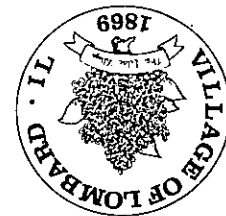
Date

Date

7-31-07

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 *dal*
Assistant Village Manager/Director of Community Development
DATE: August 9, 2007

SUBJECT: ZBA 07-11: 1020 E. Kenilworth

Please find the following items for Village Board consideration as part of the August 9, 2007 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 07-11;
3. An Ordinance granting approval of the requested variation; and
4. Plans associated with the petition.

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

As the petitioner has already submitted for a building permit, a waiver of first reading is being requested by the petitioner to begin construction promptly.



VILLAGE OF LOMBARD

255 E. Wilson Avenue
Lombard, IL 60148-3931
(630) 620-5700 FAX: (630) 620-8222
TDD: (630) 620-5811
www.villageoflombard.org

August 9, 2007

Mr. William J. Mueller

Village President, and

Board of Trustees

Village of Lombard

Subject: ZBA 07-11; 1020 E. Kenilworth Ave

Dear President and Trustees:

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioner requests a variation from Section 155.210(A)(2)(b) of the Lombard Zoning Ordinance to allow for the construction of a detached garage in front of the wall of the principal building in the R2 Single-Family Residential District.

The Zoning Board of Appeals conducted a public hearing on July 25, 2007. Mark Smalling and Connie Valentini, owners of the subject property, presented the petition. Mr. Smalling stated that the house was built in 1921. He stated that because the house is setback only three feet from the rear property line, there is a very unique hardship on the property. He noted that because his family is growing, they need to preserve the area to the west of the house as a de facto back yard. He added that if he had to construct the garage next to the house, the children could only play near the sidewalk and road. Mr. Smalling also mentioned that if the garage was to be pushed back, more concrete would be needed, thus reducing vital open space. He added that they wish to protect any open space areas.

Mr. Smalling stated that he understands why the ordinances are in place, but he feels that his particular property has an evident hardship. He mentioned that if the garage were to be connected to the deck on the west side of the house, it would create a sandwich effect. He added that it would become very claustrophobic on the deck with structures on both sides.

Mr. Smalling stated that the proposed garage would be located twenty-two (22) feet behind the front of the neighbor's house, as to not block the view of the neighbors on either side. He added that he spoke with all of his neighbors about the proposed garage and they all supported the idea (Mr. Smalling then gave the members of the Zoning Board of Appeals a petition signed by the neighbors, in favor of the project). Mr. Smalling stated that the proposed garage would be

Village President
William J. Mueller

Village Clerk
Brigitte O'Brien

Trustees
Greg Alan Gron, Dist. 1
Richard J. Tross, Dist. 2
John "Jack" T. O'Brien, Dist. 3
Dana L. Moreau, Dist. 4
Laura A. Fitzpatrick, Dist. 5
Rick Soderstrom, Dist. 6

Village Manager
William T. Lichter

"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."

architecturally similar to the house and would keep with the aesthetics of the neighborhood.

Mr. Smalling then mentioned that if an addition were to be needed, the addition would most likely extend to the south, which would better align it with the proposed garage.

Chairperson Defalco opened the meeting for public comment.

Barbara Dean (47 S. Westmore Rd.), neighbor of the petitioner spoke in favor of the proposed detached garage. Ms. Dean stated that she has been a resident of her current address in Lombard for 47 years. Ms. Dean added that the prior owners of the subject property made some improvements to the property. She stated that the garage should only be built towards the front of the property, as to preserve the space in the rear of the property. Ms. Dean stated that the petitioners are very good neighbors and their petition should be considered for approval. She added that she supports the petition.

Chairperson Defalco then requested the staff report.

Michael Toth, Associate Planner, presented the staff report. Mr. Toth stated that the existing house located on the subject property was built in 1921 and currently sits three feet from the current rear property line. He added that most of the entire house is located within the required 35-foot rear yard setback. Mr. Toth noted that the petitioner/property owner is proposing to construct a 624 square foot detached garage. He added that because of the extenuating circumstances pertaining to the house location, the proposed garage is to be placed in front of the house, which would require a variation.

Mr. Toth then stated that the petitioner's house is currently setback three (3) feet from the rear property line and 78 feet from the front property line. He mentioned that the petitioner's house is considered a legal non-conforming structure. Mr. Toth added that most houses within the R2 Single Family Residential District are not typically setback that far from the front property line, but rarely are they ever setback only three (3) feet from the rear property line. He noted that the rear property line abuts a private street for the Kenilworth Court development.

Mr. Toth stated that the petitioner wishes to construct a 624 square foot detached garage to be set back forty-nine (49) feet north of the front property line, forty-two (42) feet south of the rear property line, and three (3) feet from the western property line. He added that the petitioner is proposing to construct the detached garage in front of the principal structure to maintain the open space on the northwest portion of the property, which is currently under use as a de facto backyard. Mr. Toth mentioned that the garage's proposed location would utilize the existing driveway. Mr. Toth then noted that staff would like to mention that the detached garage would be located fifteen (15) feet from the neighbor to the west.

Mr. Toth discussed alternative locations for the detached garage. He stated that the property owner could technically expand the front portion of the house to accommodate the requirements of the aforementioned provision (house in front of garage), which would not require relief.

Mr. Toth stated that at the time of submittal, there currently is a four (4) foot building and structure separation requirement within the Zoning Ordinance. He added that staff is currently recommending the removal of this provision within the Zoning Ordinance, and allowing for the building separation requirements as a function of the Building Code. Mr. Toth noted that if this amendment were approved, the detached garage could potentially be pushed back and attached to the deck, where it could be developed per Code. Mr. Toth mentioned that the Building Department would have to make the determination as to whether the garage could be attached to the deck. Alternatively, the existing deck could be removed. He then stated that with the absence of a backyard, the petitioner wishes to maintain that open space.

Mr. Toth then discussed past approvals. He stated that the regulation prohibiting detached garages from being located in front of principal structures was approved in 2001. He mentioned that since that time, one petition for relief from this provision was considered by the Village. Mr. Toth noted that at the September 28, 2005 Zoning Board of Appeals meeting, relief was requested to allow an accessory structure in front of the front wall of the principal building at 332 S. Edson Street (ZBA 05-16). He added that the case was similar in that the principal residence was non-conforming in regard to the rear setback.

Pertaining to the standards for variation, Toth stated that the proposed garage would further increase the bulk of structures outside on the rear portion of the property. However, 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. Mr. Toth mentioned that in light of recent text amendments, the petitioner could construct a detached garage in the rear of the property - to the west of the existing residence as a matter of right.

Chairperson DeFalso opened the meeting for discussion among the members.

Mr. Young asked the petitioner when they purchased the property. Mr. Smalling responded that they purchased the property in 2005.

Mrs. Newman asked the petitioner if they planned to attach the detached garage at the end of the existing driveway. Mr. Smalling responded, yes.

Mr. Young then inquired as to why the house is setback only three (3) feet. Mr. Toth responded that the lot was once a through-lot, whereas the northern portion of the subject property was sold to allow for the Kenilworth Court development.

Ms. Dean added that the Kenilworth development was proposed to have 65 units, which was undesirable to the adjacent property owners. Ms. Dean added that they neighbors hired a lawyer to fight the excessive number of units to be placed in the Kenilworth Court development. She noted that the number of units was reduced, but the project still required many variations.

Chairperson Defalco stated that the Zoning Board of Appeals is always concerned about preserving open space. He added that pushing the garage back would only reduce the amount of open space. Chairperson Defalco mentioned that the detached garage complies with all setbacks and would be buffered by trees to the neighbor to the west. Chairperson Defalco noted that if the present house were to be replaced, the new home would be closer to the thirty (30) foot setback, which would allow for future compliance. He added that there would be more hardship created by pushing it back.

Mr. Young added that we (Village) created the hardship with the development of Kenilworth Court.

Mrs. Newman stated that this is a unique situation because of the rear setback. She added that many attached garages in Lombard are located in front of the house.

Dr. Corrado agreed that there are many unique elements to the property.

Chairperson Defalco added that should the petition be recommended for approval, the 50% rebuild condition should be attached.

Mr. Young made the motion to approve, with a second by Mrs. Newman.

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

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

Respectfully,

VILLAGE OF LOMBARD
John D. Defalco
John Defalco
Chairperson
Zoning Board of Appeals

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

TO: Zoning Board of Appeals
HEARING DATE: July 25, 2007

FROM: Department of Community Development
PREPARED BY: Michael S. Toth
Associate Planner

TITLE

ZBA 07-11; 1020 Kenilworth Avenue: The petitioner requests a variation from Section 155.210(A)(2)(b) of the Lombard Zoning Ordinance to allow for the construction of a detached garage in front of the wall of the principal building in the R2 Single-Family Residential District.

GENERAL INFORMATION

Petitioner/Property Owner: Mark Smalling
1020 E. Kenilworth
Lombard, IL 60148

PROPERTY INFORMATION

Existing Zoning: R2 Single-Family Residence District

Existing Land Use: Single-Family Residence

Size of Property: 11,900 square feet

Surrounding Zoning and Land Use:

North: R3 Attached Single-Family Residence District; developed as Attached 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

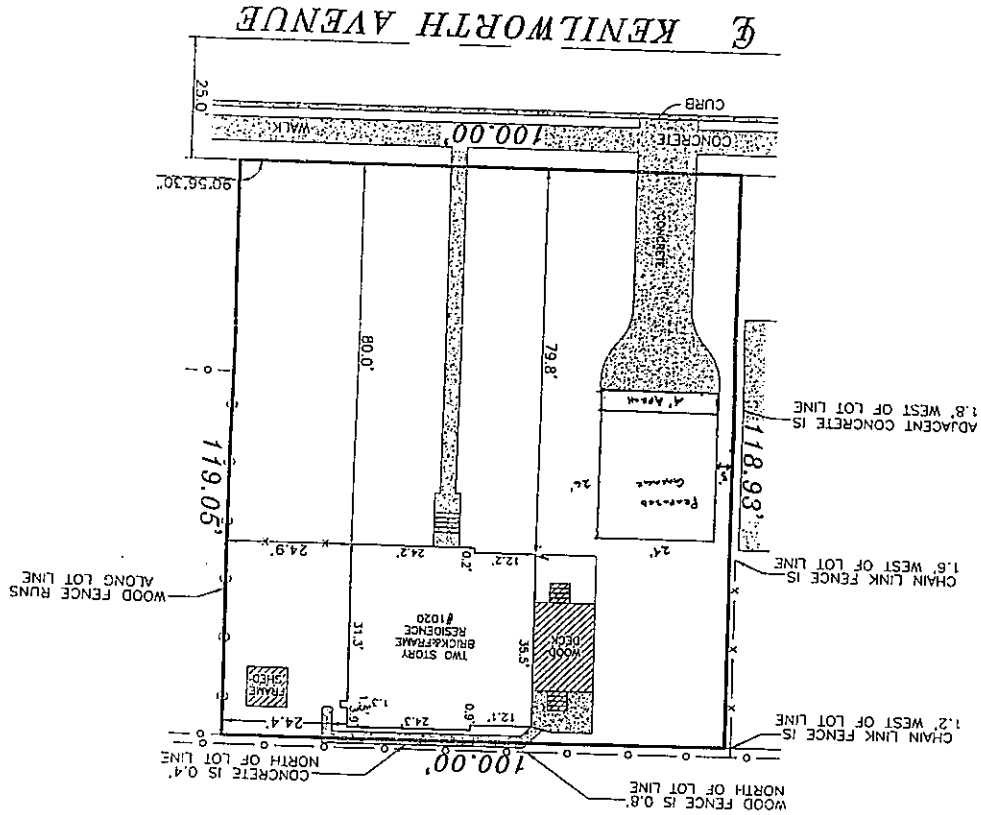
This report is based on the following documents, which were filed with the Department of Community Development on June 21, 2007:

1. Petition for Public Hearing with response to Standards for Variations.
2. Plat of Survey, prepared by JNT Land Surveyors, dated April 18, 2005.
3. Proposed building elevations.
4. Site Plan, dated April 18, 2005.

DESCRIPTION

The existing house located on the subject property was built in 1921 and currently sits three feet from the current rear property line. Most of the entire house is located within the required 35-foot rear yard setback. The petitioner/property owner is proposing to construct a 624 square foot detached garage. Due to the extenuating circumstances pertaining to the house location, the proposed garage is to be placed in front of the house, which would require a variation.

Site Plan



INTER-DEPARTMENTAL REVIEW COMMENTS

Private Engineering Services

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

Engineering - Public Works

Public Works Engineering has no comments or changes.

Fire and Building

Upon review of the above referenced request for a variation for the construction of a detached garage in front of the wall of the principal structure, the Fire Department/Bureau of Inspectional Services has no comments at this time.

Planning

Background

The petitioner's house is currently setback three (3) feet from the rear property line and 78 feet from the front property line. The petitioner's house is considered a legal non-conforming structure. Houses within the R2 Single Family Residential District are not typically setback that far from the front property line, but rarely are they ever setback only three (3) feet from the rear property line. The rear property line abuts a private street for the Kenilworth Court development.

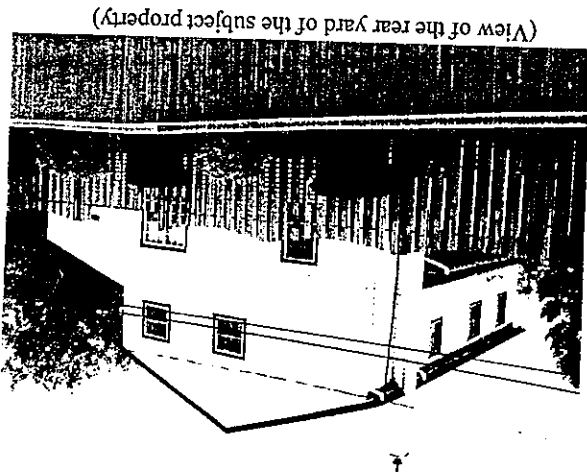
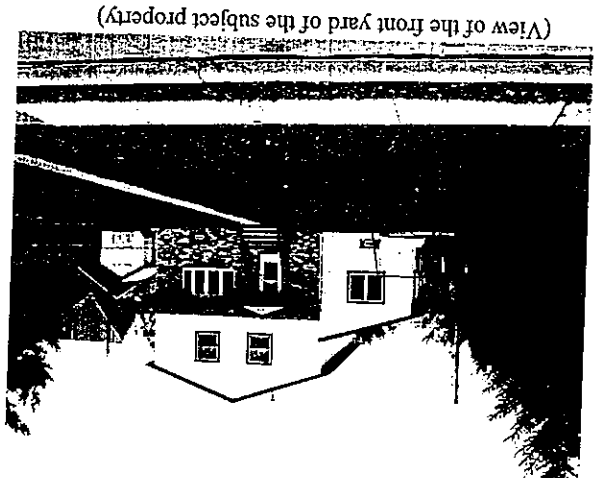
The petitioner wishes to construct a 624 square foot detached garage to be set back forty-nine (49) feet north of the front property line, forty-two (42) feet south of the rear property line, and three (3) feet from the western property line. The petitioner is proposing to construct the detached garage in front of the principal structure to maintain the open space on the northwest portion of the property, which is currently under use as a de facto backyard. The garage's proposed location would utilize the existing driveway.

Alternate Location

The property owner could technically expand the front portion of the house to accommodate the requirements of the aforementioned provision (house in front of garage), which would not require relief.

At the time of submittal, there currently is a four (4) foot building and structure separation requirement within the Zoning Ordinance. Staff is currently recommending the removal of this provision within the Zoning Ordinance, and allowing for the building separation requirements a function of the Building Code. If this amendment were approved, the detached garage could be

pushed back and attached to the deck, where it could be developed per Code. Alternatively, the existing deck could be removed. With the absence of a backyard, the petitioner wishes to maintain that open space.



Past Approvals

The regulation prohibiting detached garages from being located in front of principal structures was approved in 2001. Since that time, one petition for relief from this provision was considered by the Village. At the September 28, 2005 Zoning Board of Appeals meeting, relief was requested to allow an accessory structure in front of the front wall of the principal building at 332 S. Edson Street (ZBA 05-16). The case was similar in that the principal residence was non-conforming in regard to the rear setback.

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.*

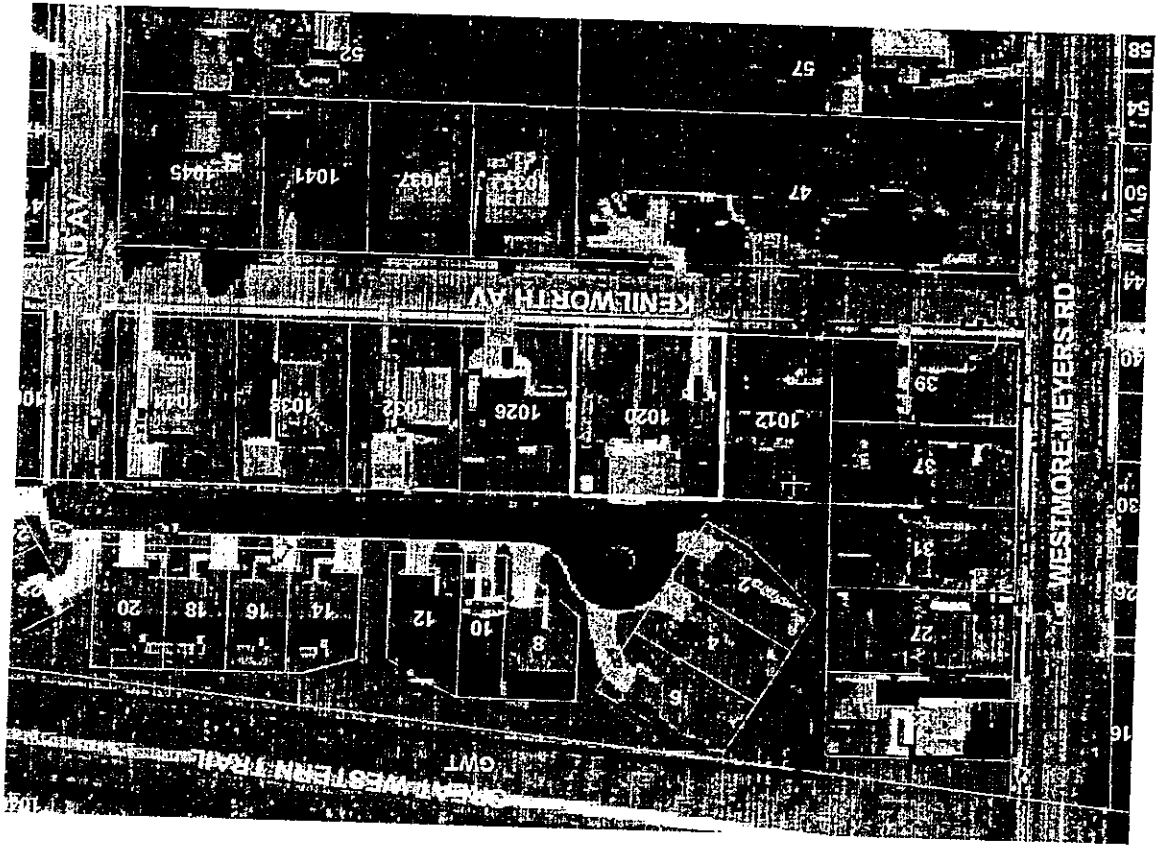
The proposed garage would further increase the bulk of structures outside on the rear portion of the property. However, staff finds that there is no demonstrated physical hardship, nor are there any unique topographical conditions related to this property that would prevent compliance with the ordinance. In light of recent text amendments, the petitioner could construct a detached garage in the rear of the property - to the west of the existing residence as a matter of right.

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.

Withstanding the location of the principal structure, the petitioner's lot is comparable to other lots in the single-family residential district. Granting a variation would set a precedent to allow similar variations to be granted on other properties.

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. The hardship in this case is created by the petitioner's desire to add a detached garage in the front portion of the property.

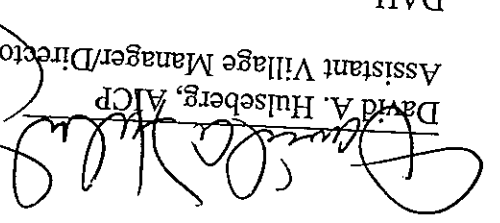


FINDINGS AND RECOMMENDATIONS

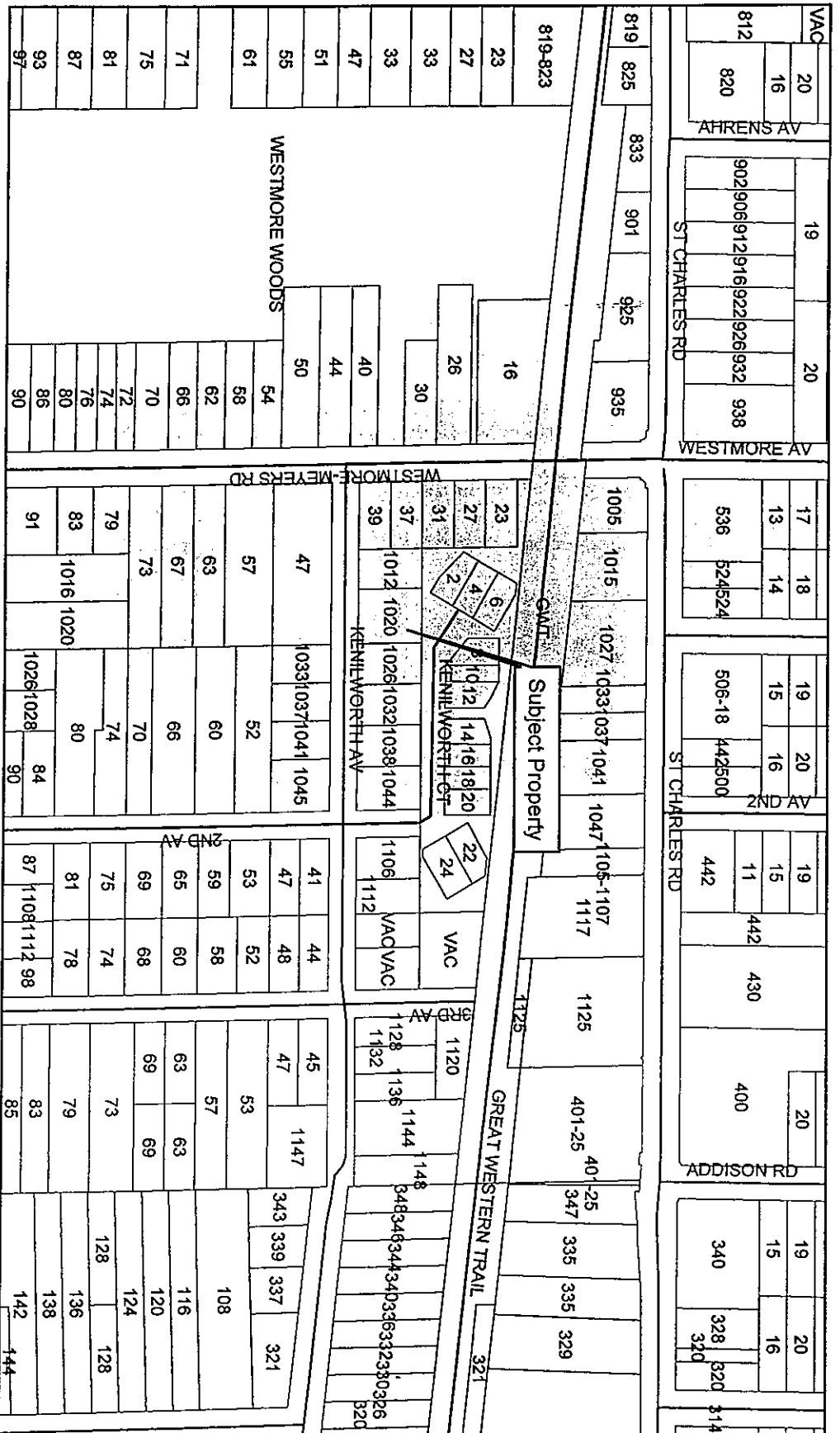
The Department of Community Development has determined that the information presented has affirmed the Standards for Variations for the requested variation. Based on the above considerations, the Inter-Departmental Review Committee make the following motion recommending **denial** of the front wall variation:

Based on the submitted petition and the testimony presented, the requested variation does not comply with the Standards required for a variation by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals accept the findings of the Inter-departmental Review Report as the findings of the Zoning Board of Appeals, and recommend to the Corporate Authorities **denial** of ZBA 07-11.

Inter-Departmental Review Group Report Approved By:


David A. Hulseberg, AICP
Assistant Village Manager/Director of Community Development

DAH
Att
c: Petitioner



1020 E. Kenilworth Avenue



June 20, 2007

Village of Lombard
Zoning Board of Appeals
255 East Wilson Avenue
Lombard, Illinois 60148

To Whom It May Concern:

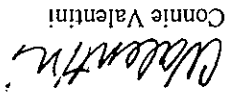
We are submitting a petition for a zoning variance based on hardship. We understand the current regulations of zoning for garage structures, which require the structure to be placed behind the residence. Our residence sits within only a few feet of the rear property line, thus leaving no room for a rear garage structure. There is literally no backyard; there is a long front area of land and two small areas on either side of the house. Our house is the original house for all of the surrounding area dating back to 1921. Over the years the lots have been sold off and other residences built. Our house is the only property on this block that sits against the rear property line because of its age and original placement.

The previous owners made preparations to begin building a garage by laying down a cement driveway along the southwest side of the property. Unfortunately they were unable to complete their plans for a garage, as the husband of the couple became ill. We would ideally like to place the garage at the end of the current drive. This would enable us to maintain a small private side-yard behind the garage, where we can meet as a family and our children can play. We are hoping to place a swing-set in this area. Our kitchen window looks out over this outdoor area and across to our neighbor's open backyard. Our west side entrance door opens up onto a wood deck, which leads to this side-yard area. To place the garage further back would necessitate the destruction of this deck, along with loss of a private outdoor area. The majority of our property is in front of the house, which creates a safety issue (children having access to the street) and a lack of privacy.

Sincerely,



Mark Smalling



Connie Valentini

July 21, 2007

Letter to the Village of Lombard

We have been informed that the owners of 1020 E. Kenilworth, Mark Smalling and Connie Valentini, are pursuing plans to construct a detached garage, to be located at the end of the current cement driveway on their property. This garage would sit 57 feet back from the sidewalk, and would be placed adjacent to and in front of their residence. We understand that the Village of Lombard has an ordinance in place stating that a garage should not be placed "in front of" a home, and that Mr. Smalling and Dr. Valentini are requesting that an exception be made in their case. The reason they are requesting this exception is due to the unique location of their home sitting at the very back edge of their property, which eliminates any private backyard on their property. They have explained that by locating the garage at the end of the current driveway, they would be able to preserve a small private outdoor area behind the garage and adjacent to their current deck and kitchen entryway.

By signing this letter, we as their neighbors are declaring our agreement with their request to build their garage in this location. We have no concerns with this location, and acknowledge that it would not cause any obstruction to the neighboring area by being placed ahead of their home.

Signatures	Address
Michelle A. Lo Gerfo	1033 E. Kenilworth Ave
Joseph M. Allen	1033 East Kenilworth Ave
Marka Trevis	1037 E. Kenilworth Av.
Marion Bennett	1038 E. Kenilworth Ave
John Bennett	1032 E. Kenilworth
Jim Lavelle Alan DANA BRUCE GORAN	49 N. De Witt Ave
Mrs C -	39.5 Westmore
1026 E. Kenilworth Ave	

ORDINANCE NO. _____

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

(ZBA 07-11: 1020 E. Kenilworth Ave)

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, an application has been filed with the Village of Lombard requesting a variation from Section 155.210 (A) (2) (b) of the Lombard Zoning Ordinance to allow an accessory structure in front of the front wall of the principal building in the R2 Single-Family Residence District; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on July 25, 2007 pursuant to appropriate and legal notice; and,

WHEREAS, the Zoning Board of Appeals has forwarded its findings with a recommendation of approval to the Board of Trustees for the requested variation; and,

WHEREAS, the President and Board of Trustees have determined that it is in the best interest of the Village of Lombard to approve the requested variation subject to conditions.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That a variation is hereby granted from the provisions of Title 15, Chapter 155, Section 155.210 (A) (2) (b) of the Lombard Zoning Ordinance for the property described in Section 2 below, so as to allow an accessory structure in front of the front wall of the principal building.

SECTION 2: This ordinance is limited and restricted to the property generally located at 1020 E. Kenilworth, Lombard, Illinois, and legally described as follows:

LOT 4 IN FRIEL'S SUBDIVISION OF LOT 2 IN HOME ACRES BEING A SUBDIVISION OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN IN DUPAGE COUNTY, ILLINOIS.

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

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

SECTION 4: This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this _____ day of _____, 2007.

First reading waived by action of the Board of Trustees this _____ day of _____, 2007.
Passed on second reading this _____ day of _____, 2007.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2007.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this _____ day of _____, 2007.

Ordinance No. _____
Re: ZBA 07-11
Page 3

Brigitte O'Brien, Village Clerk

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Village of Lombard Master Report



File Number: 070455 *Countd to 9/6/07*

File Number: 070455 File Type: Ordinance Waiver of First Requested Status: On Consent Agenda
Version: 0 Reference: Controlling Body: Village Board of Trustees
Requester: Community Development Department Cost: Introduced: 07/18/2007
File Name: ZBA 07-11: 1020 Kenilworth Avenue Final Action:

Title: ZBA 07-11: 1020 Kenilworth Avenue
Requests a variation from Section 155.210(A)(2)(b) of the Lombard Zoning Ordinance to allow for the construction of a detached garage in front of the wall of the principal building in the R2 Single-Family Residential District. (DISTRICT #5)

Notes:

Code Sections: Agenda Date: 08/09/2007

Indexes:

Agenda Number:

Sponsors:

Enactment Date:

Attachments: APONAMES 07-11.doc, Cover Sheet.doc, PUBLICNOTICE 07-11.doc, Referral Letter, 07-11.doc, REPORT 07-11.doc, WTL referral memo.doc

History of Legislative File

Ver-Action	Body	Date	Action	Sent To	Due Date	Return Date	Result
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0	Zoning Board of Appeals	07/25/2007	Recommended to	the Corporate			Pass
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Notes:

Mark Smalling and Connie Valentin, owners of the subject property, presented the petition. Mr. Smalling stated that the house was built in 1921. He stated that because the house is setback only three feet from the rear property line, there is a very unique hardship on the property. He noted that because his family is growing, they need to construct the garage next to the house, the children could only play near the sidewalk and road. Mr. Smalling also mentioned that if the garage was to be pushed back, more concrete would be needed, thus reducing vital open space. He added that they wish to protect any open space areas.

Mr. Smalling stated that he understands why the ordinances are in place, but he feels that his particular property has an evident hardship. He mentioned that if the garage were to be connected to the deck on the west side of the house, it would create a sandwich effect. He added that it would become very claustrophobic on the deck with structures on both sides.

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the neighbors house, as to not block the view of the neighbors on either side. He added that he spoke with all of his neighbors about the proposed garage and they all supported the idea (Mr. Smalling then gave the members of the Zoning Board of Appeals a petition signed by the neighbors, in favor of the project). Mr. Smalling stated that the proposed garage would be architecturally similar to the house and would keep with the aesthetics of the neighborhood.

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Chairperson Defalco opened the meeting for public comment.

Barbara Dean (47 S. Westmore Rd.), neighbor of the petitioner spoke in favor of the proposed detached garage. Ms. Dean stated that she has been a resident of her current address in Lombard for 47 years. Ms. Dean added that the prior owners of the subject property made some improvements to the property. She stated that the garage should only be built towards the front of the property, as to preserve the space in the rear of the property. Ms. Dean stated that the petitioners are very good neighbors and their petition should be considered for approval. She added that she supports the petition.

Chairperson Defalco then requested the staff report.

Michael Toth, Associate Planner, presented the staff report. Mr. Toth stated that the existing house located on the subject property was built in 1921 and currently sits three feet from the current rear property line. He added that most of the entire house is located within the required 35-foot rear yard setback. Mr. Toth noted that the petitioner/property owner is proposing to construct a 624 square foot detached garage. He added that because of the extenuating circumstances pertaining to the house location, the proposed garage is to be placed in front of the house, which would require a variation.

Mr. Toth then stated that the petitioner's house is currently setback three (3) feet from the rear property line and 78 feet from the front property line. He mentioned that the petitioner's house is considered a legal non-conforming structure. Mr. Toth added that most houses within the R2 Single Family Residential District are not typically setback that far from the front property line, but rarely are they ever setback only three (3) feet from the rear property line. He noted that the rear property line abuts a private street for the Kenilworth Court development.

Mr. Toth stated that the petitioner wishes to construct a 624 square foot detached garage to be set back forty-nine (49) feet north of the front property line, forty-two (42) feet south of the rear property line, and three (3) feet from the western property line. He added that the petitioner is proposing to construct the detached garage in front of the principal structure to maintain the open space on the northwest portion of the property, which is currently under use as a de facto backyard. Mr. Toth mentioned that the garage's proposed location would utilize the existing driveway. Mr. Toth then noted that staff would like to mention that the detached garage would be located fifteen (15) feet from the neighbor to the west.

Mr. Toth discussed alternative locations for the detached garage. He stated that the property owner could technically expand the front portion of the house to accommodate the requirements of the aforementioned provision (house in front of garage), which would not require relief.

Mr. Toth stated that at the time of submittal, there currently is a four (4) foot building and structure separation requirement within the Zoning Ordinance. He added that staff is currently recommending the removal of this provision within the Zoning Ordinance, and allowing for the building separation requirements as a function of the Building Code. Mr. Toth noted that if this amendment were approved, the detached garage could potentially be pushed back and attached to the deck, where it could be developed per Code. Mr. Toth mentioned that the Building Department would have to make the determination as to whether the garage could be attached to the deck. Alternatively, the existing deck could be removed. He then stated that with the absence of a backyard, the petitioner wishes to maintain that open space.

Mr. Toth then discussed past approvals. He stated that the regulation prohibiting detached garages from being located in front of principal structures was approved in 2001. He mentioned that since that time, one petition for relief from this provision was considered by the Village. Mr. Toth noted that at the September 28, 2005 Zoning Board of Appeals meeting, relief was requested to allow an accessory structure in front of the front wall of the principal building at 332 S. Edson Street (ZBA 05-16). He added that the case was similar in that the principal residence was non-conforming in regard to the

rear setback.
Pertaining to the standards for variation, Toth stated that the proposed garage would further increase the bulk of structures outside on the rear portion of the property. However, 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. Mr. Toth mentioned that in light of recent text amendments, the petitioner could construct a detached garage in the rear of the property - to the west of the existing residence as a matter of right.
Chairperson DeFalcio opened the meeting for discussion among the members.

Mr. Young asked the petitioner when they purchased the property. Mr. Smalling responded that they purchased the property in 2005.

Mrs. Newman asked the petitioner if they planned to attach the detached garage at the end of the existing driveway. Mr. Smalling responded, yes.

Mr. Young then inquired as to why the house is setback only three (3) feet. Mr. Toth responded that the lot was once a through-lot, whereas the northern portion of the subject property was sold to allow for the Kenilworth Court development.

Mrs. Dean added that the Kenilworth development was proposed to have 65 units, which was undesirable to the adjacent property owners. Ms. Dean added that they neighbors hired a lawyer to fight the excessive number of units to be placed in the Kenilworth Court development. She noted that the number of units was reduced, but the project still required many variations.

Chairperson DeFalcio stated that the Zoning Board of Appeals is always concerned about preserving open space. He added that pushing the garage back would only reduce the amount of open space. Chairperson DeFalcio mentioned that the detached garage complies with all setbacks and would be buffered by trees to the neighbor to the west. Chairperson DeFalcio noted that if the present house were to be replaced, the new home would be closer to the thirty (30) foot setback, which would allow for future compliance. He added that there would be more hardship created by pushing it back.

Mr. Young added that we (Village) created the hardship with the development of Kenilworth Court.

Mrs. Newman stated that this is a unique situation because of the rear setback. She added that many attached garages in Lombard are located in front of the house.

Dr. Corrado agreed that there are many unique elements to the property.

Chairperson DeFalcio added that should the petition be recommended for approval, the 50% rebuild condition should be attached.

0 Village Board of Trustees 08/09/2007 continued

Pass

Notes:

Mr. Hulseberg explained that on July 25 the ZBA considered this petition, which was recommended by staff for denial. He stated that the current garage could be placed adjacent to the deck and said he did create a plat with those modifications. The homeowners spoke saying that their plans meet the zoning of the city and they are requesting to have the garage by the front of the house to have a small yard off the side deck. They would like to preserve that private yard area for their small children. Mr. Smalling said that their property is all front yard and they would like to keep the side yard. He and his neighbors want the green space and want to improve the neighborhood, the garage would fall 50 feet from the front of the property and would be 22 feet behind their neighbors' properties. He said neighbors are thrilled to see what we are trying to do. Ms. Valentini said they want safety for their kids without putting a fence in the front yard. They said that they if they ever add on they could only build forward on the property and then the garage would be even with the house.

President Mueller explained that this is where the Kenilworth development occurred, alot of these properties were sold off without permission from the Village to be developed. The developer took the Village to court and the judge said that the developer could go ahead and develop. Trustee Fitzpatrick suggested that there is space on either side of the house, they could fit two different styles of garages. Mr. Hulseberg showed an illustration. Trustee Fitzpatrick said that she agrees that the request should be denied and made a motion to deny the request, the motion was seconded by Trustee O'Brien. Trustee Cron said that the ZBA allowed the same situation in his district in his situation there was not enough room. He said he thought there could be a compromise, alot homes now garage is butting out if they but could move back further, split the difference and they would still have 27 feet for the

[Enter body here.]

ZBA 07-11: 1020 Kenilworth Avenue
Requests a variation from Section 155.210(A)(2)(b) of the Lombard Zoning Ordinance to allow for the construction of a detached garage in front of the wall of the principal building in the R2 Single-Family Residential District. (DISTRICT #5)

Text of Legislative File 070455