

May 20, 2004

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

**Subject: ZBA 04-02; 211 W. Maple Street**

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 to Section 155.406 (F)(4) of the Lombard Zoning Ordinance to reduce the required rear yard setback from thirty-five feet (35') to thirteen feet (13') to allow for the construction of a residential addition in the R2 Single-Family Residence District.

The Zoning Board of Appeals conducted a public hearing on April 28, 2004. The petitioner, James Colby, owner of the subject property, stated that they are proposing to expand their house to include a kitchen addition. The proposed addition will meet the Village's side yard setback provisions but as the lot is only 83 feet deep, relief to their rear yard is required. In addition to referencing the site plan for the property, they also provided concept architectural plans depicting the proposed improvements to the house. The addition will not further decrease the setback on the property – the house will remain thirteen feet off the rear property line. He noted that he tried to keep the architectural flavor of the house and of the neighborhood.

They noted that the back portion of the property is now owned by St. John's Church and School. Their lot was created as part of a resubdivision of the back of their lot.

Vice Chairperson Polley then opened the meeting for public comment. Speaking in favor of the petition was Mary Anstee, 219 West Maple. She live due west of the property. She has reviewed their plans and supports their request. No one spoke in opposition to the petition. He then requested the staff report.

William Heniff, Senior Planner, presented the staff report. He noted the petitioner plans to construct a kitchen addition to her home, which currently is approximately thirteen feet from the rear property line. In the R2 District, the Zoning Ordinance requires a rear yard setback of 35 feet. No variations have been previously granted for this property, making it legal nonconforming. Because the proposed addition would increase the degree of the existing nonconformity, a variation is requested.

Mr. Heniff then discussed the zoning aspects of the petition. At the time the petitioner's house was built on this property in 1922 the lot was 82.68 feet wide and 184.8 feet deep. In 1933, a second house was built to the east on the same lot. In 1982, the property was split into two square-shaped lots as part of St. John's Resubdivision.

There are unique physical limitations on the property in that 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 the petitioners purchased their home approximately 14 years after the property was subdivided. The proposed addition will not extend any closer to the rear property line than the existing house, so there should be little (if any) impact on adjacent properties. Furthermore, this approximately 78-square foot addition will not alter the essential character of the neighborhood.

Staff recommends approval of the requested relief. He also noted that if the ZBA was to consider approval of the petition that they should add a condition that ties the petition to the plans prepared for and submitted at the meeting.

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

Mr. Young felt that the requested relief was largely a housekeeping issue. He then inquired about the existing front porch on the property. Mr. Heniff stated that roofed over, front porches are permitted encroachments of up to five feet into the front yard. The petitioner's residence meets the Village's front yard setback requirements.

After due consideration of the petition and testimony presented, found that the proposed variation complied with the Standards of the Zoning Ordinance. Therefore, the Zoning Board of Appeals by a roll call vote of 4 to 0 recommended approval of ZBA 04-02, subject to the following condition:

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1. That the petitioner shall develop the subject property in accordance with the building elevations and plans prepared by Joseph K. Plepel, Architect, dated April 19, 2004 and as depicted on the Plat of Survey, dated December 6, 1996 and modified by the petitioner and submitted as part of this request.

Respectfully,

VILLAGE OF LOMBARD

Eugene Polley  
Vice-Chairperson  
Zoning Board of Appeals

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