

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

 X

Resolution or Ordinance (Blue) X *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: May 12, 2004 (B of T) Date: May 20, 2004
TITLE: ZBA 04-02: 211 W. Maple
SUBMITTED BY: Department of Community Development *04/04*

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 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. (DISTRICT #1)

The petitioner is requesting waiver of first reading.

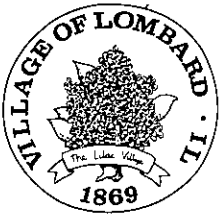
The Zoning Board of Appeals recommended approval of this petition with one condition.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X W. Lichter _____ Date 5/12/04

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 *DH/WH*

DATE: May 20, 2004

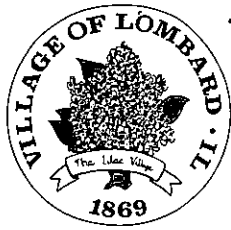
SUBJECT: ZBA 04-02: 221 West Maple Street

Attached please find the following items for Village Board consideration as part of the May 20, 2004 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 04-02;
3. An Ordinance granting approval of the requested variation to the rear yard setback, subject to a condition; and
4. Companion site plans associated with the petitioner's request.

The petitioner requests a waiver of first reading of the Ordinance.

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

Village President
William J. Mueller

May 20, 2004

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

Village Manager
William T. Lichter

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.

"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."

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 be permitted encroachments of up to five feet into the front yard. The petitioner's residence meets the Village's front yard setback requirements.

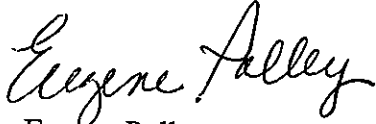
After due consideration of the petition and testimony presented, found that the proposed variation complied with the Standards of the Zoning Ordinance. Therefore, the Zoning Board of Appeals by a roll call vote of 4 to 0 recommended approval of ZBA 04-02, subject to the following condition:

Re: ZBA 04-02
May 20, 2004
Page 3

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

att-

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Lombard Plan Commission HEARING DATE: April 28, 2004
FROM: Department of Community Development PREPARED BY: Jennifer Backensto
Planner I

TITLE

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

GENERAL INFORMATION

Petitioner/Property Owner: Lois and James Colby
211 W. Maple Street
Lombard, IL 60148

PROPERTY INFORMATION

Existing Land Use: Single-family Residence
Size of Property: 7,558 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 – vacant land
East: R2 Single-Family Residence District – St. John’s Lutheran Church
West: R2 Single-Family Residence District – single-family homes

ANALYSIS

SUBMITTALS

This report is based on the following documents filed on February 18, 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 Professionals Associated Survey, Inc., dated December 6, 1996.

DESCRIPTION

The petitioner wishes to construct a kitchen addition to her home, which currently sits approximately 13 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.

INTER-DEPARTMENTAL REVIEW COMMENTS

Public Works

Public Works has no comments or changes.

Private Engineering Services

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

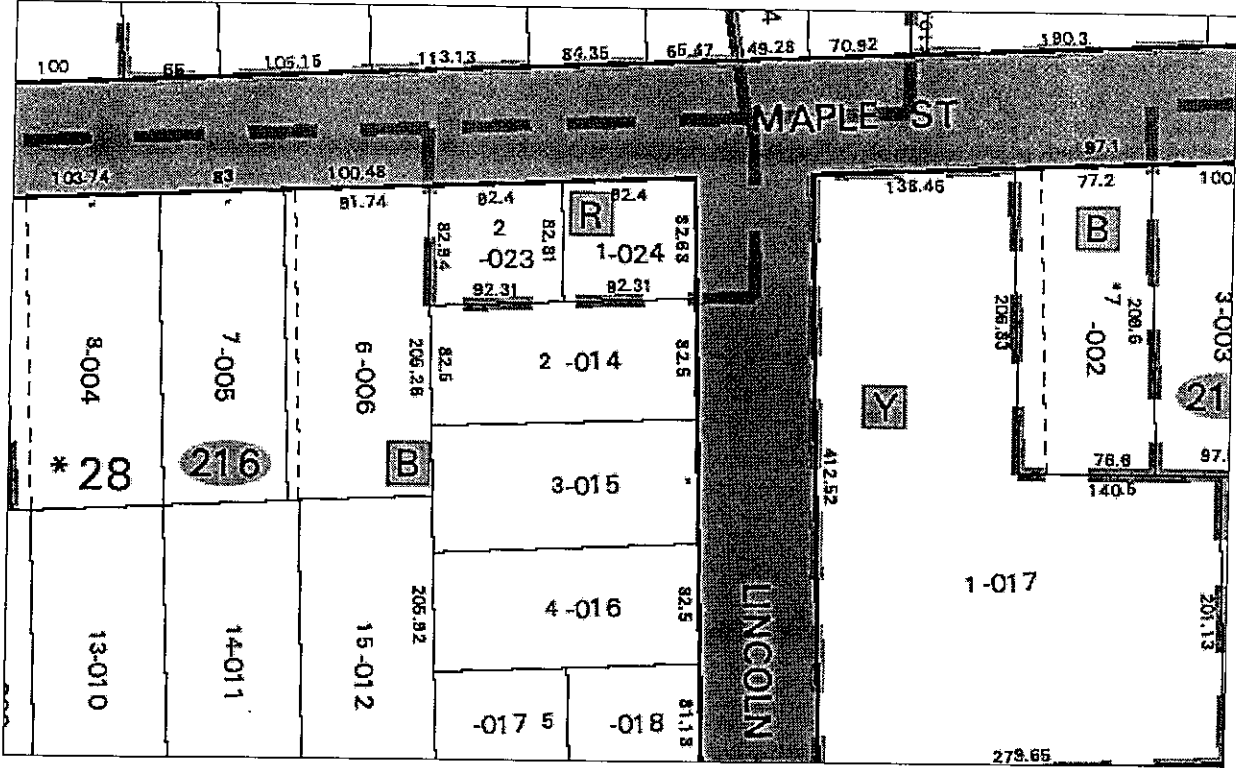
Building and Fire

The Fire Department/Bureau of Inspectional Services has no comments at this time.

Planning

At the time the petitioner's house was built on this property in 1922 (formerly Lot 1 in Block 28 of the Original Town of Lombard), 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 (R1982-040632).

Parcel Map



Aerial View



The petitioner's property is unusually shaped in that the lot is wider than it is deep (92.4 feet wide, 82.94 feet deep). The shape of the lot essentially prevents any construction on the property as the current setback requirements leave a buildable area that is only 18 feet deep.

Setbacks	Required	Existing	Proposed
Front	30 feet	33 feet	33 feet
Side (east)	9 feet	56 feet	56 feet
Side (west)	6 feet	12 feet	6 feet
Rear	35 feet	13 feet	13 feet

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 nearer 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.

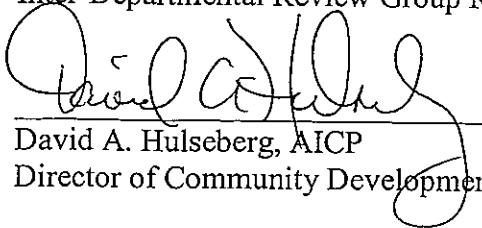
Staff finds that this request meets the Standards for Variations set forth in the Zoning Ordinance and, therefore, staff recommends approval of the requested relief.

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 minimum required rear yard setback to 13 feet:

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 zoning relief associated with ZBA 04-02.

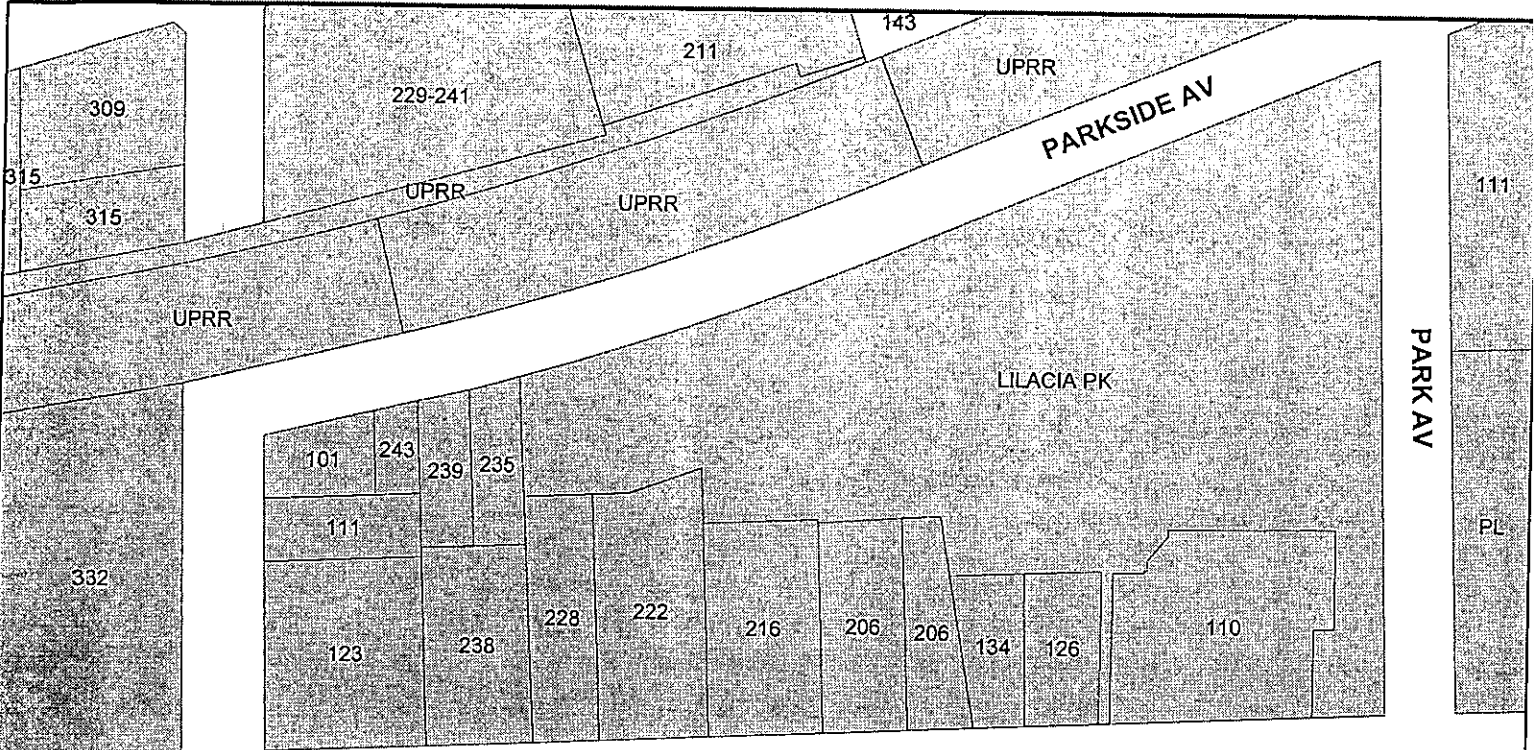
Inter-Departmental Review Group Report Approved By:


David A. Hulseberg, AICP
Director of Community Development

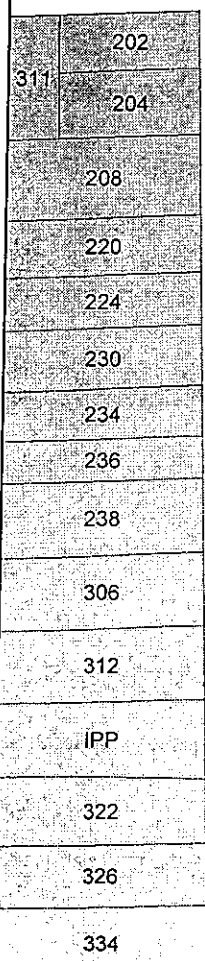
DAH:JB:jd

Location Map

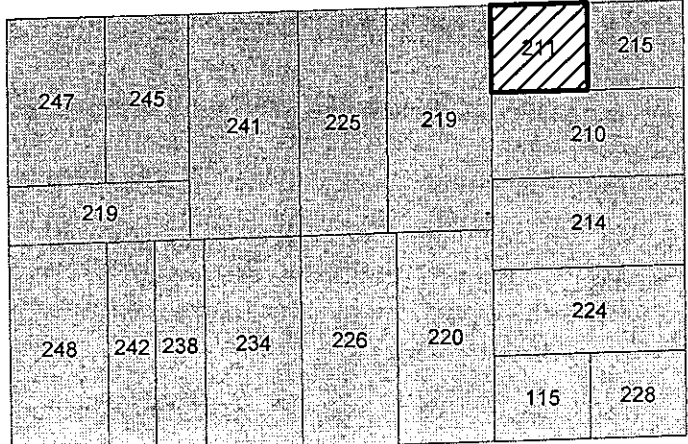
ZBA 04-02: 211 W. Maple Street Variation to rear yard setback



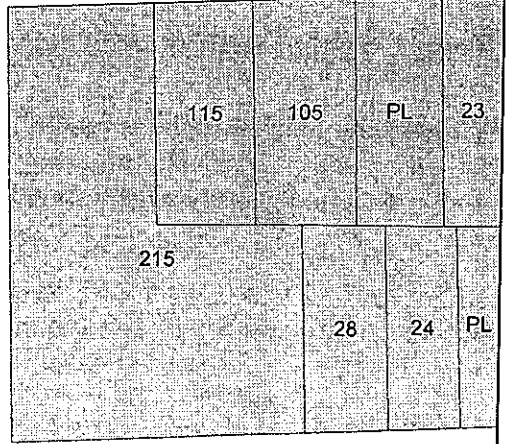
MAPLE ST



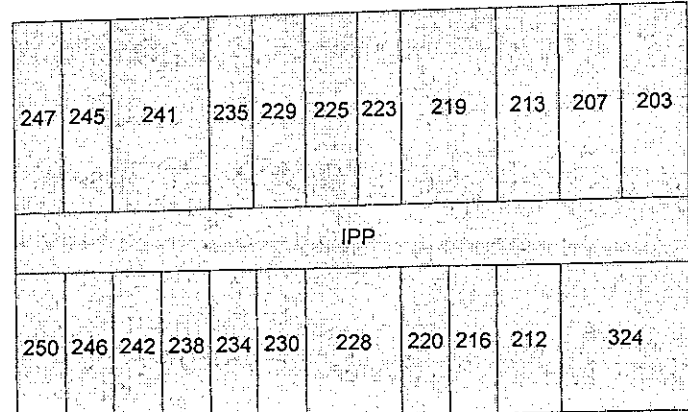
ELIZABETH ST



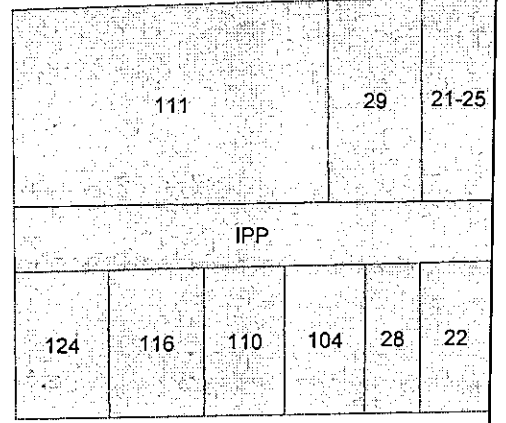
ASH ST



LINCOLN ST



WILLOW ST



Request for Variation

**Requested by: Lois and James Colby
211 W. Maple St.
Lombard, IL 60148**

We are requesting relief for our residence located on lot 2 in St. John's resubdivision of lot 1 in block 28 in the town of Lombard. Our house, built in 1922, sits on a lot sized approximately 93 feet wide and 83 feet deep. The rear of the house is approximately 13 feet from the back lot line. The west side of the house is approximately 12 feet from the side lot line. The main focus of this request is to obtain relief to build a 6 foot by 13 foot addition onto the West side of the house although we are requesting relief for the entire structure. Responses are provided below that directly relate to the seven standard for variations:

1. Due to the shape and size of the property and location of the existing structure, the kitchen addition cannot be built without a variation being granted.
2. The house is located on a resubdivision of a lot originally owned by St. John Lutheran Church. The lot is unique because once resubdivided, the lot is approximately 93 by 83 feet. The house is located approximately 13 feet off the back lot line. Other houses in the neighborhood have a full backyard. The other houses are more than 35 feet from their rear lot line.
3. The purpose of the variation is to build a kitchen addition of approximately 13 feet by 6 feet off of the west side of the house. We want to increase the size of our kitchen. The premises serve as our home. The primary purpose of the addition is to increase and improve the living space. It is expected that a secondary benefit is increased property value.
4. The homeowners are requesting for the release to extend out the kitchen, without the release, the addition to the kitchen cannot be performed.
5. Granting of the variation will not be harmful in any way to the neighborhood. The back lot line borders property owned by St. John Lutheran Church. St John's lot is currently an open grassy field. The addition to the west side of the house will be six feet from the side property line. Trees and bushes border the west lot line.
6. Granting the variation will not alter the essential character of the neighborhood. The addition will be built using the same materials as the house and will be built in the existing style of the house. Therefore, it will blend in and should provide a benefit to the property values of the neighboring houses.
7. The addition to the home will not impair an adequate supply of light and air to the 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 because:
 - a. The addition is only planned to be 6 feet by 13 feet;
 - b. The addition will be six feet from the side lot line;
 - c. The side lot line is already shaded with bushes and trees;
 - d. There are no structures on the back lot line that the addition could potentially impact;
 - e. The addition has absolutely no impact on the congestion of the public streets;
 - f. The addition will not create any drainage problems;
 - g. The addition has no impact on the public safety; and
 - h. The addition and will increase property values within the neighborhood.

To Whom It May Concern:

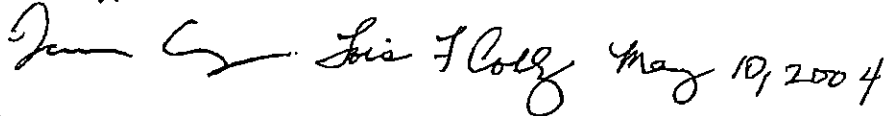
We are writing to request that a First Waiver be granted for a variation that is pending before the Board of Trustees (BOT). The variation has been put before the Zoning Board (ZBA) and was approved. It has been designated as ZBA 04-02, and applies to an addition that is being added to our residence at 211 West Maple Street.

We have several reasons for requesting the First Waiver:

- 1) As we anticipated the variation being approved in April (our original Zoning Board petition was set for late March), we had scheduled construction time with our General Contractor. We do not want to lose our spot in the queue and lose additional construction time while we wait for the standard two readings. We would like to seek approval as soon as possible.
- 2) As mentioned in note 1, our petition was originally scheduled to take place before the ZBA in late March. There was a typographical error in the notice that was sent by the ZBA to the neighboring residences with respect to the date of the hearing. Since these residents must be allowed the option to speak in favor or against our petition, the date was changed so that proper notice could be given.
- 3) Since the original petition date was not due to any action on our part, we are asking the BOT to consider granting a First Waiver for this petition and allowing us to begin construction per our original schedule.
- 4) The variation and ensuing construction are straightforward and we do not believe that they will require significant review by the BOT.

Thank you for your consideration in this matter.

Sincerely,

 James and Lois Colby May 10, 2004

James and Lois Colby

May 10, 2004

To: Bill Heniff
From: Lois Colby

Cell phone - 630/508-0217

Bill,

Here is our request for first waiver. We spoke with the builder and he wants to begin soon because he has other projects lined up in the summer. That is why we want the first waiver.

Please call me to discuss what I need to do.

Thanks,
Lois Colby

ORDINANCE NO. _____

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

(ZBA 04-02: 211 W. Maple Street)

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) (4) of said Zoning Ordinance, to reduce the required rear yard setback to approximately thirteen feet (13') where thirty-five feet (35') is the requirement to allow for the construction of an addition to an existing single-family residence; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on April 28, 2004, pursuant to appropriate and legal notice; and,

WHEREAS, the Zoning Board of Appeals has forwarded its findings to the Board of Trustees with a recommendation to approve the petition, subject to a condition; and,

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

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 (F) (4) of the Lombard Zoning Ordinance, for the property described in Section 2 below, so as to reduce the required rear yard setback to thirteen feet (13'), subject to the condition noted in Section 3 below.

Ordinance No. _____

Re: ZBA 04-02

Page 2

SECTION 2: That this ordinance is limited and restricted to the property generally located at 211 W. Maple Street, Lombard, Illinois, and legally described as follows:

LOT 2 IN ST. JOHN'S RESUBDIVISION OF LOT 1 IN BLOCK 28 IN THE TOWN OF LOMBARD, A SUBDIVISION OF PARTS OF SECTIONS 5, 6, 7, 8, AND 18, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID ST. JOHN'S RESUBDIVISION RECORDED SEPTEMBER 8, 1982, AS DOCUMENT R82-40632, IN DUPAGE COUNTY, ILLINOIS.

PIN: 06-07-216-023

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

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.

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 _____, 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: _____

Approved this _____ day of _____, 2004.

Ordinance No. _____

Re: ZBA 04-02

Page 3

William J. Mueller, Village President

ATTEST:

Barbara A. Johnson, Deputy Village Clerk