

September 29, 2006

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

Subject: ZBA 06-22; 601 E. Sunset 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 to Section 155.415(F)(2) to reduce the corner side yard setback from twenty feet (20') to ten feet (10') to allow for the construction of a an attached garage on an existing legal non-conforming structure in the R2 Single Family Residential District.

The Zoning Board of Appeals conducted a public hearing on September 27, 2006. Wayne Holler, owner of the property, presented the petition. He stated that the existing two-car garage attached to his home was in disrepair. He noted that the north wall has sunken 12". He mentioned that he has had soil tests done and the concrete restoration costs would exceed the cost to rebuild the garage. He stated that he wants to start over again from scratch and build a new garage of the same size and in the same location.

Chairperson DeFalco then opened the meeting for public comment.

Michelle Kulikowski, Planner I, presented the staff report. She stated that the subject property is located at the southeast corner of Sunset Avenue and Edgewood Avenue. She noted that the existing residence has an attached garage that maintains a 10' corner side yard setback, and the petitioner wishes to demolish the existing garage and construct a new garage in the same approximate location. She mentioned that because the garage is legal non-conforming, a variation is needed in order to rebuild.

Ms. Kulikowski stated that the petitioner has indicated that the garage is in disrepair and must be replaced. She referenced the photos submitted by the petitioner and included in the appendix of this report demonstrating the poor condition of the garage. She also noted the comments from the Bureau of Inspectional Services in the staff report. Ms. Kulikowski stated that past building permit for the subject property revealed that the existing residence was built in 1972 without an attached garage, and in 1973, the previous property owner received a building permit to

construct an attached garage. She noted that when the residence was originally built, it was positioned at a slight angle relative to the corner side property line along Sunset Avenue with the northwest corner setback 17.22' from the corner side property line and the northeast corner setback 19.06'. She stated that the garage was constructed on the west side of the residence at a 10' setback from the corner side property line. She noted that the existing residence also includes a porch that maintains the same building line as the garage. She mentioned that the residence including the attached garage and front porch complied with the corner side yard setback at the time they were constructed as the corner side yard setback for single family residences wasn't changed to 20' until 1978.

Ms. Kulikowski stated that staff supports the requested variation as relocating the attached garage in compliance with setback requirements does not seem to be a viable option. She noted that while there does appear to be sufficient space to build a new attached garage on the east side of the residence, 10' further back from the corner side property line in compliance with corner side yard setback, there would be some building code issues. She mentioned that the garage would obstruct some of the existing windows creating issues with the building code requirements for light and ventilation as well as the door to the solarium addition creating issues with building code requirements for means of egress. She stated that the garage can not be relocated to the east side of the residence because the residence would not meet the 35' rear yard setback.

Ms. Kulikowski stated that as far as the option of building a detached garage on the subject property, only a one-car detached garage could be built. She noted that with the required setbacks and 10' utility easement, there would only 17' for a garage on the east side of the residence. She noted that to the south of the residence there is only 15' for a detached garage when considering the minimum required setbacks and building separation. She mentioned the Zoning Ordinance prohibits accessory structures in front of the front wall of the residence, therefore a detached garage could not be located to the west of the residence.

Ms. Kulikowski noted that there are several ZBA cases that provide precedence for the requested variation on the subject property. She referenced a recent case, ZBA 06-14, which granted a variation to allow an attached garage to be rebuilt at the same location maintaining the same 2.5' side yard setback as the existing non-conforming garage. She also mentioned that there have been other corner side yard variations granted in the Lombard Vista Subdivision such as ZBA 06-01 and ZBA 98-10. She stated that the proposed garage would not alter the essential character of the neighborhood as a majority of the corner lots in the Lombard Vista do not meet the 20' corner side yard setback. She noted that the proposed garage would not negatively impact adjacent properties as there has already been a garage at that location for over 30 years.

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

Chairperson DeFalco asked whether staff had checked whether the property was in compliance with the 50% minimum open space requirement. He noted that there was a pool on the property. He asked if the pool counted against open space.

Jennifer Backensto, Planner II, noted that a pool would count against open space.

Chairperson DeFalco asked whether condition three needed to specify damage or destruction of more than 50% of the value of the residence.

Ms. Kulikowski stated that Section Three of the Zoning Ordinance pertaining to non-conforming structures specifies that destruction of more than 50% is the point at which the building must come into compliance.

After due consideration of the petition and testimony presented, the Zoning Board of Appeals found that the requested corner side yard variation complied with the Standards of the Zoning Ordinance. Therefore, on a motion by Mr. Young and a second by Mr. Polley, the Zoning Board of Appeals recommended approval of the requested variation associated ZBA 06-22 by a roll call vote of 6 to 0, subject to the following conditions:

1. The approval of the corner side yard setback variation shall only be for the proposed attached garage reconstruction only, as shown on the site plans submitted as part of this petition.
2. The petitioner shall apply for and receive a building permit for the demolition and reconstruction of the new attached garage. The garage shall meet all Village Code provisions.
3. The variation shall be limited to the existing residence. Should the existing residence be damaged or destroyed by any means, any new structures shall meet all setback provisions.

Respectfully,

VILLAGE OF LOMBARD

John DeFalco
Chairperson
Zoning Board of Appeals