

March 18, 2004

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

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

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.

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).

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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

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