

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


_____ Resolution or Ordinance (Blue) _____ *Waiver of First Requested*
 X Recommendations of Boards, Commissions & Committees (Green)
_____ Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: David A. Hulseberg, Village Manager

DATE: March 5, 2012 (B of T) Date: March 15, 2012

TITLE: ZBA 12-01: 91 S. Chase Avenue

SUBMITTED BY: Department of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

The Zoning Board of Appeals transmits for your consideration its recommendation relative to the above-mentioned petition. This petition requests that the Village grant a variation from Section 155.407(F)(3) of the Lombard Zoning Ordinance to reduce the interior side yard setback to four and one half (4.5) feet where six (6) feet is required within the R2 Single-Family Residence District.

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

Please place this item on the March 15, 2012 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____	Date _____
Finance Director X _____	Date _____
Village Manager X _____	Date _____

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: David A. Hulseberg, Village Manager

FROM: William Heniff, AICP,
Director of Community Development *WH*

DATE: March 15, 2012

SUBJECT: ZBA 12-01; 91 S. Chase Ave.

Please find the following items for Village Board consideration as part of the March 15, 2012 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. An Ordinance granting approval of a variation to Section 155.407(F)(3) of the Lombard Zoning Ordinance to reduce the interior side yard setback to four and one half (4.5) feet where six (6) feet is required within the R2 Single-Family Residence District.
3. IDRC report for ZBA 12-01; and,
4. Plans associated with the petition.

The Zoning Board of Appeals recommended approval of this petition with conditions. Please place this petition on the March 15, 2012 Board of Trustees consent agenda.



VILLAGE OF LOMBARD

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March 15, 2012

Village President
William J. Mueller

Village Clerk
Brigitte O'Brien

Trustees
Greg Alan Gron, Dist. 1
Keith T. Giagnorio, Dist. 2
Zachary C. Wilson, Dist. 3
Peter Breen, Dist. 4
Laura A. Fitzpatrick, Dist. 5
William "Bill" Ware, Dist. 6

Village Manager
David A. Hulseberg

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

Subject: ZBA 12-01; 91 S. Chase Ave.

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 grant a variation from Section 155.407(F)(3) of the Lombard Zoning Ordinance to reduce the interior side yard setback to four and one half (4.5) feet where six (6) feet is required within the R2 Single-Family Residence District.

"Our shared Vision for Lombard is a community of excellence exemplified by its government working together with residents and businesses 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."

The Zoning Board of Appeals conducted a public hearing on February 22, 2012.

Chairperson DeFalco opened the meeting for public comment.

Frank Fiotti, 20 N. Cornell Ave., Villa Park, IL, presented the petition. Mr. Fiotti stated that he plans to purchase the property at 91 S. Chase Ave. because he grew up next door and his family still lives next door. He then stated that the home only has a one car garage, which is not big enough for his needs. He added that he is a realtor and a one car garage does not add value to the home and he is looking to do a number of improvements to the property. He stated that the home was built in 1967. Lastly, he stated that the proposed garage would meet the thirty-foot setback and there are no other areas of opportunity for additional garage space.

Chairperson DeFalco asked if there was anyone present to speak in favor or against the petition. There was nobody to speak in favor or against the petition.

Michael Toth, Planner I, entered the staff report into the public record in its entirety and stated that staff is recommending approval of ZBA 12-01, subject to the five conditions outlined in the staff report.

Chairperson DeFalco stated that the ZBA has a petition before them that includes a front attached garage addition that is holding the existing building line. He added that it is an older home. He then stated that the ZBA has had this sort of similar case before them on a number of occasions and has always recommended favorably.

Mr. Tap asked if the Building Division comment should be included as a condition of approval.

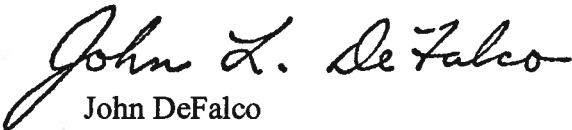
Mr. Toth stated that all IDRC comments outlined in the staff report are covered under condition #5, which states that all comments in the Inter-Departmental Review Committee Report shall be satisfactorily addressed.

On a motion by Young and a second by Bedard, the Zoning Board of Appeals recommended by a vote of 6 to 0 that the Village Board **approve** the variation associated with ZBA 12-01, subject to the following conditions:

1. The garage shall be developed in accordance with the Proposed Site Plan, prepared by the petitioner on the plat of survey prepared by Harry Ekdahl and Associates, dated November 11, 1965.
2. The petitioner shall apply for and receive a building permit for the proposed plans.
3. Such approval shall become null and void unless work thereon is substantially under way within 12 months of the date of issuance, unless extended by the Board of Trustees prior to the expiration of the ordinance granting the variation.
4. In the event that the principal structure on the subject property is damaged or destroyed to fifty-percent (50%) of its value, the new structure shall meet the required side yard setback.
5. All comments in the Inter-Departmental Review Committee Report shall be satisfactorily addressed.

Respectfully,

VILLAGE OF LOMBARD



John DeFalco
Chairperson
Zoning Board of Appeals

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 January 24, 2012.

1. Petition for Public Hearing.
2. Response to Applicable Standards.
3. Plat of survey prepared by Harry Ekdahl and Associates, dated November 11, 1965.
4. Proposed Site Plan, prepared by the petitioner on the plat of survey prepared by Harry Ekdahl and Associates, dated November 11, 1965.

DESCRIPTION

The petitioner is proposing to construct an attached garage in front of the residence. The new construction would maintain the building setback of the residence at 4.94 feet. The Zoning Ordinance requires that the new construction meet an interior side yard setback of six feet (6'). Therefore, a variation is necessary.

INTER-DEPARTMENTAL REVIEW COMMENTS

ENGINEERING

The PES Division of Community Development has no comments.

PUBLIC WORKS

Public Works Engineering has no comments on this petition.

FIRE

The Fire Departments has no comments.

BUILDING DIVISION

The Building Division requests 5/8" drywall be installed on any interior portion of the proposed garage that is less than 6' from the property line. While typically only the wall joining the residence requires the drywall, with the reduced setback from the property line, the extra measure

will provide the needed separation for fire, and not inhibit the neighboring property from future projects.

PLANNING

The petitioner is proposing to construct a 390 square foot (20'X19.5') attached garage on the western elevation of the existing residence. The proposed attached garage would maintain the building line of the existing residence, which is set back 4.94 feet from the southern property line (at its closest point). These setback deficiencies can be attributed, in part, to the width of the lot being fifty (50) feet. This lot width would be considered substandard by current Zoning Ordinance requirements that lots in the R2 – Single-Family District be sixty feet (60') in width. As the proposed garage is less than 500 square feet, it meets the square footage setback required of front entry attached garages. Staff has also reviewed the front setback provisions for detached single-family residences, which were recently amended. As the residence was lawfully established prior to September 15, 2011, the proposed attached garage meets the foot front yard setback requirement of thirty (30) feet.

Listed below are several ZBA cases in which similar variation requests were made where the addition holds the setback of the existing residence. Examples of these variations include:

- 1) The property at 259 N. Garfield received approval of a variation to reduce the required interior side yard setback from nine feet (9') to 7.88 feet for a second story addition holding the previously developed exterior wall of the residence (ZBA 07-12).
- 2) The property at 217 N. Craig Place received approval of a variation to reduce the required interior side yard setback from nine feet (9') to 7.9 feet for a sunroom at the rear of the home holding the previously developed exterior wall of the residence (ZBA 08-03).
- 3) The property at 126 S. Lombard received approval of a variation to reduce the required interior side yard setback from six feet (6') feet to four and one-half feet (4.5') for an addition that held the previous setback line (ZBA 09-04).
- 4) The property at 148 W. Park received approval of a variation to reduce the required interior side yard setback from six feet (6') feet to three feet (3') for an addition that held the previous setback line (ZBA 10-11).
- 5) The property at 533 N. Columbine received approval of a variation to reduce the required interior side yard setback from six feet (6') feet to four and one-half feet (4.5') for an addition that held the previous setback line (ZBA 11-01).

Staff finds that this petition meets the Standards for Variations. The proposed location for the addition and garage are due to the existing configuration of improvements on the lot. The proposed attached garage would be constructed along the same building line as the existing legal non-conforming residence and would not increase the degree of non-conformity.

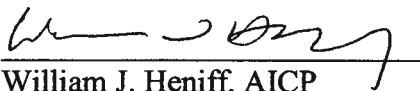
FINDINGS AND RECOMMENDATIONS

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 recommends that the Zoning Board of Appeals make the following motion recommending **approval** of the side yard setback variation:

Based on the submitted petition and the testimony presented, the requested variation complies with the Standards required for a variation by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals recommend to the Corporate Authorities **approval** of ZBA 12-01, subject to the following conditions:

1. The garage shall be developed in accordance with the Proposed Site Plan, prepared by the petitioner on the plat of survey prepared by Harry Ekdahl and Associates, dated November 11, 1965.
2. The petitioner shall apply for and receive a building permit for the proposed plans.
3. Such approval shall become null and void unless work thereon is substantially under way within 12 months of the date of issuance, unless extended by the Board of Trustees prior to the expiration of the ordinance granting the variation.
4. In the event that the principal structure on the subject property is damaged or destroyed to fifty-percent (50%) of its value, the new structure shall meet the required side yard setback.
5. All comments in the Inter-Departmental Review Committee Report shall be satisfactorily addressed.

Inter-Departmental Review Group Report Approved By:



William J. Heniff, AICP
Director of Community Development

c: Petitioner

ZBA 12-01: 91 S. Chase Ave.



167 ft

STANDARDS FOR VARIATIONS

1. Because of the particular physical surrounding, shape, or topographical condition of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.

Being that the home was built in 1967 it already does not meet the current side yard setback of six feet. There is not enough room on the side of home to access a garage in the back leaving us no other option but to add the garage to the front of the home. By adding a garage to the front of the home we are trying to maintain the existing building line of the front yard setback of thirty feet and approve the appearance of the home and neighborhood as well.

2. The condition 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.

This case is unique due to the fact that home does not meet the current side yard setback of six feet leaving us no room to access a garage in the back yard. The garage in the front will still maintain the current thirty foot setback of the front yard maintaining the existing building line. By adding a two car garage in the front we will also make the home more up to date of today's home buyers where a one car garage home is not desirable and does not meet today's needs.

3. The purpose of the variation is not based primarily upon a desire to increase financial gain.

The purpose of the variation is based upon the fact that the structure will improve the physical appearance of the home and neighborhood as well. Being that we have a child and intend to have more the extra storage space will definitely come in handy and make the home more desirable to us because of our needs.

4. The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.

No we are doing this improvement for ourselves and to meet our needs as a whole. This a neighbor hood that I grew up in and love and want my children to do the same.

5. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

By adding the garage to the front of the home we will be helping the existing homes in

the neighbor by improving the appearance of the home and adding value to the existing neighborhood. We are still maintaining the existing building line. There are similar homes in the neighborhood who have added the garage to the front of the home improving the appearance of the home. The home as of right now is an eyesore and this will only improve it. Surrounding neighbors are looking forward to this improvement as I learned from recent conversations around the neighborhood.

6. The granting of the variation will not alter the essential character of the neighborhood; and,

The granting of the variation will improve the character of the neighborhood as well as the home. Our goal is not only to meet our needs but to also meet the neighborhoods needs by making improvements to the property and raising property values in the area. As a REALTOR, I know that one car garage homes are not desirable and lower the value of the home therefore lowering the value of surrounding homes in the area.

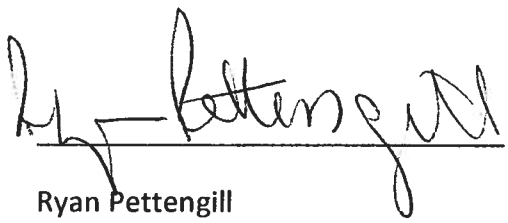
7. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

The proposed variation will not harm the neighborhood but will improve it. The structure on the property will add value not only to the home but to the surrounding homes as well. The structure will not endanger public safety, will not impair an adequate supply of light and air to adjacent property, will not increase danger of fire, or impair natural drainage or create drainage problems. The home to the South of property is my parents home and support this improvement to the fullest. Neighbor on the North supports this improvement and are looking forward to it. As I mentioned earlier, this improvement will not only help us but will help the neighborhood as a whole. We are still maintaining the existing building lines of the home.

January 16, 2012

To Whom It May Concern:

We, Ryan and Carolyn Pettengill, that live at 87 S Chase Ave have no objection to the garage being constructed in front of 91 S Chase Ave.



A handwritten signature in black ink, appearing to read 'Ryan Pettengill', written over a horizontal line.

Ryan Pettengill

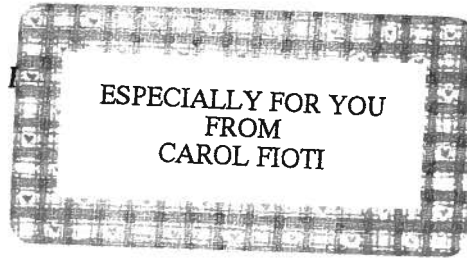


A handwritten signature in black ink, appearing to read 'Carolyn Pettengill', written over a horizontal line.

Carolyn Pettengill



Carol Stream



1-23-12

To Whom it May Concern:
I, Carol S. Fiotti -
95 So. Chase Ave., Lombard,
Ill., do not have any
objections to the construction
of a Garage adjoining the
existing structure at 91 So.
Chase Ave. Lombard.

Thank You,
Carol S. Fiotti

ORDINANCE NO. _____

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

(ZBA 12-01; 91 S. Chase 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, 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 Section 155.407(F)(3) of the Lombard Zoning Ordinance to reduce the interior side yard setback to four and one half (4.5) feet where six (6) feet is required; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on February 22, 2012 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 of approval 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.

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 155.407(F)(3) of the Lombard Zoning Ordinance to reduce the interior side yard setback to four and one half (4.5) feet where six (6) feet is required.

SECTION 2: This ordinance shall be granted subject to compliance with the following conditions:

1. The garage shall be developed in accordance with the Proposed Site Plan, prepared by the petitioner on the plat of survey prepared by Harry Ekdahl and Associates, dated November 11, 1965.
2. The petitioner shall apply for and receive a building permit for the proposed plans.

- 3. Such approval shall become null and void unless work thereon is substantially under way within 12 months of the date of issuance, unless extended by the Board of Trustees prior to the expiration of the ordinance granting the variation.
- 4. In the event that the principal structure on the subject property is damaged or destroyed to fifty-percent (50%) of its value, the new structure shall meet the required side yard setback.
- 5. All comments in the Inter-Departmental Review Committee Report shall be satisfactorily addressed.

SECTION 3: This ordinance is limited and restricted to the property generally located at 91 S. Chase Ave., Lombard, Illinois, and legally described as follows:

LOT 8 IN "O'CONNOR'S DIVISION OF LOTS 28 AND 29 IN ROBERTSON'S ADDITION TO HOME ACRES", IN THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID "O'CONNOR'S DIVISION" RECORDED JUNE 11, 1930 AS DOCUMENT 298590, IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-09-103-018

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 _____, 2012.

First reading waived by action of the Board of Trustees this _____ day of _____, 2012.

Passed on second reading this _____ day of _____, 2012.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2012

Ordinance No. _____

Re: ZBA 12-01

Page 3

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published by me this _____ day of _____, 2012

Brigitte O'Brien, Village Clerk