

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

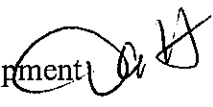
_____ Resolution or Ordinance (Blue) _____ *Waiver of First Requested*
 X Recommendations of Boards, Commissions & Committees (Green)
 _____ Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: February 6, 2007 (B of T) Date: February 15, 2007

TITLE: ZBA 07-02: 206 E. Hickory Street

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 a variation to Section 155.415(F)(2) to reduce the corner side yard setback from twenty feet (20') to fifteen feet (15') to allow for the construction of a single family residence in the R2 Single Family Residential District. (DISTRICT #5)

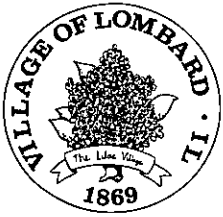
The Zoning Board of Appeals recommended approval of this petition with one condition.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____	Date _____
Finance Director X _____	Date _____
Village Manager X <u>William T. Lichter</u>	Date <u>2/7/07</u>

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
Assistant Village Manager/~~Director~~ of Community Development

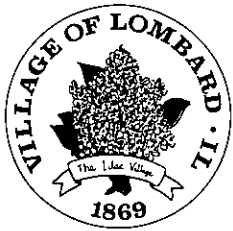
DATE: February 15, 2007

SUBJECT: ZBA 07-02: 206 E. Hickory Street

Please find the following items for Village Board consideration as part of the February 15, 2007 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 07-02;
3. An Ordinance granting approval of the requested variation
4. Plat of Survey; and
5. Plans associated with the petition.

Please contact me if you have any questions regarding the aforementioned materials.



VILLAGE OF LOMBARD

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Village President

William J. Mueller

Village Clerk

Brigitte O'Brien

Trustees

Greg Alan Gron, Dist. 1
Richard J. Tross, Dist. 2
John "Jack" T. O'Brien, Dist. 3
Steven D. Sebby, Dist. 4
Kenneth M. Florey, Dist. 5
Rick Soderstrom, Dist. 6

Village Manager

William T. Lichter

February 15, 2007

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

Subject: ZBA 07-02; 206 E. Hickory 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 155.415(F)(2) to reduce the corner side yard setback from twenty feet (20') to fifteen feet (15') to allow for the construction of a single family residence in the R2 Single Family Residential District.

The Zoning Board of Appeals conducted a public hearing on January 24, 2007. Thomas Schager, owner of the subject property, presented the petition. He stated that he has lived in the house since 1997. He noted that because his family has grown, they are looking for a larger home. He mentioned that they first considered doing an addition, but they discovered that there are poor soil conditions on the property. He stated that they bought another lot in Lombard to build a new home, but they were unable to sell the house after disclosing the poor soil conditions. He mentioned that they decided to demolish the existing residence and construct a new residence on the property. He noted that they modified their floor plans to accommodate the corner lot.

Mr. Schager referenced a model of the proposed residence. He noted that the portion of the house encroaching into the setback was only one story. He mentioned that the existing home was built in 1924, and the property is unique because it was originally an interior lot that became a corner lot. He stated that the existing house is only about eight feet (8') from the corner side property line and the proposed residence would improve the non-conformity. He also noted that the soil gets progressively worse as you go north on the property. He mentioned that the backyard serves as drainage for other properties.

Julianne Schager stated that there is a storm sewer inlet located at the north end of their property.

"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."

Chairperson DeFalco opened the meeting for public comment. No one spoke for or against the petition.

Chairperson DeFalco then requested the staff report.

Michelle Kulikowski, Planner I, presented the staff report. She stated that the subject property is located at the northeast corner of Martha Street and Hickory Street and is approximately fifty-five feet (55') and one hundred eighty-three feet (183'). She noted that the existing residence is setback approximately eight feet (8') from the corner side property line. She mentioned that the petitioners desire a larger home, and they were planning to construct an addition to the rear of the existing residence. She referenced the soils investigation report that found poor soil conditions under the existing residence and the area of the proposed addition. She noted that the report recommended demolishing the existing residence and constructing a new residence on a caisson foundation. She stated that the petitioners are proposing to construct a new residence with a wrap-around front porch setback that would be setback fifteen feet (15') from the corner side property line.

Ms. Kulikowski noted that the subject property is a substandard lot in that it is only fifty-five feet (55') wide where the minimum required lot width in the R2 Single Family Residence district is sixty feet (60'). She explained that the subject property was originally platted as an interior lot known as Lot 3 of Hickory Road Homesites, but Bretsnyders Resubdivision, recorded in 1971, dedicated the rear portion of Lot 3 and a majority of Lot 4 as public right-of-way, and subsequently, Lot 3 became a corner lot.

Ms. Kulikowski stated that the existing residence is considered legal non-conforming relative to the corner side yard setback. She noted that staff has generally been supportive of corner side yard variances to construct additions maintaining the existing non-conforming building line. She mentioned that because the poor soil conditions make it difficult to construct an addition to the existing residence, the petitioners are proposing to construct a new residence on a caisson foundation system.

Ms. Kulikowski noted that staff has previously supported corner side yard variations for new construction (ZBA 05-03 and ZBA 06-06), but in those cases, the lots were fifty feet (50') wide with lot areas of 7,800 square feet and 7,500 square feet. She mentioned that the petitioner's property is 182' deep and 10,000 square feet in area and can accommodate a larger house in terms of floor area because the length of the house can accommodate for the narrow width. She stated that the hardship in this circumstance is a personal preference for the proposed design.

Chairperson DeFalco opened the meeting for discussion among the members.

Mr. Young noted that the parkway appears to be eight feet (8') to ten feet (10') wide. He asked staff if they knew how wide the parkway was. Ms. Kulikowski stated that she didn't know the exact dimension, but the parkway appeared to be closer to fifteen feet (15') wide.

Mr. Young recalled a past case where a setback variation was granted because the adjacent parkway was wide, making it appear that the house was setback further. He also noted that there isn't a sidewalk in the parkway adjacent to the subject property.

Chairperson DeFalco asked whether a sidewalk would be required with the construction of the new residence. Ms. Kulikowski stated that the Subdivision and Development Ordinance would require a sidewalk. Mr. Bedard asked how close to the property line does the sidewalk have to be. Ms. Kulikowski noted that it would depend on the width of the parkway, but she didn't recall what the engineering standards were for sidewalks.

Mr. Bedard stated that because of the poor soil conditions and the fact that the corner side yard setback would be increased from eight feet (8') to fifteen feet (15'), he can support the requested variation.

Chairperson DeFalco mentioned that because the soil conditions are worse on the northern end of the property, the petitioners don't actually have the entire property to use.

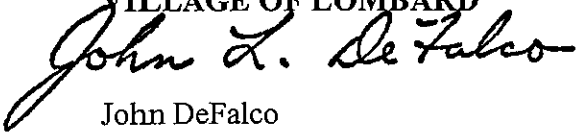
Mr. Young noted that the house could be built anywhere on the lot, it is just a matter of at what cost. He also stated that he didn't find a house that is twenty-nine feet (29') to thirty-four feet (34') deep to be outrageous.

Chairperson DeFalco stated that in the past the Zoning Board of Appeals has supported variations in cases where there would be a decrease in the degree of non-conformity.

After due consideration of the submitted petition and the testimony presented, the Zoning Board of Appeals, by a roll call vote of 4-1, submits this petition to the Corporate Authorities with a recommendation of approval for the requested variation.

Respectfully,

VILLAGE OF LOMBARD

A handwritten signature in black ink that reads "John L. DeFalco". The signature is written in a cursive, flowing style.

John DeFalco
Chairperson
Zoning Board of Appeals

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO:	Zoning Board of Appeals	HEARING DATE:	January 24, 2006
FROM:	Department of Community Development	PREPARED BY:	Michelle Kulikowski, AICP Planner I

TITLE

ZBA 07-02; 206 E. Hickory Street: The petitioner requests a variation to Section 155.415(F)(2) to reduce the corner side yard setback from twenty feet (20') to fifteen feet (15') to allow for the construction of a single family residence in the R2 Single Family Residential District.

GENERAL INFORMATION

Petitioner/Owner:	Thomas and Julianne Schager 206 E. Hickory Road Lombard, IL 60148
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PROPERTY INFORMATION

Existing Zoning:	R2 Single Family Residential District
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Existing Land Use:	Single Family Residence
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Size of Property:	10,050 square feet
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Surrounding Zoning and Land Use:

North:	R2 Single Family Residence District; Single Family Residences
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South:	R2 Single Family Residence District; Single Family Residences
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East:	R2 Single Family Residence District; Single Family Residences
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West:	R2 Single Family Residence District; Single Family Residences
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ANALYSIS

SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development on December 18, 2006.

1. Petition for Public Hearing.
2. Response to the Standards for Variation.
3. Plat of Survey prepared by Professionals Associated Surveying Inc. and dated April 1, 1998.
4. Plat of Subdivision for Hickory Road Homesites recorded June 10, 1924.
5. Plat of Resubdivision for Bretsnyder's Resubdivision recorded July 14, 1971.
6. Report of Soils Investigation prepared by Illinois Drilling and Testing Co. and dated March 17, 2005.
7. Proposed building plans.

DESCRIPTION

The subject property is located at the northeast corner of Martha Street and Hickory Street and is approximately fifty-five feet (55') and one hundred eighty-three feet (183'). The existing residence is setback approximately eight feet (8') from the corner side property line. The petitioners desire a larger home, and were planning to construct an addition to the rear of the existing residence. However, a soils investigation report concluded that the soils present under the existing residence and the area of the proposed addition are unsuitable. The report recommended demolishing the existing residence and constructing a new residence on a caisson foundation. The petitioners are proposing to construct a new residence with a wrap-around front porch that would be setback fifteen feet (15') from the corner side property line. The petitioner is requesting a variation to reduce the corner side yard setback from twenty feet (20') to fifteen feet (15').

INTER-DEPARTMENTAL REVIEW COMMENTS

ENGINEERING

Private Engineering Services

The Private Engineering Services Division has no comments on the subject petition.

Public Works Engineering

Public Works Engineering has no comments regarding this request.

FIRE AND BUILDING

The Fire Department/Bureau of Inspectional Services has no comments on this petition.

PLANNING

Staff notes that the subject property is a substandard lot in that it is only fifty-five feet (55') wide where the minimum required lot width in the R2 Single Family Residence district is sixty feet (60'). The subject property was originally platted as an interior lot known as Lot 3 of Hickory Road Homesites. However, Bretsnyders Resubdivision, recorded in 1971, dedicated the rear portion of Lot 3 and a majority of Lot 4 as public right-of-way, and subsequently, Lot 3 became a corner lot.

The existing residence is considered legal non-conforming relative to the corner side yard setback. Staff has generally been supportive of corner side yard variances to construct additions maintaining the existing non-conforming building line. However, the poor soil conditions make it difficult to construct an addition to the existing residence. As such, the petitioners are proposing to construct a new residence on a caisson foundation system.

Staff has previously supported corner side yard variations for new construction (ZBA 05-03 and ZBA 06-06), but in those cases, the lots were fifty feet (50') wide with lot areas of 7,800 square feet and 7,500 square feet. The petitioner's property is 182' deep and 10,000 square feet in area. The property can accommodate a larger house in terms of floor area because the length of the house can accommodate for the narrow width. The hardship in this circumstance is a personal preference for the proposed design.

Furthermore, to be granted a variation the petitioners must show that they have affirmed each of the "Standards for Variation". The following standards have not been affirmed:

1. *That because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner has been shown, as distinguished from a mere inconvenience if the strict letter of the regulations were to be applied.*

Staff finds that the petitioner's property does not have any unique physical limitations that limit the owner from meeting the intent of the ordinance. While the poor soil conditions can be considered a hardship, they do not necessarily dictate the placement of the proposed residence. A caisson foundation system would be use regardless of where the house is located on the lot.

2. *The conditions 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.*

Staff finds that the conditions are not unique to the subject property. Staff notes that there are many corner lots in Lombard that are less than fifty-five feet (55') in width. Furthermore, the

subject property is over 10,000 square feet which exceeds the 7,500 square foot minimum lot size requirement for the R2 District.

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

Staff finds that the hardship has not been caused by the ordinance and has instead been created by the petitioner's preference for the proposed design.

4. *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.*

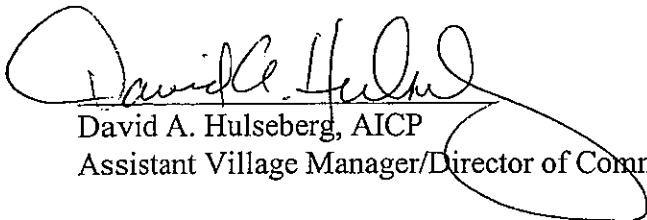
Staff believes that the granting of the requested relief will set an undesirable precedent.

FINDINGS AND RECOMMENDATIONS

The Department of Community Development has determined that the information presented **has not affirmed** the Standards for Variations for the requested variation to reduce the corner side yard setback. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make the following motion recommending **denial** of the aforementioned variation:

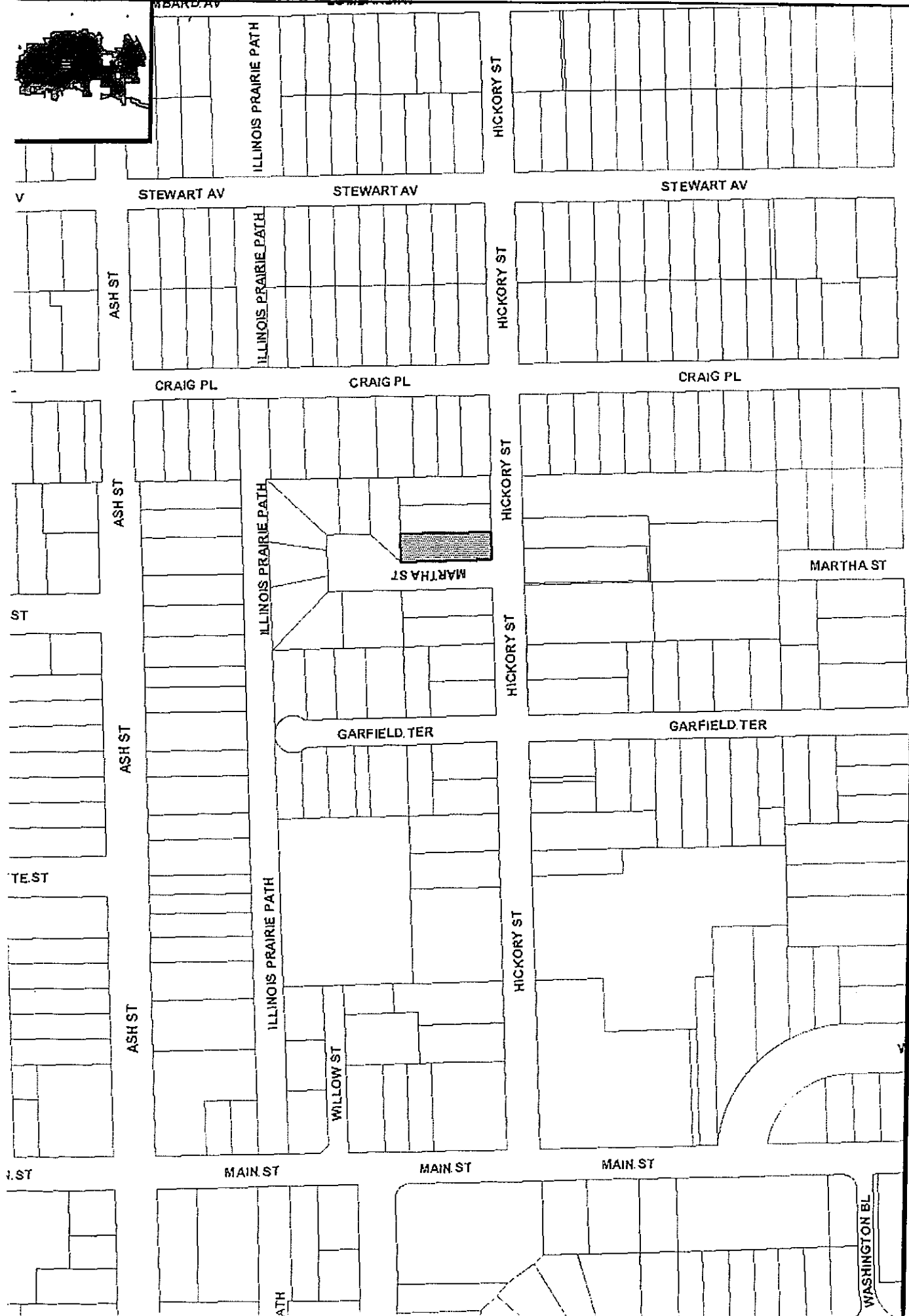
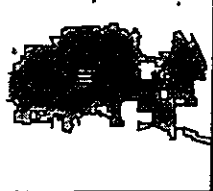
Based on the submitted petition and the testimony presented, the requested variation to reduce the corner side yard setback **does not comply** with the Standards required for a variation by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals find that the findings included as part of the Inter-departmental Review Report be the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **denial** of ZBA 07-02.

Inter-Departmental Review Group Report Approved By:



David A. Hulseberg, AICP
Assistant Village Manager/Director of Community Development

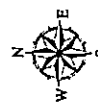
att-
c: Petitioner



WASHINGTON BLVD

ZBA 07-02: 206 E. Hickory St.

1 in. = 250.0 feet



ORDINANCE NO. _____

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

(ZBA 07-02: 206 E. Hickory 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 155.415(F)(2) to reduce the corner side yard setback from twenty feet (20') to fifteen feet (15') to allow for the construction of a single-family residence in the R2 Single-Family Residence District; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on January 24, 2007 pursuant to appropriate and legal notice; and,

WHEREAS, the Zoning Board of Appeals has forwarded its findings with a recommendation for approval to the Board of Trustees 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 subject to conditions.

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 155.415(F)(2) to reduce the corner side yard setback from twenty feet (20') to fifteen feet (15') to allow for the construction of a single-family residence in the R2 Single-Family Residence District.

SECTION 2: This ordinance is limited and restricted to the property generally located at 206 E. Hickory Street, Lombard, Illinois, and legally described as follows:

LOT 3 (EXCEPT THE NORTH 261 FEET) OF HICKORY ROAD HOME SITES, A SUBDIVISION OF LOT 1 (EXCEPT THE WEST 111 FEET THEREOF, AND EXCEPT THE NORTH 60 FEET THEREOF) OF THE PLAT OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID HICKORY ROAD HOMESITES RECORDED JUNE 10, 1924 AS DOCUMENT 178797, IN DUPAGE COUNTY, ILLINOIS.

Ordinance No. _____

Re: ZBA 07-02

Page 2

Parcel No. 06-08-302-013

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

1. That the variation shall be limited to the existing residence. Should the existing residence be damaged or destroyed by any means, to the extent of more than fifty percent (50%) of the fair market value of the residence, than any new structures shall meet the full provisions of the Zoning Ordinance.

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 _____, 2007.

First reading waived by action of the Board of Trustees this _____ day of _____, 2007.

Passed on second reading this _____ day of _____, 2007.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2007.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk