

April 7, 2011

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

Subject: ZBA 11-01; 533 N. Columbine 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 155.407(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 conducted a public hearing on March 23, 2011.

Chairperson DeFalco opened the meeting for public comment.

Chris Ikmanis, 533 N. Columbine Ave., presented the petition. Mr. Ikmanis stated that his family currently resides in a raised ranch on the subject property. He then stated that half of his basement is actually his garage. He added that because he has a subterranean garage, there is a flooding problem. Mr. Ikmanis stated that the only way to fix the flooding problem is to close off the garage. He added that his house is already set back further than both of his neighbors and the drainage problem would be fixed if they built the new at-grade garage.

Chairperson DeFalco asked if there was anyone present to speak in favor or against the petition.

Michael Toth, Planner I, presented the staff report. The property contains a raised ranch with a partial subterranean attached garage. The petitioner plans to close off the existing garage and construct an at-grade attached garage. The proposed garage would maintain the existing building line of the existing residence, which is set back 4.85 feet from the northern property line. The Zoning Ordinance requires that the new construction meet an interior side yard setback of six feet (6'). Therefore, a variation is necessary.

The petitioner is proposing to construct a 462 square foot (22'X21') 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 4.85 feet from the northern property line (at its closest point). Staff notes that the existing home is slightly angled from the northern property line; therefore, the degree of non-conformity would be slightly increased. However, the increase in non-conformity would equate to less than two (2) inches. 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. When considering the average of the neighboring property's setbacks (36' & 25'), the required front yard setback on the subject property would be required to be no less than thirty and one-half (30.5) feet. As the attached garage addition would place the structure thirty-five (35) feet from the front property line, staff finds that the proposed attached garage meets the front yard setback requirement.

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 219 W. Hickory received approval of a variation to reduce the required interior side yard setback from six feet (6') to two and one-half feet (2.5') for an attached garage (ZBA 06-14).
- 2) 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).
- 3) 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).
- 4) 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).
- 5) 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).

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 only slightly increase the degree non-conformity. Lastly, the southern portion of the neighboring property (directly to the north of the subject property) is improved with a driveway. As such, that residence (539 N. Columbine) has a side yard setback greater than six (6) feet. Furthermore, the separation between the subject principal structure and that of the neighbor to the north would be greater than twelve (12) feet, as demonstrated in Illustration 2.

Concluding, Mr. Toth stated that staff is recommending approval of ZBA 11-01, subject to the five conditions outlined in the staff report.

Chairperson DeFalco then opened the meeting for discussion by the ZBA members.

Mr. Ikmanis stated that the garage will actually be 23'X21'.

Mr. Toth asked if the width was being increased.

Mr. Ikmanis responded, yes.

Mr. Toth stated that the garage would still be less than 500 square feet and not be any closer to the property line so that is not an issue.

Chairperson DeFalco stated that at one point the staff report refers to the neighbor to the east as being more than twelve (12) feet from the subject property when it is actually the neighbor to the north. He stated this is only a typo because the staff report does indicate that it is the neighbor to the north.

Mr. Toth stated that he will correct this typo in the staff report.

Mr. Tap asked if the property to the north would be affected by the drainage as the garage would be built at-grade.

Chris Ikmanis stated that the garage would actually sit lower than the neighboring property to the north.

Mr. Toth stated that the Private Engineering Services Division surveyed the area and added a comment in the staff report.

Chairperson DeFalco read the five conditions associated with the case.

On a motion by Bedard and a second by Tap, the Zoning Board of Appeals recommended by a vote of 5 to 0 that the Village Board **approve** the variation associated with ZBA 11-01, subject to the following conditions:

1. The garage shall be developed in accordance with the Site Plan, prepared by the petitioner on the plat of survey prepared by ARS Surveying Service, LLC, dated September 12, 2001.
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