

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 7, 2005 (B of T) Date: February 17, 2005

TITLE: ZBA 05-01: 340 W. Central Avenue

SUBMITTED BY: Department of Community Development *WTL*

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 from Section 155.406 (F) (4) of the Lombard Zoning Ordinance to reduce the required rear yard setback to approximately 31.65 feet where thirty-five feet (35') is the requirement to allow for the construction of an addition in the R2 Single-Family Residence District. (DISTRICT 2)

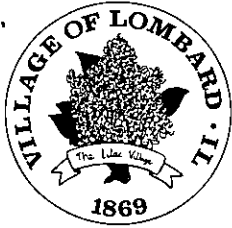
The Zoning Board of Appeals had no recommendation on this petition.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X *W.T. Lichter* Date *2/9/05*

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.



VILLAGE OF LOMBARD

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Lombard, Illinois 60148
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February 17, 2005

Village President
William J. Mueller

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

Trustees

Tyler L. Williams, Dist. 1
Richard J. Tross, Dist. 2
Karen S. Koenig, Dist. 3
Steven D. Sebby, Dist. 4
Kenneth M. Florey, Dist. 5
Rick Soderstrom, Dist. 6

Village Manager
William T. Lichter

Subject: ZBA 05-01; 340 W. Central Avenue

Dear President and Trustees:

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioners request a variation from Section 155.406 (F) (4) of the Lombard Zoning Ordinance to reduce the required rear yard setback to approximately 31.65 feet where thirty-five feet (35') is the requirement to allow for the construction of an addition in the R2 Single-Family Residence District.

The Zoning Board of Appeals conducted a public hearing on January 26, 2005. Seymour Turner from Airoom Architects presented the petition. He described the layout of the house on the property. He noted that the house is currently set back thirty feet (30') from the front property line and forty-eight feet (48') from the rear property line. He stated that the proposed addition would extend sixteen feet (16') from the house, creating a 31.65' setback. He mentioned that the design was clipped at the corners to reduce the visual mass of the addition. Mr. Seymour noted that the encroachment into the setback amounted to less than ten percent (10%) of the required setback. Mr. Seymour also presented signatures from neighboring property owners stating that they have no opposition to the proposed addition. He stated that with the thickness of the exterior wall, the interior space would only be fifteen feet six inches (15'6"), and adhering to the required setback would only allow for eleven feet six inches (11'6").

Mr. Turner referenced the standards for variations. He stated that the hardship was not the lot itself, but the way the house is positioned on the lot. He noted that the garage is right up to the thirty foot front yard setback, while the rest of the house is set back farther behind the garage. He mentioned that neighbors would not be affected because the rear of the house abuts an open field. He also noted that the neighbors had no objections to the addition.

Michelle Kulikowski, Associate Planner, presented the staff report. She stated that the property owner is proposing a one-story to the rear of their home to serve as a family room. She mentioned that the house is currently forty-eight feet (48') from

"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."

the rear property line and there is currently a patio that extends (14') feet from the house. She noted that a patio is a permitted obstruction in the required rear yard. She stated that the proposed 364 square foot addition would reduce the rear yard setback from the residence to 31.65 feet.

Ms. Kulikowski stated that staff is not supportive of this variation because the hardship presented is of a personal nature, not one based on the physical attributes of the property. She mentioned that in 2002, the Zoning Board of Appeals recommended denial of ZBA 02-06, which was a similar variation request from the rear yard setback for a property located just one block south of the subject property. She noted an error in the staff report that states the Village Board of Trustees concurred with the recommendation given by the Zoning Board of Appeals to deny the variation. She stated that in fact, the Village Board overturned the recommendation from the Zoning Board of Appeals and approved the variation request.

Ms. Kulikowski discussed the standards for variations as they pertain to this case. She stated that the subject property does not have unique physical limitations that limit the owner from meeting the intent of the ordinance. She noted that the property is a rectangular shaped lot, approximately seventy-five feet (75') by one hundred twenty-five feet (125'). Ms. Kulikowski mentioned that the design and layout of the property is typical of any lot in the R2 Single Family Residential District. She stated that the house is a split-level design, which are common in Lombard. She noted that the thirty-five foot (35') rear yard setback has been consistently applied throughout the Village. She mentioned that the proposed addition could meet the setback requirement if it were to extend twelve feet (12') rather than the proposed sixteen feet (16') from the house. Ms. Kulikowski stated that staff believes that granting the requested relief will set an undesirable precedent. She stated that the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make a motion recommending denial of ZBA 05-01.

Mr. Young asked whether the similar case referenced in the staff report was on a cul-de-sac. Ms. Kulikowski stated that the referenced case was on Jeffrey Court.

Mr. Polley asked what kind of materials would be used on the exterior. Mr. Turner stated that they were using brick veneer for the knee wall. He noted that they were trying to blend the addition with the existing house.

Mr. Polley stated that the proposed family room addition seemed to be very large. Mr. Turner stated that they could entertain the idea of making the room narrower, but could not reduce it to the twelve-foot (12') depth that would be needed to meet code. He noted that with a narrow interior depth of eleven feet six inches (11'6") the room would lose its function.

Mr. Polley stated that granting this variance could result in a series of more requests.

Chairperson DeFalco stated that the neighbor to the west appeared to be setback roughly thirty feet (30') from the rear property line. He mentioned that prior to the re-writing of the Zoning Ordinance,

the rear yard setback was thirty feet (30'). Mr. Turner stated that the house to the west was set back approximately thirty-two feet (32'). Chairperson DeFalco asked how far the neighbor to the east was set back. Mr. Turner stated that the house to the east was roughly in line. Chairperson DeFalco noted that the current neighbors may not have a problem with the addition, but a future neighbor may have a problem with it. Mr. Turner mentioned that with the field behind the house, the change in the rear yard setback as a result of the proposed addition would be an imperceptible difference. Chairperson DeFalco noted that if a fence were placed along the rear property line, it would visually shrink the rear yard, creating a larger impact.

Mr. Young noted that the neighbor to the east would probably want to see the addition because it would give them a nicer view.

Chairperson DeFalco stated that if the house to the west had a fire and wanted to rebuild on the same foundation footprint, they would need a variation. He mentioned that the variation would most likely be granted. He noted that neighboring house had substantial side yard setbacks, approximately twelve feet (12') and thirteen feet (13'). He stated that the current zoning ordinance would allow them to extend within six feet (6') of the side property line. Chairperson DeFalco noted that by extending the house all the way to the minimum required setbacks, a bigger house could be built with the ordinance than with the existing foundation.

Chairperson DeFalco stated that their decision is based on hardship. He asked the board to discuss whether a hardship existed.

Mr. Polley stated that by looking at the floor plans, the addition seems to be bigger than any other room in the house. Mr. Turner stated that the room would serve two functions, as a family room and as a dining room. He mentioned that the property owners plan to reconfigure the kitchen as a future project.

Mrs. Newman stated that the variance was needed because of preference for a larger family room, not because of a hardship. She noted that the property owners knew the limitations of the house they bought it.

Mr. Turner stated that they would lose six inches (6") of interior space with the masonry knee wall. He noted that they are trying to make the addition an attribute.

Chairperson DeFalco also asked if the living room south of the proposed addition is a living room and family room. He noted that bay windows are a permitted encroachment in the rear yard. He asked how far bay windows could encroach. Angela Clark, Planner II, stated that bay windows could encroach three feet (3') into the required rear, front, and corner side yards. Mr. Turner stated that they could not do a bay window because of the first floor deck in relation to grade. He noted that they could do window seats, but that would not meet the client's needs.

Zoning Board of Appeals
Re: ZBA 05-01
Page 4

Mr. Polley asked whether the addition would be heated. Mr. Turner stated that it would be heated. He noted that the addition would serve as living space and essentially is an extension of the house.

Chairperson DeFalco asked to revisit the question whether or not there is a hardship.

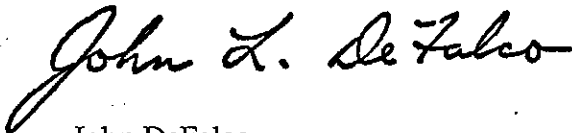
Mrs. Newman stated that it is a preference, not a hardship.

Chairperson DeFalco asked if anyone would like to make a motion.

Mrs. Newman made a motion to recommend denial of the petition, which was seconded by Chairperson DeFalco. The result of the roll call vote was 3-1 in favor of recommending denial. However, that was not sufficient for a recommendation to the Board. Mr. Young made a motion to recommend approval. There was no second for the motion. Therefore, the Zoning Board of Appeals does not forward a recommendation to the Village Board of Trustees for ZBA 05-01.

Respectfully,

VILLAGE OF LOMBARD



John DeFalco
Chairperson
Zoning Board of Appeals

att-

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INTER-DEPARTMENTAL REVIEW COMMENTS

Private Engineering Services

From an engineering or construction perspective, Private Engineering Services has no comments.

Engineering - Public Works

Public Works Engineering has no comments or changes.

Fire and Building

The Fire Department/Bureau of Inspectional Services has no comments at this time.

PLANNING

Setbacks are required to control bulk on property. Without such requirements, structures could be built without adequate space for health and safety. Setbacks also preserve the suburban character of the area, help prevent over intensified use and help ensure that lots do not have the appearance of being overbuilt. For these reasons, staff usually does not support setback variations unless a hardship can be shown that pertains to the physical attributes of the property. Staff is not supportive of this variation because the hardship presented is of a personal nature not one based on the physical attributes of the property. In 2002, the Zoning Board of Appeals recommended denial of a similar variation request from the rear yard setback (ZBA 02-06) for a property located just one block south of the subject property in the Melody Lane subdivision. The Village Board ultimately concurred with the recommendation by the Zoning Board of Appeals to deny the variation.

In order to grant a variation, the petitioner 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 subject property does not have unique physical limitations that limit the owner from meeting the intent of the ordinance. The property is a rectangular shaped lot, approximately 75 feet by 125 feet, which is typical of any R2 Single Family Residential lot in the Village of Lombard.
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. The design and layout of the property is typical of any

R2 Single Family Residential lot in the Village of Lombard. The house is a split-level design. There are numerous split-level houses within the Village of Lombard.

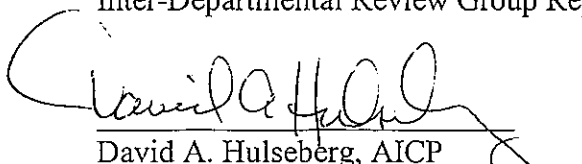
3. *The alleged difficulty or hardship is shown to be caused by this ordinance and has not been created by any person presently having an interest in the property.* Staff finds that the ordinance has not caused the hardship. The 35-foot rear yard setback for R2 properties has been consistently applied throughout the Village. The proposed addition on the subject property could meet the setback requirement if it were to extend twelve feet (12') rather than the proposed sixteen feet (16') from the house.
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.
5. *The granting of the variation will alter the essential character of the neighborhood.* Staff finds that the requested relief would change the visual and aesthetic character of the neighborhood.

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. 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 rear yard setback variation:

Based on the submitted petition and the testimony presented, the requested variation **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 accept the findings on the Inter-Departmental Review Committee as the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **denial** of ZBA 05-01.

Inter-Departmental Review Group Report Approved By:


David A. Hulseberg, AICP
Director of Community Development

DAH:MK:jd

Location Map

ZBA 05-01: 340 W. Central Ave



**VILLAGE OF LOMBARD
ZONING BOARD OF APPEALS
340 WEST CENTRAL AVENUE – Del and Marsha Budlong**

- 1. Because of the particular physical surroundings, shape, or topographical conditions 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.**

Though the existing residence satisfies the ordinance required setbacks, applying the strict regulations of the R-2 district would create a hardship for the owner as the proposed family room could not be constructed. The existing home exhibits a greater than 47-foot setback from the north (rear) property line. As the ordinance requires a 35-foot setback this leaves only approximately 12 feet for any addition. The proposed project seeks to modernize the existing residence by adding a family room to a home that currently lacks a reasonable less-formal gathering space. Without relief from the strict application of the rear yard setback, the proposed addition could not be constructed thus limiting the ability of the owners to provide an addition that would fulfill the requirements of modern living standards – the provision of a family room.

- 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.**

The challenge with this property and existing residence is based on the both the layout of the home and its architectural style. As a split-level home, the options for locating an addition are limited, particularly for a family room that needs to be located at grade. As this existing home is situated, an addition that maintains the essential architectural character of the home while serving the purpose of a family room, can only be constructed behind the existing single story living space (located on the west side of the home). It is these two features that are unique to this residence that make the request for variation a necessity. The proposed addition was reduced in size (the corners were 'clipped', and the interior depth of the room is set at 15.58 feet) in order to limit the extent of the encroachment, and thus the addition encroaches just 3.35 feet for approximately 20.00 feet. This proposed encroachment is into a required yard that is directly adjacent to an open field.

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

This single story addition is proposed to provide the home with the missing less formal gathering space that it requires. While the completion of the addition will certainly add value to the residence, its goal is to modernize the home for the continued occupation of the current owners and is not being considered solely as a financial gain.

- 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.**

The hardship that is requiring this variation request was not created by the current owners. Rather is it a feature of the architecture of the existing split-level residence, where the

Location for an addition is limited due to the existing layout of the home and the general challenge of providing an addition to this type of architecture. Had the single story portion of the home been located minimally forward of its current position when the residence was originally constructed, then it would be more possible for a conforming addition to be constructed. Without the relief from the rear yard setback requirement this addition could not be constructed which creates a difficulty for the owner.

- 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.**

The public welfare will not be impacted detrimentally by this addition, nor will other neighborhood property or improvements be affected.

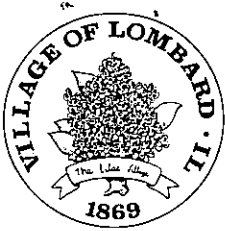
- 6. The granting of the variation will not alter the essential character of the neighborhood.**

If this variation were to be granted, it will not impact the existing character of the neighborhood. It will be located at the rear of the home which is adjacent to an open playing field, and will not be visible from the street.

- 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 supply of light and air to adjacent residences will not be impacted as a result of this project. Though there is a residence directly to the west of where the addition will be located, the fact that this addition is only one-story means that the supply of light and air will be maintained for that neighboring home. There will be no increase in the danger from fire, nor an increase in congestion, nor additional drainage problems as a result of this addition. It is also likely that an addition would have a beneficial impact on the neighborhood property values.

ML
2/22/05



MEMORANDUM

TO: William T. Lichter, Village Manager

FROM: David A. Hulseberg, AICP, Director of Community Development *DH*

DATE: March 3, 2005

SUBJECT: ZBA 05-01: 340 W. Central Avenue

Concurrent with the second reading of this petition, staff has attached a companion ordinance approving the requested variation to reduce the rear yard setback from thirty-five feet (35') to thirty-one and sixty-five hundredths feet (31.65') as approved by the Village Board at their February 17, 2005 meeting.

ORDINANCE NO. _____

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

(ZBA 05-01: 340 W. Central Avenue)

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 155.406.F.4 of said Zoning Ordinance to reduce the rear yard setback from thirty-five feet (35') to thirty-one and sixty-five one hundredths feet (31.65') in the R2 Single-Family Residence District; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on January 26, 2005 pursuant to appropriate and legal notice; and,

WHEREAS, the Zoning Board of Appeals has forwarded its findings without a recommendation 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 155.406.F.4 of the Lombard Zoning Ordinance for the property described in Section 2 below, so as to reduce the required rear yard setback from thirty-five feet (35') to thirty-one and sixty-five one hundredths feet (31.65').

SECTION 2: This ordinance is limited and restricted to the property generally located at 340 W. Central Avenue, Lombard, Illinois, and legally described as follows:

LOT 24 IN MELODY LAND SUBDIVISION UNIT NO. 3 BEING A SUBDIVISION OF PART OF THE NORTH ½ OF THE SOUTHEAST ¼ OF SECTION, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-18-401-013

Ordinance No. _____

Re: ZBA 05-01

Page 2

SECTION 3: 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 _____, 2005.

First reading waived by action of the Board of Trustees this _____ day of _____, 2005.

Passed on second reading this _____ day of _____, 2005.

Ayes: _____

Nayes: _____

Absent: _____

Approved this _____ day of _____, 2005.

William J. Mueller, Village President

ATTEST:

Barbara A. Johnson, Deputy Village Clerk