

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

 Resolution or Ordinance (Blue) X *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: May 26, 2005 (B of T) Date: June 2, 2005
TITLE: ZBA 05-07: 403 S. Edson
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 to Section 155.406(F)(2) of the Lombard Zoning Ordinance to reduce the corner side yard setback from twenty feet (20') to 12.36' feet to accommodate the construction of a two story addition in the R2 Single-Family Residence District. (DISTRICT #1)

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

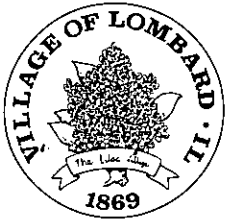
Staff is requesting waiver of first reading.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X *W. T. Lichter* _____ Date *5/27/05*

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.



MEMORANDUM

TO: William T. Lichter, Village Manager

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

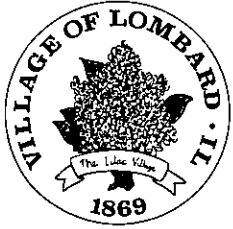
DATE: June 2, 2005

SUBJECT: ZBA 05-07: 403 S. Edson

Attached please find the following items for Village Board consideration as part of the June 2, 2005, 2005 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 05-07;
3. An Ordinance granting approval of the requested variation; and
4. Photographs and 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

"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."

June 2, 2005

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

Subject: ZBA 05-07; 403 S. Edson

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 from Section 155.205(F)(2) of the Lombard Zoning Ordinance to reduce the corner side yard setback from twenty feet (20') to twelve and thirty-six hundredths feet (12.36') to accommodate the construction of a two story addition in the R2 Single-Family Residence District.

The Zoning Board of Appeals conducted a public hearing on May 26, 2005. Randy Pruyn, the property owner's architect and neighbor, presented the petition. Mr. Pruyn stated that the residence is an existing nonconforming structure. He stated that an addition was previously made to the home. He stated that the previous addition would be removed and the new addition would be approximately eight feet (8') deeper. He stated that it would be a two-story addition. Mr. Pruyn distributed photographs of the property. He stated that the encroachment would actually be reduced as an existing bay window was being removed from the property.

Christie Schaeffer, property owner, stated that the addition is intended to improve the appearance of the neighborhood. She stated that the surrounding neighbors were in favor of it.

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

Angela Clark, Planner II, presented the staff report. Ms. Clark stated that the existing residence was legal nonconforming as it was located approximately twelve and a half feet (12.5') from the property line. She

stated that an addition was previously made to the residence, however a variation was not granted. Ms. Clark stated that staff has traditionally supported requests that maintain an existing building line. She stated that staff was supportive of the request, however she wanted to add an additional condition limiting the request to the existing residence. She stated that if the property were reconstructed in its entirety the new residence must meet the current zoning requirements.

Chairperson DeFalco opened the meeting for discussion among the members.

Mr. Young noted the width of the lot. He asked if the footprint of the residence would fit on the lot if it were reconstructed as depicted with the current setback requirements.

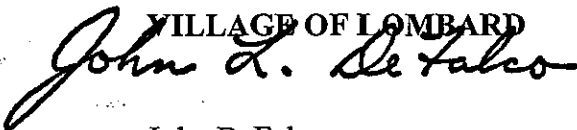
Ms. Newman noted that a variation would be required if it did not.

Ms. Clark stated that the residence could fit on the lot with the current setbacks.

After due consideration of the submitted petition and the testimony presented, the Zoning Board of Appeals submits this petition to the Corporate Authorities with a recommendation of approval for the requested variation subject to the following conditions. The roll call vote was 6 to 0.

1. That the petitioner shall develop the site in accordance with the plans submitted as part of the petition and dated April 21, 2005.
2. That the petitioner shall apply for and receive a building permit for the proposed improvements associated with this petition.
3. That the variation shall be limited to the existing residence. Shall the existing residence be reconstructed in its entirety due to damage or destruction by any means, the new residence will meet the current zoning requirements and setbacks.

Respectfully,

VILLAGE OF LOMBARD


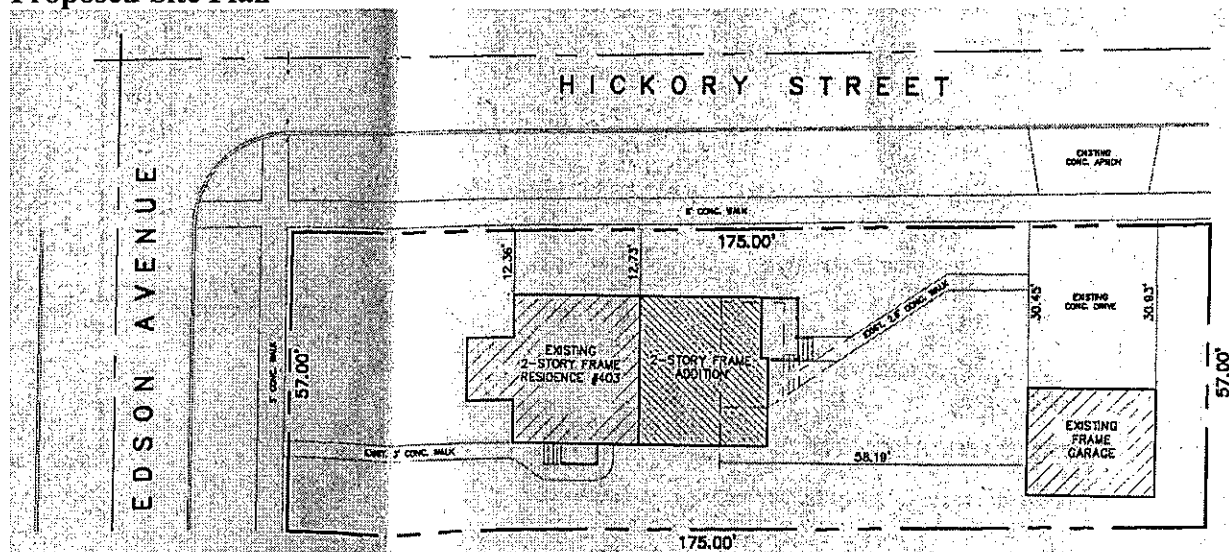
John DeFalco
Chairperson
Zoning Board of Appeals

2. Response to the Standards for Variation
3. Plat of Survey, prepared by Marchese Surveying, dated November 8, 2000
4. Site Plan, prepared by Randy Pruyn, ALA, dated March 31, 2005
5. Floor plan drawings, prepared by Randy Pruyn, ALA, dated March 31, 2005
6. Elevation drawings, prepared by Randy Pruyn, ALA, dated March 31, 2005

DESCRIPTION

The subject property is a corner lot that is fifty-seven feet (57') wide by one hundred seventy-five feet (175') deep. The existing house is set back thirty-four foot (34') from Edson Avenue (the front yard) and twelve and one-half feet (12.5') setback from Hickory Street (the corner side yard). The house was originally built in the 1920s and an addition was built to the rear of the house in 1982. A permit was approved for the addition to maintain the existing twelve and one-half foot (12.5') corner side yard setback. However, no variance was ever granted for this addition. The petitioner is proposing to remove the previously constructed addition in order to construct a new larger addition to the rear of the house.

Proposed Site Plan



INTER-DEPARTMENTAL REVIEW COMMENTS

ENGINEERING

Private Engineering Services

From an engineering or construction perspective, PES has no comments.

Public Works Engineering

Public Works Engineering notes that if a larger size water service is required due to the new fixture count the proper permits shall be obtained from the Village. Inspections shall be scheduled with Private Engineering Services Division. The old service shall be abandoned at the main if a new service is required.

FIRE AND BUILDING

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

PLANNING

Staff finds that the request meets the standards for variations and is supportive of the petition for the following reasons. The proposed addition will be comparable to what already exists on the property. The petitioner is proposing to remove the previous addition built in 1982 (including the foundation). The new addition will only extend approximately eight feet from the existing rear wall of the house. Granting the request would not be injurious to neighboring properties, as the requested relief would not change the visual and aesthetic character of the neighborhood. Furthermore, staff has traditionally supported petitions that do not extend beyond the existing building line. The petitioner's proposal will not significantly increase the lot area coverage of the subject property.

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 requested variation:

Based on the submitted petition and the testimony presented, the requested variation **does 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 of the Inter-Departmental Review Committee as the findings of the Zoning Board of Appeals and therefore recommend to the Corporate Authorities **approval** of ZBA 05-07, subject to the following conditions:

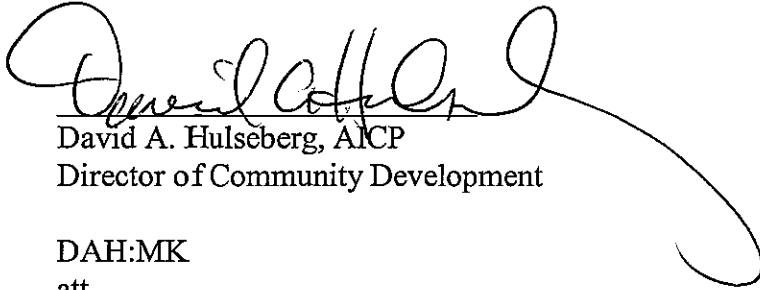
1. That the petitioner shall develop the site in accordance with the plans submitted as part of the petition and dated April 21, 2005.
2. That the petitioner shall apply for and receive a building permit for the proposed improvements associated with this petition.

Zoning Board of Appeals

Re: ZBA 05-07

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Inter-Departmental Review Group Report Approved By:

A handwritten signature in black ink, appearing to read "David A. Hulseberg", with a long, sweeping flourish extending to the right.

David A. Hulseberg, AICP

Director of Community Development

DAH:MK

att-

c: Petitioner

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Randy B. Pruyn, ALA

NCARB Certified/Member Association of Licensed Architects

Date: April 21, 2005

To: Lombard Zoning Board of Appeals

From: Randy Pruyn - Architect for Frank & Christy Schaefer

Re: Response to Standards for Variation
Schaefer Residence
403 South Edson Avenue
Lombard, Illinois

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.*

The referenced property is an existing non-conforming corner parcel. When initially built in the 1920's, and when expanded upon in the early 1980's, the residence was constructed approximately 12'-6" from the north property line, which was within the zoning guidelines at that time. Building to the current zoning guideline setbacks would destroy the character of this old home.

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 property is unique as the residence is an existing eighty year old structure with full growth trees on three sides. If this were new construction, preserving the existing integrity of the structure and landscaping would not be an issue.

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

This variation is requested because the family's needs have outgrown the size of the existing structure. The small 1920's size rooms are no longer practical in today's society. The owner's have explored the option of moving, but would much prefer enhance the existing residence and stay in the only neighborhood their young children have known.

Randy B. Pruyn, ALA

NCARB Certified/Member Association of Licensed Architects

Response to Standards for Variation
403 South Edson Avenue

April 21, 2005
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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.*

As noted above, the property in question was built to, and subsequently expanded within the zoning guidelines at the time of construction. The current setback guidelines were adapted since that time by the Village, thus creating an existing non-forming parcel.

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 granting of this variance will have no negative impact on the surrounding neighborhood. The addition will align with the existing residence and only extend an additional nine feet in to the rear yard of the property. No existing landscaping features will be altered by the proposed addition.

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

The character of the neighborhood will only be enhanced by the granting of this variance. The majority of the homes in this area predate 1950. Adding to and enhancing an existing 1920's home will preserve the neighborhood's aesthetic fabric unlike the typical tear-down invading the neighborhood that are typically grandious and dwarf their neighbors.

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 problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.*

The property in question is located on the the south-east corner of Edson Avenue and Hickory Street. The proposed addition will have absolutely no impact on the supply of light to adjacent properties as existing shadows rarely extend beyond the north property line which borders Hickory Street. Air flow will not be comprimised as the proposed addition aligns with the existing residence and does not encroach any closer on the nearest residence to the south. As noted above, the proposed addition will have no impact on the existing landscaping, and therefore will not alter the existing drainage in any way. The proposed addition will not diminish the property values within the neighborhood as the addition brings a 1920's home up to today's expected standards in size and appearance. The proposed design builds to the owner's needs and does not "overbuild" the property as new construction and tear-downs tend to do.

ORDINANCE NO. _____

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

(ZBA 05-07: 403 S. Edson)

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)(2) of said Zoning Ordinance to reduce the corner side yard setback from twenty feet (20') to twelve and thirty-six one hundredths feet (12.36') in the R2 Single-Family Residence District; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on May 26, 2005 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 155.406 (F)(2) of the Lombard Zoning Ordinance for the property described in Section 2 below, so as to reduce the required corner side yard setback from twenty feet (20') to twelve and thirty-six one hundredths (12.36').

SECTION 2: This ordinance is limited and restricted to the property generally located at 1051 S. Stewart, Lombard, Illinois, and legally described as follows:

NORTH 57' OF LOT 10 IN BLOCK 4 IN LOMBARD FARMS SUBDIVISION, BEING A SUBDIVISION IN SECTION 7 AND 18 TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 15, 1917 AS DOCUMENT NUMBER 128539, IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-07-406-001

Ordinance No. _____

Re: ZBA 05-07

Page 2

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

1. That the petitioner shall develop the site in accordance with the plans submitted as part of the petition and dated April 21, 2005.
2. That the petitioner shall apply for and receive a building permit for the proposed improvements associated with this petition.
3. That the variation shall be limited to the existing residence. Shall the existing residence be reconstructed in its entirety due to damage or destruction by any means, the new residence will meet the current zoning requirements and setbacks.

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 _____, 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:

Brigitte O'Brien, Village Clerk