

October 28, 2020

Title

ZBA 20-05

Petitioner & Property Owner

Sarah Stanley
235 S. Brewster Avenue
Lombard, IL 60148

Property Location

235 S. Brewster Avenue

Zoning

R2 Single-Family Residence

Existing Land Use

Single-Family Home

Comprehensive Plan

Low Density Residential

Approval Sought

A variation from Section 155.407(F)(3) of the Lombard Zoning Ordinance to reduce the required interior side yard setback from six feet (6') to two feet (2') for the subject property.

Prepared By

Anna Papke, AICP
Senior Planner



LOCATION MAP

PROJECT DESCRIPTION

The subject property is developed with a single-family home and an attached garage. The attached garage does not meet the required six-foot interior side yard setback. The property owner would like to expand the garage toward the rear of the property. The addition will maintain the existing two-foot side yard setback.

APPROVALS REQUIRED

The petitioner requests that the Village approve a variation from Section 155.407(F)(3) of the Lombard Village Code to reduce the required interior side yard setback from six feet (6') to two feet (2.0') for the subject property located within the R2 Single-Family Residence Zoning District.

EXISTING CONDITIONS

The property contains an existing two-story single-family residence with an attached garage.

PROJECT STATS

Lot Size

Parcel Area: 8,550 SF

Parcel Width: 50 feet

Setbacks with proposed garage addition

Front (west) 32.61 feet

Side (north) 2.32 feet

Side (south) 13.72 feet

Rear (east) 80+ feet

Surrounding Zoning & Land Use Compatibility

North, east, south and west:

R-2, Single Family Residential

Submittals

1. Petition for public hearing;
2. Response to standards for variation;
3. Plat of survey prepared by William M. Wingstedt, dated 8/5/2016; and
4. Architectural plans, prepared by Flint Architects.

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has the following comment regarding the petition. Additional comments may be forthcoming during permit review.

1. The garage would be considered attached by building code. The Building Code requires buildings on single family lots are to be 5 feet from the property line unless the building is sprinklered, or the outside wall is one hour rated. So, the proposed addition could be built with a one hour rated wall, soffit, roof, openings, etc. and still take place if a zoning variance were to get approved.

Fire Department:

The Fire Department has no comments regarding the petition. Additional comments may be forthcoming during permit review.

Private Engineering Services:

Private Engineering Services (PES) has the following comment regarding the petition. Additional comments may be forthcoming during permit review.

1. This property is 40 SF away from requiring a drywell consistent with Section 151.04. This project would make this property right on the edge, unless they comply with the side yard slope requirement.

Public Works:

The Department of Public Works has no comments regarding the petition. Additional comments may be forthcoming during permit review.

Planning Services Division:

The Zoning Ordinance requires single-family residences with an attached garage in the R2 District to maintain a minimum setback of six feet from the interior side property line. The existing garage is not meeting the six-foot setback requirement relative to the north side property line. The petitioner proposes to build a small addition on to the rear of the garage (toward the east). The proposed addition will hold the existing side setback of the garage at approximately two feet from the side property line.

The subject property is 50 feet wide, and is part of a subdivision of 50-foot wide lots platted in 1873 (West Lombard Subdivision). Village Code currently requires a minimum lot width of 60 feet in the R2 Zoning District, though the subject property is a buildable lot under the 80% provision in Section 155.209. According to the York Township Assessor, the home on the subject property was built in 1911. The attached garage appears to have been added on after the house was constructed. Staff finds no records of building permits issued for the garage addition, and therefore concludes that the garage was built prior to the 1950s when the Village began keeping permit records.

The current Village Code went into effect after the subject property was developed, and contains lot width and setback requirements that the subject property does not meet. Staff recognizes that this development sequence creates a hardship for the property owner attempting to modify a home that was constructed prior to current zoning requirements.

To be granted a variation, petitioners must show that they have affirmed each of the standards for variations outlined in Section 155.407(F)(3). Staff offers the following commentary on these standards with respect to this petition:

- a. *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.*

The subject property is 50 feet wide, and is part of a subdivision of 50-foot wide lots platted in 1873. The current minimum lot width in the R2 Zoning District is 60 feet, though the subject property is a buildable lot under the 80% provision of Village code. A 50-foot lot width could be considered unique when compared to the overall Village housing stock. Further, the existing structure was constructed in 1911, prior to current yard setback provisions. The substandard lot width, combined with the placement of the existing structure on the property, limits the petitioner's ability to meet the intent of the ordinance.

- b. *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 subject property is a 50-foot wide lot of record in a legally established subdivision. Previous owners of the subject property built an attached garage on the north side of the subject property that encroaches into the required six-foot interior side yard setback. The garage addition will hold the line of the existing garage. These circumstances are specific to the subject property.

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

This standard is affirmed.

- d. 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 for this variation is due to the location and area of the existing structure in relation to the current interior side yard setback requirement. The existing house and attached garage were built before the Village had adopted a Zoning Ordinance with setback and lot width requirements (1960). Presumably, the house and garage met applicable standards at the time of construction. Current setback and lot width requirements do not reflect the conditions under which the existing house and garage were built.

- e. 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.

This standard is affirmed. The existing house and attached garage were built prior to 1950. Since then, the existing garage with a two-foot setback has not been detrimental to the public welfare or injurious to other properties. The proposed addition will hold the setback of the existing garage and will not further encroach into the requisite yard.

Staff further notes that the size of the addition is minimal, and therefore would be of minimal impact to the adjacent property. See Figure 1.

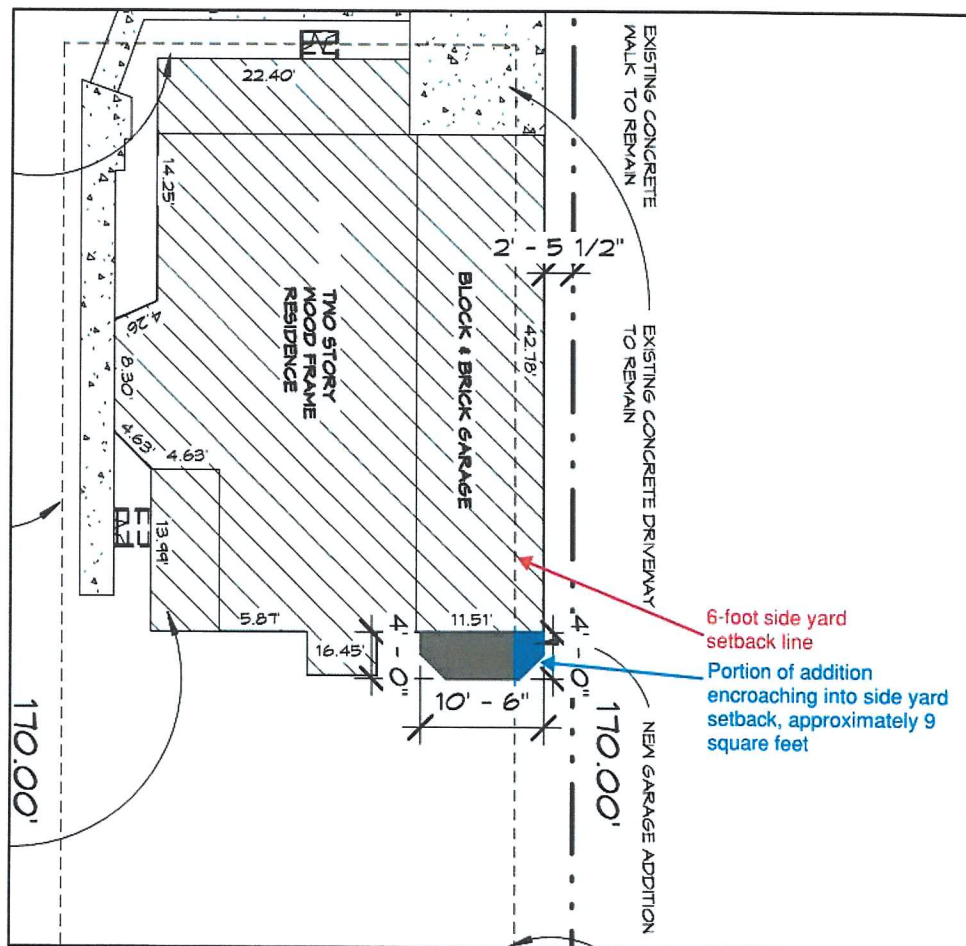


Figure 1. Detail of proposed site plan.

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

Staff finds that this standard is affirmed. The proposed improvement will maintain the existing building line and will not be visible from the street.

d. *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 petitioner proposes to build the addition to the rear of the existing attached garage. The addition will hold the side setback line of the existing garage. It will also angle away from the property line toward the rear of the addition, and is not expected to impact light or air supply to adjacent property. See Figure 1 above.

In consideration of precedent, staff has identified similar cases that appeared before the Zoning Board of Appeals in recent years. All of the cases listed below were requests to reduce an interior side yard setback for an addition that held the setback of the existing residence. Several of these cases involved 50-foot wide lots with circumstances similar to those on the subject property.

Case No.	Address	Summary	ZBA Vote	BoT
ZBA 18-04	49 N. Garfield St.	3.5' Side Yard (6' Reqd.)	Approval	Approval
ZBA 14-09	317 N. Main St.	3' Side Yard (6' Reqd.)	Approval	Approval
ZBA 12-01	91 S. Chase Ave.	4.5' Side Yard (6' Reqd.)	Approval	Approval
ZBA 11-01	533 N. Columbine Ave.	4.5' Side Yard (6' Reqd.)	Approval	Approval
ZBA 10-11	148 W. Park Dr.	3' Side Yard (6' Reqd.)	No Recommendation	Approval
ZBA 09-04	126 S. Lombard Ave.	4.5' Side Yard (6' Reqd.)	Approval	Approval

Staff finds that the variation request meets the standards for variation.

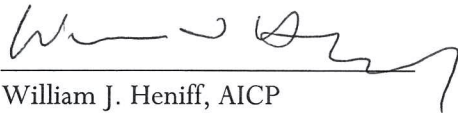
FINDINGS & RECOMMENDATIONS

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 aforementioned 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 find that the findings as discussed at the public hearing, and those findings included as part of the Inter-Departmental Review Committee Report be the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities approval of ZBA 20-05 subject to the following conditions:

1. The addition shall be constructed in substantial conformance to the plans submitted by the petitioners as noted in this IDRC report;
2. The petitioner shall apply for and receive a building permit for the proposed addition;
3. The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report; and
4. 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.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

c. Petitioner

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Description of Request

My hope is to turn half of my tandem garage into a pottery studio. I have been a hobbyist potter for 13 years, and have been making weekly trips into Chicago to work at a studio there. It would be wonderful to be able to do the entire process in my own backyard.

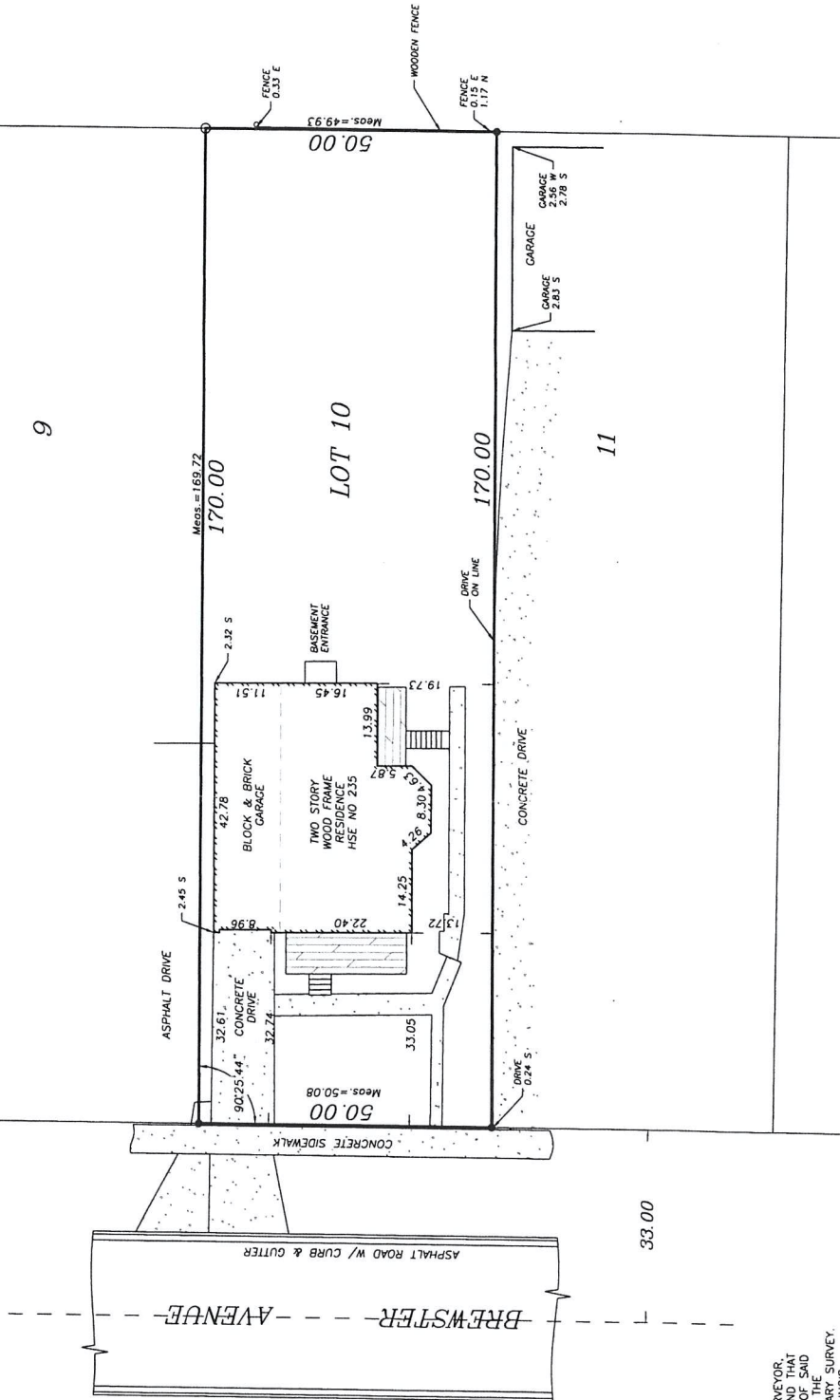
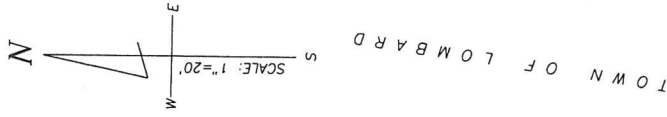
To give it adequate space, I am requesting a small addition to the existing attached garage that would enlarge the workspace of the studio. This addition would also allow for more natural light for working as a bay window would be installed. This bay window would mimic the bay window that is already part of the house (by the dining room). I would also add siding to the garage to make it fit better with the house and make it more aesthetically pleasing. Finally, the electricity would also be upgraded to be able to handle the demands of the pottery equipment.

VIII. Standards for Variations

1. It would be close to necessary to be able to expand the garage to allow for more workspace for the studio. Generally, the guidance is to make a studio as big as possible as you can never have enough workspace. There are several steps to making ceramics, and processes that require large equipment and space. For example, a kiln requires space, as does a potter's wheel. Additionally, a large worktable and a separate glazing table are standard, as are multiple shelving units, storage cabinets for supplies, etc. The added light of the expansion would also allow for better working conditions and less eyestrain.
2. This is a unique request as it pertains to a small addition to a garage that has already been built on the property. It would not result in getting closer to the neighbor's property, but would simply be an expansion to the east that would take up a small amount of additional space in the backyard.
3. This studio is not being built for financial gain. Instead, it's to allow me to be able to do my pottery at home, which has become increasingly important as my skills have developed. Additionally, increased restrictions from COVID-19 have resulted in less studio time at the studio in Chicago where I have worked.
4. This difficulty has been caused by the ordinance and not been created by anyone or anything else.
5. It won't be detrimental to the neighborhood. There is nothing that is part of this project that will hurt or injure any other property.
6. It won't alter the essential character of the neighborhood. It will actually be valuable as the garage will be sided as part of the project, resulting in a more aesthetically pleasing building and be more consistent with surrounding homes. The additional windows will allow for greater appreciation of the backyards of the neighborhood as few have fences and the joined space is park-like.
7. This variation will not do anything of the things listed under number seven. There will be no impact on the light and air to neighboring property as there is no additional story and the expansion is relatively small. Congestion won't be increased as this will be a private studio. There will not be an increase fire danger as all equipment purchased, such as the kiln, is standard equipment and will meet the highest safety standards. It won't be a danger to public safety, and my hope is that if that there would be any effect on property values, it would actually increase them as the garage will be upgraded.

PLAT OF SURVEY

LOT 10 IN BLOCK 6 OF WEST LOMBARD, A SUBDIVISION OF PARTS OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 27, 1873 IN BOOK 2 OF PLATS, PAGE 42 AS DOCUMENT 16718, IN DUPAGE COUNTY, ILLINOIS.



STATE OF ILLINOIS } S.S.
COUNTY OF KENDALL }

THIS IS TO CERTIFY THAT I, AN ILLINOIS LAND SURVEYOR, HAVE SURVEYED THE PROPERTY DESCRIBED ABOVE AND THAT THE REPRESENTATION OF THE PROPERTY IS A TRUE AND CORRECT REPRESENTATION OF THE SAID SURVEY. THIS PROFESSIONAL SEAL IS AFFIXED TO THIS SURVEY IN ACCORDANCE WITH THE CURRENT ILLINOIS MINIMUM STANDARDS OF A BOUNDARY SURVEY GIVEN UNDER MY HAND AND SEAL AT OSWEGO, ILLINOIS, THIS 5TH DAY OF AUGUST, A.D., 2016.

ORDERED BY:

[Signature]

ILLINOIS LAND SURVEYOR NO. 2675 (LICENSE SUBJECT TO RENEWAL AND EXPIRES 11/30/2016) REFER TO DEED OR GUARANTEE POLICY FOR RESTRICTIONS NOT SHOWN ON SURVEY. ALL DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF. LINE DIRECTIONS AND BEARINGS, WHERE SHOWN, ARE BASED ON AN ASSUMED DATUM LINE. PLEASE COMPARE ALL POINTS BEFORE BUILDING AND REPORT ANY APPARENT DISCREPANCIES.

HERBERT & ECKBURG, LLLP ORDER NO. 16, H. 14 FILE NO. 16647

WILLIAM M. WINGSTEDT
ILLINOIS PROFESSIONAL LAND SURVEYOR
329 WHITE PINES C.I., OSWEGO, ILLINOIS 60543
PHONE: (630) 554-8209 FAX (630) 551-1207



235 BREWSTER AVE.DWG
● = found iron stake
○ = set iron stake

FIELD WORK COMPLETED, BUILDINGS AND OTHER IMPROVEMENTS LOCATED AS SHOWN ON THE 5TH OF AUGUST, A.D., 2016.

General Notes

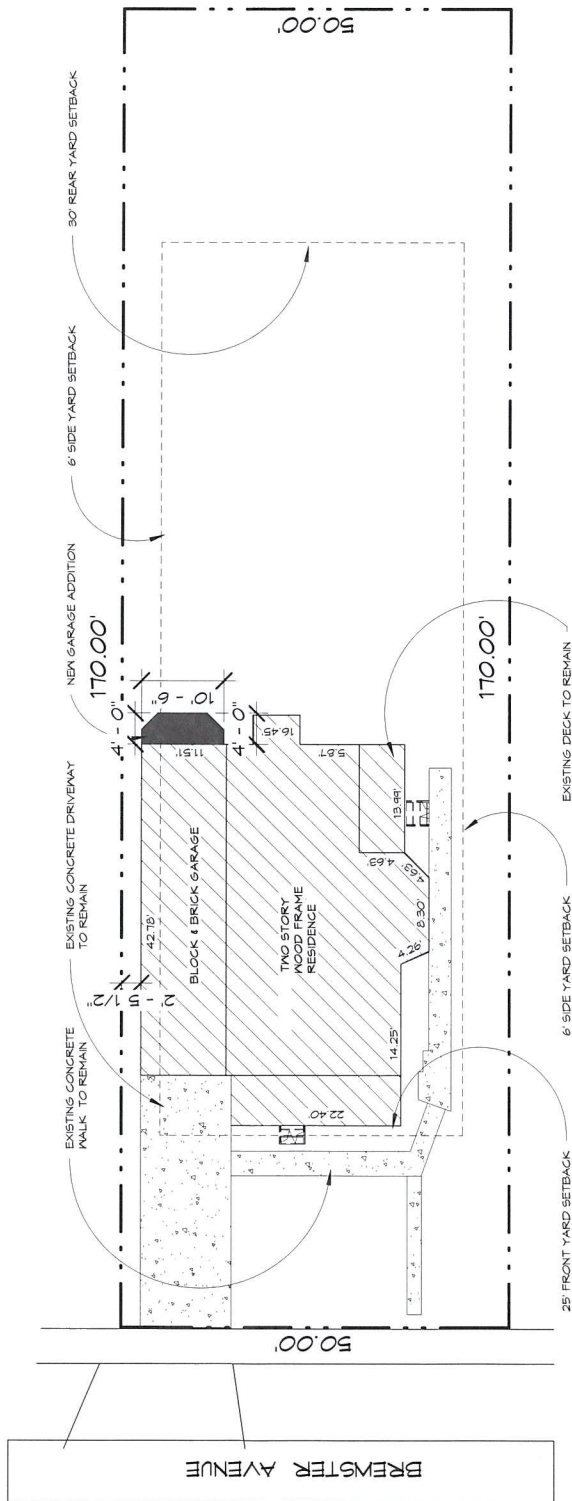
No.	Revision/Issue	Date



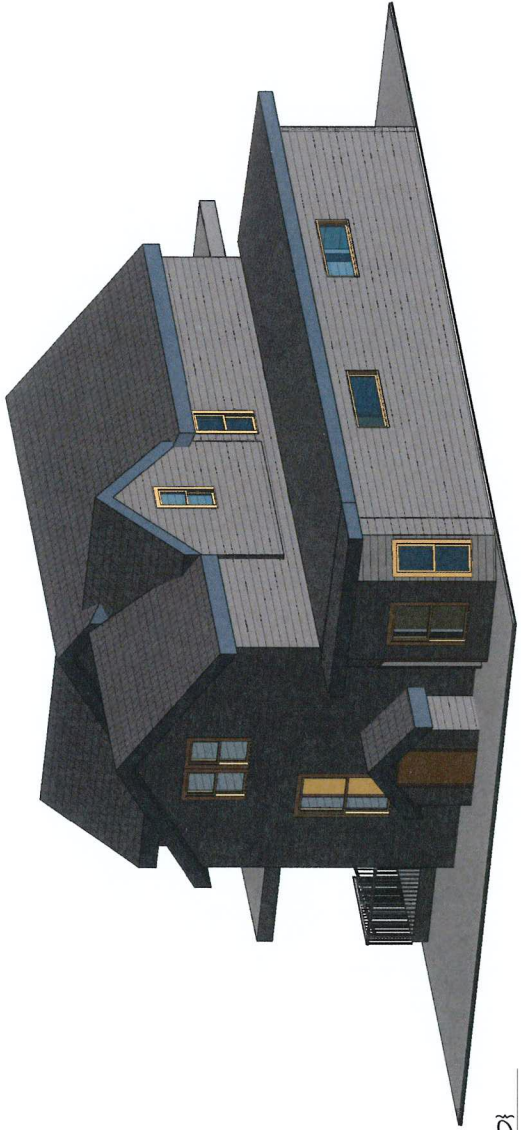
Project Name and Address
 Home Addition & Renovation
 Ms. Sarah Stanley
 235 S. Brewster Ave.
 Lombard, IL 60148

Project: 20040
 Date: 9/25/2020
 Scale: AS NOTED
 SHEET: Z1

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1 Site Plan
 1/16" = 1'-0"



1 3D



2 3D Copy 1

General Notes

No.	Revision/Issue	Date

Firm Name and Address



FLINT ARCHITECTS
 THE SPIRIT OF ARCHITECTURAL EXCELLENCE
 235 S. BREWSTER AVE. SUITE 200
 LOMBARD, IL 60148
 P: 630-963-9020 F: 630-963-3140 www.flintarch.com

Project Name and Address

Home Addition & Renovation
 Ms. Sarah Stanley
 235 S. Brewster Ave.
 Lombard, IL 60148

Project No. 20040
 Date 9/25/2020
 Scale AS NOTED
 SHEET **Z2**

General Notes

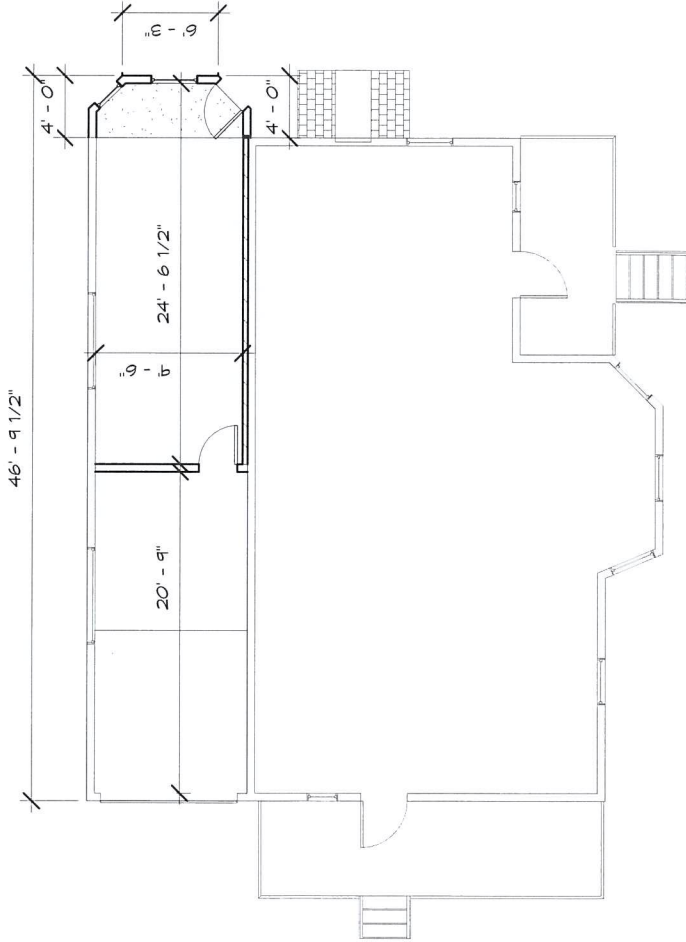
No.	Revision/Issue	Date

FLINT ARCHITECTS
THE BOARD OF ARCHITECTURAL REGULATION
1000 N. W. 10th Street, Suite 1000
P. 800.363.5003 F. 800.903.3442 W. FLINTARCHITECTS.COM

Project Name and Address
Home Addition & Renovation
Ms. Sarah Stanley
235 S. Brewster Ave.
Lombard, IL 60148

Project	20040	Sheet	Z3
Date	9/25/2020		
Scale	AS NOTED		

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1 New Floor Plan
1/8" = 1'-0"