

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO:	Zoning Board of Appeals	HEARING DATE:	April 26, 2006
FROM:	Department of Community Development	PREPARED BY:	Jennifer Backensto, AICP Planner II

TITLE

ZBA 06-07; 429 S. Craig Place: The petitioner requests approval of a variation to Section 155.406 (H) to reduce the amount of open space on the subject property to 44.5 percent where a minimum of 50 percent open space is required, to allow for the construction of a detached garage and driveway within the R2 Single Family Residential District.

GENERAL INFORMATION

Petitioner/Property Owner:	Daniel Mahal 429 S. Craig Place Lombard, IL 60148
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PROPERTY INFORMATION

Existing Zoning:	R2 Single Family Residential District
Existing Land Use:	Single Family Residential
Size of Property:	Approximately 8,000 Square Feet

Surrounding Zoning and Land Use

North:	R2 Single Family Residential District; developed as Single Family Residences
South:	R2 Single Family Residential District; developed as Single Family Residences
East:	R2 Single Family Residential District; developed as Single Family Residences
West:	R2 Single Family Residential District; developed as Single Family Residences

ANALYSIS

SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development on February 28, 2006.

1. Petition for Public Hearing
2. Response to the Standards for Variation
3. Plat of Survey, prepared by Lambert and Associates, dated February 28, 1995.
4. Site Plan showing existing and proposed improvements.

DESCRIPTION

The petitioner is requesting a variation to decrease the required open space from 50 percent of the lot area to 44.5 percent of the lot area. The property currently meets code with 64 percent open space. The petitioner wishes to exceed the maximum allowable lot coverage by 440 square feet to accommodate a driveway extension and a new 720-square foot detached garage.

INTER-DEPARTMENTAL REVIEW COMMENTS

Fire and Building

Fire and Building have no comments on this petition.

Public Works Engineering

Public Works has no comments on this petition.

Private Engineering

The code requirement of 50% open space serves to limit both the density on lots as well as the stormwater runoff from them. The petitioner proposes a dry well to mitigate for the increase in runoff. However, a limitation to dry wells is slow percolation rates in our typical clayey soils. Therefore, dry wells are unable to handle rainfalls in short succession. It is for this reason that dry wells are the last option used to improve drainage. The variation, if approved, would suggest to other property owners that the open space requirement could be overcome as long as the additional runoff is mitigated. This would be an undesirable precedent.

Planning

Background

The subject property currently has approximately 2,992 square feet of lot coverage, leaving 63 percent open space. Although the Plat of Survey shows approximately 70 percent open space, the petitioner has made improvements since purchasing the property. In 2001, a permit was

issued for a 174-square foot front porch, and there is also a 464-square foot deck that is not shown on the plat. The existing shed would be removed upon construction of the garage.

Standards for Variations

The standards of the Zoning Ordinance are set for the provision of open space, to preserve green space, and maintain the aesthetics of a suburban setting. The Village's Comprehensive Plan states "the existing visual and environmental character of Lombard's various residential neighborhoods should be preserved and enhanced." The open space standards within the R2 District help to achieve that goal by ensuring that lots do not have the appearance of being overbuilt and that a more intensive use of the property is prevented.

Staff typically has not recommended approval for open space variations unless there is an existing legal nonconforming situation and the amount of open space is not being decreased. Staff finds that the requested relief to reduce the open space to 44.5 percent is substantial.

The 50 percent open space requirement does not in any way preclude the petitioner from constructing a detached garage on the subject property. Options that would allow the construction of a detached garage while still meeting code include: reducing the size of the garage, shifting the garage location toward the house, and/or removing the 227 square feet of paving in front of the house. For example, removing the paving in front of the house and reducing the garage to a standard two-car size (22 feet by 24 feet) would leave this property with 50 percent open space. If a larger garage is desired, its location could be changed or additional pavement could be removed.

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 unique physical limitations that limit the owner from meeting the intent of the ordinance. The lot is not unusually small. The lot is 8,000 square feet, which exceeds the minimum lot size of 7,500 square feet in the R2 District.
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 petitioner's property is typical of any R2 Single Family Residential lot in 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

hardship has not been caused by the ordinance and has instead been created by the extent of the existing and proposed improvements to the property.

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 finds that granting the request could be injurious to neighboring properties because overbuilding single-family lots contributes to a loss of the neighborhood's suburban character.

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 approval of the 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 06-07.

Inter-Departmental Review Group Report Approved By:

David A. Hulseberg, AICP
Director of Community Development

DAH:JB
att-
c: Petitioner