

March 20, 2017

Title

PC 17-09

Petitioner/ Property Owner

Luxica, LLC
134 N. Charlotte Street
Lombard, IL 60148

Property Location

659 N. Edgewood Avenue
Lombard, IL 60148

Zoning

R2 – Single Family Residential

Existing Land Use

Single Family Residential

Comprehensive Plan

Low Density Residential

Approval Sought

A variation to reduce the required minimum front setback for a property in the R2 district; a variation to reduce rear setback for a property in the R2 district (if warranted; approval of a plat of resubdivision.

Prepared By

Anna Papke, AICP
Senior Planner



LOCATION MAP

DESCRIPTION

The petitioner proposes to subdivide the property located at 659 N. Edgewood Avenue into two separate lots. There is an existing home on the west end of the property. The subdivision will enable the petitioner to construct a new single-family residence on the east portion of the property. Both proposed lots will meet minimum lot width and area requirements in the R2 zoning district.

The resulting lots will have front yards facing Le Moyne Avenue. The existing home on Lot 1 will not meet the minimum 30' front yard setback requirement from the north property line (existing setback is 29.21'). The petitioner is seeking relief from this requirement relative to the existing house in order to subdivide the property as proposed.

The existing home also will not meet the minimum rear yard setback requirement of 35 feet from the south property line (existing setback is 27'). However, a proposed text amendment to change the rear setback requirement from 35' to 25' is currently under review by the Village, with a final vote by the Village Board scheduled for March 16, 2017. Based on a recommendation of approval by the Plan Commission, staff expects the Board will approve this change, in which case the existing home will meet the rear setback requirement.

As the proposed resubdivision requires relief in the form of a variance for the setback(s) on the existing home, it is subject to Plan Commission and Village Board review.

PROJECT STATS

Lot Area & Width – Proposed

	Lot 1	Lot 2
Lot Area (square feet):	7,561	8,905
Lot Width (along Edgewood):	80.22'	171.78'
Open Space:	63%	vacant

Setbacks – Proposed

	Lot 1	Lot 2
Front (north):	29.21'	vacant
Side (west):	39.53'	vacant
Side (east):	7.50'	vacant
Rear (south):	27.00'	vacant

Submittals

1. Petition for a public hearing, dated February 14, 2017;
2. Response to Standards for a Variation, submitted February 14, 2017;
3. Plat of Survey, prepared by Gentile & Associates, Inc., dated January 4, 2017; and
4. Draft Plat of Resubdivision, titled Angela's Acres Resubdivision, prepared by Gentile & Associates, Inc., dated February 17, 2017.

APPROVAL(S) REQUIRED

The petitioner, Luxica, LLC, requests that the Village take the following actions on the subject property located within the R2 Single-Family Residence District:

1. Approve a variation from Section 155.407(F)(1) to reduce required front yard setback for an existing detached single-family dwelling from thirty feet (30') to twenty-nine feet (29'); and
2. Approve a variation from Section 155.407(F)(4) to reduce required rear yard setback for an existing detached single-family dwelling from thirty-five feet (35') to twenty-seven feet (27'), if warranted; and
3. Approve a plat of resubdivision.

EXISTING CONDITIONS

The subject property is a corner lot located on the southeast corner of the intersection of Edgewood Avenue and Le Moyne Avenue. There is an existing single-family residence with detached garage on the west half of the property. The proposed resubdivision would divide the property into two lots that have frontages along Le Moyne Avenue.

Under present conditions, the yard adjacent to Edgewood Avenue is the front yard of the existing home, while the yard adjacent to Le Moyne is the corner side yard. Upon resubdivision, the front yard of the existing home will be adjacent to Le Moyne Avenue, with the corner side yard adjacent to Edgewood Avenue. Similarly, the south side of the property will be the rear yard of the existing home after resubdivision.

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no comments regarding the proposed resubdivision. Additional comments may be forthcoming during permit review.

Fire Department:

The Fire Department has no issues or concerns regarding the proposed resubdivision. Additional comments may be forthcoming during permit review.

Private Engineering Services (PES):

PES has the following comment. Additional comments may be forthcoming during permit review.

1. When either lot is redeveloped, it will be required to meet the Village and DuPage County stormwater ordinances.

Public Works:

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

However, the Department does advise that any new domestic water service line for a forthcoming house on the newly created vacant lot shall connect to the Illinois American Water main rather than the Village of Lombard's water main. The latter is to be used solely for fire protection in that neighborhood.

Planning Services Division:

The Planning Services Division notes the following:

1. Surrounding Zoning & Land Use Compatibility

	Zoning	Land Use
North	R2	Single-family residence
South	R2	Single-family residence
East	R2	Single-family residence
West	R2	Single-family residence

The subject property is located within an established single-family residential neighborhood. Following resubdivision, the petitioner will leave the existing house as-is on Lot 1 and develop Lot 2 with a new single-family residence.

2. Comprehensive Plan Compatibility

The Comprehensive Plan designates the subject property as suitable for low-density residential development. The existing single-family home on Lot 1 and proposed new single-family home on Lot 2 are consistent with this designation.

3. Zoning Ordinance Compatibility

Minimum Lot Area

The Zoning Ordinance requires a minimum lot area of 7,500 square feet (5.8 DU/AC) for properties within the R2 zoning district (Section 155.407(D)). The proposed lot areas for Lots 1 and 2 are 7,561 square feet and 8,905 square feet, respectively.

Minimum Lot Width

The Zoning Ordinance requires a minimum lot width of 60 feet in the R2 zoning district (Section 155.407(E)). The proposed lot widths for Lots 1 and 2 are 80.22 feet and 101.78 feet, respectively.

Open Space

The Zoning Ordinance requires properties in the R2 district to maintain a minimum of 50% of the lot area in open space (Section 155.407(H)). Lot 1, containing the existing single-family home, will be 63% open space. Future development on Lot 2 will comply with the 50% minimum requirement.

Setbacks

Following the proposed resubdivision, the existing home on Lot 1 will not meet the minimum front setback requirement in the R2 district. The home will have a setback of 29.21 feet from the north property line as opposed to the required 30 feet. This setback requires a variance in order for the Village to approve the resubdivision.

The rear setback of the existing house will be 27 feet after the resubdivision, which does not meet the current setback requirement of 35 feet in the rear yard. However, as discussed previously, staff expects the Village to approve an amendment changing the required rear setback in the R2 district to 25 feet.

The petitioner has indicated that future development on Lot 2 will comply with setback requirements.

4. Request for Variance(s)

If resubdivided as proposed, the existing single-family home on Lot 1 will require a front yard setback variance, and potentially a rear yard setback variance. To be granted a variance, petitioners must show that they have affirmed the standards for variations outlined in Section 155.103(C)(7). Staff offers the following commentary on these standards with respect to this petition:

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 if the strict letter of the regulations were to be applied.*

The subject property is larger than many other lots in the immediate neighborhood. The property as currently platted has 80 feet of frontage on Edgewood Avenue and 182 feet of frontage on Le Moyne Avenue. Other properties on Edgewood have an average lot width of approximately 60 feet. Properties fronting Le Moyne also have average lot widths of approximately 60 feet. But for the 0.79 foot deficiency in the setback between the existing house and the north property line, the subject property could be divided as proposed and meet the requirements and intent of the R2 district standards.

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 properties within the same zoning classification.*

The proposed variance will apply only to Lot 1 in the proposed resubdivision, and will address the setback of an existing structure. The petitioner states that future development on Lot 2 will comply with required setbacks.

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

This standard is affirmed.

4. *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.*

The hardship has not been caused by the petitioner.

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 variation will address a setback for an existing structure. It will not be detrimental to the public or nearby properties.

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

This standard is affirmed.

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*

This standard is affirmed.

Staff finds that the variation request meets the standards for variation and is supportive of the variation. Staff notes that but for the 0.79-foot deficiency in the front setback of the existing home, the petitioner could otherwise subdivide the property as proposed by right. As noted above, the subject property in its present configuration is substantially larger than other properties in the immediate neighborhood and in the R2 district generally, so the proposed subdivision is appropriate from the standpoint of neighborhood compatibility.

SITE HISTORY

Village records indicate this property has never been before the Plan Commission or Zoning Board of Appeals.

FINDINGS & RECOMMENDATIONS

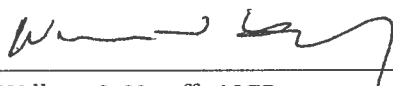
Staff finds the proposed resubdivision and companion variation(s) to be consistent with the objectives of the Zoning Ordinance and the intent of the Comprehensive Plan in general.

Based on the above findings, the Inter-Departmental Review Committee has reviewed the petition and finds that it meets the standards required by the Zoning Ordinance. As such, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending **approval** of this petition:

Based on the submitted petition and the testimony presented, the requested variance **complies** with the standards required by the Village of Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission accept the findings and recommendations of the Inter-Departmental Report as the findings of the Plan Commission and I recommend to the Corporate Authorities **approval** of PC 17-09 subject to the conditions:

1. The setback relief granted herein shall apply only to the existing house on Lot 1 of the Angela's Acres Resubdivision, as drawn on the preliminary plat submitted by the petitioner; and
2. Any buildings constructed on the proposed Lot 2 shall meet the provisions of the Zoning Ordinance.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

c. Petitioner

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Petition for Public Hearing by Luxica, LLC, 659 N. Edgewood, Lombard, IL 60148

RESPONSES TO STANDARDS FOR VARIATIONS

The Petitioner, Luxica, LLC, is requesting that the Village of Lombard approve a Variation for the property located at 659 N. Edgewood in accordance with the standards established in Section 155.103 (C)(7) of the Village of Lombard Zoning Ordinance. The following are the responses of Luxica to each of these standards:

The regulations of this ordinance shall not be varied unless findings based on the evidence presented are made in each specific case that affirms each of the following standards:

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.*

Luxica would like to subdivide the property into 2 lots, with the front of the lots facing LeMoyne instead of Edgewood. The only variation required to subdivide the property affects only .79 of a foot in what is now the side yard (and would become the front yard) setback on the existing home located on the property. Approval of the subdivision with the minor variation will allow Petitioner to build a new, modestly priced home on the lot to the east of the current 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 variation is unique to this property in that it only affects .79 feet of the existing property on a setback line that was created after construction of the property (it is presently "grandfathered"). Similar variations have been given to other existing properties of this type in Lombard. Any new property to be built on the new second lot would not require any variation from existing building requirements.

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

The variation requested is on the existing home on the property, and simply makes the house that has been there for over 50 years legal. The plat of subdivision was recorded in 1953 and corrected in 1955, and the single family home on the property was built soon thereafter.

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4. *The alleged difficulty of hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.*

The existing home on the property were built before the current set back requirements were codified.

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.*

This is an existing home in a residential neighborhood.

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

Any new property built on the subdivided lot will mesh nicely with the neighborhood.

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 with the neighborhood.*

The proposed variation has no effect on light, air, congestion, fire damage, drainage, public safety, or property values.