

April 1, 2004

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

Subject: PC 04-05; 801 East Wilson Avenue; 1000, 1112, 1118, 1124, 1125, 1128, 1129, 1133, 1135, 1136, 1140 and 1146 South Ahrens Avenue; 703, 750 and 754 East Morris Avenue

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The Village is requesting approval of a map amendment rezoning the subject properties from the R2 Single-Family Residential District to R1 Single-Family Residential District.

In addition, the Village also requests approval of companion variations to the Zoning Ordinance, as follows:

1. For the properties at 801 East Wilson Avenue, 1118 South Ahrens Avenue, and 1129 South Ahrens Avenue, grant a variation from Section 155.405(F)(3) to reduce the required interior side yard from seven and one-half feet (7.5') to six feet (6') for an existing single-family residence.
2. For the property at 1133 South Ahrens Avenue, grant a variation from Section 155.405(F)(3) to reduce the required interior side yard from seven and one-half feet (7.5') to six feet, four inches (6'4") for an existing single-family residence.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on March 15, 2004. William Heniff, Senior Planner for the Department of Community Development, presented the petition. He described the properties as being located along Ahrens Avenue, south of Wilson Avenue. In 2003, the Village considered petitions for rezoning of properties at 1105 S. Ahrens, 1115 S. Ahrens Avenue and 1105 S. School Street from the R1 to the R2 District. Finding that the proposed rezoning would be inconsistent with the objectives of the Comprehensive Plan, the Plan Commission recommended denial and the Village Board denied the rezoning request.

As part of these hearings, staff noted that the neighborhood should have a consistent zoning classification. With the Village Board denying the rezoning request, staff is now proceeding with a map amendment request to rezone sixteen single-family parcels from the R2 to the R1 District. So that this action does not create any additional non-conformities, staff has also prepared a companion variation request for those principal structures that would become legal non-conforming as a result of this action. He noted that there are no development proposals associated with this request.

He stated that most of the R2 properties were voluntarily annexed throughout the late 1960s and 1970s and were given the R2 Single-Family Residence District designation. However, this designation is inconsistent with the R1 zoning of most of the properties between Wilson and Norton as well as the properties that were involuntarily annexed in 2003.

He then explained the primary differences between the R1 and R2 Districts pertain to the minimum lot area, lot width and setback requirements as noted in the staff report. Each property could be constructed or reconstructed upon without having to apply for a variation to the lot width or area requirements. However, any new lots created would need to meet the 75 foot/10,000 square foot provisions. He said that the map amendment meets the provisions for rezonings as noted in the staff report.

For those single-family residential structures that were legally erected under the Village's R2 regulations but would become legal non-conforming as a result of the proposed Village actions, staff has included companion requests for variations to the interior side yards. The companion variation requests only pertain to those regulations that would create non-conformities as a direct result of the proposed map amendment request. Any other legal non-conformities that may exist on the subject properties would remain as such. Moreover, the variation request is only intended to relate to the existing principal structures – any additions to the existing structures would need to meet the R1 provisions, unless varied by the Village Board.

He noted that the Comprehensive Plan designated the neighborhood for estate residential uses, with a net density of four or fewer dwelling units per acre. Staff notes that past zoning actions that zoned properties into the R2 District were frequently done concurrent with an annexation request. The rezoning request is intended to replicate the established R1 zoning on the neighboring properties and staff believes the R1 zoning is most consistent with the Comprehensive Plan.

Chairperson Ryan then opened the meeting for public comment.

Andrew Malone, 801 East Wilson Avenue, inquired about the legal non-conforming status of his property should this action be approved. He also inquired about how the setbacks were determined for his existing residence. Lastly, he asked about what would happen if his house was destroyed by fire. Mr. Heniff noted that this lot is a buildable lot if the rezoning is approved, per the provisions of Section 155.209 of the Zoning Ordinance. The setbacks in the request were

determined through a review of past building permits and aerial photographs. If these actions are approved, the house could be rebuilt based on the six-foot setback, provided that the footprint is the same as it is now.

Chairperson Ryan opened the public hearing for discussion and questions by the Plan Commission.

Commissioner Sweetser supports the petition and noted that its intent reflects the concerns raised by the Plan Commission.

Commissioner Burke asked for clarification regarding the property at 754 E. Morris, which has a residence located four feet from the property line. Mr. Heniff noted that a companion variation was not requested for this property as the existing setback is less than that which is permitted in either the R1 or the R2 District. The non-conformity is not being created by this particular rezoning action.

After due consideration of the petition and the testimony presented, the Plan Commission found that the petition complies with the standards required by the Lombard Zoning Ordinance. Therefore, the Plan Commission, by a roll call vote of 5-0, recommends to the Corporate Authorities **approval** of the map amendment request associated with PC 04-06. Furthermore, the Plan Commission recommends approval of the variation requests included as part of the petition, subject to the following condition:

1. That the granted variation to the interior side yard setbacks shall be for the existing single-family residential structures as they exist at the time of adoption of this Ordinance. Any future additions to the existing residences shall meet the setback provisions of the underlying R1 zoning district.

Respectfully,

VILLAGE OF LOMBARD

Donald F. Ryan
Lombard Plan Commission

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c. Lombard Plan Commission