

**May 22, 2019**

**Title**

ZBA 19-04

**Petitioner & Property Owner**

Richard Comerford

M&R Comerford

800 Roosevelt Rd, B106

Glen Ellyn IL 60137

**Property Location**

609 S. Main Street

06-17-100-004

District 6

**Zoning**

B2

**Existing Land Use**

One-story commercial building

**Comprehensive Plan**

Neighborhood Commercial

**Approval Sought**

The petitioner requests that the Village approve zoning variations from Section 155.210(A)(2)(a) of the Lombard Village Code for an accessory structure to be located in a required interior side yard (parking canopy) and from Section 155.414(F)(3) of the Lombard Village Code to allow for an addition with an interior yard setback of 5.47' where 10' is permitted in the B2 General Neighborhood Shopping District.

**Prepared By**

Jennifer Ganser, AICP  
Assistant Director



**LOCATION MAP**

**PROJECT DESCRIPTION**

The subject property is developed with a commercial building. The petitioner/property owner intends to construct a two-story addition and carport and hold the building line with the existing building that currently has a setback of 5.47 feet on the south. With a setback of 5.47', the proposed addition will not meet the required 10' setback for a commercial building in the B2 District. As a result, variances are needed for the project's completion. The petitioner intends to hold the building line for the addition and car port.

The petitioner plans to operate his business, Grimstad Comerford Group, Inc., from this location. They operate a sales office for art materials.

**APPROVALS REQUIRED**

The petitioner requests that the Village approve zoning variations from Section 155.210(A)(2)(a) of the Lombard Village Code for an accessory structure to be located in a required interior side yard (parking canopy) and from Section 155.414(F)(3) of the Lombard Village Code to allow for an addition with an interior yard setback of 5.47' where 10' is permitted in the B2 General Neighborhood Shopping District.

**EXISTING CONDITIONS**

The property is improved with a one-story commercial building. Per the York Township Assessor, the building was built in 1973. The property was formerly a Taco Bell and a Great Clips.

**PROJECT STATS**

**Lot & Bulk (Proposed)**

Parcel Size: 0.29 acres

Building Size: 1,288 square feet, approx.

**Submittals**

1. Petition for Public Hearing;
2. Response to Standards for Variation;
3. Topographic Map, prepared by Professional Land Services, LLC, dated, dated April 3, 2019;
4. Site Plan, prepared by Heitzman Architects, dated March 13, 2019; and
5. Concept drawings, prepared by M&R Comerford.

**INTER-DEPARTMENTAL REVIEW**

**Building Division:**

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

**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 no comments. Additional comments may be forthcoming during permit review.

**Public Works:**

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

**Planning Services Division:**

Surrounding Zoning & Land Use Compatibility

	<b>Zoning District</b>	<b>Land Use</b>
<b>North</b>	B2	Office
<b>South</b>	B2	Office
<b>East</b>	R2	Single Family Home
<b>West</b>	B2	Gas Station

The property is mostly surrounded by business uses and operated as a commercial business in the past. The petitioner intends to move his office to the site and construct an addition and car port. Staff finds the use and addition consistent with the surrounding neighborhood.

The ZBA has a history of approving variances for single-family home additions that hold the building line. This project, though commercial property, is similar in nature.

The addition will be used for offices, meeting space, a showroom, and storage space. The car port will be constructed from the back of the building over four parking spaces. The building height will meet Code; therefore, no variance is required.

The parking lot improvements and additional landscaping will be an added improvement to the site and neighborhood. These improvements will bring the property up to current Code. A ten-foot landscape area is shown to the east, which will serve as a buffer to the existing single-family home.

**STANDARDS**

To be granted a variation, petitioners must show that they have affirmed each of the standards for variations outlined in Section 155.103(C)(7). Staff believes the petitioner has affirmed the standards and concurs with their response.

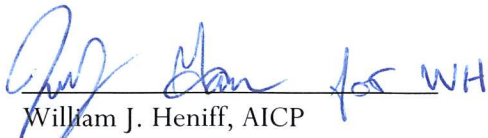
**FINDINGS & RECOMMENDATIONS**

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 variations do 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 19-04 with the following conditions:

1. The building addition and car port shall be constructed in substantial conformance with the Site Plan;
2. The petitioner shall apply for and receive a building permit for the project;
3. 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; and
4. In the event that the building or structure on the subject property is damaged or destroyed, by any means, to the extent of more than 50 percent of the fair market value of such building or structure immediately prior to such damage, such building or structure shall not be restored unless such building or structure shall thereafter conform to all regulations of the zoning district in which such building or structure and use are located.

Inter-Departmental Review Committee Report approved by:

A handwritten signature in blue ink that reads "William J. Heniff for WH".

William J. Heniff, AICP  
Director of Community Development

c. Petitioner

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STANDARDS FOR VARIANCE RESPONSE

M&R Comerford, LLC

Richard S Comerford, Petitioner and Owner

609 S. Main Street, Lombard IL 60148

Request for setback variance.

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.

In this case, the building would not follow the existing structural lines of a building erected in 1973 prior to the current setback requirements. The addition would not have a continuous line for its south wall, causing hardships in and attractive design as well as parking space availability and access. With the required 10' setback the new structure would have to be much longer in order to provide the same space required by my business. This would also make the construction per square foot more costly.

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.

Due to the current position of the existing building, which has a 5' setback, this variance would not necessarily apply to other properties and is unique.

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

The purpose of this variation is related to the quality of the design, an efficiency in construction, as well as increasing the number of available parking spaces.

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.

This 10' setback ordinance, created after the existing building was constructed with a 5' setback is why this ordinance has created a hardship and has nothing to do with any person presently having interest in the property.

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.

On the contrary, it will provide several public benefits including a higher quality building design, additional parking and a more efficient construction process, minimizing disruption to other businesses.

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

In no way will alter the character of the neighborhood as it will be an improved commercial property in an area designated for businesses. The planned use of this building is consistent with the neighborhood and should provide some enhancement.

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.

As there is already a large unattractive masonry building constructed directly to the south of the proposed new structure, the new structure would provide a more attractive view from both Main and Madison streets. The variance would allow us to locate the building further south so the height of the building would not significantly alter available light to any other property to the north, especially during the winter months. The property is currently a black top lot, and the draining of the property does not substantially change with the location of the additions proposed.