

April 27, 2016

Title

ZBA 16-02

Petitioner & Property Owner

Mike Blanchard
515 N. Lombard Avenue
Lombard, IL 60148

Property Location

515 N. Lombard Avenue
(06-05-116-009)
Trustee District #4

Zoning

R2 Single Family Residence

Existing Land Use

Single Family Home

Comprehensive Plan

Low Density Residential

Approval Sought

A variation from Section 155.407(H) of the Lombard Zoning Ordinance to allow for less than the minimum of 50 percent of the lot area to be open space, as required by Code, from 50% to 48.5%

Prepared By

Jennifer Ganser
Assistant Director



PROJECT DESCRIPTION

The petitioner owns a single-family home with a detached garage, a front sidewalk, and a deck. When a permit was applied for a home addition in 2015, it was noted that the property is currently over the 50% lot coverage. The architect revised the plans (attached), and a variance is being requested in order to complete the project.

APPROVALS REQUIRED

The petitioner requests that the Village grant a variation from Section 155.407(H) of the Lombard Zoning Ordinance to allow for less than the minimum of 50 percent of the lot area to be open space, as required by Code, from 50% to 48.5%.

EXISTING CONDITIONS

The property contains a single-family residence, an existing detached garage with associated driveway, a front sidewalk, and a deck. The Village does not have a record of a building permit for the deck; perhaps as such permits were not required during the period in which the deck may have been built. Currently, the property is at 46.52% open space, where the Village requires 50% per Code.

The subject property is surrounded by single-family homes.

PROJECT STATS

Lot & Bulk

Parcel Size: 7,586 sq. ft.
0.17 acres

Lot Coverage: 46.52%

Reqd. Setbacks & Proposed Dimensions (approx. in parens.)

Front (west) 30' (30.89')
Side (north) 6' (5.88')
Side (south) 6' (10.68')
Rear (east) 35' (56')

Submittals

1. Petition for public hearing submitted on January 3, 2016;
2. Response to Standards for Variations prepared and submitted by SLS Architects on March 23, 2016;
3. Plat of Survey, prepared by William M. Wingstedt, land surveyor, dated October 18, 1999;
4. Existing site plan, Sheet Number EX, prepared by SLS Architects, dated November 24, 2015; and
5. Proposed Site Plan, Sheet Number C, prepared by SLS Architects, dated November 24, 2015.

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no comments.

Fire Department:

The Fire Department has no issues or concerns.

Private Engineering Services (PES):

PES has the following concerns with exceeding the 50% lot coverage:

1. This location is within a separate storm sewer area that is tributary to the combined sewer system, which is prone to drainage issues from this area and downstream.
2. With the lot being approximately 1/5 of an acre, current design standards for storm sewer anticipate an average of 48.8% impervious (based on TR-55 publication) for generalized subdivision design for storm sewer and storm drainage designs, which includes streets and sidewalks for the standard for stormwater calculations.
3. There have been past drainage complaints in this general area of the Village in the past 3.5 years, and staff would assume prior to that as well.
4. However, based on the fact that the variance will reduce the coverage from 46.52% open space to 48.65% open space, PES staff does not object to the petition.

Public Works:

The Department of Public Works has no comments.

Planning Services Division:

When staff reviewed the original permit the architect and property owner were notified that the permit would not be approved because the proposed project had lot coverage of 46.4%. Furthermore, it was discovered that the existing lot, as it remains today, is at 46.52% lot coverage, as over 50% as required by Code.

Staff worked with the architect and property owner and a revised design was submitted to staff. Staff noted that the proposed project is also at over 50% open space and therefore would require a variance. The project now includes removal of the deck selected walkways, construction of an addition (expanded kitchen and new deck), and a new garage moved to a location currently covered by the existing driveway. Though a variance for open space is being requested, should this variance be approved by the Village Board, the amount of open space on the lot will increase from 46.52% to 48.65%.

Open space is defined as "that portion of a lot or property maintained as lawn, garden, field, woods, wetland, or other natural landscape area and is free of buildings, structures and impervious surfaces". In 1990, Village Code required 50% open space in the R2 District.

Open Space is reviewed by Planning staff. Engineering staff reviews permits for stormwater and pervious versus impervious coverage. Some items, like a deck or permeable pavers, may receive credit from engineering for stormwater, but are still considered lot coverage by Planning staff.

Staff found six (6) lot coverage cases before the ZBA since 2000.

ZBA Case	Request	ZBA Action	BOT Action
418 W. Wilson (ZBA 09-10)	Variation to reduce open space to 42.55%; petitioner had constructed improvements in excess of what was permitted by Code, and some without a permit	Recommendation of Approval	Approved (see below paragraph)
125 S. Stewart (ZBA 06-12)	Variation to reduce open space to 45.6%; petitioner wished to construct a three-seasons room addition over a portion of the existing deck	Recommendation of Approval	Approved
345 S. Stewart (ZBA 04-09)	Variation to reduce open space to 47.4%; petitioner wished to construct a new garage	Recommendation of Approval	Approved
342 N. Martha (ZBA 02-27)	Variation to reduce open space to 46%; petitioner wished to construct a new deck addition that increased the non-conformity by 313 square feet	Recommendation of Approval	Approved
112 N. Main (ZBA 02-11)	Variation to reduce open space to 42%; petitioner wished to replace an existing garage. The new structure increased the non-conformity by 42 square feet	Recommendation of Approval	Approved
528 S. Lalonde (ZBA 01-14)	Variation to reduce open space to 43%; petitioner wished to replace pool with same dimensions as previous structure	Recommendation of Approval	Approved

418 W. Wilson was ultimately approved by the Village Board. However, this case discussed many issues including, but not limited to, a deck built without a permit, a variation for the deck setback, property grading, drainage issues, and open space. The original petition requested approximately 36.5% of open space. The petitioner worked with staff to make changes and ultimately receive a variance for 42.55% open space.

A variation may only be granted if there is a demonstrated hardship that distinguishes the subject property from other properties in the area. Staff finds that the hardship for the variation is due to the location of the existing single family home and detached garage on the lot. The ordinance has created the hardship. Based on past cases, staff typically has only recommended approval for open space variations when there is an existing legal nonconforming situation and the proposed improvements will not increase the degree of nonconformity. All six (6) past cases were approved by the Village Board, with a recommendation of approval from the ZBA. Staff finds that the standards have been affirmed. The proposed improvements will not adversely affect this or other properties in the neighborhood. Staff can support the 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 for Variations in the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals find that the 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 16-02; subject to the following conditions:

1. The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report;
2. The petitioner shall demolish the existing detached garage and deck and replace it with new structures consistent with the submitted site plan and exhibits prepared by SSL Architects, dated November 24, 2015 and included as part of this petition.
3. Such approval shall become null and void unless work thereon is substantially under way within twelve (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 principal structure on the subject property is damaged or destroyed to fifty-percent (50%) of its value, the new structure and accessory structures shall meet all Code provisions.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

c. Petitioner



March 23, 2016

Ms. Jennifer Ganser, Assistant Director
Community Development Department
Village of Lombard
255 E Wilson Avenue
Lombard, Illinois 60148

Re: Request for Zoning Variation
Existing Residence at
515 N. Lombard Avenue
Lombard, Illinois 60148

Ms. Ganser:

The above referenced homeowner is pursuing a construction Project onto their exiting residence. The Project consists of (1) the removal of an existing raised wood deck, (2) the construction an addition (expanded kitchen/dining area and outdoor covered deck), and (3) the reconstruction of the 15'-0" high detached garage. Through conversation with your office, it has been determined that the proposed development would not be in compliance with the governing zoning code provision for a minimum of 50% open space on the lot. Therefore, the homeowner is requesting that a variation be granted reducing the open space requirement to 48.65% which would allow their Project to move forward.

On behalf of the homeowner and as required by the application process for a Request for Zoning Variation, we are providing the following correspondence in response to the standards as established in the Village of Lombard Code of Ordinances, Section 155.103.C.7.

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

(a) 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;

The specific property is located within an R-2 Zoning District, and contains 7,586 sq. ft. The existing development on the site consists of a raised ranch house, as well as a detached garage at the far rear end of the property. This garage is accessed via an asphalt paved driveway which runs along the side the house. A raised wood deck had been constructed onto the back end of the house, subsequent to the original house and garage being built. The intent of the homeowner's project was to expand the existing kitchen/dining. Being a ranch style home, the option of relocating some first floor spaces up to a second floor addition to allow for this kitchen/dining area expansion was ruled out as being cost prohibitive. Therefore, the option of placing the new addition within the footprint of the wood deck and some of the existing paved drive was pursued.

Through conversations with Community Development, it was determined that the existing wood deck was not properly permitted at the time of its construction. Because the existing deck is not viewed as lawfully established, any future work would require that the developments on the property are to conform to all the regulation of the zoning district in which it is located. However, it was determined that the wood deck was most likely constructed during a period of time when

the 50% open space requirement had not been codified. Had the deck been permitted at the time of its construction, the open space on the property would have been 46.52%.

- (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;*

Two unique conditions on this particular site present themselves and are as follows: (1) the garage is detached at the far rear end of the property, which requires an even longer asphalt driveway for its access, and (2) the wood deck was not properly permitted at the time, which makes it an unlawfully established nonconforming use.

In an attempt to achieve the greatest amount of open space to be as close to the required 50% minimum, the proposed Project includes the following: (1) the addition situated in the approximate location of the existing wood deck and (2) the reconstruction of a 15'-0" high detached garage, moving it forward on the property approximately 7.0'. Based on all of these configuration adjustments, the open space on the property is calculated at 48.65%, which is what is being requested through this variation application. The difference of 1.35% short of the required 50% minimum equates to a shortage of 102 sq. ft. on the 7,586 sq. ft. lot.

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

The purpose of the variation is based on the need to enlarge the existing kitchen/dining area which is rather restricted in terms of space. Any increase in financial gain has never been in consideration as the homeowners have been developing their proposed Project.

- (d) *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;*

The difficulty is caused by the 50% minimum open space requirement which is stipulated by the ordinance; furthermore, this difficulty has not been created by the current homeowner.

- (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;*

Given the nature of the proposed Project, 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.

- (f) *The granting of the variation will not alter the essential character of the neighborhood; and*

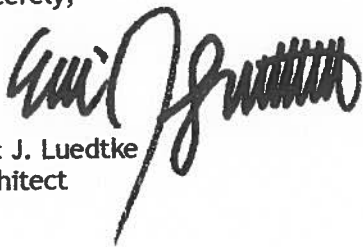
The essential character of the existing neighborhood will be maintained should the variation be granted.

- (g) *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.*

Should the variation be granted, the proposed Project 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.

Should you require any additional information regarding the application, please do not hesitate to contact us immediately. We look forward to continuing to work with the Village during the process.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric J. Luedtke". The signature is stylized and cursive, with a long, sweeping underline that extends to the right.

Eric J. Luedtke
Architect

4-8-2016

To: Jennifer Ganser, Assistant Director, Village of Lombard Zoning Board of Appeals
From: John Merkle and Mindy Merkle

My wife and I live within 250 feet of the named property and have no problem with the request that our neighbors are asking for.

We hope that the Village of Lombard Zoning Board of Appeals will grant an approval for a variation from section 155.407(H) of the Lombard Zoning Ordinance to allow for less than a minimum of 50 percent of the lot area to be open space, as required by Code, from 50% to 48.5%.

This variation is being asked for from our neighbors at:

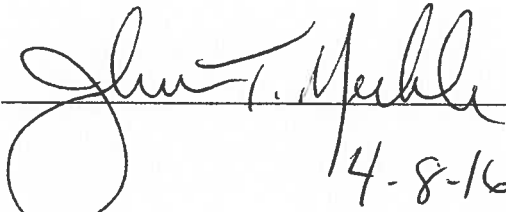
515 N. Lombard Ave.,
Lombard, IL 60148

The petition is referred to as:
Case No. ZBA 16-02
Parcel No. 06-05-116-009

Thank you for your consideration,

John & Mindy Merkle
533 N. Lombard Ave.
Lombard, IL 60148

630-988-8247


4-8-16


4-8-16