

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Zoning Board of Appeals HEARING DATE: July 25, 2007
FROM: Department of Community PREPARED BY: Michael S. Toth
Development Associate Planner

TITLE

ZBA 07-11; 1020 Kenilworth Avenue: The petitioner requests a variation from Section 155.210(A)(2)(b) of the Lombard Zoning Ordinance to allow for the construction of a detached garage in front of the wall of the principal building in the R2 Single-Family Residential District.

GENERAL INFORMATION

Petitioner/Property Owner: Mark Smalling
1020 E. Kenilworth
Lombard, IL 60148

PROPERTY INFORMATION

Existing Zoning: R2 Single-Family Residence District

Existing Land Use: Single-Family Residence

Size of Property: 11,900 square feet

Surrounding Zoning and Land Use:

North: R3 Attached Single-Family Residence District; developed as Attached Single-Family Residences

South: R2 Single-Family Residence District; developed as Single-Family Residences

East: R2 Single-Family Residence District; developed as Single-Family Residences

West: R2 Single-Family Residence District; developed as Single-Family Residences

ANALYSIS

SUBMITTALS

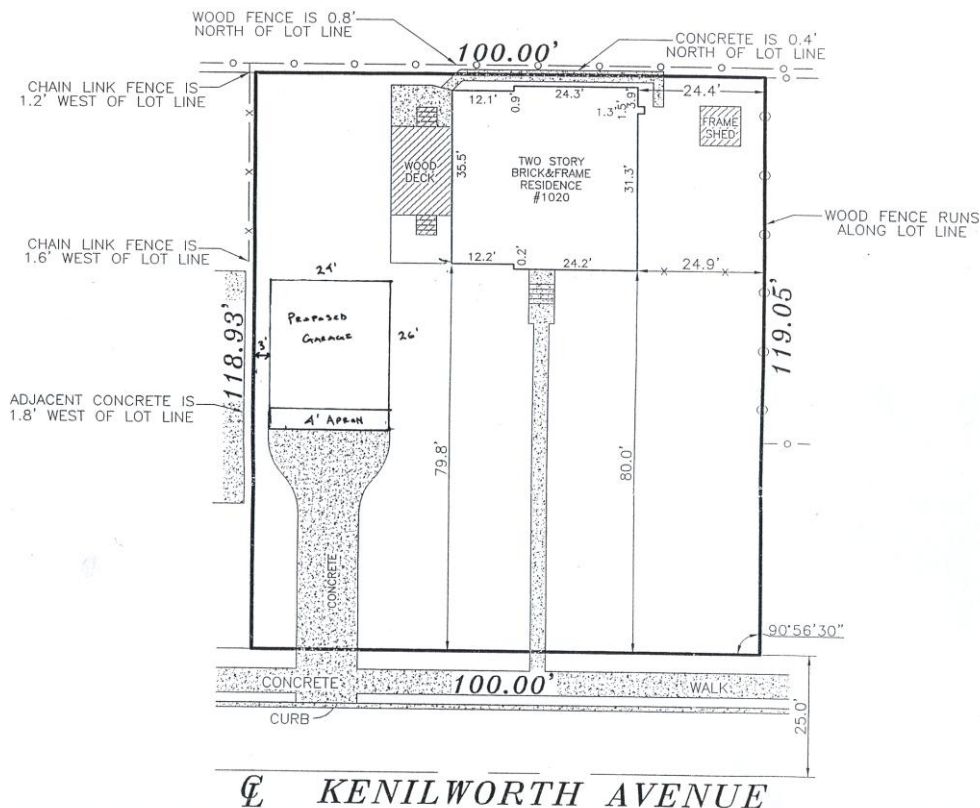
This report is based on the following documents, which were filed with the Department of Community Development on June 21, 2007:

1. Petition for Public Hearing with response to Standards for Variations.
2. Plat of Survey, prepared by JNT Land Surveyors, dated April 18, 2005.
3. Proposed building elevations.
4. Site Plan, dated April 18, 2005.

DESCRIPTION

The existing house located on the subject property was built in 1921 and currently sits three feet from the current rear property line. Most of the entire house is located within the required 35-foot rear yard setback. The petitioner/property owner is proposing to construct a 624 square foot detached garage. Due to the extenuating circumstances pertaining to the house location, the proposed garage is to be placed in front of the house, which would require a variation.

Site Plan



INTER-DEPARTMENTAL REVIEW COMMENTS

Private Engineering Services

From an engineering or construction perspective, Private Engineering Services has no comments.

Engineering - Public Works

Public Works Engineering has no comments or changes.

Fire and Building

Upon review of the above referenced request for a variation for the construction of a detached garage in front of the wall of the principal structure, the Fire Department/Bureau of Inspectional Services has no comments at this time.

Planning

Background

The petitioner's house is currently setback three (3) feet from the rear property line and 78 feet from the front property line. The petitioner's house is considered a legal non-conforming structure. Houses within the R2 Single Family Residential District are not typically setback that far from the front property line, but rarely are they ever setback only three (3) feet from the rear property line. The rear property line abuts a private street for the Kenilworth Court development.

The petitioner wishes to construct a 624 square foot detached garage to be set back forty-nine (49) feet north of the front property line, forty-two (42) feet south of the rear property line, and three (3) feet from the western property line. The petitioner is proposing to construct the detached garage in front of the principal structure to maintain the open space on the northwest portion of the property, which is currently under use as a de facto backyard. The garage's proposed location would utilize the existing driveway.

Alternate Location

The property owner could technically expand the front portion of the house to accommodate the requirements of the aforementioned provision (house in front of garage), which would not require relief.

At the time of submittal, there currently is a four (4) foot building and structure separation requirement within the Zoning Ordinance. Staff is currently recommending the removal of this provision within the Zoning Ordinance, and allowing for the building separation requirements a function of the Building Code. If this amendment were approved, the detached garage could be

pushed back and attached to the deck, where it could be developed per Code. Alternatively, the existing deck could be removed. With the absence of a backyard, the petitioner wishes to maintain that open space.



(View of the front yard of the subject property)



(View of the rear yard of the subject property)

Past Approvals

The regulation prohibiting detached garages from being located in front of principal structures was approved in 2001. Since that time, one petition for relief from this provision was considered by the Village. At the September 28, 2005 Zoning Board of Appeals meeting, relief was requested to allow an accessory structure in front of the front wall of the principal building at 332 S. Edson Street (ZBA 05-16). The case was similar in that the principal residence was non-conforming in regard to the rear setback.

To be granted a variation the petitioners must show that they affirmed each of the “Standards for Variation”. Staff finds that the following standards are not 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.*

The proposed garage would further increase the bulk of structures outside on the rear portion of the property. However, staff finds that there is no demonstrated physical hardship, nor are there any unique topographical conditions related to this property that would prevent compliance with the ordinance. In light of recent text amendments, the petitioner could construct a detached garage in the rear of the property - to the west of the existing residence as a matter of right.

- 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.*

Withstanding the location of the principal structure, the petitioner's lot is comparable to other lots in the single-family residential district. Granting a variation would set a precedent to allow similar variations to be granted on other properties.

- 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 created by the ordinance. The hardship in this case is created by the petitioner's desire to add a detached garage in the front portion of the property.



FINDINGS AND 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 make the following motion recommending **denial** of the front wall 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 of the Inter-departmental Review Report as the findings of the Zoning Board of Appeals, and recommend to the Corporate Authorities **denial** of ZBA 07-11.

Inter-Departmental Review Group Report Approved By:

David A. Hulseberg, AICP
Assistant Village Manager/Director of Community Development

DAH
Att
c: Petitioner