

**FEBRUARY 20, 2017**

**Title**

PC 17-07

**Petitioner**

Village of Lombard

**Property Location**

Village-wide

**Approval Sought**

Text amendment to Section 155.407(F)(4), R2 Single-Family Residence District requirements to amend the minimum rear yard setback requirement from thirty-five feet (35') to twenty-five feet (25') (and any other requisite companion amendments and references for clarity) of the Village of Lombard Zoning Ordinance.

**Prepared By**

Tami Urish  
Planner I

**DESCRIPTION**

The Village has a history of amending its Zoning Ordinance to address evolving circumstances presented by petitioners. Following up from the January 23, 2017 workshop, staff is bringing an amendment pertaining to the rear yard setbacks of single family homes to provide for flexibility of design. The proposed text amendment does not change the minimum required open space of 50%.

The amendments would apply to properties in the R2 Single-Family Residence District only.

**INTER-DEPARTMENTAL REVIEW**

**Building Division:**

The Building Division has no issues or concerns regarding the proposed text amendments to the Zoning Ordinance.

**Fire Department:**

The Fire Department has no issues or concerns regarding the proposed text amendments to the Zoning Ordinance.

**Private Engineering Services:**

Private Engineering Services has no issues or concerns regarding the proposed text amendments to the Zoning Ordinance.

**Public Works:**

The Department of Public Works has no issues or concerns regarding the proposed text amendments to the Zoning Ordinance.

**Planning Services:**

A few years ago, it became standard practice for staff to prepare reports for Zoning Board of Appeals variance requests to include a chart listing similar requests. Past precedence became an additional justification to find support for requested variations with other hardships such as unique lot size. Recently, staff undertook a review of rear yard setback requests before the Zoning Board of Appeals since 2000 (Exhibit A). Of the thirty-nine (39) cases brought forward by property owners, only one petition was ultimately denied by the Village Board. This list represents property owners that decided to pursue the option of obtaining a variance. Staff encounters many other property owners that decide not to pursue the process yet are nonetheless frustrated by this restriction.

Deeper lots as shown in Figure 1, are unlikely to be affected by the proposed text amendment concerning principal structures. There would be additional options for compliance for property owners when considering an attached deck or sun room.



Figure 1: Typical neighborhood scenario of rectangular lots with abutting rear yards.

Square lots, cul-de-sac lots, shallow lots and other unusual shaped lots will be afforded a higher degree of flexibility with the shape and design of a house in addition to attached accessory structures.

Also, staff reviewed the ordinances of surrounding municipalities. Rear yard setback minimums vary from twenty feet (20') to forty feet (40') with a median of twenty-five feet. Communities with twenty-five foot (25') rear yard setback minimums or less were: DuPage County, Downers Grove, Oakbrook Terrace, Bloomingdale, Elmhurst, Hinsdale, Lisle, Wheaton and Woodridge. Communities with thirty foot (30') rear yard setback minimums were: Addison, Glendale Heights, Oak Brook, Carol Stream, Darien, and Wood Dale. Communities with forty foot (40') rear yard setback minimums were: Glen Ellyn and Villa Park. Lombard was the only community with a thirty-five foot (35') rear yard setback minimum however Westmont does not have a minimum number but has a formula of 20% of the lot depth. The spreadsheet is attached.

In 1990, the Zoning Ordinance was updated overall and one of the revisions was to increase the rear yard setback minimum from thirty feet (30') to thirty-five feet (35'). Staff notes that the thirty foot (30') minimum had been in place since 1960 (Ordinance #842). Therefore it is possible that existing houses built prior to 1990 within Lombard may not conform to the current requirement of a thirty-five foot (35') rear yard setback minimum. Revising the rear yard setback minimum to twenty-five feet (25') would have little impact on the overall character of established neighborhoods.

## **EXISTING & PROPOSED REGULATIONS**

**New Text**      ~~Deleted Text~~

### **Chapter 155: ZONING**

**§155.407** – R2 Single-Family Residence District requirements.

- (F) *Minimum building setbacks.* All principal buildings and structures shall have minimum setbacks from property lines in conformance with the following:
- (1) Front yards.
    - (a) New detached single-family dwellings constructed after September 15, 2011:

- (i) The front yard applicable to the subject lot shall be determined by taking the mean of the existing front yard setbacks of the single-family dwellings on the abutting lots.
  - (ii) When the subject lot abuts a reverse corner lot or any lot or property developed as a use other than a detached single-family dwelling, (including, but not limited to, multi-family housing, religious institutions, undeveloped lots, and/or public rights of way), the abutting lot shall be considered to have a default 30-foot setback for the purpose of determining the front yard setback requirement on the subject lot.
  - (iii) For purpose of determining setback on abutting lots, lots having single-family dwellings located more than 50 feet from the front lot line shall be considered to have a default 50-foot setback.
  - (iv) In no case shall the minimum required setback for a new detached single-family dwelling be less than 30 feet.
- (b) Existing detached single-family dwellings constructed before September 15, 2011 and additions to existing detached single-family dwellings constructed before September 15, 2011: 30 feet.
- (2) Corner side yards—20 feet.
  - (3) Interior side yards—Six feet; except where no attached garage is constructed, one side yard must be nine feet in width.
  - (4) Rear yards— ~~35~~ 25 feet.

### **STANDARDS FOR TEXT AMENDMENTS**

1. *The degree to which the proposed amendment has general applicability within the Village at large and not intended to benefit specific property;*

The proposed text amendment is applicable to all R2 zoned rear yards and is not property specific in any way.

2. *The consistency of the proposed amendment with the objectives of this ordinance and the intent of the applicable zoning district regulations;*

The intent of the proposed text amendment is to allow increased flexibility of building designs and layouts.

3. *The degree to which the proposed amendment would create nonconformity;*

Staff is unaware of any existing legal conforming uses that would be made nonconforming by the proposed text amendment.

4. *The degree to which the proposed amendment would make this ordinance more permissive;*

The proposed text amendment is more permissive in the number of feet required to maintain a rear yard from thirty-five feet to twenty-five feet. The difference of ten feet is minimal as illustrated and when compared to other surrounding communities.

5. *The consistency of the proposed amendment with the Comprehensive Plan; and*

Setbacks are not discussed specifically in the Comprehensive Plan. However housing is discussed broadly under *Vision 2: Lombard will foster a diverse housing stock with a sustainable land use pattern; Guiding Principles; Actions; Item 4. Working with property owners and developers, seek a variety of housing types meeting the lifestyle, needs and growth of the community, while ensuring neighborhood stability.* Staff finds that offering the flexibility of a larger range of building design templates by reducing the rear yard setback enhances the working relationships with property owners and developers.

6. *The degree to which the proposed amendment is consistent with village policy as established in previous rulings on petitions involving similar circumstances.*

The Village has a history of amending its Zoning Ordinance to address evolving circumstances presented by petitioners or by recognizing a desire to amend the code to address desired code regulations. The proposed amendments are consistent with established Village policy in this regard. In the past seventeen years, almost all of the rear yard setback variance requests have been approved.

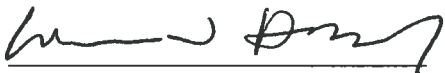
### **FINDINGS & RECOMMENDATIONS**

Staff finds the proposed text amendment to be consistent with the objectives of the Zoning Ordinance. The proposed text amendment is also consistent with 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 text amendment **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 17-07.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP  
Director of Community Development

c. Petitioner

H:\CD\WORDUSER\PCCASES\2017\PC 17-07\PC 17-07\_IDRC Report.docx

**EXHIBIT A**

ZBA Case #	Address	Variance	Purpose	ZBA	BoT
<b>2000</b>					
00-03	1116 E. North Broadway	29'	Addition	Approved	Approved
00-11	343 W. Maple	29'	Addition	Approved	Approved
<b>2001</b>					
01-07	383 E 17 <sup>th</sup> Place	28'	Addition	No recommendation	Approved
01-09	231 W. 17 <sup>th</sup> Place	18'	Addition	Denial	Approved
01-13	34 Lombard Circle	30'	Attached garage	Approved	Approved
01-18	418 Hillcrest	28'	Addition	Approved	Approved
01-19	502 N. Main	30'	Addition	Approved	Approved
<b>2002</b>					
02-05	208 S. Martha	13'	Addition	Approved	Approved
02-06	337 W. Edson	25'	Addition	Denial	Approved
02-07	444 E. Taylor	22'	Addition	Approved	Approved
02-08	79 N. Lincoln	30'	New house	Approved	Approved
02-17	549 S. Harmony	13'	Addition	Approved	Approved
02-21	661 N. Charlotte	15'	Screened porch	Denial	Denial
<b>2003</b>					
03-02	105 W. Washington	12'	Addition	No recommendation	Approved
03-08	1062 Jeffrey Court	21'	Addition	Approved	Approved
03-23	922 Cherry Lane	22'	Addition	Denial	Approved
<b>2004</b>					
04-02	211 W. Maple	13'	Addition	Approved	Approved
<b>2005</b>					
05-01	340 W. Central	31.65'	Addition	No recommendation	Approved
05-04	226 S. Edson St	22.25'	Addition	Denial	Denial
05-05	1475 Sycamore Ct	29'	Sunroom	No recommendation	Approved
05-09	444 E. Taylor	22'	Addition	Approved	Approved
05-18	322 W. Central	30'	Addition	No recommendation	Approved
<b>2006</b>					
06-02	44 S. Columbine	5'	Deck	Approved	Approved
06-06	302 W. Loy	31'	New House	No recommendation	Approved
06-09	332 S Martha	21'	Addition	Approved	Approved
06-11	415 Manor Hill	28'	Addition	Approved	Approved
<b>2007</b>					
07-08	1144 Woodrow	29'	Addition	Approved	Approved
<b>2010</b>					
10-01	41 S. 2nd	6'	Addition	No recommendation	Approved
10-13	320 S. Martha Court	23'	Three season room	Approved	Approved
<b>2013</b>					
13-01	236 E. Morningside Ave.	29.5'	Addition	Approved	Approved

<b>2014</b>					
14-03	304 N. Park Avenue	25'	Addition	No recommendation	Approved
14-06	505 E. Sunset Ave.	30'	Addition	Approved	Approved
<b>2015</b>					
15-08	1057 Daniel Court	25'	Addition	Approved	Approved
15-08	18 W. LeMonye	13.5'	Addition	Approved	Approved
15-12	251 N. Grace Street	30'	Addition	No recommendation	Approved
<b>2016</b>					
16-03	113 Regency Drive	25'	Addition	Approved	Approved
16-04	211 W. Grove	21'	Three season room	Approved	Approved

**EXHIBIT B**

<b>COMMUNITY</b>	<b>Rear Yard setback (feet)</b>	<b>Comparable Zoning of Single-Family Lots per Size (area) and Width (feet) Minimums</b>
LOMBARD	35	R2; 7500 sq ft/60'
<b>INNER RING COMMUNITIES</b>		
Addison	30	R2; 8400 sq ft/ 60'
Downers Grove	20	R4; 7400 sq ft/50'
DuPage County	25	R2; 40,000 sq ft/historic lot 44' w/ sewer and water
Glendale Heights	30	R2; 8400 sq ft/70'
Glen Ellyn	40	R2; 8712 sq ft/66'
Oak Brook	30	R4; 18,000 sq ft/75'
Oakbrook Terrace	25	R1; 11,000 sq ft/65'
Villa Park	40 (or 20% of lot depth)	R2; 7500 sq ft/50'
<b>OUTER RING COMMUNITIES</b>		
Bloomingtondale	20	R2C; 6000 sq ft/60'
Carol Stream	30	R3; 10,000 sq ft/75'
Darien	30	R2; 10,000 sq ft/75'
Elmhurst	25	R2; 7,260 sq ft/50'
Hinsdale	25	R4; 10,000 sq ft/70'
Lisle	20	R2; 10,000 sq ft/75'
Westmont	20% of lot depth	R2; 10,000 sq ft/70'
Wheaton	25	R4; 7260 sq ft/60'
Wood Dale	30	R3; 8625 sq ft/65'
Woodridge	25	R3; 8,200 sq ft/66'