

November 7, 2005

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

Subject: ZBA 05-17; 1105 E. Washington Blvd.

Dear President and Trustees:

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioner requests that the Village approve a variation from Section 155.406 (H) of the Lombard Zoning Ordinance to decrease the required open space from 50% of the lot area to 40.2% of the lot area, allowing the petitioner a total variation of 970 square feet of impervious area, for the subject property located within the R2 Single Family Residential Zoning District.

The Zoning Board of Appeals conducted a public hearing on October 26, 2005. Ray Urban, owner of the property presented the petition. He noted that there has been a problem with parked vehicles being hit on Washington Boulevard. He stated that the Village has alleviated the problem by changing the parking restrictions to only allow parking on one side of the street. Mr. Urban gave a brief description of the property. He noted that his neighbor was not opposed to the proposed driveway expansion. He believes that the driveway expansion will not create a negative effect on the neighborhood.

Chairperson DeFalco opened the meeting for public comment. No one spoke for or against the petition.

William Heniff, Senior Planner, presented the staff report. He noted that the variation request is to decrease the required open space from 50% of the lot area to 40.2% of the lot area, allowing a total variation of nine hundred seventy (970) square feet of impervious area. He mentioned that the property currently is legal non-conforming with forty six percent (46%) open space. He stated that the petitioner is proposing to add five hundred sixty three (563) square feet of additional lot coverage to widen the driveway.

Mr. Heniff noted that the building permit records for the subject property indicate that all existing improvements counting towards lot coverage were completed prior to the 1990 zoning code revisions which instituted a fifty percent (50%) minimum open space requirement for the R2 Single Family Residence District. He stated that the improvements included a 480 square foot addition in 1964, a pool and patio amounting to 1,956 square feet of lot coverage in 1966, a 36 square foot shed in 1973, and an attached garage and driveway expansion amounting to 1,497 square feet in 1987. He also mentioned that a permit was issued in 2000 for a second story addition, which does not affect the calculated lot coverage on the subject property.

Mr. Heniff stated that the standards of the Zoning Ordinance are set for the provision of open space, to preserve green space, and maintain the aesthetics of a suburban setting. He also mentioned that the open space standards within the R2 District help to achieve that goal by ensuring that lots do not have the appearance of being overbuilt and that a more intensive use of the property is prevented. He stated that the requested relief to reduce the open space to 40.2% is substantial. The proposed improvements will not be replacing anything, and will substantially increase the total lot coverage by approximately five hundred sixty (560) square feet.

In review of the Standards for Variations, Mr. Heniff stated that staff finds that the petitioner's property does not have unique physical limitations that limit the owner from meeting the intent of the ordinance. He noted that the lot is not unusually small, being that it is 9,860 square feet, which exceeds the minimum lot size of 7,500 square feet in the R2 District. He noted that the design and layout of the petitioner's property is typical of any R2 Single Family Residential lot in the Village of Lombard. Mr. Heniff stated that staff finds the hardship has not been caused by the ordinance and has instead been created by the expansive improvements to the property. He mentioned that granting the request could be injurious to neighboring properties because overbuilding single-family lots contributes to a loss of the neighborhood's suburban character.

Chairperson DeFalco opened the meeting for discussion among the members.

Mr. Polley asked whether the driveway would be constructed of permeable materials such as brick. Mr. Urban stated he planned to construct the driveway with concrete. Mr. Heniff noted that whether it is a brick or concrete driveway, it would still count against the open space requirement.

Mrs. Newman asked about the parking restriction being changed to only allow parking on one side of the street. Mr. Heniff noted that the Village Board received a recommendation from the Transportation and Safety Committee to allow for parking on one side of the street. A first reading of the draft Ordinance was approved at their October 20, 2005 meeting.

Chairperson DeFalco asked whether anything else could be removed in order to reduce the lot coverage. Mr. Urban then described the various improvements on the property, noting that they

Re: ZBA 05-17
November 17, 2005
Page 3

either received zoning approvals for the improvements on the property or they built their improvements as required by code at the time of construction. Mr. Heniff noted that the patios do require building permits to construct, but property owners are still required to construct their patios in a manner in which the property is still in compliance with open space requirements. Mr. Urban also noted that there was not a lot of possibilities to remove impervious surfaces on his property, but did note that he could make some modifications to the east side of his residence.

Mr. Urban noted that a principal reason for the request was to provide for a two-car wide driveway that would alleviate the need to “jockey” cars in and out of the driveway.

The Zoning Board of Appeals members then discussed whether they could recommend denial of the petition, but asked staff to work with the petitioner to address his concerns. Mr. Heniff noted that as the property already exceeds open space requirements, even if the driveway was expanded by one square foot, it would still need a variation.

After due consideration of the submitted petition and the testimony presented, the Zoning Board of Appeals, by a roll call vote of 4-0, submits this petition to the Corporate Authorities with a recommendation of denial for the requested variation.

Respectfully,

VILLAGE OF LOMBARD

John DeFalco
Chairperson
Zoning Board of Appeals