

February 24, 2016

Title

ZBA 16-01

Petitioner & Property Owner

Ron Space
 95 S. Columbine Avenue
 Lombard, IL 60148

Property Location

95 S. Columbine Avenue
 (05-12-205-005)
 Trustee District #1

Zoning

R2 Single Family Residence

Existing Land Use

Single Family Home

Comprehensive Plan

Low Density Residential

Approval Sought

A variation from Section 155.210(A)(2)(b) of the Lombard Zoning Ordinance to allow a detached accessory building or structure to be in front of the front wall of a principal structure that is nearest to the front lot line.

Prepared By

Tami Urish
 Planner I



LOCATION MAP

PROJECT DESCRIPTION

The property owner/petitioner constructed an accessory structure without a permit at an undetermined date. Based on a property maintenance complaint received by the Village on March 11, 2014, staff visited the property and observed the non-complaint structure behind the garage. When a permit was submitted for this structure, it was discovered that it is located in front of the principal structure of the lot. The single family home is located within the rear yard of the lot, approximately nine feet (9') from the rear property line. There is not adequate space to place the shed behind or to the side of the house therefore a variance is required.

APPROVALS REQUIRED

The petitioner requests that the Village grant a variation from Section 155.210(A)(2)(b) of the Lombard Zoning Ordinance to allow a detached accessory building to be located in front of the principal building that is nearest to the front lot line.

EXISTING CONDITIONS

The property contains an approximately 1,093 square foot one-story single family residence, an existing detached garage with associated driveway, patio, and a shed. According to Milton Township records, the house was built in 1924. The existing garage

PROJECT STATS

Lot & Bulk

Parcel Size:	10,302 sq. ft.
Building (Single Family Home) Size:	1,093 sq. ft.
Lot Coverage:	46%

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

Front (west)	30' (113')
Side (north)	6' (11')
Side (south)	6' (22')
Rear (east)	35' (9')

Submittals

1. Petition for public hearing submitted on January 3, 2016;
2. Response to Standards for Variations prepared and submitted by the petitioner on January 20, 2016;
3. Plat of Survey, dated July 20, 1980 prepared by Richard C. Field with site plan submitted by the petitioner on January 3, 2016 (the scale of the buildings adjusted by staff);
4. Proposed elevation prepared and submitted by the petitioner on January 20, 2016.

was approved with a permit and built in 1992. Prior to 2001, a variance was not required as this provision of Section 155.210(A)(2) of the zoning code was amended at this time.

The subject property is surrounded by single-family homes to the north, east and south with IL Route 53 and Interstate 355 to the west.



Street view

INTER-DEPARTMENTAL REVIEW

Building Division:

A full review will be conducted during the building permit review process. The following conditions are requested by the Building Division:

1. The existing shed needs to be reduced in size to have the total square footage of the accessory structures be less than the total square footage of the principal structure.
2. The proposed "shed" currently would not be classified as a shed since it has a large overhead garage door and a car inside. The owner has agreed to remove the overhead door and install a door or double doors not to exceed six feet wide. A shed does not require a concrete floor, electric, etc. as it is currently; however a garage does.

Fire Department:

The Fire Department has no issues or concerns regarding the project.

Private Engineering Services (PES):

Private Engineering Services has no comments.

Public Works:

The Department of Public Works has no issues or concerns regarding the project.

Planning Services Division:

The existing property is non-conforming in that the majority of the principal structure (house) is located within the rear yard. The house is located approximately 113' from the front property line with the placement of accessory structures behind the principal structure's front wall burdensome.

Bulk Regulations	R2 Regulations	Existing Structures
Setbacks: Principal Structure (House)		
Front	30' formulated	113'
Interior Side	6'	11' / 22'
Rear	35'	9'
Location of Accessory Structures		
Garage	Behind front wall of principal structure (house)	In front of house (legal non-conforming)
Shed	Behind front wall of principal structure (house)	In front of house (non-conforming, seeking relief)



Property comparison

In consideration of the surrounding neighborhood, two properties (85 and 87 S. Columbine Avenue) to the north of the subject property maintain principal structures at the rear of the lot with accessory structures in front of the principal structures. In addition, there are no homes located along the west side of Columbine Avenue (IL Route 53) across from the subject property. The existing garage blocks the view of both the shed and the house from the street point of view. The shed is in line with the houses located at 91 and 97 S. Columbine Avenue on either side of the subject property. However if the subject property's house were positioned on the lot per code, the neighbor's view would be of the house's walls instead of the garage and shed. The shed should be enclosed by walls in order to screen stored items in consideration to abutting properties.

As noted in the Building Division's comments the existing garage and the existing shed's combined square footage exceed the square footage of the principal structure which is not permitted per Section 155.210(B)(1)(a): *The combined area of all accessory buildings shall not exceed the total ground floor area of the principal residence.* As the petitioner previously discussed and agreed with staff, the existing shed is to be reduced to a maximum of 352 square feet as the existing garage is 724 square feet. All other accessory structures are to be removed, leaving the garage and the shed as the only accessory structures on the lot.

Staff finds that the location of the principal structure to the rear of the lot is unique when compared to the overall Village housing stock; the immediate neighborhood of five houses has a majority of houses with this arrangement. Therefore the addition of the shed has minimal impact on the overall appearance of the neighborhood.

In consideration of precedent, staff has identified two similar cases that appeared before the Zoning Board of Appeals within the last ten (10) years.

CASE NO.	DATE	ADDRESS	SUMMARY	ZBA	BoT
ZBA 07-11	10/4/2007	1020 Kenilworth Ave.	Accessory structure in front of principal structure.	Approved, 5-0	Approved, 6-0
ZBA 05-16	8/18/2005	332 S. Edson Ave.	Accessory structure in front of principal structure.	Approved, 5-1	Approved, 6-0

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 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

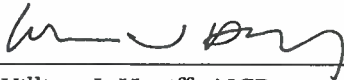
The Department of Community Development has determined that the information presented **has affirmed** the Standards for Variations for the requested variation. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make the following motion 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 16-01; subject to the following conditions:

1. The shed is not to exceed 352 square feet. All other accessory structures are to be removed with the exception of the existing legal non-conforming garage;
2. The petitioner shall reconstruct the shed to be enclosed with a door or double doors not to exceed six feet wide;
3. The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report;
4. 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
5. 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

EXHIBIT A: RESPONSE TO STANDARDS AS PREPARED BY THE PETITIONER

XI. STANDARDS FOR VARIATIONS

The following is an excerpt from the Lombard Zoning Ordinance. A detailed response to all of these standards should be provided for all variations of the Lombard Zoning Ordinance and Lombard Sign Ordinance.

SECTION 155.103.C.7 OF THE LOMBARD ZONING ORDINANCE:

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

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.

Due to the particular physical surroundings/shape of the specific property involved, the placement of the home is situated where as there is not a substantial amount of space for a backyard. The southeast back corner of the home is approximately nine (9) feet from the property line (see plat of survey) and brings a particular hardship in that a shed cannot be placed behind the home when applying to the strict letter of the regulations.

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.

The condition, upon which this application for a variation is based, is unique to the property and is not generally applicable to other property within the same zoning classification. The home on this property was built on the utmost rear of the property, leaving approximately nine (9) feet between the southeast property line (see plat of survey) and the rear of the home. This home was built in the early 1900's.

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

There is no financial gain to the property owners or anyone else by granting this variance.

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.

The hardship caused by this ordinance has not been created by any person with an interest in the property. The hardship is a result of the placement of the home in relation to the back property line.

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.

Granting of this variation to allow the shed to remain in the front of the house and behind the garage (built in 1992 with a VOL approved permit) in relation to the front of the property line is the best case scenario for the public welfare and the neighborhood. In its current location, it is nearly invisible from the street on which our property is located. Moving it to the back of the yard would be physically impossible. The shed is not placed in an obtrusive area in relation to the neighbors on either side of the property. The neighbors on both sides of the property do not have any concerns with the shed.

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

Granting of this variation will allow the essential character of the neighborhood to remain unchanged. Failure to grant this variation would mean that the shed would need to be located behind the home in order to be compliant with regulations; in this particular case it is physically impossible.

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.

The proposed variation will not impair the supply of light and air to adjacent property's, will not substantially increase the congestion of the public streets, increase the danger of fire, impair natural drainage or create drainage problems on adjacent properties, endanger public safety, or substantially diminish or impair the property values within the neighborhood. The shed has been in its current location since 2007 and has not created any issues.

EXHIBIT B: PLAT OF SURVEY AND SITE PLAN

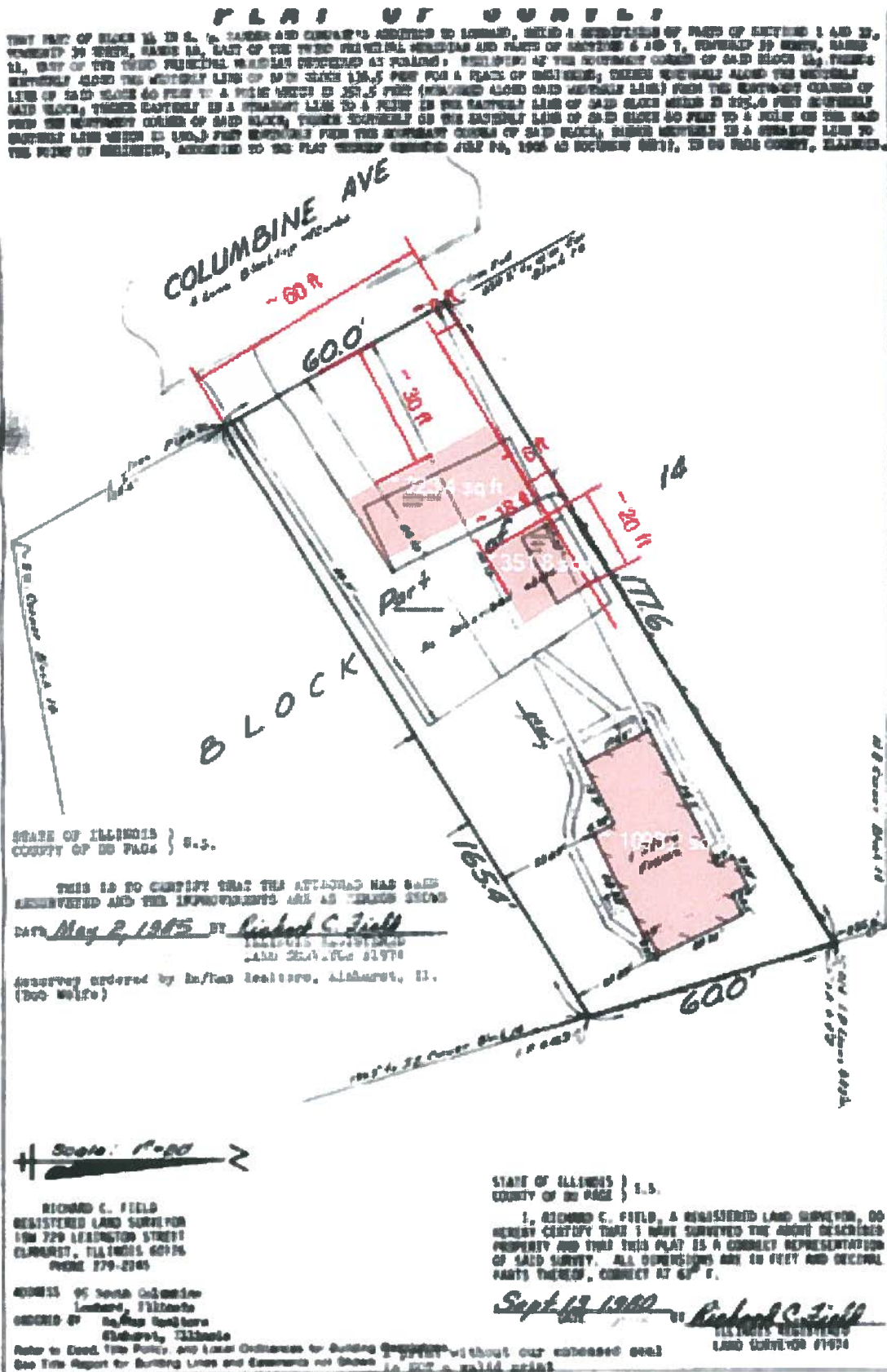


EXHIBIT C: ELEVATION



20'W x 18'L x 8.5'H Storage Shelter

Model Number: 220180085Shelter/White

Description & Documents

Protect your car, boat, SUV or other valuable equipment from the outdoor elements. Easy assembly with our patented "Sip Fit" connections makes this carport a true Do-It-Yourself project requiring simple tools. Galvanized 2" x 3" steel frame offers durability and superior rust protection. Ground anchors included. Roof sheet metal and fasteners sold separately. For a suggested materials list, visit our Building Materials desk. (20'W x 20'L x 7.5'H Model Shown)

- Frame engineered for 43# ground/30# roof snow load and 90 MPH wind load when anchored per instructions. Please consult your building department for local codes before purchasing.
- Actual length of frame is 18'. 20' length includes 1' overhang of metal sheathing on both ends.
- Galvanized 2" x 3" steel frame offers durability and superior rust protection
- Side Wall Height 8' 6", Peak Height 11' 6"
- 3:12 Roof Pitch
- Interior Clearance Height 8' 5-1/2"
- Roof sheeting will come down the sides approximately 55 inches
- Attached assembly video represents just one size and is intended as a general outline of how to assemble versa tube frames

Dimensions: 20'W x 18'L x 8.5'H Frame Size

Brand Name: VersaTube



Technical Specifications: [view PDF file](#)

Installation Instructions: [view PDF file](#)

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