

August 24, 2022

Title

ZBA 22-02

Petitioner & Property Owner

Kevin Pattermann
476 S. Park Road
Lombard, IL 60148

Property Location

476 S. Park Road

Zoning

R2 Single-Family Residence

Existing Land Use

Single-Family Home

Comprehensive Plan

Low Density Residential

Approval Sought

A variation from Section 155.407(F)(3) of the Lombard Zoning Ordinance to reduce the required interior side yard setback from six feet (6') to three feet (3') for the subject property.

Prepared By

Tami Urish
Planner I



LOCATION MAP

PROJECT DESCRIPTION

The subject property is developed with a single-family home. The existing single-family home does not meet the required six-foot interior side yard setback. The property owner would like to build a one-story addition of four (4) feet onto the rear of the residence's attached garage. The addition will maintain the existing three-foot side yard setback. Also, the property owner would like to modify the flat roof of the attached garage with either a shed or gable type roof. Both adding onto and modifying a legal nonconforming structure requires a variance.

APPROVALS REQUIRED

The petitioner requests that the Village approve a variation from Section 155.407(F)(3) of the Lombard Zoning Ordinance to reduce the required interior side yard setback from six feet (6') to three feet (3') for the subject property located within the R2 Single-Family Residence Zoning District.

EXISTING CONDITIONS

The property contains an existing one and one-half-story single-family residence with a one car attached garage.

PROJECT STATS

Lot Size

Parcel Area: 8,635 SF

Parcel Width: 55 feet

Setbacks

Front (east) 30 feet

Side (north) 3 feet

Side (south) 7.6 feet

Rear (west) 60+ feet

Surrounding Zoning & Land Use Compatibility

North, east, south and west:

R-2, Single Family Residential

Submittals

1. Petition for public hearing;
2. Response to standards for variation;
3. Plat of survey prepared by ARS Surveying Services, LLC dated 9/28/2015; and
4. Architectural sketches prepared by the home owner, dated 7/25/2022.

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has the following comment regarding the petition. Additional comments may be forthcoming during permit review.

1. As the proposed structure would be rebuilt less than 5 feet from the property line, the International Residential Code requires the outside wall/structure within 5 feet of the property line to be one-hour fire rated. This is not a fire resistance of the outside materials (siding, etc.), but rather a requirement that the wall be built that is one-hour fire rated. This is generally achieved with simple 5/8-inch type X drywall inside in place of 1/2 drywall, and an exterior drywall (Densglass or similar) in place of OSB or plywood on the exterior. This rated outside wall would continue up to the roof sheathing. That roof sheathing would be fire rated plywood for any portion within 5 feet of the property line.
2. Unrated openings (windows and unrated doors) cannot be more than 25% of that outside fire rated wall near the property line. This applies to all openings within 5 foot of the property line.

Fire Department:

The Fire Department has no comments regarding the petition. Additional comments may be forthcoming during permit review.

Private Engineering Services:

Private Engineering Services (PES) has the following comment regarding the petition. Additional comments may be forthcoming during permit review:

If "Option A" [shed type roof] is used for the garage, the applicant would be required to have gutters on the north edge and a downspout discharge to bring runoff to the back yard, in order not to add water directly on 472 S Park.

Public Works:

The Department of Public Works has no comments regarding the petition. Additional comments may be forthcoming during permit review.

Planning Services Division:

The Zoning Ordinance requires single-family residences in the R2 District to maintain a minimum setback of six feet from the interior side property line. The residence is not meeting the six-foot setback requirement relative to the north side property line.

The petitioner proposes to build a small four foot addition onto the rear (west) side and modify the roof of the attached garage. The proposed renovation and improvement of the attached garage will hold the existing side setback of the house at approximately three feet from the side property line.

The subject property is 55 feet wide, and is part of a subdivision with a considerable variety of lot widths ranging from 48 to 115 feet that was platted in 1944 (Green Valley Subdivision). Village Code currently requires a minimum lot width of 60 feet in the R2 Zoning District, though the subject property is a buildable lot under the 80% provision in Section 155.209. According to the York Township Assessor, the home on the subject property was built in 1950, prior to the 1950s when the Village began keeping permit records. Staff finds no records of building permits issued for the house construction, and therefore concludes that the footprint of the existing house is consistent with the original construction in 1950.



Figure 1. Existing Conditions.

The current Village Code went into effect after the subject property was developed, and contains lot width and setback requirements that the subject property does not meet. Staff recognizes that this development sequence creates a hardship for the property owner attempting to modify a home that was constructed prior to current zoning requirements.

To be granted a variation, petitioners must show that they have affirmed each of the standards for variations outlined in Section 155.407(F)(3). Staff offers the following commentary on these standards with respect to this petition:

- a. *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 subject property is 55 feet wide, and is part of a subdivision of similar and less wide lots platted in 1944. The current minimum lot width in the R2 Zoning District is 60 feet, though the subject property is a buildable lot under the 80% provision of Village code. A 55-foot lot width could be considered unique when compared to the overall Village housing stock. Further, the existing structure was constructed in 1950, prior to current yard setback provisions. The substandard lot width, combined with the placement of the existing structure on the property, limits the petitioner's ability to meet the intent of the ordinance.

- 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.*

The subject property is a 55-foot wide lot of record in a legally established subdivision. The addition to the rear of the garage will hold the line of the existing garage. The roof alteration from a flat roof to a shed or gable roof would more efficiently drain rainwater/snow off of the structure and improve the façade of the home. These circumstances are specific to the subject property.

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

This standard is affirmed.

- d. *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 for this variation is due to the location and area of the existing structure in relation to the current interior side yard setback requirement. The existing house was built before the Village had adopted a Zoning Ordinance with setback and lot width requirements (1960). Presumably, the house met applicable standards at the time of construction. Current setback and lot width requirements do not reflect the conditions under which the existing house was built.

- 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.*

This standard is affirmed. The existing house was built prior to 1950. Since then, the existing garage with a three-foot setback has not been detrimental to the public welfare or injurious to other properties. The proposed addition and roofline will hold the setback of the existing garage and will not further encroach into the requisite yard.

- f. *The granting of the variation will not alter the essential character of the neighborhood.*

Staff finds that this standard is affirmed. The proposed improvement will maintain the existing building line.

- d. *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 petitioner proposes to hold the side setback line of the existing attached garage. The addition or roof modifications are not expected to impact light or air supply to the adjacent property.

In consideration of precedent, staff has identified similar cases that appeared before the Zoning Board of Appeals in recent years. All of the cases listed below were requests to reduce an interior side yard setback for an addition that held the setback of the existing residence. Several of these cases involved substandard lot widths with circumstances similar to those on the subject property.

Case No.	Address	Summary	ZBA Vote	BoT
ZBA 21-01	217 S. Brewster Ave.	4' Side Yard (6' Reqd.)	Approval	Approval
ZBA 20-05	235 S. Brewster Ave.	2' Side Yard (6' Reqd.)	Approval	Approval
ZBA 18-04	49 N. Garfield St.	3.5' Side Yard (6' Reqd.)	Approval	Approval
ZBA 14-09	317 N. Main St.	3' Side Yard (6' Reqd.)	Approval	Approval
ZBA 12-01	91 S. Chase Ave.	4.5' Side Yard (6' Reqd.)	Approval	Approval
ZBA 11-01	533 N. Columbine Ave.	4.5' Side Yard (6' Reqd.)	Approval	Approval
ZBA 10-11	148 W. Park Dr.	3' Side Yard (6' Reqd.)	No Recommendation	Approval
ZBA 09-04	126 S. Lombard Ave.	4.5' Side Yard (6' Reqd.)	Approval	Approval

Staff finds that the variation request meets the standards for 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 required for a variation by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals find that the findings as discussed at the public hearing, and those 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 22-02 subject to the following conditions:

1. The addition shall be constructed in substantial conformance to the plans submitted by the petitioners as noted in this IDRC report;
2. The petitioner shall apply for and receive a building permit for the proposed addition;
3. The proposed addition shall comply with all applicable building codes, including the 2018 IRC, Table R302.1(1);

4. The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report; and
5. In the event that the building or structure on the subject property is damaged or destroyed, by any means, to the extent of more than 50 percent of the fair market value of such building or structure immediately prior to such damage, such building or structure shall not be restored unless such building or structure shall thereafter conform to all regulations of the zoning district in which such building or structure and use are located.
6. This approval shall be subject to the construction commencement time provisions as set forth within Sections 155.103(C)(10) and (F)(11).

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

c. Petitioner

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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.

The existing attached garage is located 3.1 feet from the north property line. The garage seems to be original to the home. If we were required to move the north wall 2.9 feet south, the garage would be too narrow for proper use. Other locations at the rear of the property for a detached garage would require the removal of a mature maple tree to provide a path for a driveway and other mature landscaping for the garage itself.

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 foundation of the existing garage is cracked in the front corner and has settled. We would at, at the least, have the foundation repaired or repoured completely depending on the cost difference. The current ceiling height of the garage is less than 7 feet at its highest point. The overhead door is only 6 feet tall. We would like to keep this garage in its existing location, add 4' to the rear of the garage to increase storage space, rebuild the walls to a height of about 9 feet, and create a pitched roof. We believe these modifications, along with the second story addition, will improve the aesthetics of the home while not altering the integrity of the zoning ordinance.

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

We do not believe this is in any way going to benefit us financially. We live in the home and would like to make the residence more functional for our needs.

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 garage was this way when we purchased the home and seems to be original to the property.

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.

The current conditions of the footprint would remain and the added space at the rear of the garage will not impede the passage on the side of the property for us or the neighbors to the north.

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

We believe it would improve the overall aesthetic of our property which in turn benefits the aesthetics of the neighborhood. There are other properties in our neighborhood with similar conditions of garages being within 6 feet of the property line.

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.

Light and air should not be impaired since it is a one story attached garage. There will be no added risk for congestion or fire. Our property is level with the neighbor to the north so the added 4 feet to the rear will not change the grade. The pitched roof will allow for a gutter to be added to better manage rain water. The existing conditions have posed no safety risk, and the conditions will be improved with the variance. The property value, if impacted, should be an improvement not an impairment.



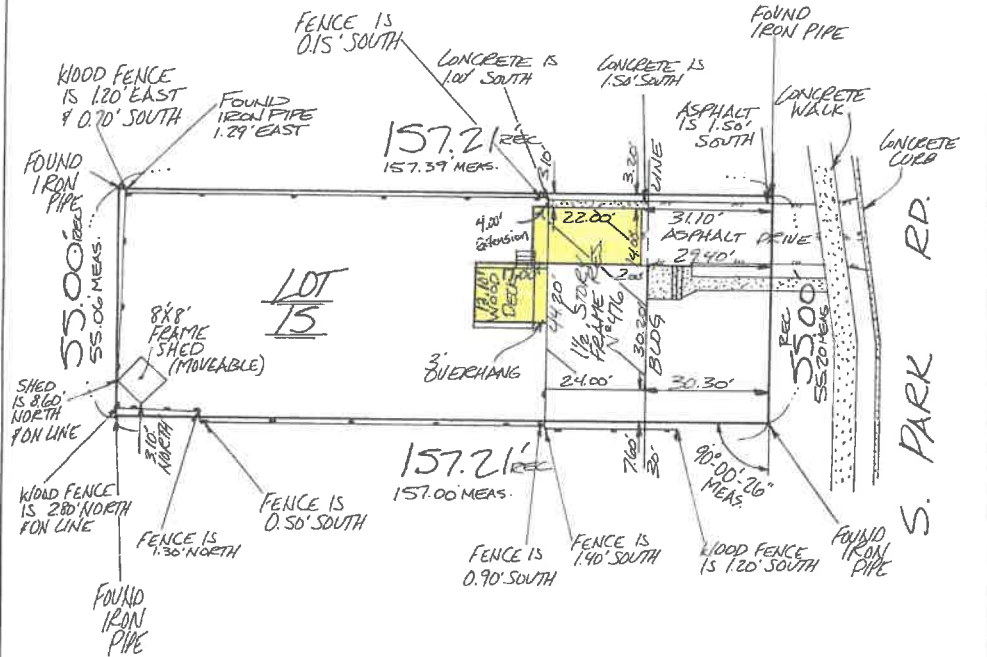
ARS
SURVEYING SERVICE, LLC
 108 LEE LANE
 BOLINGBROOK, ILLINOIS 60440
 PH: 630 226-9200 FAX: 630 226-9234



SCALE 1" = .30'

PLAT OF SURVEY

LOT 15 IN BLOCK 8 IN GREEN VALLEY, BEING A SUBDIVISION IN SECTIONS 7 AND 18, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 25, 1944 AS DOCUMENT 465288, IN DUPAGE COUNTY, ILLINOIS.



- : New FOUNDATION FOR KITCHEN & REAR GARAGE EXTENSION
- : New STRUCTURE FOOTPRINT

STATE OF ILLINOIS } 55
 COUNTY OF WILL

WE, ARS SURVEYING SERVICE LLC, AN ILLINOIS PROFESSIONAL DESIGN FIRM, DO HEREBY CERTIFY THAT "THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A SECONDARY SURVEY", AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY.

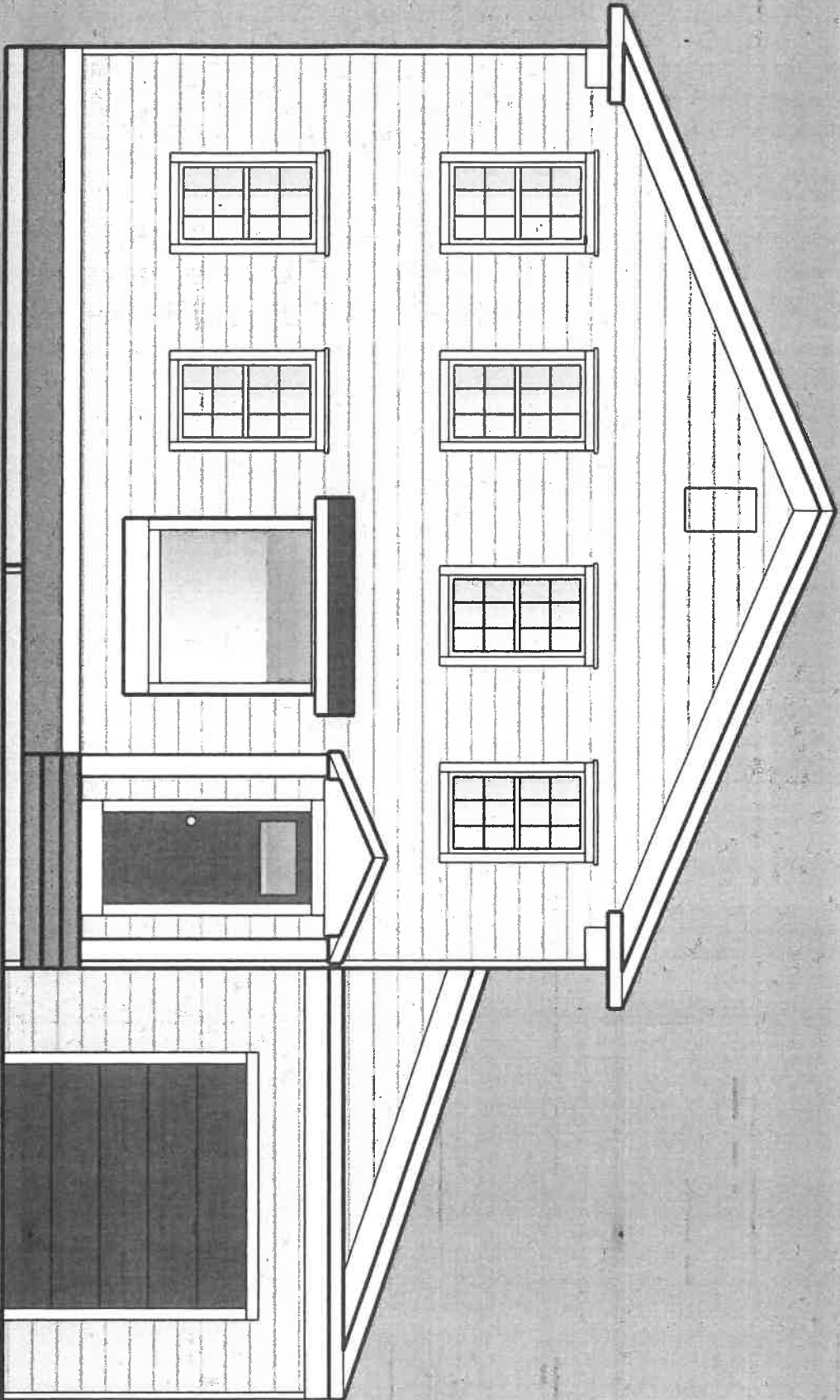
DATED THIS 30TH DAY OF SEPTEMBER A.D. 2004, AT BOLINGBROOK, ILLINOIS.

Alan Ireland
 ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 035-2181
 LICENSE EXPIRATION DATE: NOVEMBER 30, 2004
 ILLINOIS BUSINESS LICENSE NO. 184-2961

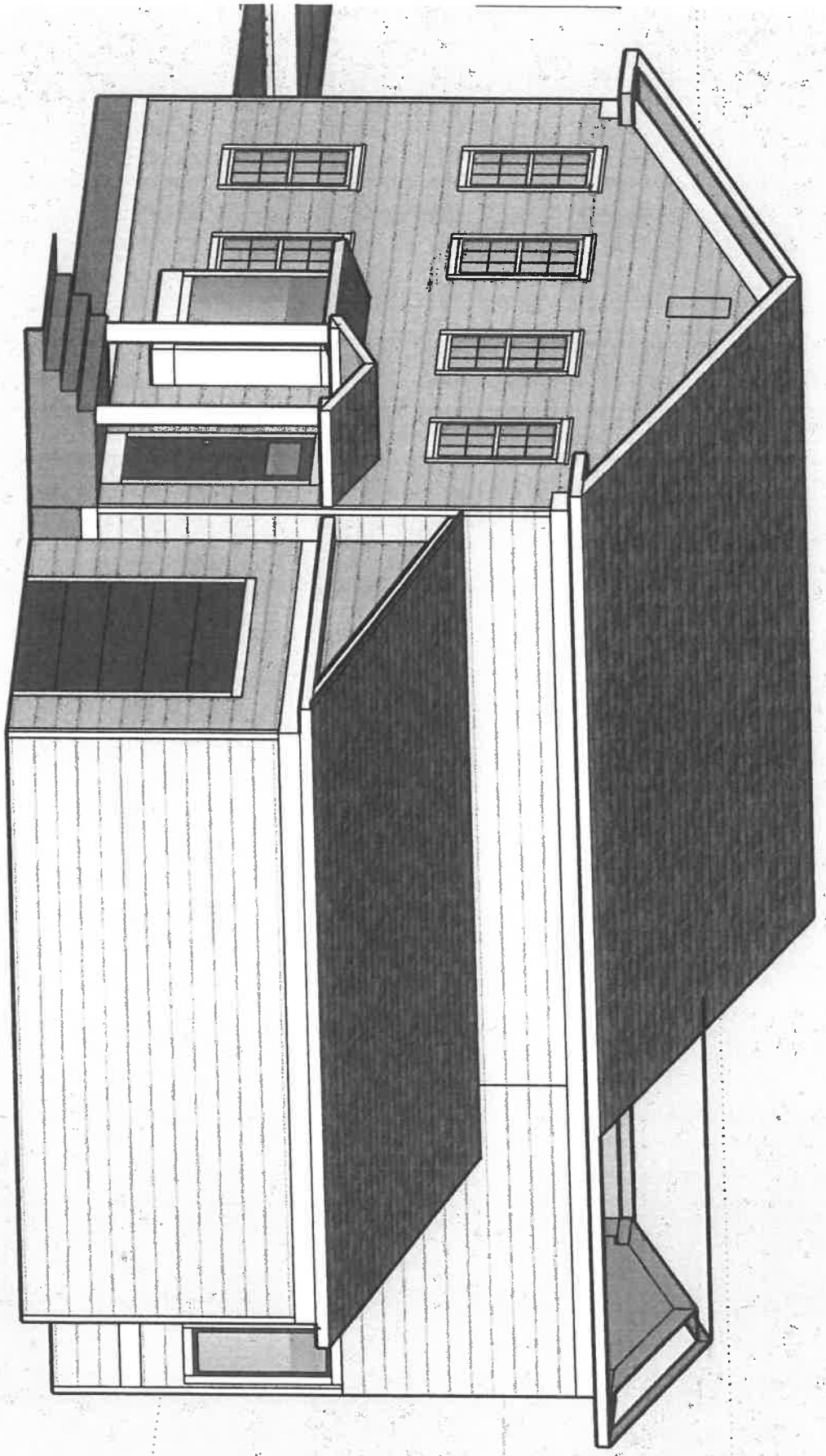
CLIENT MARTIN
 FIELDWORK DATE 9-28-04 JOB NO. 75622-04



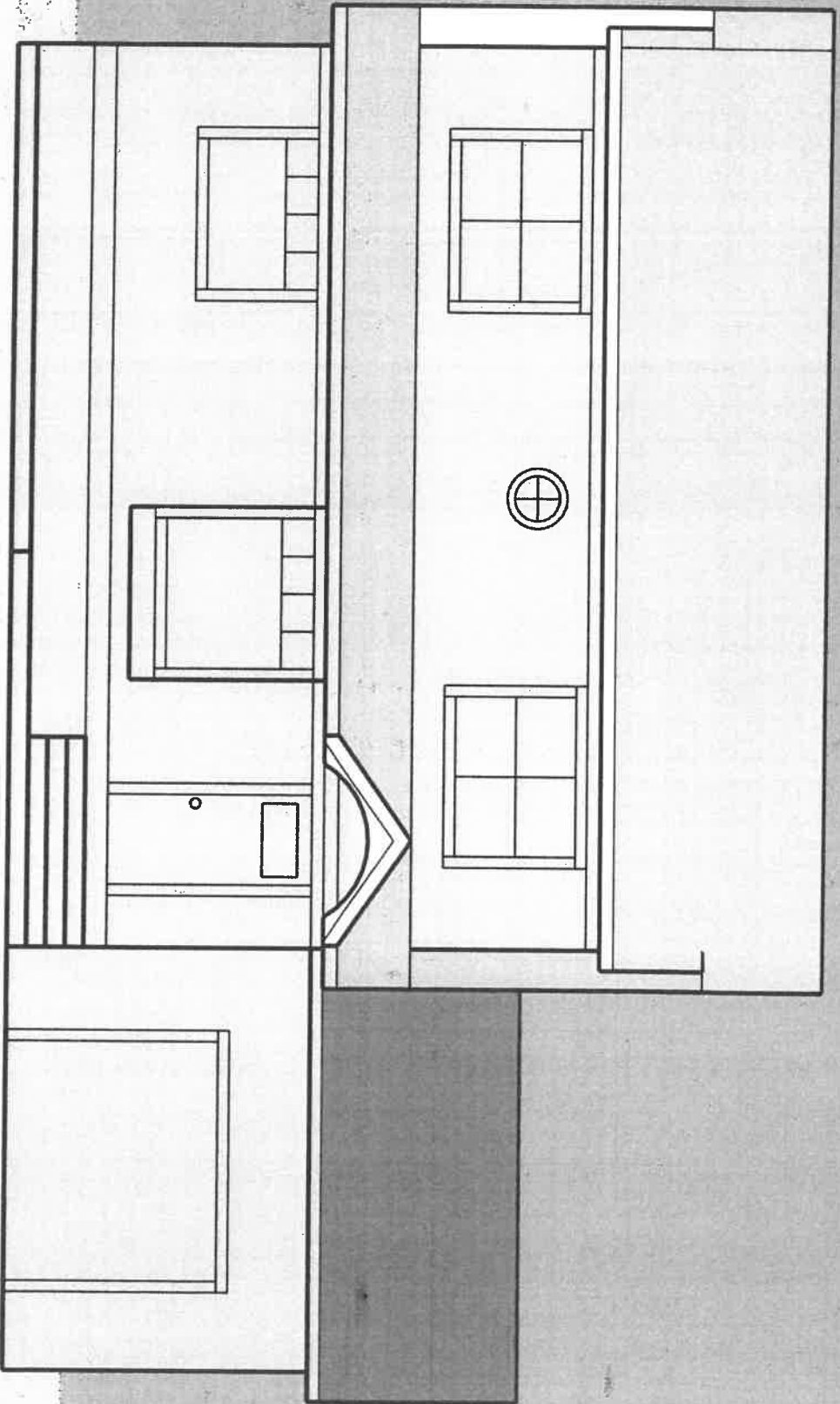
ZBA 22-02; 476 S. Park Road
East Elevation, Option A



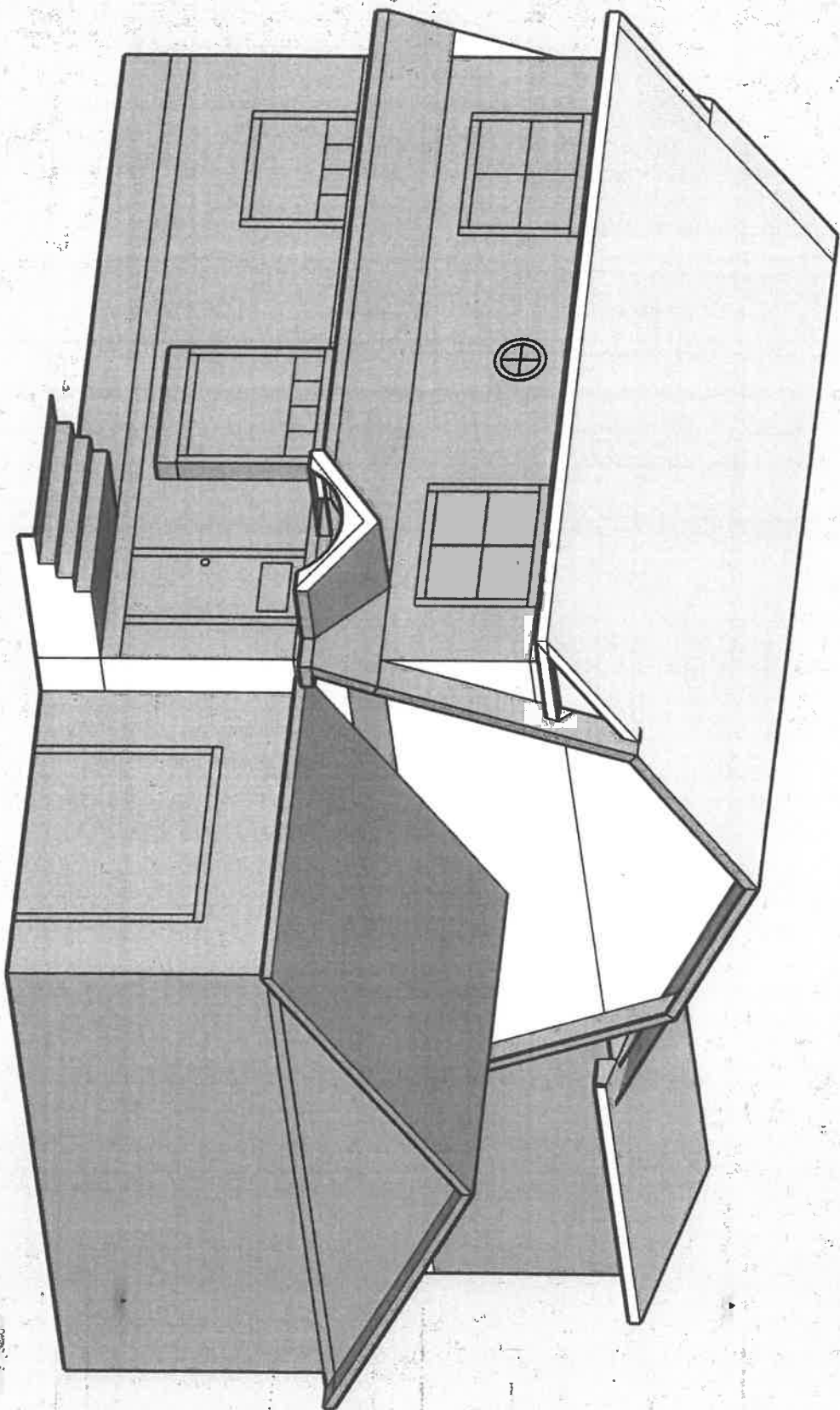
ZBA 22-02; 476 S. Park Road
Northeast Elevation, Option A



ZBA 22-02; 476 S. Park Road
East Elevation, Option B



ZBA 22-02; 476 S. Park Road
Northeast Elevation, Option B



ZBA 22-02; 476 S. Park Road - North Elevation,
Option B

