

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO:	Zoning Board of Appeals	HEARING DATE:	April 28, 1999
FROM:	Department of Community Development	PREPARED BY:	Nancy Hill, AICP Planner II

TITLE

ZBA 99-05: 1148 East Madison Street: Requests a variation to the Lombard Zoning Ordinance to reduce the required corner side yard setback to fifteen feet (15'), where thirty feet (30') is required to allow for the construction of a detached garage in the R2 Single-Family Residence District.

GENERAL INFORMATION

Petitioner/Property Owner: Bernard and Elenore Cummings
1148 E. Madison Street
Lombard, IL 60148

PROPERTY INFORMATION

Existing Zoning: R2 Single-Family Residence District
Existing Land Use: Single-Family Residence
Size of Property: Approximately 9,975 square feet

Surrounding Zoning and Land Use:

North:	R2 Single-Family Residence District, Single-Family Residence
South:	R-2 Single-Family Residence District (Villa Park), Single-Family Residence
East:	R-2 Single-Family Residence District (Villa Park), Single-Family Residence
West:	R2 Single-Family Residence District, Single-Family Residence

ANALYSIS

SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development on March 19, 1999:

1. Petition for Public Hearing.
2. Response to Applicable Standards.
3. Plat of Survey, prepared by C. George Jurek Surveyors, dated May 25, 1961 and Site Plan.

DESCRIPTION

This property is located at the northwest corner of Madison Street and Addison Road. The petitioner wishes to construct a detached, two-car garage, measuring twenty feet in width and twenty feet in length (20' x 20'). Currently, there is no garage on the property, only the existing residence and a driveway. The property is a corner lot, with the corner side property line being along Addison Road and the rear property line being the northern property line. Additionally, this property is a reverse corner lot, according to the Zoning Ordinance.

In building the detached garage, the petitioner is proposing to encroach into the corner side yard of the reverse corner lot. Therefore, variations are necessary in order to construct the garage as proposed.

PLANNING

As stated above, this property is a reverse corner lot. The Zoning Ordinance has special setback requirements for accessory structures on reverse corner lots. According to the Zoning Ordinance, an accessory structure on a reverse corner lot which is within fifteen feet (15') of the rear lot line must be set at least as far from the street as the required front setback of the adjacent lot to the rear. In this case, the petitioner's corner side yard setback must be at least thirty feet (30'), because the structure is within fifteen feet of the rear lot line and the property owner to the north has a required front yard setback of thirty feet (30'). The petitioner is only proposing a corner sideyard setback of fifteen feet (15').

The ZBA has reviewed this case previously in 1987 and 1991. In 1987, the staff recommended approval of this petition, and the ZBA recommended approval to the Board of Trustees. The Board of Trustees, however, denied the petition. In 1991, the property owners again petitioned the ZBA. Staff again recommended approval of this petition, and the ZBA forwarded this request to the Board of Trustees with the recommendation of approval. This time, the Board of Trustees approved the petition with an ordinance. However, the petitioners did not construct the garage and the ordinance expired.

Although staff has recommended approval of the petition in the previous cases, the staff is now recommending denial of this petition. Based upon more recent interpretations of the Zoning Ordinance and the definition of hardship, staff believes this request is not warranted. Previously staff cited the variation was necessary in order to prevent the potential relocation of some utilities, specifically an electric meter and air conditioning unit, the decreased ventilation for the bathroom and kitchen, and the removal of landscape materials. With more recent interpretations of the Zoning Ordinance, staff believes the removal of landscape materials, and the relocation of utilities is not a hardship. Additionally, staff believes the width of the garage could be reduced so as to not affect the adequate supply of light and ventilation to the kitchen or bathroom.

Furthermore, there are other possible places for this structure to be located so it meets zoning regulations. **Figure 1** shows areas where the garage could be constructed and meet the standards of the Zoning Ordinance. The area in yellow outlines the buildable area. Staff believes the best location of the garage is in the far northwest corner of the property. The garage must be six feet (6') from the rear property line and three feet (3') from the side property line. The garage would also have to be at least four feet (4') from the house to provide adequate building separation. With this location, the petitioner could maintain the proposed size of the garage and would not have to relocate any utilities, but may have to remove some landscaping. If the petitioner believes this alternative the garage would still block windows at the rear of the home, but again, this could be minimized by reducing the width of the garage. This would also reduce the impact of the garage on the adjacent property. The location as proposed by the petitioner would obstruct the neighbor's views, while the location as proposed by staff would place the garage behind the neighbor's house.

The corner side yard setback of fifteen feet (15') is quite different from the setbacks of the other structures along Addison Road. The purpose of the reverse corner lot standards are so that all the structures on a street have similar setbacks. A garage with a setback of only fifteen feet will have an impact on the surrounding neighborhood. Staff believes the structure could be set farther back from the corner side property, given the buildable area shown in Figure 1.

The Engineering Division of the Public Works Department and the Private Engineering Services Division of the Community Development Department have no comments regarding this petition. The Fire Department and the Bureau of Inspectional Services have no comments regarding this petition.

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Re: ZBA 99-05

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FINDINGS AND RECOMMENDATIONS

Staff believes the hardships presented by the petitioner are not validated, as there are other alternatives for the location and size of the garage. Therefore, the Department of Community Development has determined that the information presented has not affirmed the Standards for Variation. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make the following motion recommending **denial** of this petition:

Based on the submitted petition and the testimony presented, the requested variation does not comply with the Standards required by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals recommend to the Corporate Authorities **denial** of ZBA 99-05.

Inter-Departmental Review Group Report Approved By:

David A. Hulseberg, AICP
Director of Community Development

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att-
c: Petitioner

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