

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

 X Resolution or Ordinance (Blue) _____ *Waiver of First Requested*
 X Recommendations of Boards, Commissions & Committees (Green)
_____ Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott R. Niehaus, Village Manager

DATE: October 6, 2015 (B of T) Date: October 15, 2015

TITLE: ZBA 15-12; 251 N. Grace Street – Variances

SUBMITTED BY: Department of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioner Requests a variation from Section 155.407(F)(1)(a) of the Lombard Zoning Ordinance to reduce the required front yard setback from thirty feet (30') to twenty-five feet (25') and a variation from Section 155.407(F)(4) of the Lombard Zoning Ordinance to reduce the required rear yard setback from thirty-five feet (35') to thirty feet (30') for proposed Lot 2 located at 251 N. Grace Street and within the R2 Single-Family Residence Zoning District.

The ZBA recommended this petition for denial, which passed on a 4-2 vote.

Please place this request under Items for Separate Action.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____

Finance Director X _____ Date _____

Village Manager X _____ Date _____

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



MEMORANDUM

TO: Scott R. Niehaus, Village Manager

FROM: William J. Heniff, AICP, Director of Community Development *WH*

DATE: October 15, 2015

SUBJECT: ZBA 15-12; 251 N. Grace Street – Variances

Please find the following items for Village Board consideration as part of the October 15, 2015 Village Board meeting:

1. Zoning Board of Appeals referral letter; and
2. IDRC report for ZBA 15-12.

The ZBA recommended this petition for denial, which passed on a 4-2 vote. Please place this petition on the October 15, 2015 Board of Trustees agenda.

homes have front yard setbacks between 25-30 feet. Ms. Ganser referenced an attached map to show interior lots with less than a 30 foot setback. Finally she noted the lot is uniquely shaped and the hardship is the lack of depth of the buildable area.

Chairperson DeFalco opened the meeting for discussion by the ZBA members.

Chairperson DeFalco questioned if the bulk requirements were met and Ms. Ganser said yes. He also said he did not feel the standard regarding financial gain was met. Mr. LaGambina noted that the property was purchased with the intent to divide it into two (2) lots and they need to sell the second lot to make a profit.

Chairperson DeFalco asked if Mr. LaGambina was currently living in the home at 251 N. Grace Street, to which Mr. LaGambina responded in the negative.

Chairperson DeFalco asked Mr. LaGambina if he would be building the proposed new home, to which Mr. LaGambina responded that he and his son's company, LaGambina Homes, will be building the new home.

Based on the Standards for a Variation, Chairperson DeFalco asked Mr. LaGambina to identify how the requested variations are not for his financial gain. Mr. LaGambina stated that in order to invest in the renovation of the existing home at 251 N. Grace Street, he needed to sell Lot 2.

Mr. Young asked if Mr. LaGambina or his son will live in either home once completed, to which Mr. LaGambina responded in the negative. Chairperson DeFalco asked for clarification as to whether or not anyone was currently living in the home at 251 N. Grace Street. Mr. LaGambina responded that in its current condition the home is not habitable.

Chairperson DeFalco stated that the property to the east looks similar to the subject property and asked staff how the adjacent property was approved. Ms. Ganser responded that she was not certain if it received any zoning relief, but the petitioner's request is consistent with the surrounding neighborhood. Chairperson DeFalco concurred that the request is consistent with the surrounding neighborhood, but emphasized his belief that the request for the variations was primarily for financial gain and therefore did not affirm all of the Standards for a Variation.

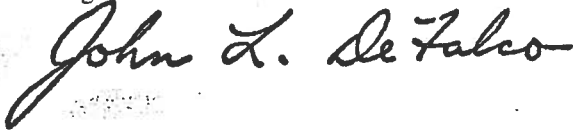
A motion was made by Mr. Young, seconded by Mr. Bedard, that the Zoning Board of Appeals recommend the requested variations for approval by the Village Board, subject to the two conditions noted in the staff report. By a vote of 3 to 3 the motion failed because it did not receive the necessary four votes to pass.

On a motion by Ms. Newman, and a second by Mr. Bartels, the Zoning Board of Appeals recommended by a vote of 4-2 that the Village Board deny the variations associated with ZBA 15-12.

Respectfully,

VILLAGE OF LOMBARD

Re: ZBA 15-12
October 15, 2015
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A handwritten signature in black ink that reads "John L. DeFalco". The signature is written in a cursive style with a large, stylized "J" and "D".

John DeFalco
Chairperson
Zoning Board of Appeals

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ZONING BOARD OF APPEALS

INTER-DEPARTMENTAL REVIEW COMMITTEE REPORT

251 N. Grace Street

September 23, 2015

Title

ZBA 15-12

Petitioner

LaGambina Homes Inc.

251 N. Fairfield

Lombard IL 60148

Property Owner

Luxica LLC

(same address as petitioner)

Property Location

251 N. Grace Street, (06-05-414-009) , Trustee District #4

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)(1)(a) of the Lombard Zoning Ordinance to reduce the required front yard setback from thirty feet (30') to twenty-five feet (25') and a variation from Section 155.407(F)(4) of the Lombard Zoning Ordinance to reduce the required rear yard setback from thirty-five feet (35') to thirty feet (30') for proposed Lot 2 located at 251 N. Grace Street and within the R2 Single-Family Residence Zoning District

Prepared By

Jennifer Ganser, Assistant
Director



LOCATION MAP

PROJECT DESCRIPTION

The petitioner is proposing an administrative plat of subdivision at 251 N. Grace. The proposed lot 2 (to the east) would include an existing driveway and garage. The petitioner proposes to demolish the garage and build a new single family home with a new garage in the future. A front and rear yard setback variance is being requested for Lot 2. Both lots meet the bulk requirements.

APPROVALS REQUIRED

The petitioner requests a variation from Section 155.407(F)(1)(a) of the Lombard Zoning Ordinance to reduce the required front yard setback from thirty feet (30') to twenty-five feet (25') and a variation from Section 155.407(F)(4) of the Lombard Zoning Ordinance to reduce the required rear yard setback from thirty-five feet (35') to thirty feet (30') for proposed Lot 2 located at 251 N. Grace Street and within the R2 Single-Family Residence Zoning District.

EXISTING CONDITIONS

The property contains a single family home with detached garage. The property will be subdivided via an administrative plat into two (2) lots. Lot 2 will contain the existing lot and driveway. As the garage does not meet the setbacks of the R2 zoning district it shall be demolished within one year of the recording of the plat. The petitioner will give the Village a \$2,000.00 bond. Should the garage be removed the Village will refund the bond. Should the zoning relief requested be granted by the Lombard Board of Trustees, and a permit issued for a new single family residence on the proposed lot 2, the Village would also refund the bond.

PROJECT STATS

Lot & Bulk (for Lot 2)

Parcel Size: 8,782 sq. ft.

Reqd. Setbacks & Proposed Dimensions (in parens.)

Front (south) 30' (25')

Side (east) 6' (6')

Side (west) 6' (6')

Rear (north) 35' (30')

Submittals

1. Petition for Public Hearing;
2. Response to Standards for Variation; and
3. Plat of Survey, prepared by Tom Atkins, P.L.S., dated August 28, 2015.

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no issues or concerns regarding the project. A full review will be conducted during the building permit review process.

Fire Department:

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

Private Engineering Services:

Private Engineering Services (PES) has no issues or concerns regarding the project.

Public Works:

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

Planning Services Division:

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 standards have been affirmed for the front and rear yard setback variations.

Staff can support the requested variance for the front and rear yard setback for the following reasons:

1. There is precedence for variations to front and rear yard setbacks on similar lots that lack lot depth for single family homes. With the subtraction of both the required front and rear yard setbacks from the depth of the lot, the result is a thirty-two foot (32') buildable depth for a house on the east side and eighteen feet (18') on the west side.
2. The proposed improvements will not adversely affect this or other properties in the neighborhood and will be consistent with the surrounding neighborhood.

Surrounding Zoning & Land Use Compatibility

	Zoning District	Land Use
North	R2	Single Family Residential
South	R2	Single Family Residential
East	R2	Single Family Residential
West	R2	Single Family Residential

The existing neighbors are single family homes, which is the type of building the petitioner proposes to build. Neighboring homes have front yard setbacks of between 25-30 feet. The property to the east has rear yard setback of approximately 30 feet, with a deck encroaching into the rear yard. Staff researched the front yard setbacks in the surrounding area and found numerous properties. The attached map shows properties in red that are interior lots with a front yard setback estimated at less than thirty (30) feet. Lot 2 of 251 N. Grace Street will also be an interior lot. Staff feels a front yard setback will not be out character with the neighborhood since many homes also do not meet this Code.

In consideration of precedent, staff has identified similar rear yard setback cases that appeared before the Zoning Board of Appeals within the past five (5) years:

CASE NO.	DATE*	ADDRESS	SUMMARY	ZBA	BoT
ZBA 10-13	12/15/10	320 S. Martha Court	23' Rear Yard	Approved, 5-0	Approved, 6-0
ZBA 13-01	2/7/13	236 E. Morningside Ave.	15.7' Corner Side Yard & 29.5' Rear Yard	Approved, 4-0	Approved, 6-0
ZBA 14-03	4/23/14	304 N. Park Avenue	11.9' Corner Side Yard & 25' Rear Yard	Partial approval (not on rear portion)	Approved, 6-0
ZBA 14-06	6/19/14	505 E. Sunset Ave.	30' Rear Yard	Approved, 6-0	Approved, 6-0
ZBA 15-08	6/25/15	1057 Daniel Court	25' Rear Yard	Approved, 6-0	Approved, 6-0

**There were thirteen (13) approved rear yard variances from 2005 through 2010. Since 1998, there have been forty-two (42) requests brought before the ZBA for a rear yard variance.*

3. The subject property is uniquely shaped creating a hardship to properly position a principal structure of reasonable size. Since lot 1 and lot 2 meet the bulk requirements of the Zoning Ordinance, the plat of subdivision can be approved administratively. The lot division creates a hardship for lot 2 in that the lot is not even. The depth of the lot also creates a hardship in that the buildable depth for a single family home would be reduced greatly.

FINDINGS & RECOMMENDATIONS

The Department of Community Development has determined that the information presented **has affirmed** the Standards for Variations for the requested front and rear yard setback. 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 front and rear yard setback variations:

Based on the submitted petition and the testimony presented, the requested variations to reduce the front and rear yard setback **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 15-12, subject to the following conditions:

1. The petitioner shall apply for and receive a building permit for the proposed plans.
2. 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.

Inter-Departmental Review Committee Report approved by:

A handwritten signature in black ink, appearing to read 'W. Heniff', is written over a horizontal line.

William J. Heniff, AICP
Director of Community Development

c. Petitioner

Standards for Variations Responses

- 1) Since the structure (Garage) is existing and is currently only 27' from the south property line at the SW corner and 29' from the south property line on the SE corner, we are seeking a variation for front yard setback to 25'. The NE corner of the Garage is 32.82' off the north property line and the NW corner of the Garage is 30.84' off the north property line, we are seeking a variation for Rear yard setback to 30'.
- 2) This is a unique property as the dimensions of the lot starting with the front (clockwise) are 100.58', 82.84', 100.00', and 97.79' which would leave a buildable footprint of 88' Wide by only 17.84' deep (On the West side) and 32.79' deep (On the East side). If the variance is granted the buildable area will be 88' Wide by 27.84' deep (On the West side) and 42.79' deep (On the East side).
- 3) This variation request is not based primarily upon a desire to increase financial gain. The primary reason is to maintain the aesthetics of the block. The variation request is to make the buildable area suitable to building a home consistent with those on the block.
- 4) The difficulty is being caused not by this ordinance, nor anyone currently involved with this property. The difficulty is being caused due to the shape of the lot.
- 5) The granting of the variation will not negatively impact the public welfare, other properties, in fact conversely it will improve the aesthetics of the neighborhood and its surroundings.
- 6) The variation request (Front yard setback reduction from 30' to 25', and rear yard setback from 35' to 30') will not alter the character of the neighborhood, and by granting the variation, we will be able to build a home which will allow the property to further enhance the existing character of the neighborhood, by having a home on each lot.
- 7) There will be no negative impact on any adjacent property, as this is a single family home, which will not obstruct the wind, drainage, or sun in any way that a home of any footprint wouldn't. The homes have a southerly facing direction, and the home will not obstruct the sun in any way. The home will not increase the danger of fire, endanger public safety. Finally it does not diminish or impair property values in the neighborhood in a negative way, but rather by increasing the value of the neighborhood as a whole.

