

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Zoning Board of Appeals HEARING DATE: April 28, 2010

FROM: Department of Community PREPARED BY: Michael S. Toth
 Development Planner I

TITLE

ZBA 10-04; 350 N. Fairfield Avenue: The petitioner requests a variation to Section 155.210(A)(2)(a) of the Lombard Zoning Ordinance to reduce the required corner side yard setback from twenty (20) feet to eight (8) feet to allow the construction of an accessory structure in the R2 Single-Family Residence District.

GENERAL INFORMATION

Petitioner/Owner: Mark Edison
 350 N. Fairfield Avenue
 Lombard, IL 60148

PROPERTY INFORMATION

Existing Zoning: R2 Single Family Residential District

Existing Land Use: Single Family Residence

Size of Property: Approximately 14,100 square feet

Surrounding Zoning and Land Use:

North: R2 Single Family Residence District; Single Family Residences

South: R2 Single Family Residence District; Single Family Residences

East: R2 Single Family Residence District; Single Family Residences

West: R2 Single Family Residence District; Single Family Residences

ANALYSIS

SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development on April 1, 2010.

1. Petition for Public Hearing.
2. Response to the Standards for Variations.
3. Written narrative, prepared by the petitioner, describing the need for a variation.
4. Plat of Survey prepared by ARS Surveying Services dated January 4, 2008 and showing the location of the proposed shed.

DESCRIPTION

The subject property is located at the northwest corner of View Street and Fairfield Avenue. The petitioner is requesting a variation to allow the installation of a shed, eight (8) feet from the corner side lot line on the southern portion of the property. As the Zoning Ordinance specifically prohibits the placement of accessory structures in the corner side yard, a variation is required.

INTER-DEPARTMENTAL REVIEW COMMENTS

ENGINEERING

Private Engineering Services

The PES Division of Community Development has the following comment on the above petition:

- 1) Should the variance be granted, a condition shall be added to ensure that drainage is not impacted. Drainage flows west to east and shall not be hindered by the proposed shed.

Public Works Engineering

Public Works Engineering has no comments regarding this request.

FIRE

The Fire Department has no comments regarding this request.

BUILDING DIVISION

The Building Division offers the following comments in reference to ZBA 10-04; 350 N. Fairfield:

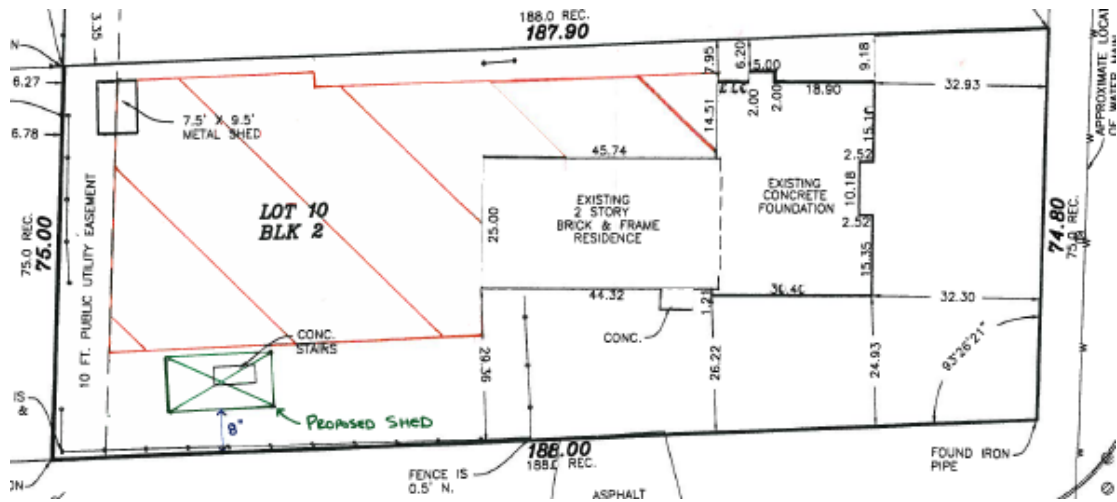
- 1) A raised curb of 6" would need to be constructed around the stairwell inside the shed, so as to not allow a lawn tractor or similar equipment from going into the stairwell. Steel doors installed over the stairwell could also be proposed for such a purpose.
- 2) The shed is required to have a foundation that not only supports the weight of the shelter, shed, and shed contents, but also has an equal level of frost protection on all sides of the shed. If the existing shelter would not provide a foundation under the entire shed, a foundation would need to be added in the areas of the shed that the existing shelter would not support. Additional drawings would need to be provided to give full detail on the proposed foundation type(s).
- 3) Details would need to be provided in reference to the proposed floor design. There is no mention of floor construction or construction details in the plans provided.

PLANNING

The petitioner is proposing to construct a shed that is two-hundred (200) square foot in area and eleven (11) feet in height, in the corner side yard. The petitioner has indicated that the purpose of the shed is to cover an existing bomb shelter located on the southern portion of the subject property, within the corner side yard. The bomb shelter element was first introduced to the Zoning Board of Appeals at their December 16, 2008 meeting where the same petitioner sought approval to erect a six (6) foot fence in the corner side yard (ZBA 08-16). The petitioner desired to construct a six (6) foot tall fence under the auspices that the additional fence height would ensure that no persons could enter the yard, as the petitioner strongly advocated that the bomb shelter was an attractive nuisance and a public safety hazard. In 2009, the Village Board approved ZBA 08-16. As such, the six (6) foot fence was erected per the approved plan and still resides on the subject property today.

The petitioner has indicated that he has attempted to fill the bomb shelter structure, which has resulted in a health safety hazard by providing a refuge for insects and animals. While staff recognizes the presence of the bomb shelter on the subject property, such a structure does not constitute a geographic or topographic feature that would warrant a variation, nor does staff have the authority to recommend alternative methods of encapsulating the bomb shelter. The structure is situated below grade on the subject property. As such, staff finds that placing a two-hundred (200) square foot shed that stands eleven (11) feet in height would be an excessive method of encapsulating a below-grade structure. Furthermore, the bomb shelter is already screened from public access by the six (6) foot tall fence that was approved through ZBA 08-16. The petitioner has made reference that the shed would be screened by the existing six (6) foot fence; however, it should be noted that staff recommended denial of the six (6) foot fence associated with ZBA 08-16.

There is ample space on the subject property to construct a two-hundred square foot shed, without the need for a variation. As the area in red illustrates in Diagram 1, there is a sufficient buildable area for the placement of a two-hundred square foot shed. Staff notes that the petitioner has indicated that the existing shed would be removed in the event that the proposed shed were to be constructed.



-Diagram 1-

In order to be granted a variation the petitioner must show that they have affirmed each of the “Standards for Variation.” The following standards have not been affirmed:

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.*

Staff finds that there are no conditions related to the property that prevent compliance with the setback regulations. The property does not have physical surroundings, shape, or natural topographical features that differ substantially from other corner lots in the neighborhood.

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.*

Staff finds that the physical conditions are not unique to the subject property. Many other properties with a similar layout and design have been able meet the established regulations.

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 subject property is over 14,000 square feet in area. As Diagram 1 illustrates, the shed could be constructed per the Ordinance requirements by located it within the large buildable area that is provided on the property. The hardship has been created by the petitioner as a result of the preference for the shed’s location.

Staff recommends that the petition be denied on the grounds that a hardship has not been demonstrated.

FINDINGS AND RECOMMENDATIONS

The Department of Community Development has determined that the information presented **has not 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 **denial** of the aforementioned variation:

Based on the submitted petition and the testimony presented, the requested variation **does not 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 included as part of the Inter-departmental Review Report be the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **denial** of ZBA 10-04.

Inter-Departmental Review Group Report Approved By:

William J. Heniff, AICP
Director of Community Development

c: Petitioner