

JULY 22, 2014

Title

ZBA 15-09

Petitioner

Berdusis Architects, Inc.
10077 W. Lincoln Hwy.
Frankfort, IL 60423

Property Owner

St. Thomas Mar Thoma
Church of Chicago
710 N. Main Street
Lombard, IL 60148

Property Location

18 W. Lemoyne Avenue
(06-06-202-032)
Trustee District: #1

Zoning

R2 Single Family Residence
(Harris' Lombard Hills
Subdivision)

Existing Land Use

Single Family Home

Comprehensive Plan

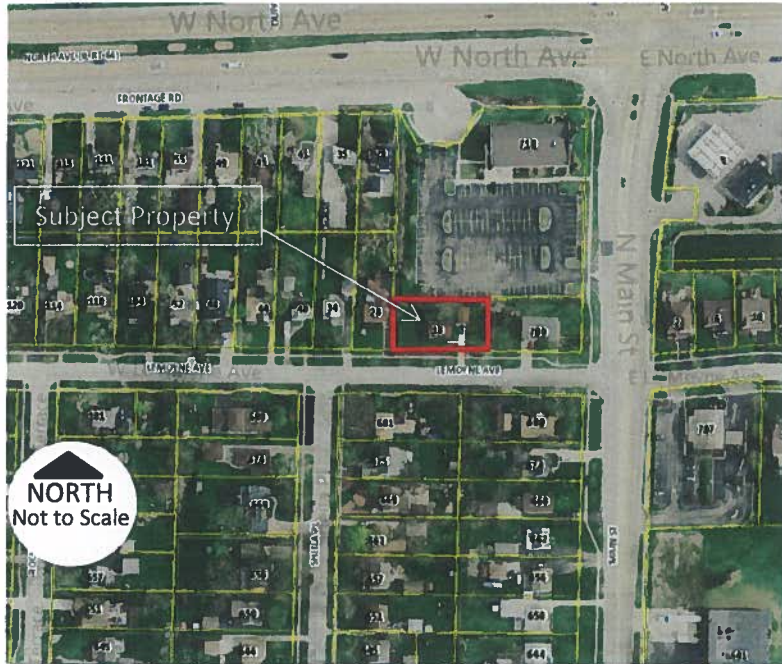
Low Density Residential

Approval Sought

A variation to reduce the required thirty-five foot (35') rear yard setback to thirteen and five tenths feet (13.5') for the construction of a new single family residence.

Prepared By

Tami Urish
Planner I



LOCATION MAP

PROJECT DESCRIPTION

The petitioner is proposing to remove the existing principal structure and detached garage then construct a new principal structure with an attached garage. The proposed 1,500 square foot house will encroach into the required thirty five foot (35') rear yard by twenty one and five tenths feet (21.5') with a resulting setback from the rear property line at thirteen and five tenths feet (13.5'). The bulk of the house is proposed to be setback approximately eighteen feet (18') from the rear property line with a small porch encroaching the additional five feet (5').

APPROVALS REQUIRED

Section 155.407 (F)(2) requires a minimum thirty-five foot (35') rear yard setback. The proposed new principal structure encroaches into the required setback by twenty one and five tenths feet (21.5') reducing the rear yard setback to thirteen and five tenths feet (13.5'). Therefore, a variation is required.

EXISTING CONDITIONS

The property contains an approximately 900 square foot one-story frame single family residence with a one car detached garage and associated driveway. The rear yard is directly adjacent to the south parking lot of the St. Thomas Mar Thoma Church. The subdivision was created in 1963 and the house was built in 1965.

PROJECT STATS

Lot & Bulk (Proposed)

Parcel Size:	11,683 sq. ft.
Building Footprint:	1,000 sq. ft. (1,500 sq. ft.)
Lot Coverage:	17% (18%)

Reqd. Setbacks & Proposed Dimensions (in parens.)

Front (south)	30' (30')
Side (east)	6' (43')
Side (west)	6' (55.5')
Rear (north)	35' (13.5')

Submittals

1. Petition for Public Hearing;
2. Response to Standards for Variation;
3. Plat of Survey, prepared by M. Gingerich, Gereaux & Associates, dated May 29, 2015; and
4. Site Plan and Elevations, prepared and submitted by M. Gingerich, Gereaux & Associates, dated June 19, 2015.

Surrounding Zoning & Land Use Compatibility

	Zoning Districts	Land Use
North	R2/St. Thomas Mar Thoma Church of Chicago	Religious Institution
South	R2/Lemoyne Avenue	Single Family Residential
East	R2	Single Family Residential
West	R2	Single Family Residential

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:

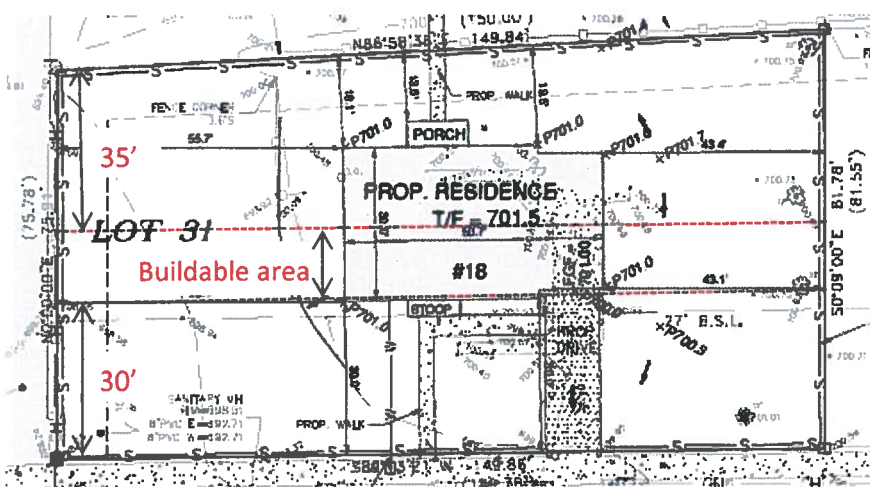
The Department of Public Works has no issues or concerns regarding the project.

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 rear yard setback variation.

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

1. There is precedence for variations to rear yard setbacks on similar substandard lots that lack lot depth for single family homes. The shape of the lot is unique and was created over 75 years ago. The depth of the lot is 81.5 feet on the east side and 75.5 feet on the west side. With the subtraction of both the required front and rear yard setbacks from the depth of the lot, the result is a ten foot (10') buildable depth for a house.



The proposed lot coverage of the new residence is similar to the existing lot coverage at less than twenty percent. The existing principal structure that was constructed prior to 1962 encroaches into the required thirty five foot (35') rear yard by twelve feet (12') with a resulting setback from the rear property line at twenty three

feet (23'). However, the existing principal structure also encroaches into the front yard setback by more than three feet (3').

2. The proposed improvements will not adversely affect this or other properties in the neighborhood and will be consistent with the existing structure and surrounding neighborhood. The subject property's rear yard is adjacent to the property owner/church's parking lot as shown in the location map;
3. The subject property is uniquely shaped creating a hardship to properly position a principal structure of any reasonable size.

In consideration of precedent, staff has identified the most similar cases that appeared before the Zoning Board of Appeals based on proximity to the subject property as well as Village-wide cases that have appeared before the ZBA within the past five (5) years:

CASE NO.	DATE*	ADDRESS	SUMMARY	ZBA	BoT
ZBA 10-13	12/15/2010	320 S. Martha Court	23' Rear Yard	Approved, 5-0	Approved, 6-0
ZBA 13-01	2/7/2013	236 E. Morningside Ave.	15.7' Corner Side Yard & 29.5' Rear Yard	Approved, 4-0	Approved, 6-0
ZBA 14-03	4/23/2014	304 N. Park Avenue	11.9' Corner Side Yard & 25' Rear Yard	Partial approval (not on rear portion)	Approved, 6-0
ZBA 14-06	6/19/2014	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	To be reviewed on 7/16/15

*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.

FINDINGS & RECOMMENDATIONS

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

Based on the submitted petition and the testimony presented, the requested variation to reduce the 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 15-09, subject to the following conditions:

1. The subject property shall be developed in substantial conformance with the site plan and elevations, prepared and submitted by M. Gingerich, Gereaux & Associates, dated June 19, 2015.
2. The petitioner shall apply for and receive a building permit for the proposed plans.
3. Such approval shall become null and void unless work thereon is substantially under way within 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:



William J. Heniff, AICP
Director of Community Development

c. Petitioner

EXHIBIT A: RESPONSE TO STANDARDS AS PREPARED BY THE PETITIONER



Architectural Resource Corporation, 10077 Lincoln Highway, Frankfort, IL 60423 708.349.1225

STANDARDS FOR VARIATIONS RESPONSE

18 W. LeMoyne Avenue, Lombard, Illinois 60148

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.

Response: The site is roughly 150' x 82' which is common to other R-2 zoned lots on Le Moyne Ave. with the exception that this lot is rotated so that the 150' dimension has frontage to LeMoyne Ave. When applying the R-2 setback restrictions with 30 feet in the front and 35 feet in the rear, leaves only roughly 13 feet of buildable area which is not feasible for a single family residence.

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.

Response: The required front setback is approx. 30 feet mean and required rear setback is 35 feet. The new building has front setback of 30 feet, which would meet the front yard restriction. The rear setback has a mean 18.8 feet. The rear lot line abuts the St. Thomas Church parking lot. There is no concern about privacy. The proposed single family residence will serve as the parsonage residence for St. Thomas Clergy. St. Thomas Church visitors would have the convenience to access to the rear yard of the parsonage property from the Church parking lot.

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

Response: It is not based on financial gain. It is based on the feasibility to construct a single family residence conventional to similar residences in the area and similar to the structure proposed to be removed and replaced in kind.

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.

Response: Correct.

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.

Response: Correct.

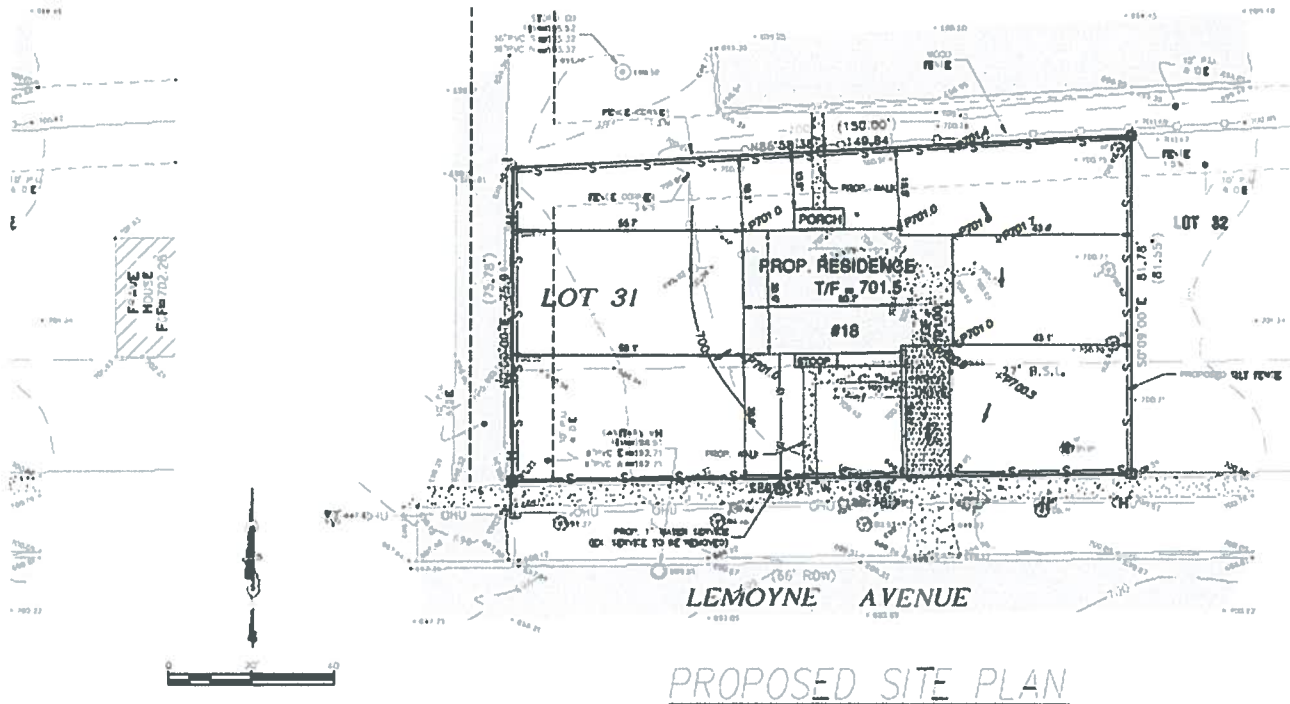
6 The granting of the variation will not alter the essential character of the neighborhood; and,

Response: Correct. The proposed residence will conform to the Front and Side Yard restrictions similar to the other residences in the area. The rear yard will be affected based on the proportions of the parcel cannot support a 35' rear yard setback restriction. Nonetheless, since the rear yard abuts the Church parking lot and visitors and parishioners are encouraged to use the rear yard access to the visit the parsonage from the parking lot, the condition does not alter the character of the neighborhood or create a hardship to other residences.

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.

Response: Correct. The side yards, Approx. 55 feet on the west and 43 feet on the east, parking lot to the north and street to the south. A grading plan was submitted with this petition. This project should improve property values in the neighborhood.

EXHIBIT C: SITE PLAN



PROPOSED SITE PLAN

BENCHMARK: FLANGE BOLT ON FIRE HYDRANT LOCATED AT THE SOUTHWEST CORNER OF THE PROPERTY ELEV.=699.10

LAND DESCRIPTION

LOT 31 IN BLOCK 3 IN HANNS LOMBARD HILLS, LEING A SUBDIVISION IN THE NORTHEAST 1/4 OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 10, 1959 AS DOCUMENT 600854 IN DEPAPE COUNTY, ILLINOIS

LOT AREA	=	11,806 SQ. FT.
PROPOSED IMPERVIOUS AREAS		
RESIDENCE	=	1,478 SQ. FT.
DRIVEWAY	=	315 "
FRONT STOOP	=	55 "
REAR PORCH	=	60 "
CONCRETE WALKS	=	320 "
TOTAL PROPOSED IMPERVIOUS	=	2,206 SQ. FT.
MINUS EXISTING IMPERVIOUS	=	1,982 SQ. FT.
NET INCREASE IMPERVIOUS	=	224 SQ. FT.
PROP. X IMPERVIOUS 2,206/11,806	=	18.7%

EXHIBIT D: PHOTO OF EXISTING CONDITIONS

