

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

 X Resolution or Ordinance (Blue) X *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: July 31, 2015 (B of T) Date: August 13, 2015

TITLE: ZBA 15-09; 18 W. Lemoyne Avenue

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 that the Village grant approval of a variation from Section 155.407 (F)(2) of the Lombard Zoning Ordinance to reduce the minimum rear yard setback from thirty-five feet (35') to thirteen and five-tenths feet (13.5') within the R2 Single-Family Residence District to allow for a new single family residence.

The Zoning Board of Appeals recommended approval of this petition by a vote of 4-0.

The petitioner requests a waiver of first reading of the Ordinance.

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 *WJH*

DATE: August 13, 2015

SUBJECT: ZBA 15-09; 18 W. Lemoyne Avenue

Please find the following items for Village Board consideration as part of the August 13, 2015 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 15-09;
3. An Ordinance granting approval of the requested variation; and
4. Supporting documentation (plans, response to standards, pictures, etc.) associated with the petition.

The Zoning Board of Appeals recommended approval of this petition by a vote of 4-0. Please place this petition on the August 13, 2015 Board of Trustees consent agenda. The petitioner requests a waiver of first reading of the Ordinance.



VILLAGE OF LOMBARD

255 E. Wilson Ave.
Lombard, Illinois 60148-3926
(630) 620-5700 Fax (630) 620-8222
www.villageoflombard.org

August 13, 2015

Village President
Keith T. Giagnorio

Village Clerk
Sharon Kuderna

Trustees
Dan Whittington, Dist. 1
Michael A. Fugiel, Dist. 2
Reid Foltyniewicz, Dist. 3
Bill T. Johnston, Dist. 4
Robyn Pike, Dist. 5
William "Bill" Ware, Dist. 6

Village Manager
Scott R. Niehaus

"Our shared Vision for Lombard is a community of excellence exemplified by its government working together with residents and businesses to create a distinctive sense of spirit and an outstanding quality of life."

"The Mission of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."

Mr. Keith Giagnorio
Village President, and
Board of Trustees
Village of Lombard

Subject: ZBA 15-09 – 18 W. Lemoyne Avenue

Dear President and Trustees:

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioner requests that the Village grant approval of a variation from Section 155.407 (F)(2) of the Lombard Zoning Ordinance to reduce the minimum rear yard setback from thirty-five feet (35') to thirteen and five-tenths feet (13.5') within the R2 Single-Family Residence District to allow for a new single family residence.

The Zoning Board of Appeals conducted a public hearing on July 22, 2015.

Mr. Aristidis Berdusis presented the petition. Mr. Berdusis began by stating that existing house would be removed and replaced with a new house. The lot is configured so as without relief the lot is essentially unbuildable with just thirteen feet (13') of buildable lot depth to work within.

Acting Chairperson Corrado questioned if there was anyone present to speak in favor of or against the petition. Hearing none, he asked staff for their presentation.

Tami Urish, Planner I, stated that the IDRC report is to be entered into the public record in its entirety. According to Ms. Urish, the petitioner has proposed to remove the existing principal structure and detached garage and replace it with a new principal structure with an attached garage. The proposed 1,500 square foot house will encroach into the required rear yard with a resulting setback of thirteen and five-tenths feet (13.5'). This setback is due to a five foot (5') encroachment of a rear porch, the bulk of the house would be an additional five feet (5') from the property line. Ms. Urish concluded that staff can support the requested variance for three reasons. There is precedence for variations to rear yard setbacks on similar substandard lots that lack lot depth. The proposed improvements will

Re: ZBA 15-09
August 13, 2015
Page 2

not adversely affect this or other properties in the neighborhood and will be consistent with the surrounding neighborhood. The subject property's rear yard is adjacent to the property owner/church's parking lot. Additionally, the subject property is uniquely shaped creating a hardship to properly position a principal structure of any reasonable size.

Acting Chairperson Corrado then opened the meeting for discussion by the ZBA members.

Mr. Bartels asked staff if the new house meets the fifty percent (50%) open space provision. Ms. Urish affirmed that the proposed house will have eighteen percent (18%) coverage of the lot which is one percent (1%) more than the existing conditions.

Mr. Bartels asked the petitioner if the proposed house is planned with a one (1) car garage. Mr. Berdusis stated that the house is to serve as a parsonage for the church and is designed with a one (1) car attached garage.

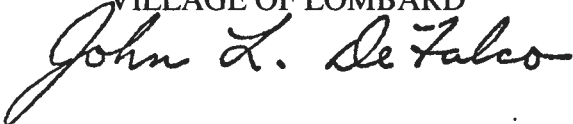
Acting Chairperson Corrado asked if there would be any impact on neighboring properties. Ms. Urish stated that the rear yard of the property is adjacent to the church's parking lot therefore there is minimal impact on neighboring properties.

On a motion by Mr. Bartels, and a second by Ms. Newman, that the Zoning Board of Appeals recommended by a vote of 4-0 that the Village Board approve the variation associated with ZBA 15-09, subject to the following three (3) 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 proposed plans; and
3. 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.

Respectfully,

VILLAGE OF LOMBARD



John DeFalco
Chairperson
Zoning Board of Appeals

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 1,000 sq. ft.
Footprint: (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:

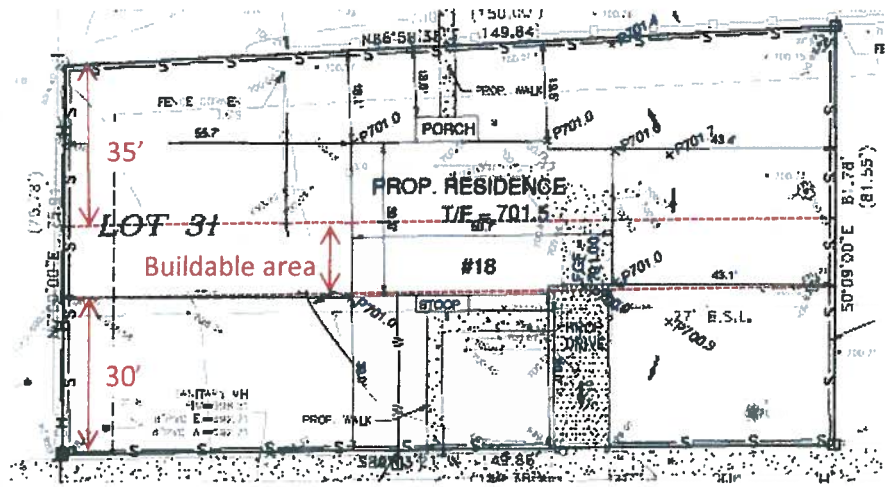
The Department of Public Works has no issues or concerns regarding the project.

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.

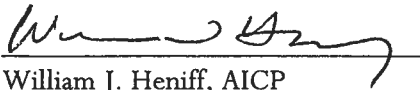
FINDINGS & RECOMMENDATIONS

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.

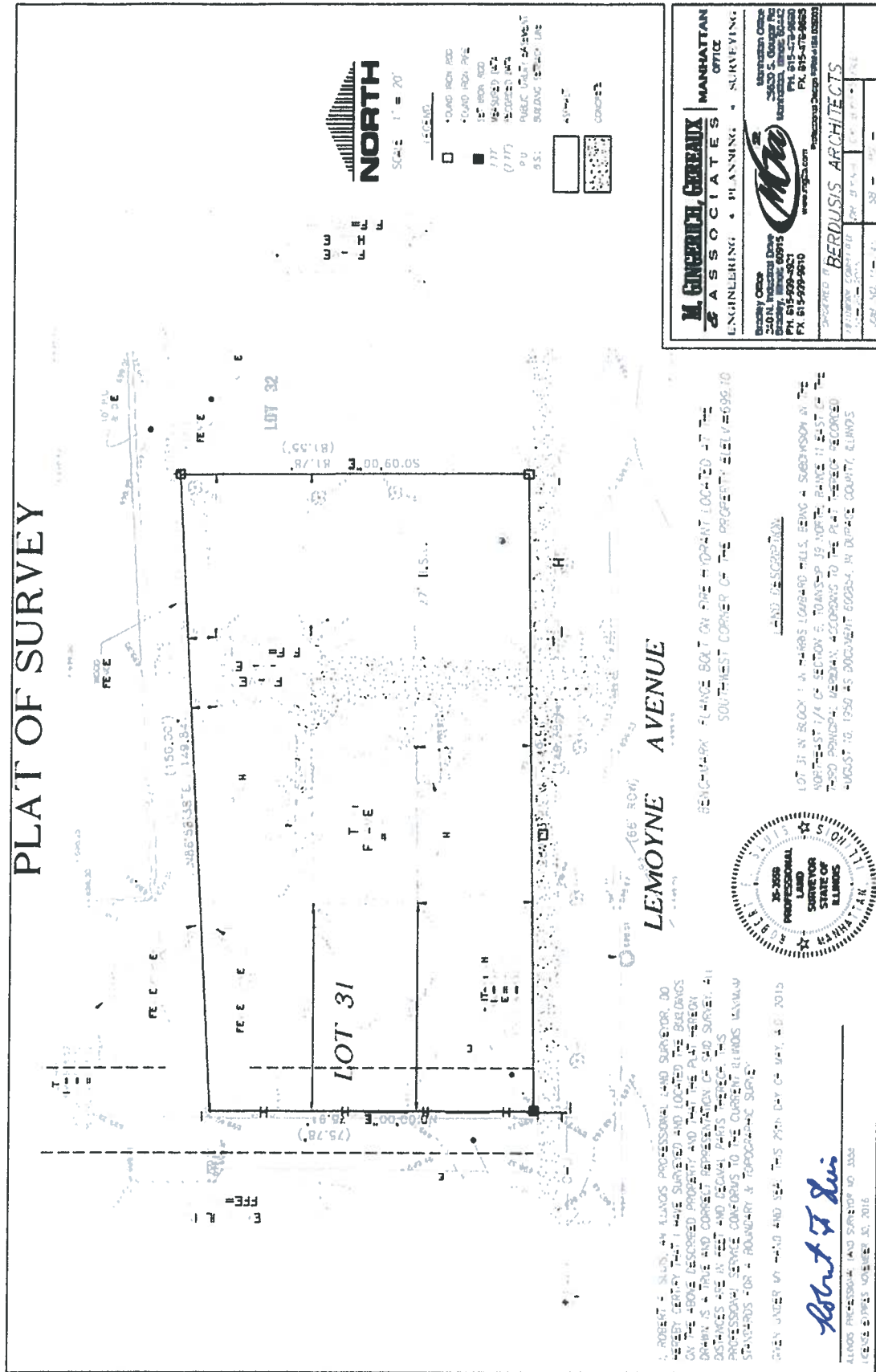
6 The granting of the variation will not alter the essential character of the neighborhood; and,

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 B: PLAT OF SURVEY



M. GIBERTI, GIBERTI & ASSOCIATES
ENGINEERING & PLANNING • SURVEYING

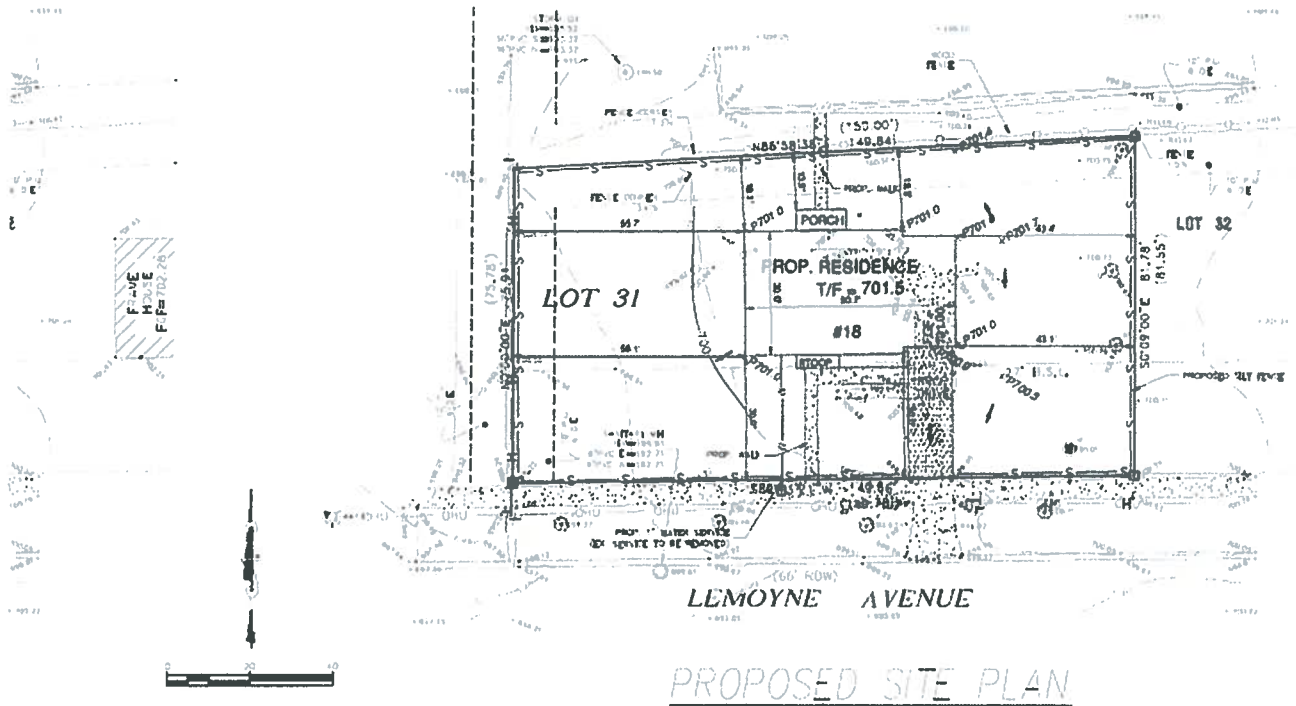
MANHATTAN OFFICE

100 W. Madison Street
Chicago, Illinois 60601
Tel: 312-467-8800
Fax: 312-467-8800
www.mga.com

BERDIUS ARCHITECTS

100 W. Madison Street
Chicago, Illinois 60601
Tel: 312-467-8800
Fax: 312-467-8800
www.berdius.com

EXHIBIT C: SITE PLAN



PROPOSED SITE PLAN

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

LAND DESCRIPTION

LOT 31 IN BLOCK 3 IN HARMS (CONARD) ELLS BEING A SUBDIVISION IN THE NORTH-EAST 1/4 OF SECTION 6, TOWNSHIP 39 NORTH RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREON RECORDED AUGUST 10, 1953 AS DOCUMENT 500054, IN DEKALBE COUNTY, GEORGIA.

LOT AREA	=	11,806 SQ. FT.
PROPOSED IMPERVIOUS AREAS		
RESIDENCE	=	1,478 SQ. FT.
DRIVEWAY	=	53 " "
FRONT PORCH	=	55 " "
REAR PORCH	=	60 " "
CONCRETE WALLS	=	320 " "
TOTAL PROPOSED IMPERVIOUS	=	2,706 SQ. FT.
MINUS EXISTING IMPERVIOUS	=	1,982 SQ. FT.
NET INCREASE IMPERVIOUS	=	724 SQ. FT.
PROP. % IMPERVIOUS 2,706/11,806	=	18.7%

EXHIBIT D: PHOTO OF EXISTING CONDITIONS



Urish, Tami

From: Aristidis Berdusis <aberdusis@ameritech.net>
Sent: Thursday, July 23, 2015 10:21 AM
To: Urish, Tami
Cc: 'Jameson Mathai'; 'MATHEW ABRAHAM'
Subject: RE: ZBA 15-09, 18 W. Le Moyne

Tami,

Thank you for your work and correspondence on this project.
In an effort to expedite approval for this project, we request a waiver of the first reading of our petition.
Also we are in process of preparing a formal submittal to the building dept. for permit.

Sincerely,

Aristidis "Ari" Berdusis ALA
Illinois / Indiana Architect



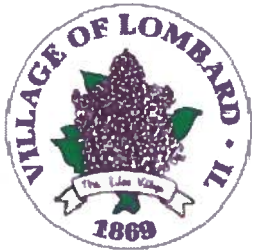
Architectural Resource Corporation
Concept Development Group
BAi – Architects & Builders
10077 W. Lincoln Hwy / Frankfort IL. 60423
708.349.1225 office / 708.349.1505 facsimile
www.arcarchitect.com

From: Urish, Tami [<mailto:UrishT@villageoflombard.org>]
Sent: Thursday, July 23, 2015 10:00 AM
To: Arie Berdusis (aberdusis@ameritech.net)
Cc: Jameson Mathai; MATHEW ABRAHAM
Subject: RE: ZBA 15-09, 18 W. Le Moyne

Arie,
Please reply to this email if you would like a waiver of first reading of your petition. Otherwise, without this request your petition will have to go before the Board twice August 13, 2015 and September 3, 2015 for final approval. With a waiver of first reading, your project could be finalized on August 13, 2015. Simply respond to this email requesting the waiver with a reason not to delay.

In the meantime, the permit review process can be started with this recommendation of approval. I have attached a permit application and some information regarding the process. It would be prudent to wait until August 14 to demo the house however the permits can be issued anytime and ready to go along with your contractors registered, etc. Permits do not expire unless work has not commenced within one year of the issue date.

If you have any questions feel free to contact me at 630-620-5967.



Tami Urish

Planner I

Village of Lombard

255 E. Wilson Ave. Lombard, IL 60148

Phone: (630) 620-5750

Fax: (630) 629-2374

Email: urisht@villageoflombard.org

Web: www.villageoflombard.org

Follow us:   

ORDINANCE NO. _____

**AN ORDINANCE APPROVING A VARIATION OF THE LOMBARD ZONING
ORDINANCE TITLE 15, CHAPTER 155 OF THE CODE OF LOMBARD,
ILLINOIS**

(ZBA 15-09; 18 W. Lemoyne Avenue)

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois; and,

WHEREAS, the subject property is zoned R2 Single Family Residence District; and,

WHEREAS, an application has been filed with the Village of Lombard requesting a variation from Title 15, Chapter 155 Section 155.407(F)(2) of the Lombard Zoning Ordinance to reduce the rear yard setback to thirteen and five-tenths feet (13.5') where thirty-five feet (35') is required to allow for a new single family residence; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on July 22, 2015 pursuant to appropriate and legal notice; and,

WHEREAS, the Zoning Board of Appeals has forwarded its findings to the Board of Trustees with a recommendation of approval for the requested variation; and,

WHEREAS, the President and Board of Trustees have determined that it is in the best interest of the Village of Lombard to approve the requested variation.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That a variation is hereby granted from the provisions of Title 15, Chapter 155, Section 155.407(F)(2) of the Lombard Zoning Ordinance to reduce the rear yard setback to thirteen and five-tenths feet (13.5') where thirty-five feet (35') is required to allow for a new single family residence.

SECTION 2: This ordinance shall be granted subject to compliance with 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 proposed plans.

Ordinance No. _____

Re: ZBA 15-09

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- 3. 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.

SECTION 3: This ordinance is limited and restricted to the property generally located at 18 W. Lemoyne Avenue, Lombard, Illinois, and legally described as follows:

LOT 31 IN BLOCK 1 IN HARRIS LOMBARD HILLS, BEING A SUBDIVISION IN THE NORTHEAST ¼ OF SECTION 6, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 10, 1950 AS DOCUMENT NO. 600854 IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-06-202-032

SECTION 4: This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this _____ day of _____, 2015.

First reading waived by action of the Board of Trustees this _____ day of _____, 2015.

Passed on second reading this _____ day of _____, 2015.

Ayes: _____

Nayes: _____

Absent: _____

Approved this _____ day of _____, 2015

Keith Giagnorio, Village President

ATTEST:

Ordinance No. _____

Re: ZBA 15-09

Page 3

Sharon Kuderna, Village Clerk

Published by me this _____ day of _____, 2015

Sharon Kuderna, Village Clerk