

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: August 25, 2015 (B of T) Date: September 3, 2015

TITLE: PC 15-20; 135 E. Hickory Street – Lot Width Variation

SUBMITTED BY: Department of Community Development *WJ*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests that the Village grant approval of a plat of resubdivision with a variation from Section 155.407 (E) of the Lombard Zoning Ordinance to reduce the required minimum lot width from sixty feet (60') to fifty-six and one-half feet (56.5') for proposed Lot 2 located at the above referenced address and within the R2 Single-Family Residence Zoning District.

The Plan Commission recommended approval of this petition by a vote of 4-1.

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 

DATE: September 3, 2015

SUBJECT: PC 15-20; 135 E. Hickory Street – Variance to Reduce the Required Minimum Lot Width

Please find the following items for Village Board consideration as part of the September 3, 2015 Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 15-20; and
3. An Ordinance granting approval of a variance to reduce the required minimum lot width for Lot Two of a proposed two lot resubdivision.

The Plan Commission recommended approval of this petition by a vote of 4-1. Please place this petition on the September 3, 2015 Board of Trustees agenda.



VILLAGE OF LOMBARD

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

September 3, 2015

Village President
Keith T. Giagnorio

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

Village Clerk
Sharon Kuderna

Subject: PC 15-20; 135 E. Hickory Street – Lot Width Variation

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

Dear President and Trustees:

Village Manager
Scott R. Niehaus

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests that the Village grant approval of a plat of resubdivision with a variation from Section 155.407 (E) of the Lombard Zoning Ordinance to reduce the required minimum lot width from sixty feet (60') to fifty-six and one-half feet (56.5') for proposed Lot 2 located at the above referenced address and within the R2 Single-Family Residence Zoning District.

"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."

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on August 17, 2015. Chairperson Ryan read the Plan Commission procedures and asked if anyone other than the petitioner intended to cross examine; and, hearing none, he proceeded with the petition.

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

The petitioner, Arthur Woods Jr., General Manager of Woods Design Group, LLC, began by stating that like in most communities the Lombard Zoning Ordinance regulates lot width and lot area. Over time, the Village has made many changes to its regulations based on information available, existing conditions, and by consulting best practices of other communities. One of the Village's challenges is to develop a fair and equitable zoning ordinance, which is particularly challenging when applying to areas that may be approximately ninety to one-hundred percent (90%-100%) built out, like the area around the subject property.

The subject property is located within the R2 Single-Family Residence Zoning District. Mr. Woods speculated that the platting of the neighborhood is unique partially due to the anticipation of Martha Street being completed from the south to connect to Martha Court to the north; however, this never happened and the subsequent resubdividing of the area resulted in a variety of lot widths and size. Most of the lots in the area already have been subdivided in such a manner as that no further subdivision may occur.

Mr. Woods referenced a review he conducted that identified the various lot widths of properties from Garfield Terrace on the west to Grace Street on the east and from Washington Boulevard on the south to Ash Street on the north. Mr. Woods found that approximately of the 266 lots he identified, 189 of the lots, or seventy-one percent (71%) are less than sixty feet (60') in width. Thirteen (13), or approximately five percent (5%), of the lots were exactly sixty feet (60') wide, and forty-seven (47), or eighteen percent (18%), of the lots were greater than sixty feet (60') wide.

Mr. Woods continued that Lot One of the proposed plat of resubdivision is compliant with the minimum lot width and minimum lot area standards. The reason Lot Two is proposed to be fifty-six and one-half feet wide (56.5') is to avoid any additional variations required due to the existing structures on Lot One. Lot Two is 14,334 square feet in size, which is almost double the minimum 7,500 square foot requirement.

In comparison to the surrounding area, Mr. Woods finds that while Lot Two does not meet the letter of the Zoning Ordinance, it does meet the intent and spirit of the Zoning Ordinance, as demonstrated by his findings that seventy-two percent (72%) of the homes in the area are less than required by current code. According to Mr. Woods, the variance request will actually make the property more consistent with the surrounding area.

Mr. Woods stated that the hardship is created solely by the Zoning Ordinance and is not caused by anyone presently having an interest in the property. Furthermore, the granting of the variation will not be injurious in any way to other properties in the area or detrimental to the public welfare. Finally, granting the variation will not alter the essential character of the surrounding neighborhood, but rather it would enhance the character.

Mr. Woods stated that the existing structure could be demolished in order to provide additional width for Lot Two, the home will remain as the owner feels that it still viable housing stock and it contributes to the character of the neighborhood.

Mr. Woods concluded by stating that the requested variation will not impair an adequate supply of light or air to the adjacent properties or increase congestion to the public streets. The request, if granted, will not increase the danger of fire, impair natural drainage, endanger the public safety, or be substantially diminish or impair property values within the neighborhood.

Chairperson Ryan asked if anyone would like to speak in favor of the petition; and, hearing none, he asked if anyone would like to speak against the petition.

Mr. Brian Walden stated that he is a next-door neighbor of the subject property and he strongly objects to the requested variation because he purchased his home because of the width of the lot and the character of the homes on the street. Mr. Walden did not dispute Mr. Woods' analysis of homes within the area that have a lot width smaller than that required by code, but he guesses that most of the homes within 250 feet of the subject property are at minimum seventy feet (70') wide. Mr. Walden feels the character of the street is beneficial to the Village and he is concerned the proposal would negatively affect property values within the area and increase traffic congestion. Mr. Walden is also concerned about the safety of the children that play in the area. There have been several variances granted within the neighborhood over the years Mr. Walden has lived at his current residence. Mr. Walden is concerned that there is a trend in the area and cited a neighbor with an oversized garage and associated stormwater management issues. Mr. Walden continued that across the street from the subject property there was a lot that was subdivided and a beautiful home was built on the new lot; however, he finds that it detracts from the appearance of the neighborhood. Mr. Walden stated that there are two (2) other properties in the area that are also considering subdivision and he believes the street will become overcrowded and this trend will negatively impact property values.

Mr. Gary Hull stated that he is a close neighbor to the subject property and he is very familiar with the area. Mr. Hull stated that he feels that if the minimum lot width was established to be sixty feet (60') it was probably done so for a reason. Mr. Hull stated that in the past, a new lot was established to the east of his property and within a matter of hours thirty (30) large trees were removed and he is concerned the same will happen on the subject property. Mr. Hull stated that the street has experienced a great amount of growth and at this point, enough is enough and he is very opposed to the proposal. In regards to a hardship, Mr. Hull stated that he knows the property owner and does not believe the owner has a true hardship. Mr. Hull stated that he could not provide facts or figures pertaining to the proposal, but based on emotion he opposes the request.

Ms. Cari Dinglasan stated that she is also opposed to the requested variation. Ms. Dinglasan disagreed with Mr. Woods' comment that an additional home will not change the character of the neighborhood. According to Ms. Dinglasan, Martha Court is quiet, but Hickory Street is very busy. Ms. Dinglasan stated that a home recently constructed in the neighborhood is beautiful, but it also destroyed the character of the neighborhood in because a lot of trees were removed. Ms. Dinglasan is concerned more trees will be lost with the development of the new proposed lot. In regards to Mr. Wood's statement about the percentage of lots in the neighborhood less than sixty-feet (60') wide, Ms. Dinglasan stated that she feels that this may have been ok when homes were built smaller, but not today. Ms. Dinglasan believes no one will buy the lot. Ms. Dinglasan cited a recent Plan Commission item for a plat of subdivision with a minimum lot area variation at 338 Martha Court and believes that the neighborhood should not change because they have open spaces, trees, and it is safe for their children.

Mr. John Novak stated that the subject property is not a lot-of-record. Also, Hickory Street is one of the few streets with nice size lots. Mr. Novak believes that there is no hardship associated with the requested variation. Mr. Novak claimed that the requested variation is solely based on a desire to profit from the variation. In regards to the standards for a variation, Mr. Novak stated that he did not hear the petitioner address standards one through three. Specifically, Mr. Novak

repeated his belief that there is no hardship associated with the petition and added that the property is not unique and that the request was based on financial gain. Mr. Novak expressed his surprise that staff supported the petition and glanced over standards one through three. In regards to the three foot (3') wide parcel to the immediate east of the subject property, Mr. Novak identified himself as the owner and stated that he and Mr. Hull partnered together to block the future development of a home on the subject property in order to preserve green space on the street. Mr. Novak stated that based on the standards for a variation, he did not believe the Plan Commission would approve a profit-motivated variation on a non-lot-of-record. Mr. Novak concluded that minimum lot requirements and standards for a variation were established for a reason.

Chairperson Ryan asked if there was anyone else who would like to speak on the petition; and, hearing none, he allowed for the petitioner to address public comments.

Mr. Woods stated that he felt many of the comments were based on suppositions as to what his client may or may not do. In regards to the comment regarding the subject property not being a lot-of-record, Mr. Woods stated his belief that it was a lot-of-record. Mr. Woods stated that the variation is based on the odd platting of the area and lots with varying dimensions. Mr. Woods stated the previously mentioned three foot (3') wide parcel is evidence of the odd lot configurations in the area.

In response to concerns about the size of any new home, Mr. Woods is unaware of what will be built on Martha Court, but in regards to the subject property he stated that it would be subject to the DuPage County Stormwater Ordinance which in effect precludes "McMansions" from being built. Mr. Woods stated that the property owner is examining his options, but may build a home for himself on the new lot and sell the existing home. Mr. Woods also reiterated that they are not demolishing the existing home because they like and want to keep the character of the neighborhood. Mr. Woods stated that he could not speak to the recently built home which was considered to be out of context with the neighborhood, but the homes he has built in Lombard fit within their surroundings.

In regards to the preservation of trees, Mr. Woods believes that within the logical area for the footprint of a home there are five (5) to seven (7) trees, two (2) of which are dead. Mr. Woods did not believe any of the parkway trees or trees within the required front yard area would need to be removed.

Chairperson Ryan asked if the Plan Commission had questions, to which Commissioner Burke asked to ensure that all of the public comments had been addressed. Finding that all public comments had been addressed, Chairperson Ryan asked for the staff report.

Matt Panfil, Senior Planner, submitted the staff report to the public record in its entirety. Mr. Panfil began by stating that generally a plat of subdivision similar in size and scope to this request would be approved administratively, but because there is a lot width variation associated with the proposal the Plan Commission has the authority to review the item.

Mr. Panfil reiterated that the existing home will remain in and be located on proposed Lot One. Due to the location of the existing home and deck, Lot One is proposed to be sixty-one feet (61') wide in order to maintain the minimum required six foot (6') side yard setback from the new property line.

Mr. Panfil stated that none of the Inter-Department Review Committee members had any additional issues or concerns regarding the proposed variation.

As proposed, Lot Two would maintain its R2 zoning status; and, according to Mr. Panfil, would therefore be similar and compatible to the surrounding properties. Mr. Panfil also stated that the proposal is consistent with the Village Comprehensive Plan's land use recommendation of low-density residential.

Aside from the previously identified non-conforming lot width for proposed Lot Two, the site complies with all other lot, bulk, and setback standards. Any future development on Lot Two would be subject to full building permit, Village Zoning Ordinance, and DuPage County Stormwater Ordinance review.

In regards to the standards for a variation, Mr. Panfil stated that staff finds the petitioner has affirmed standards one through four and that the hardship is due to the particular physical surroundings, lot shapes, and dimensions that are unique to the neighborhood. The hardship is a result of lots in the surrounding area being created in a piecemeal fashion over a period of time, dating as far back as 1876, rather than if the lots were created as part of a unified subdivision development.

Based on the overall character of lots within the surrounding neighborhood, Mr. Panfil stated that standards five through seven have also been affirmed. Provided both proposed lots remain compliant in all other matters pertaining to Village Code, staff can support the request. Mr. Panfil added that, based on evidence that the petitioner's neighborhood was developed and has evolved with residential lots similar in width, it can be argued the proposed variation would actually make the proposal more consistent with the essential character of the neighborhood.

In addition to the statistics provided by the petitioner, Mr. Panfil stated that staff prepared their own summary of the lot widths in the surrounding area. For staff's study, every interior lot within a five-hundred foot (500') radius of the subject property was identified and its lot width recorded. Within the study area there were seventy-eight (78) interior lots. Of the seventy-eight (78) interior lots, forty-five (45) have a lot width less than the fifty-six and one-half feet (56.5') proposed for Lot Two. Based on this study, fifty-eight percent (58%) of the interior lots are narrower than the width proposed for Lot Two.

Mr. Panfil added that because the three foot (3') wide lot to the east is undevelopable it essentially serves as an additional length of side yard setback which results in Lot Two appearing to conform to the minimum lot width requirements.

Mr. Panfil concluded by stating that staff finds the proposed variation to be consistent with the surrounding neighborhood land uses, objectives of the Zoning Ordinance, and intent of the Comprehensive Plan.

Chairperson Ryan asked if there were questions of the staff report; and, hearing none, he opened the meeting for comments among the Commissioners.

Commissioner Burke stated that he found the request to be consistent with previously approved variations in the area, as well as throughout the Village, especially when the bulk square footage exceeds the minimum requirement.

Commissioner Flint concurred with Commissioner Burke.

Commissioner Sweetser also stated that the area of the lot was more than adequate to allow for development. Commissioner Sweetser asked if staff concurred with the statistics provided on Exhibit G, to which Mr. Panfil responded that staff created Exhibit G. Commissioner Sweetser then asked if staff concurred with the statistics provided by the petitioner, to which Mr. Panfil stated that staff did not review the petitioner's statistics, but rather chose to perform their own study with a smaller area than that of the petitioner. William Heniff, Community Development Director, added that if you note areas the petitioner included within their study area, there are blocks such as Craig Place that are predominantly less than sixty-feet (60') in width. Mr. Heniff stated that staff preferred to look at areas within the immediate area of the subject property.

Commissioner Cooper asked for clarification of the location of the three foot (3') wide lot, to which Mr. Panfil referenced an image. Mr. Heniff added that the properties at 203 and 209 E. Hickory Street were subdivided and there was a subsequent tax division filed with DuPage County to create a three foot (3') wide strip that was separate from the plat of subdivision.

Addressing previous comments regarding the status of the subject property as a lot-of-record, Mr. Panfil stated that the subject property is not currently a lot-of-record; however the proposed plat of resubdivision would establish lots-of-record.

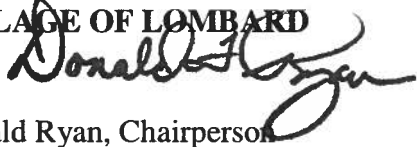
Commissioner Cooper asked for clarification regarding a lot-of-record, to which Mr. Heniff replied that it means the lot has ultimately been approved by the corporate authorities and meets local ordinances and regulations. Mr. Heniff added that there is a separate way of dividing land, which is referred to as a tax division. A tax division involves taking a piece of property, designating a certain percentage of the property and identifying it for the purposes of establishing a separate tax bill or separate ownership. A tax division does not have the same legal status as a lot-of-record. The Village's Subdivision and Development and Zoning Ordinances state that development shall only occur on a lot-of-record.

On a motion by Commissioner Burke, and a second by Commissioner Mrofcza, the Plan Commission voted 4 to 1 to recommend that the Village Board approve a plat of resubdivision with a variation from Section 155.407 (E) of the Lombard Zoning Ordinance to reduce the required minimum lot width from sixty feet (60') to fifty-six and one-half feet (56.5') for

proposed Lot 1 located at 135 E. Hickory Street and within the R2 Single-Family Residence Zoning District, subject to one (1) condition.

Respectfully,

VILLAGE OF LOMBARD

A handwritten signature in black ink, appearing to read "Donald Ryan", written over the printed name.

Donald Ryan, Chairperson
Lombard Plan Commission

c. Lombard Plan Commission

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PLAN COMMISSION

INTER-DEPARTMENTAL REVIEW COMMITTEE REPORT

LOT WIDTH VARIATION – 135 E. HICKORY STREET

AUGUST 17, 2015

Title

PC 15-20

Petitioner / Contractor

Woods Design Group, LLC
296 Dalewood Avenue
Wood Dale, IL 60191

Property Owner

Matt Bier
929 S. Main Street
Lombard, IL 60148

Property Location

135 E. Hickory Street
(06-08-307-015)
Trustee District #5

Zoning

R2 Single-Family Residence

Existing Land Use

Single-Family Home

Comprehensive Plan

Low Density Residential

Approval Sought

Approval of a plat of resubdivision with a variation from Section 155.407 (E) of the Lombard Zoning Ordinance for a lot width variation for proposed Lot 2.

Prepared By

Matt Panfil, AICP
Senior Planner



LOCATION MAP

DESCRIPTION

The petitioner, acting on behalf of the property owner, proposes to subdivide the existing 29,810 square foot (0.68 acre) lot into two (2) separate lots of record. As the requested zoning relief is associated with the division of land, the proposed resubdivision is deemed a major plat of subdivision and subject to Plan Commission review.

APPROVAL(S) REQUIRED

Both of the new proposed lots far exceed the 7,500 square foot minimum lot area required by the Lombard Zoning Ordinance. However, the existing lot is only 117.5 feet wide and hence the lot is not wide enough to subdivide into two (2) lots that both meet the minimum required sixty foot (60') lot width.

Therefore, pursuant to Section 154.203 (E) of the Lombard Subdivision and Development Ordinance, the petitioner requests that the Village grant approval of a plat of resubdivision with a variation from Section 155.407 (E) of the Lombard Zoning Ordinance to reduce the required minimum lot width, for proposed Lot 2, from sixty feet (60') to fifty-six and one-half (56.5) feet.

EXISTING CONDITIONS

The existing lot, platted in 1876, is currently improved with a one and one-half (1½) story single-family home built in 1917 and

PROJECT STATS

Lot & Bulk (Proposed)

	Lot 1	Lot 2
Lot Size (sq. ft.):	15,476	14,334
Lot Width (ft.):	61.00	56.50

Yard Setbacks

Front:	47.35' (existing)	46.25' (reqd.)
Side:	6' (attached garage) 9' (detached garage)	
Rear:	35'	

Submittals

1. Petition for a public hearing, submitted June 29, 2015;
2. Response to Standards for Variations, submitted June 29, 2015 and revised and resubmitted July 24, 2015;
3. Plat of resubdivision, prepared by Carradus Land Survey Inc., dated June 4, 2015, submitted June 29, 2015 and revised and resubmitted July 24, 2015; and
4. Supporting documentation (spreadsheet of lot widths of surrounding neighborhood and local parcel map), prepared by the petitioner and submitted June 29, 2015.

approximately 1,729 square feet in area. An attached deck and detached garage are also located on the subject property. The petitioner has indicated that the existing structure will remain in its current location. Due to the location of the existing home and deck, Lot 1 is proposed to be sixty-one feet (61') wide in order to maintain the minimum required six foot (6') side yard setback from the new property line.

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no issues or concerns regarding the proposed plat of resubdivision with lot width variation.

Fire Department:

The Fire Department has no issues or concerns regarding the proposed plat of resubdivision with lot width variation.

Private Engineering Services (PES):

PES has no issues or concerns regarding the proposed plat of resubdivision with lot width variation.

Public Works:

The Department of Public Works has no issues or concerns regarding the proposed plat of resubdivision with lot width variation.

Planning Services Division (PSD):

The Planning Services Division notes the following:

1. Surrounding Zoning & Land Use Compatibility

	Zoning Districts	Land Use
North	R2	Single-family home
South		
East		
West		

As proposed Lot 2 would maintain its R2 zoning status, planning staff finds the proposed plat of resubdivision with lot width variation would result in a use similar and compatible to the surrounding zoning and land uses. In fact, and as identified by the petitioner in their application, many of the surrounding properties within the neighborhood have a lot width less than sixty feet (60').

2. *Comprehensive Plan Compatibility*

Staff finds that the proposed lots are consistent with the Comprehensive Plan's recommendation of low density residential.

3. *Zoning Ordinance Compatibility*

Aside from the previously identified non-conforming lot width for proposed Lot 2, the site complies with all other lot, bulk, and setback standards established by either the Zoning Ordinance R2 Single-Family Residence District.

4. *Standards for a Variation*

A variation may only be granted if there is a demonstrated hardship that distinguishes the subject property from other properties in the area. In regards to Standards One, Two, Three, and Four, staff finds that there is a hardship due to the particular physical surroundings and lot shapes and dimensions that area unique to this neighborhood. This hardship is the result of lots in the surrounding area being created in a piecemeal fashion over a period of time dating back as far as 1876, rather than if the lots were created as part of a unified development.

Based on the overall character of lots within the surrounding neighborhood, staff also finds that the petitioner has fully affirmed Standards Five, Six, and Seven. In consideration that the granting of such a variation would not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood, provided both proposed lots remain compliant in all other matters pertaining to Village Code, staff can support the request. Furthermore, based on evidence that the petitioner's neighborhood was developed and has evolved with residential lots similar in width, it can be argued the proposed variation would actually make the proposal more consistent with the essential character of the neighborhood.

Also due to the irregular platting within the neighborhood, in particular a three foot (3') wide undevelopable lot adjacent to the east, Lot 2 will visually appear to conform to the minimum lot width requirements. The three foot (3') wide lot essentially acts as an additional side yard setback for Lot 2. If the three foot (3') wide lot were under common ownership, no lot width variation would be required.

SITE HISTORY

As previously indicated, the subject property was platted in 1876 and the existing single-family home was built in 1917. Prior to this petition, the subject property has not appeared before the Plan Commission or Zoning Board of Appeals.

FINDINGS & RECOMMENDATIONS

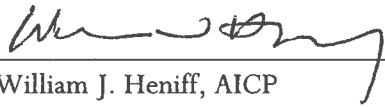
Staff finds the proposed amendment to be consistent with the surrounding neighborhood and land uses, objectives of the Zoning Ordinance, and the intent of the Comprehensive Plan in general.

Based on the above findings, the Inter-Departmental Review Committee has reviewed the petition and finds that it meets the standards required by the Zoning Ordinance. As such, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending **approval** of this petition:

Based on the submitted petition and the testimony presented, the requested variation **complies** with the standards required by the Village of Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission accept the findings and recommendations of the Inter-Departmental Report as the findings of the Plan Commission and I recommend to the Corporate Authorities **approval** of PC 15-20, subject to the following condition(s).

1. That any new residences developed on the subject property shall comply with Village Code.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

c. Petitioner

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EXHIBIT A – PETITIONER’S RESPONSE TO STANDARDS FOR A VARIATION

1 135 E Hickory Variation Request

Lombard Standards for Variations

SECTION 155.103.C.7 OF LOMBARD ZONING ORDINANCE

- 1) We come before you to seek some small relief from the existing zoning ordinance as written for the R-2 zoning district. The ordinance as written requires two main things as it relates to shape and size (1) lot frontage needs to be minimum 60Ft, and lot area/bulk needs to be minimum 7500 sf.

Zoning districts and overlay districts are almost without exception written with two guiding parameters as to the Frontage Width and AREA of lots in any particular zoning district. The two parameters (Lot Width & Lot area/Bulk) are set to help guide the layout of neighborhoods without being so mathematically strict as to make the zoning unworkable.

The Village of Lombard has seen and made many changes over the past 146 years, these changes are in answer to the many changes that have and are taking place around them. Using the best information available, existing geography & Conditions, as well as consulting best practice's for growing communities. One of the tasks the Village undertakes is to develop a fair and equitable zoning code or ordinance, this becomes no small feat in areas that are for the most part 90-100% built out and plated. With lot sizes and shapes differences even within the same block, you can see this quickly becomes quite the challenge.

This is why as I mentioned earlier communities use two factors (1) Lot width and (2) lot area or bulk to help guide the process. Using just a strict lot width and length would never work in municipal planning and most certainly would have an immeasurable impact on a community's look, feel, and character.

Now let's look at the subject property located at 135 E. Hickory, Lombard Illinois. This property along with the entire area was plated and for the most part built out prior to the existing R-2 Zoning Ordinance as written today.

- a) First I looked at how this lot came to be the size it is presently and it appears that at some time or point "Martha St." was meant or planned to continue through the block. Presently it only goes halfway through and dead ends at 421 Martha St, this makes some large and differing shaped lots, then from Hickory "Martha St." turns into Martha Ct and becomes a cull-da-sac ending again, my guess would be to accommodate the Illinois Prairie Path. This left us with (4) really odd shaped lots on Hickory and (2 or 3) depending on how you look at it off Martha and Washington Blvd. Had the street gone through we would using the same format and consistency of the surrounding area have 17 plated lots in place of the 5 lots that later turned to 7 lots. We contend that none of the particular Physical surroundings, shapes,

topographical conditions, or events of this specific property are of are making and as such present this hardship.

- b) I also did a quick review of the surrounding area, from Garfield Terr. To Grace St and from Washington Blvd. to Ash St. to see how many homes would meet the strict letter of the Ordinance if it were applied to them today. The subject area has 269 single family homes and of that 201 homes do not meet the 60ft frontage requirement that's (78.07%) do not meet the existing zoning frontage ordinance. I then look at the 7500 sf/bulk requirement and found that except for (4) homes they all meet the minimum bulk requirement. (4) Homes have 40Ft frontage and (112) 50Ft frontage.
 - c) The size of the subject (2) lots will be (LOT 1) 61.00' ft. frontage and 253.74 ft. deep (15,476sf) this lot exceeds the 60 ft. min. by 1.00 ft. in width) and over double the 7500 sf minimum.), (LOT 2) 56.5 ft. frontage (3.5 ft. short of the R-2 standard) and 256.74 Ft. deep (14,334 Sf. Close to double the R-2 standard) This lot would be wider than 210 existing homes in the study area or 78.07% of existing homes in the area outlined above.
-
- 2) The conditions as addressed and described above are unique to this property and are the culmination of many years of changes in community planning as well as general market forces and not of our making. As described above our lot would have a frontage of 56.5 Ft. that's larger than 78% of the lots in the immediate area, and would be almost double in bulk to all except (7) of the 269 homes in the subject area. This is well within the intent of the ordinance and certainly well within the spirit of the ordinance.
 - 3) The main purpose for this variation is to bring the property more into line with the surrounding size and appeal of the existing housing stock in the subject area.
 - 4) The difficulty or hardship is caused solely by this ordinance and has not in any way been caused by anyone presently having an interest in the property.
 - 5) The granting of this variation will not be in any way injurious to other properties in the area or detrimental in any way to the public welfare.
 - 6) The granting of this variation will not alter the essential character of the surrounding neighborhood it would only stand to enhance it.
 - 7)
 - A) The proposed variation will not impair an adequate supply of light or air to the adjacent properties or increase the congestion of the public streets.
 - B) The variation will not increase the danger of fire.
 - C) The variation will not impair the natural drainage or create any drainage issues on the adjacent properties.
 - D) The variation will not endanger public safety.
 - E) The variation will not substantially diminish or impair property values within the neighborhood

EXHIBIT B – EXISTING PLAT OF SURVEY

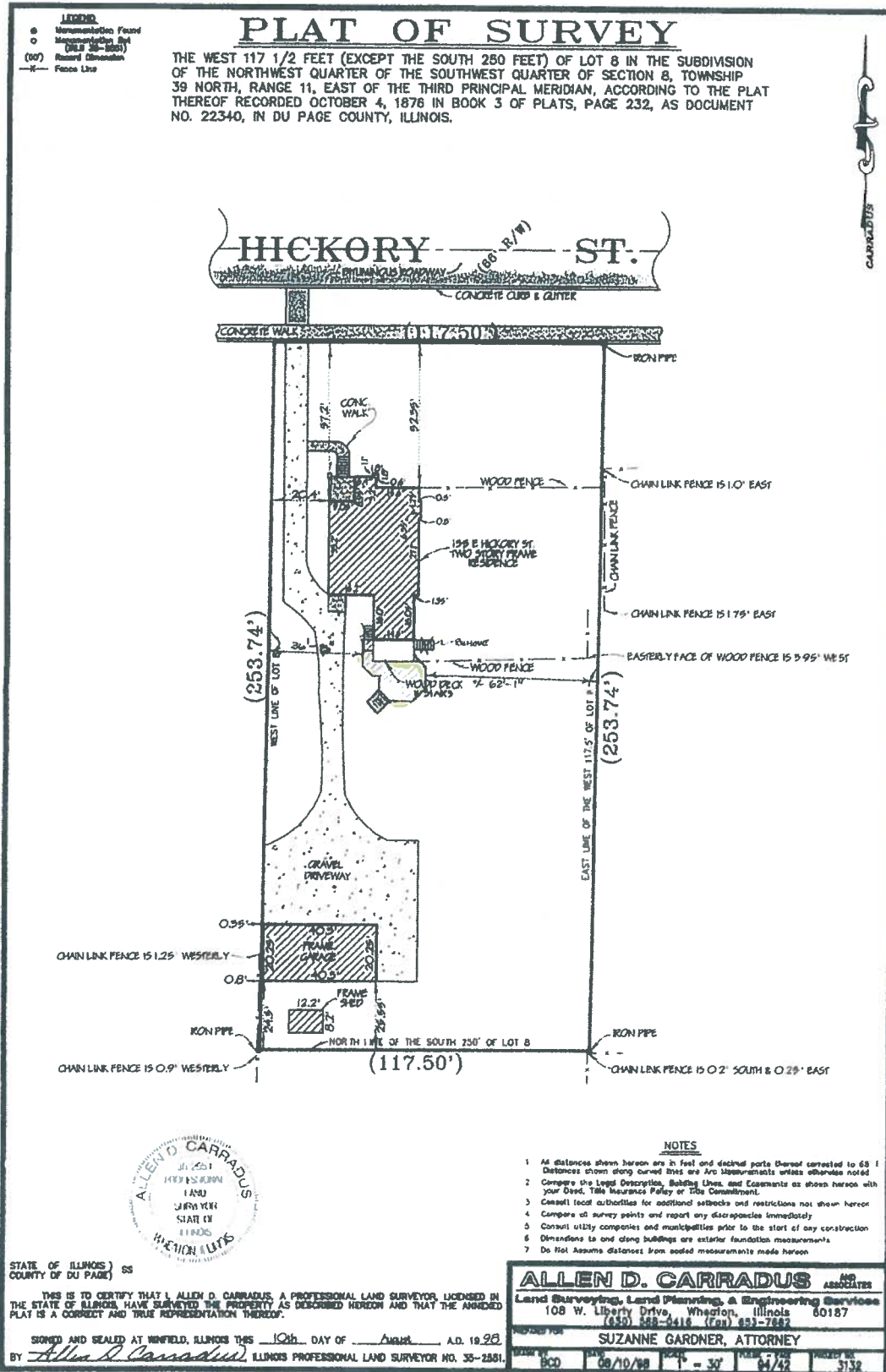
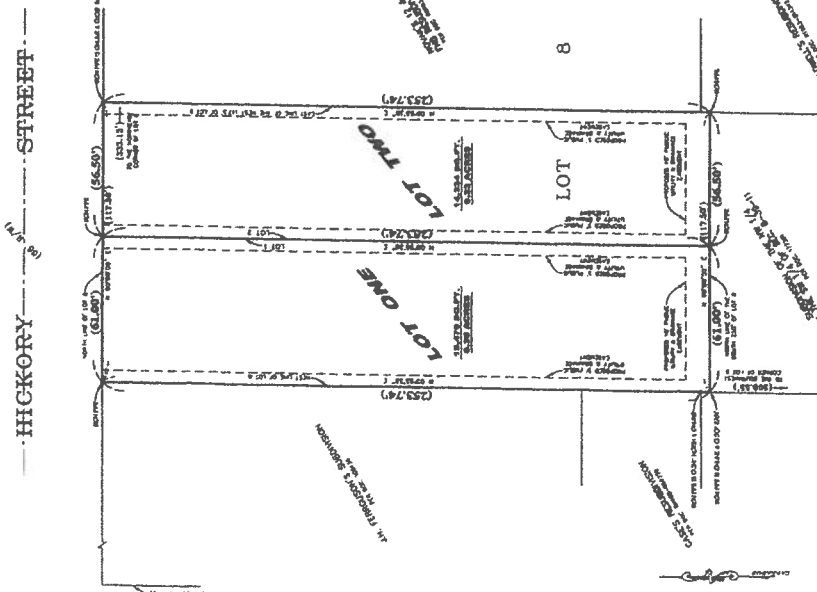


EXHIBIT C - PROPOSED PLAT OF RESUBDIVISION

WOODS' HICKORY STREET RESUBDIVISION

THE WEST 1/2 (EXCEPT THE SOUTH 250 FEET) OF LOT 8 IN THE SUBDIVISION OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT RECORDED IN BOOK 4, PAGE 1876 IN BOOK 3 OF PLATS, PAGE 232, AS DOCUMENT NO. 22340, IN DU PAGE COUNTY, ILLINOIS.

- ALLOTTED
1. THE PROPERTY PLAT TO BE RESUBDIVIDED BY THIS PLAT IS SHOWN BY A DASHED LINE.
 2. THE PROPERTY PLAT TO BE RESUBDIVIDED BY THIS PLAT IS SHOWN BY A DASHED LINE.
 3. THE PROPERTY PLAT TO BE RESUBDIVIDED BY THIS PLAT IS SHOWN BY A DASHED LINE.
 4. THE PROPERTY PLAT TO BE RESUBDIVIDED BY THIS PLAT IS SHOWN BY A DASHED LINE.
 5. THE PROPERTY PLAT TO BE RESUBDIVIDED BY THIS PLAT IS SHOWN BY A DASHED LINE.
- 100.00' LOT
100.00' LOT
100.00' LOT



THESE LOTS ARE BASED ON AN ASSUMED BEARING OF NORTH 89°00'00" EAST AND A DISTANCE OF 100.00 FEET. THE BEARINGS AND DISTANCES SHOWN HEREON ARE FOR REFERENCE PURPOSES ONLY.

STATE OF ILLINOIS }
COUNTY OF DU PAGE }
PLAT OF ILLINOIS }
COUNTY OF DU PAGE }
IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said county at DuPage County, Illinois, this 26th day of July, 2004.

STATE OF ILLINOIS }
COUNTY OF DU PAGE }
PLAT OF ILLINOIS }
COUNTY OF DU PAGE }
IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said county at DuPage County, Illinois, this 26th day of July, 2004.

STATE OF ILLINOIS }
COUNTY OF DU PAGE }
PLAT OF ILLINOIS }
COUNTY OF DU PAGE }
IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said county at DuPage County, Illinois, this 26th day of July, 2004.

STATE OF ILLINOIS }
COUNTY OF DU PAGE }
PLAT OF ILLINOIS }
COUNTY OF DU PAGE }
IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said county at DuPage County, Illinois, this 26th day of July, 2004.

1. The above plat was prepared by the undersigned, a duly licensed professional engineer in the State of Illinois, and the same is correct and true to the best of his knowledge and belief.
2. The above plat was prepared by the undersigned, a duly licensed professional engineer in the State of Illinois, and the same is correct and true to the best of his knowledge and belief.
3. The above plat was prepared by the undersigned, a duly licensed professional engineer in the State of Illinois, and the same is correct and true to the best of his knowledge and belief.
4. The above plat was prepared by the undersigned, a duly licensed professional engineer in the State of Illinois, and the same is correct and true to the best of his knowledge and belief.
5. The above plat was prepared by the undersigned, a duly licensed professional engineer in the State of Illinois, and the same is correct and true to the best of his knowledge and belief.

DAVID W. HICKORY, INC.
11111 W. HICKORY STREET
WILSONVILLE, ILLINOIS 62202
(618) 244-1111

DAVID W. HICKORY, INC.
11111 W. HICKORY STREET
WILSONVILLE, ILLINOIS 62202
(618) 244-1111

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(618) 244-1111

DAVID W. HICKORY, INC.
11111 W. HICKORY STREET
WILSONVILLE, ILLINOIS 62202
(618) 244-1111



Signature of David W. Hickory, dated July 26, 2004.

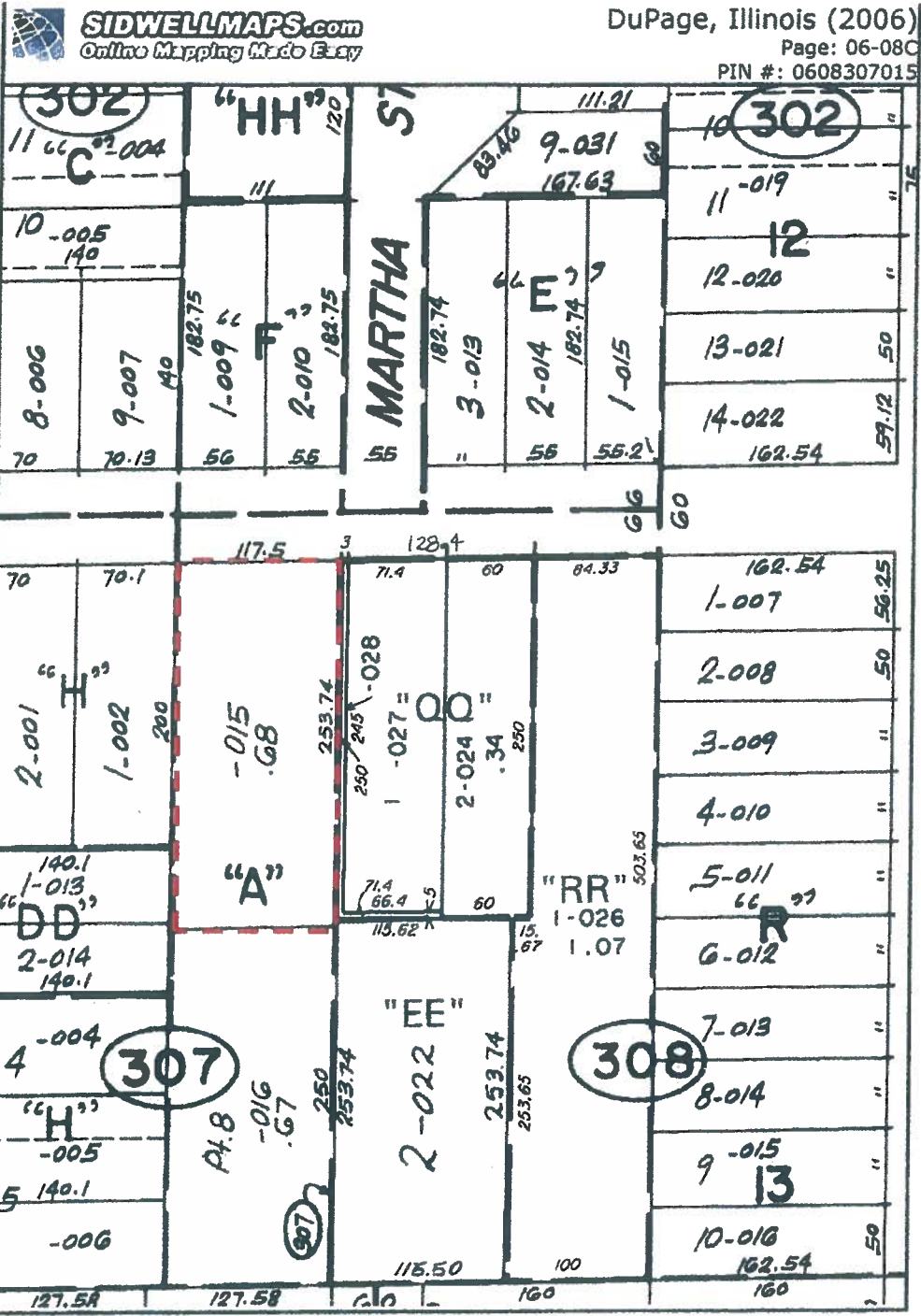
EXHIBIT D – PETITIONER’S TABLE OF SURROUNDING LOT WIDTHS

10000

125 E Hickory	70 X	200	14000 SF	4000.00	60 ft or Greater (subject Area)	29	15	51.72%	under 60 ft
129 E Hickory	70 X	200	14000 SF	6500.00	craig Pl Washington to Ash	52	41	78.85%	under 60 ft
135 E Hickory	117.5 X	253.74	29814.45 SF	22314.45	Stewart Ave Washington to Ash	51	46	90.20%	under 60 ft
203 E Hickory	71.4 X	250	17850 SF	7500.00	Lombard	49	42	85.71%	under 60 ft
209 E Hickory	60 X	250	15000 SF	35018.59	Grace	48	35	72.92%	under 60 ft
215 E Hickory	84.53 X	503	42518.59 SF	1460.00			210		
400 Craig Place	56 X	160	8960 SF	500.00					
406 Craig Place	50 X	160	8000 SF	500.00					
412 Craig Place	50 X	160	8000 SF	500.00	Total Lots (existing Conditions)	229	179	78.17%	Under 60ft
414 Craig Place	50 X	160	8000 SF	500.00	Total Lots (after subdivision)	230	181	78.70%	Under 60ft
420 Craig Place	50 X	160	8000 SF	500.00	Effect of change				0.5297%
422 Craig Place	50 X	160	8000 SF	500.00					
426 Craig Place	50 X	160	8000 SF	500.00					
430 Craig Place	50 X	160	8000 SF	500.00					
434 Craig Place	50 X	160	8000 SF	500.00					
440 Craig Place	50 X	160	8000 SF	500.00					
442 Craig Place	50 X	160	8000 SF	500.00					
444 Craig Place	60 X	160	9600 SF	2100.00					
450 Craig Place	65 X	160	10400 SF	2900.00					
130 Washington Blvd	104 X	174	18087.3 SF	10587.30					
134 Washington Blvd	75 X	174	13050 SF	5550.00					
146 Washington Blvd	75 X	174	13050 SF	5550.00					
202 Washington Blvd	74 X	160	11840 SF	4340.00					
220 Washington Blvd	75 X	160	12000 SF	4500.00					
451 Martha St.	65 X	160	10400 SF	2900.00					
445 Martha St.	50 X	160	8000 SF	500.00					
441 Martha St.	50 X	160	8000 SF	500.00					
421 Martha St.	115.5 X	253.74	29306.97 SF	21806.97					
448 Martha St.	VOID								

$229 + 230 = 459$
 $459 / 2 = 229.5$
 $229.5 - 210 = 19.5$
 $19.5 / 210 = 0.092857$
 $0.092857 \times 100 = 9.2857\%$
 77.82%
 72/140
 Grace - Grace
 ASH TO WASHINGTON

EXHIBIT E – SIDWELL MAP OF SURROUNDING AREA



Prepared by Garry Vallo

EXHIBIT F – E-MAIL FROM NEIGHBOR

Gary Hull

To: LOMBARD PLAN COMMISSION
Subject: FW: Lot 1 located at 135 E. Hickory

To: Lombard Plan Commission
From: Lynn & Gary Hull
203 E. Hickory St.
Lombard, IL. 60148

To All,

We recently learned that the property next to our home has petitioned you to reduce the required minimum lot width from 60 feet to 57.5 on his side lot which is next to us.. We want you to know we vehemently oppose such an action want want you to deny that request...Why would you let an owner who does not even live in Lombard get an approval that is only for his financial gain while destroying a beautiful open space...

You need to understand that on the other side of our house at 209 E. Hickory that property was purchased for new home construction and the new owner cut down 30, 75+year old trees to build a "dream home".. (Why do I know the age of the trees you might wonder.. Well, I lived at 216 E. Hickory from 1946 -1969 and those tree's were big when I was a kid.. In 2004, we moved back to Lombard to take care of our aging parents. We tried to buy the side lot(209 E.) but was out bid as we were retiring and couldn't meet their demands). In 3 hours the new owners brought in a machine and murdered 30 beautiful trees that had been a part of Lombard for decades..A shame that the neighborhood has not still recovered from.. Ok, their lot size was legit arment but destroying that much beauty, Shameful!! Lombard should not allow such reckless behavior especially after the Village just lost a 1000+ Ash trees..

Hopefully, you can understand our outcry.. Lombard needs to protect its lot size requirements and oppose those who don't even live here but want to destroy our open land for financial gain. Lombard made a rule that a lot size should be 60 feet.. There is no reason on earth to alter that rule in this case .

Please do the right thing and deny this petition..

Respectfully submitted,

Lynn & Gary Hull

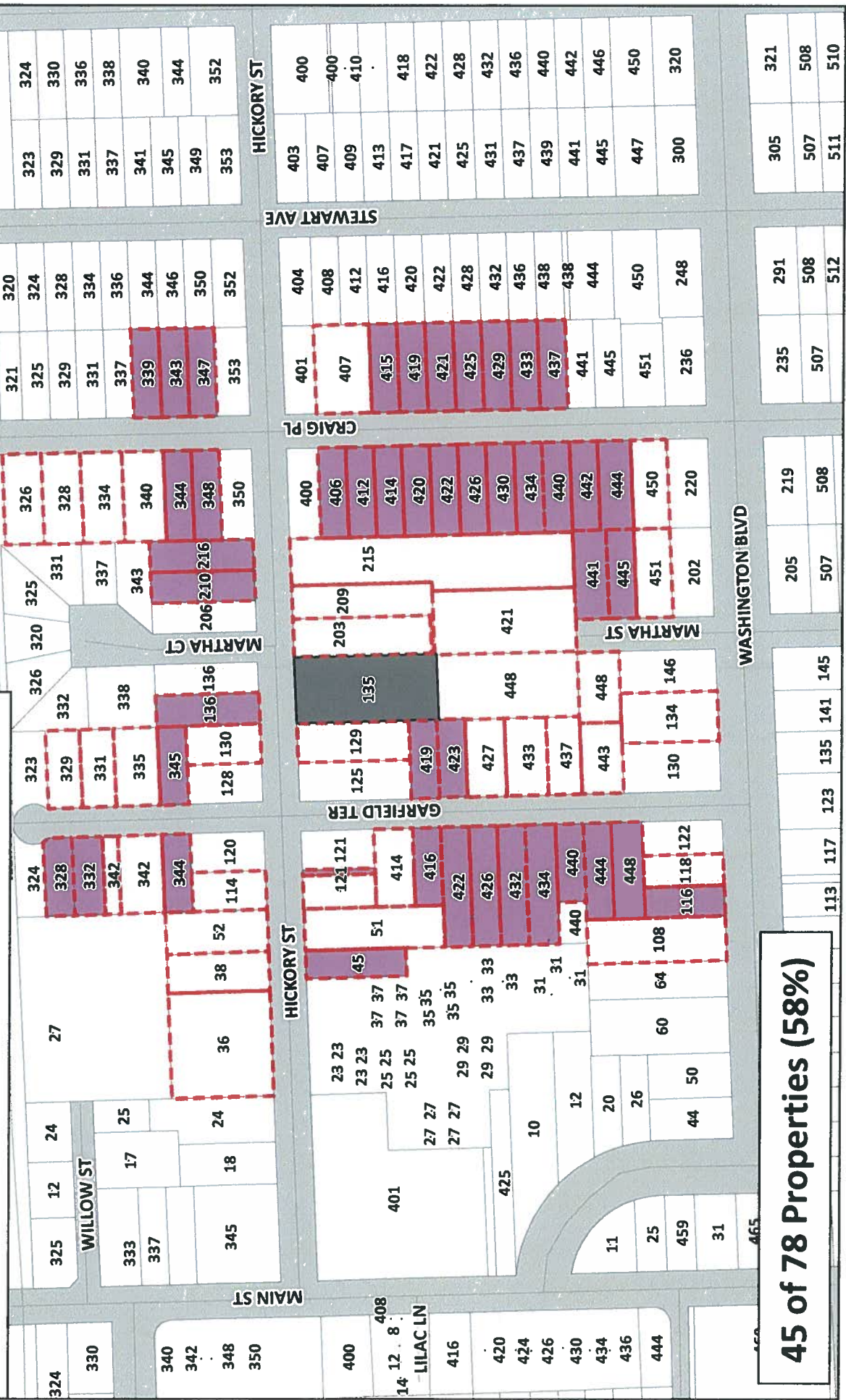
EXHIBIT G

Properties within a 500' Radius of 135 E. Hickory St.

- All R2 Zoned Interior Lots (Non Cul-De-Sac)
- R2 Zoned Interior Lot Width < Subject Property (56.5')
- Subject Property



1 inch = 250 feet



45 of 78 Properties (58%)

ORDINANCE NO. _____

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

(PC 15-20; 135 E. Hickory Street)

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 as defined below is zoned R2 Single-Family Residence District; and,

WHEREAS, an application has heretofore been filed requesting approval of a variation from Title 15, Chapter 155 Section 155.407 (E) of the Lombard Zoning Ordinance to reduce the minimum lot width to fifty-six and one-half feet (56.5') where sixty feet (60') is required; and,

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on August 17, 2015 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendation with the President and 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 and adopt the findings and recommendations of the Plan Commission and incorporate such findings and recommendations herein by reference as if they were fully set forth herein;

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 (E) of the Lombard Zoning Ordinance to reduce the minimum lot width to fifty-six and one-half feet (56.5') where sixty feet (60') is required.

Ordinance No. _____

Re: PC 15-20

Page 2

SECTION 2: This ordinance is limited and restricted to the property generally located at 135 E. Hickory Street, Lombard, Illinois, and legally described as follows:

THE WEST 117 1/2 FEET (EXCEPT THE SOUTH 250 FEET) OF LOT 8 IN THE SUBDIVISION OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 4, 1876 IN BOOK 3 OF PLATS, PAGE 232, AS DOCUMENT NO. 22340, IN DU PAGE COUNTY, ILLINOIS.

Parcel No: 06-08-307-015

SECTION 3: This ordinance shall be granted subject to compliance with the following condition:

1. That any new residences developed on the subject property shall comply with Village Code.

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

Ordinance No. _____

Re: PC 15-20

Page 3

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published by me this _____ day of _____, 2015

Sharon Kuderna, Village Clerk