

November 7, 2006

Mr. William J. Mueller,
Village President, and
Board of Trustees
Village of Lombard

Subject: PC 06-29; 230 & 236 E. LeMoyne Avenue

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests approval of a Minor Plat of Resubdivision in the R2 Single-Family Residence District, along with one of the following zoning actions:

- a. A variation from Section 154.506 (G) of the Subdivision and Development Ordinance requiring lot lines to be generally perpendicular to the adjacent street; or in the alternative,
- b. A variation from Section 155.406 (F)(3) of the Zoning Ordinance to allow for a four-foot (4') interior side yard setback, where a minimum six-foot interior side yard setback is required.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on October 16, 2006.

Phil Steffan, of Lakeside Management, LLC, representing the owner, presented the petition. He noted the requested relief. His intent is to keep the original structures on the property in conformance with the neighborhood. The existing homes are nice and are structurally sound and to redevelop the homes would not make sense. To allow the existing houses to remain, they would need relief in the backyard of Lot 1 of the proposed resubdivision. Staff initially suggested that they could create a line that went straight back into the property. However, that design would create a four foot variance on the 35 foot setback requirement. The other proposal provides a slight angle to the north on the proposed interior side yard lot line, but it creates a smaller back lot. All three properties comply with the 7,500 square foot minimum lot requirement. In the event they are not approved it jeopardizes the current house on the proposed Lot 1. They are looking to get past that and keep the two homes.

Richard Fox, 638 N. Martha Street, noted that he lives a block and one-half away from the subject property. He referenced a previously granted setback variation at 502 N. Main as well as Lot 17 in Yorkshire Woods Subdivision. Their original plan would be to have a 1-1/2 degree jog in the property line angle, so it would not be perpendicular to the other lot lines.

Acting Chairperson Sweetser then opened the meeting for public comment.

Dean Wilkins, 1049 S. Edson, owner of the property at 231 East North Avenue inquired about whether they trying to get an additional lot to build a future home. Mr. Steffan said yes. Mr. Wilkins asked if the houses would encroach into any easements. Mr. Steffan said no.

Acting Chairperson Sweetser then requested the staff report.

William Heniff, Senior Planner, presented the staff report which was submitted to the public record. The subject properties are located at the northwest corner of LeMoyne Avenue and Craig Place and are improved with existing residences. Each property meets current setback requirements. The property owner is proposing to subdivide the rear of the existing two lots to create a third lot, which would front Craig Place.

The proposed lots could be subdivided into three lots of record without requiring any zoning relief. However, the petitioner is seeking approval of companion zoning relief. The first request would create an irregularly shaped parcel, but would allow the existing residence at 230 E. LeMoyne to meet the 35-foot rear yard setback provisions. If the Village Board does not find this concept desirable, the petitioner would be amenable to zoning relief from the side yard setback requirements to allow for the rear side setback yard for the property at 230 E. LeMoyne to be 31 feet rather than the requested 35 feet.

The first option would grant a variation from the Subdivision and Development Ordinance requiring lot lines to be generally perpendicular to the adjacent street with the side lot lines being approximately at right angles or radial to street lines. The purpose of this regulation is to ensure that side lot lines are not "gerrymandered" or created in a manner that is inconsistent with traditional lot subdivisions. Moreover, it also ensures that other sections of the Village Code are not circumvented.

In this request, the petitioner's lot division would be placed sixty feet south of and parallel with the north property line for the first sixty feet of the proposed lot. However, in order for the new lot to be created without the need for a variation for the rear yard setback for the existing house at 230 E. LeMoyne, is to bend the interior lot line northward. This angle adjustment would establish the rear yard approximately 51.32 feet wide at the rear lot line. This bend would still ensure that the new lot meets the 7,500 square foot area minimum requirement.

Referencing the standards for variation within the Subdivision and Development Ordinance, staff's concern with supporting divisions of this nature is that it could create an undesirable precedent for future divisions of land in the Village. Staff notes that the intent of the code is to provide for lots that are consistent with the Ordinance objectives and would not be contrary to the manner in which other lots in the neighborhood have been divided. In this instance, the angled lot is being created to avoid setback relief.

As an alternative to the division request above, the petitioner included the alternate zoning request as well – that is, grant a variation from the rear yard setbacks from the lot to be created. This would create an interior lot line 31 feet from the rear yard of the 230 E. LeMoyne property. He then referenced staff's response to the standards for variations. He noted that no hardship exists that warrants granting of the relief and that granting such relief would create an undesirable precedent. As such, staff recommends denial of the petition in its entirety.

Acting Chairperson Sweetser then opened the meeting for discussion among the Plan Commission members.

Commissioner Burke stated that it sounded like one of the petitioners had evidence with precedence setting variations that have been granted by us or the Board - should we consider this item? Mr. Heniff noted that he was not immediately familiar with the referenced cases, so he could not offer a comparable response. If the Plan Commission feels that this information is critical in making a decision, the Commissioners could continue the petition so staff can look at that item and offer a response.

Commissioner Nelson stated that he went and looked at the house. There is a lot of room in the front and the house is built for 2 lots. He then went throughout the neighborhood and could not find the any others that are configured in the manner the petitioner was proposing.. He asked how big the front yard is. Mr. Steffan stated that the existing home at 236 E. LeMoyne is set back 41.24 feet, from the sidewalk to the house.

Commissioner Olbrysh asked the petitioner if he had an alternative proposal if the request for the relief is not granted. Mr. Steffan stated that they would have to research that. They are seeking relief in order to keep both existing homes as they are.

Commissioner Burke stated that when you review the plat you will note that all of the properties in the block are similar in size and are similarly configured. This plat does not follow the precedent and the desire for the variance does not meet the standards for variations.

Re: PC 06-29
November 2, 2006
Page 4

After due consideration of the petition and the testimony presented, the Plan Commission found that the requested variations do not comply with the standards of the Subdivision and Development Ordinance nor Zoning Ordinance. Therefore, the Plan Commission, by a roll call vote of 4 to 0, recommended to the Corporate Authorities, **denial** of the request for a conditional use associated with PC 06-29.

Respectfully,

VILLAGE OF LOMBARD

Ruth Sweetser, Acting Chairperson
Lombard Plan Commission

c. Petitioner
Lombard Plan Commission

H:\CD\WORDUSER\PCCASES\2006\PC 06-29\Reflet06-29.doc