




MEMORANDUM

TO: LOMBARD ZONING BOARD OF APPEALS
John DeFalco, Zoning Board of Appeals Chairperson

FROM: Jennifer Ganser, Assistant Director 
Department of Community Development

DATE: October 28, 2015

SUBJECT: ZBA 15-12; 251 N. Grace Street

At the October 15, 2015 Village Board of Trustees meeting, ZBA 15-12 was remanded back to the Zoning Board of Appeals for consideration at their October 28, 2015 meeting. The Village Board asks that the following three items be discussed relative to the case:

1. The hardship any individual or entity would have in order to develop a new single-family home without the requested relief;
2. The impacts of the shallow depth of the lot to develop a modern single-family home with an attached garage; and
3. The applicable front and rear yard setbacks as compared to the requested relief from the petitioners.

As this case is being remanded back to the ZBA for discussion of the three items above, only those three items shall be discussed. The Village Board also requests that the ZBA vote on the two variances separately.

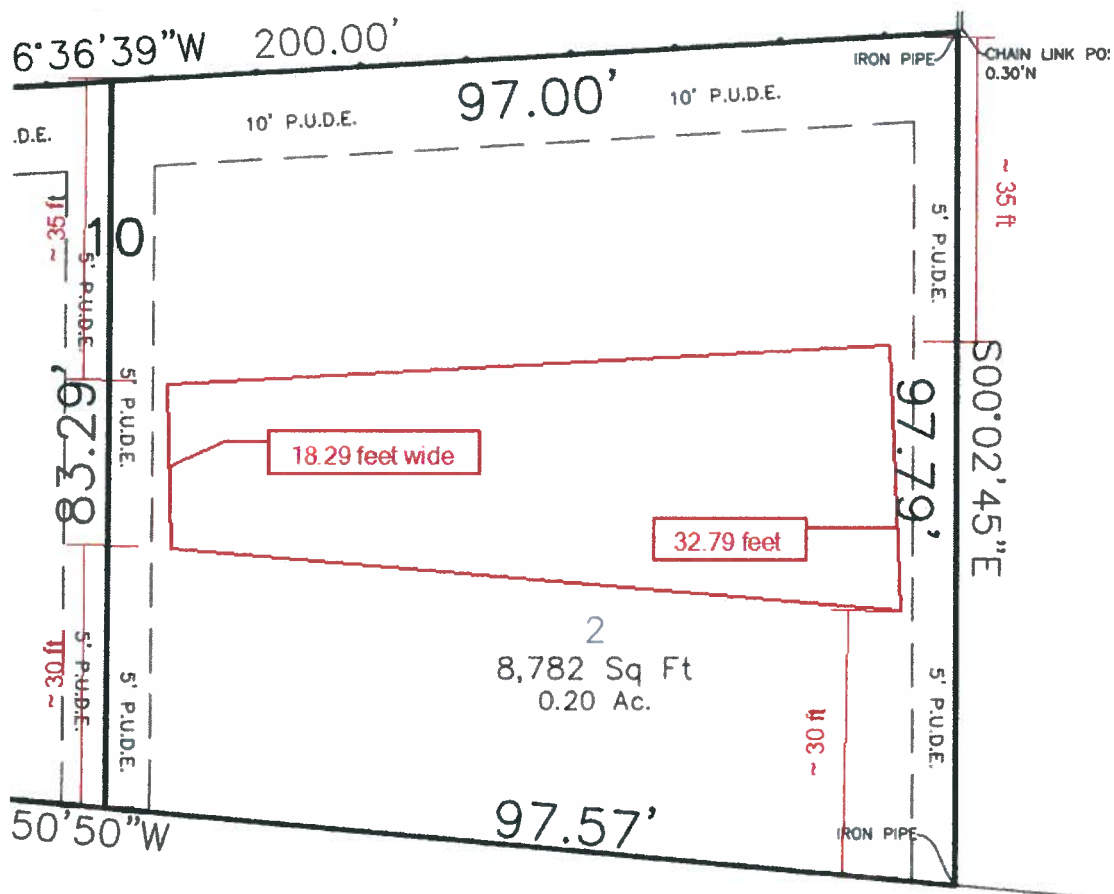
1. The petitioner represents that the standards for a front and rear yard setback have been affirmed and notes the hardship of the lot shape and depth. The plat of subdivision was approved administratively since the lots met the bulk requirements per the Zoning Code. When a lot split requires a variance before the split can occur (for example, the lot will be less than sixty (60) feet wide) the subdivision is taken before the Plan Commission for a recommendation to the Village Board of Trustees. In the R2 district the bulk requirements include a minimum lot area of 7,500 square feet, and a minimum lot width of sixty (60) feet. Lombard does not have a requirement for lot depth. The subdivision created two (2) lots, both of which are building lots and meet the bulk requirements per the Zoning Code.

The petitioners noted the unique dimensions of the lot that would create a hardship in building a single-family home with attached garage. The petitioners note that the proposed front yard setback to twenty-five (25) feet would be consistent with the look of

the existing neighborhood, especially along Prairie Avenue, as the requested relief is consistent with the location of the existing attached garage.

2. Lot 2 has a depth of approximately 83.29 feet on the west side and 97.79 feet on the east side. Per Code, in the R2 District the front yard setback is thirty (30) feet and the rear yard setback is thirty-five (35) feet. Staff used the plat of subdivision to mark the setbacks and then drew a polygon to approximate the area that a single-family home and garage could be built onto. As seen, the setbacks greatly impact the footprint of buildable space. The proposed depth of the home would be approximately eighteen (18) feet on the west side and thirty-two (32) feet on the east side of the property. Many garages have a depth of at least twenty (20) feet, which would make the west side of the property unavailable for an attached garage.

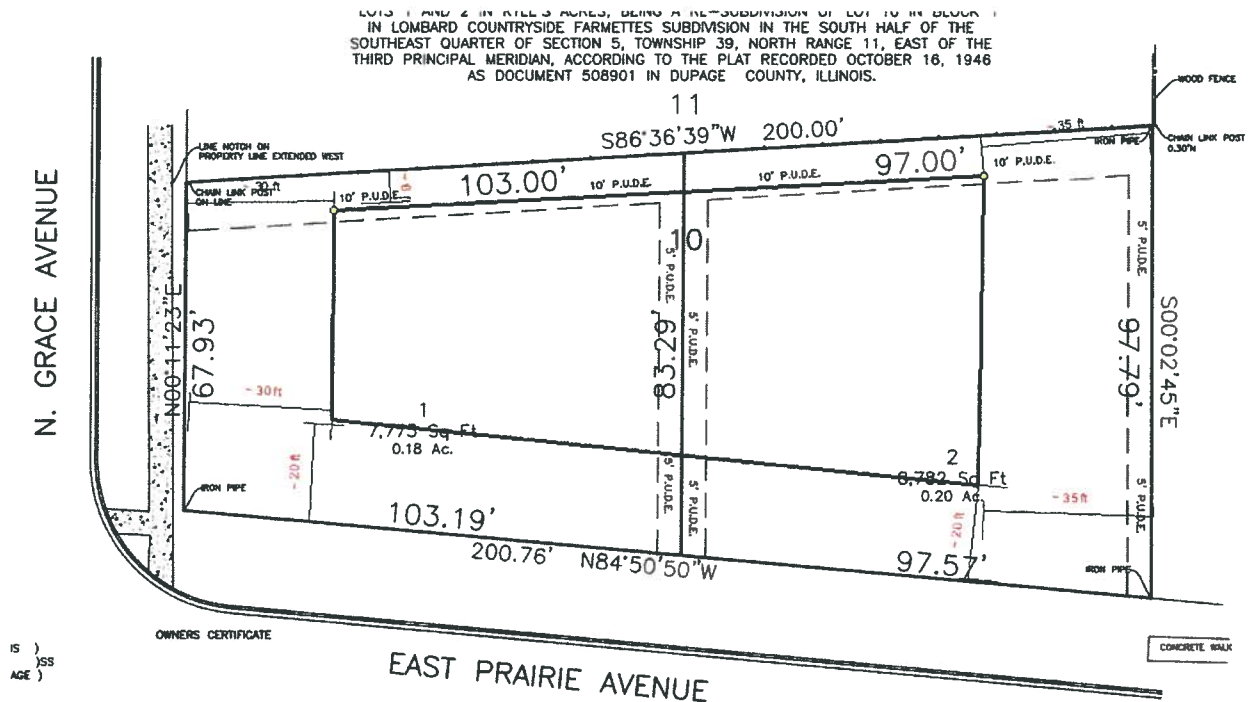
Existing yard setback requirements for the subject property



There is a driveway on the west side of lot two that is setback approximately twelve (12) feet from the interior property line with a detached garage. The petitioner would be able to use the existing driveway curb cut for a new single-family house on lot 2.

The petitioner prepared an exhibit using two floors plans of homes built in Lombard. Each footprint is approximately 1,200 square feet, plus an attached garage. When the setbacks are per Code both the proposed house and garage encroach over the setback lines. The petitioner expanded the buildable area on his example by reducing the rear yard setback to thirty (30) feet. Again, the house and garage cannot be built within the setbacks.

Existing yard setbacks requirements for the property (prior to subdivision)



The graphic above shows the setbacks and buildable area (outlined in blue) of the lot, prior to the subdivision. As the lot was a corner lot, the setback on Prairie would be twenty (20) feet, less than the requested relief being sought.

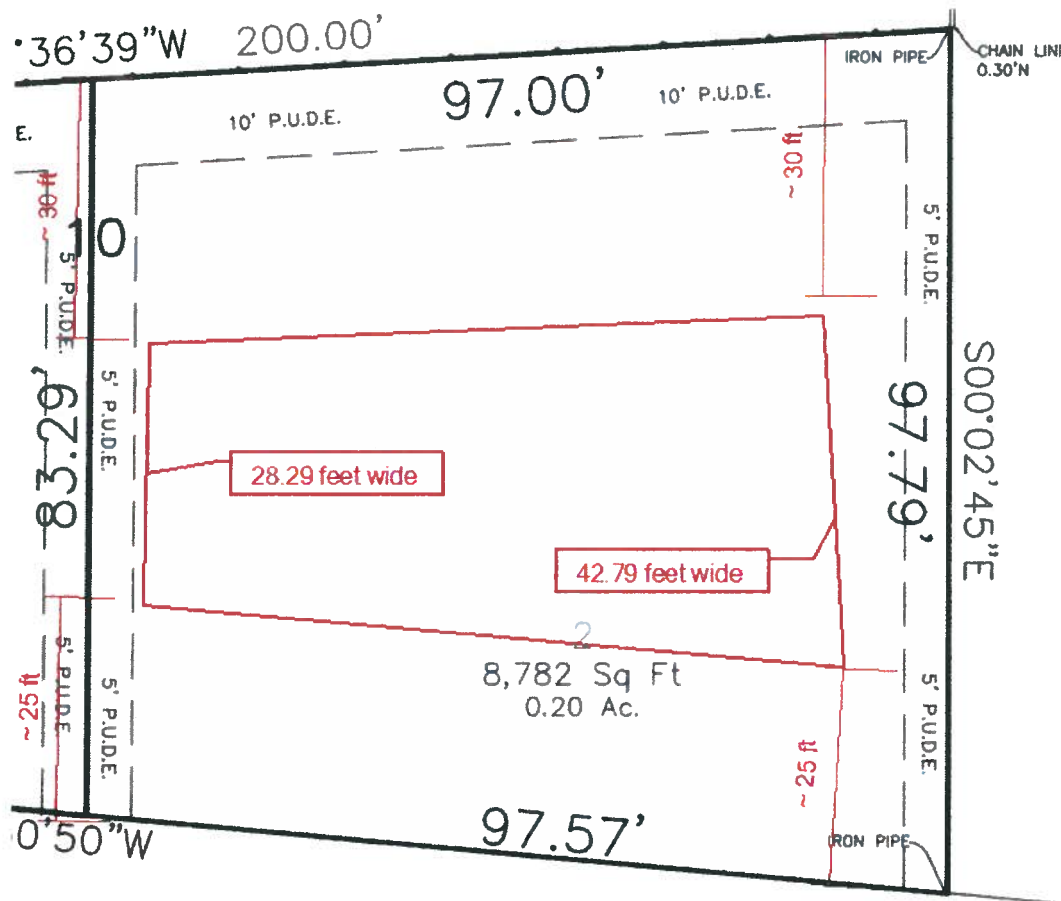
- Noting the requested variance, staff used the same plat of subdivision to mark the requested setbacks and then drew a polygon to approximate the area that a single-family home and garage could be built onto. As seen, the requested setbacks decrease the impact of the hardship for lot depth and increase the footprint of buildable space. The proposed depth of the home would be approximately twenty-eight (28) feet on the west side and forty-two (42) feet on the east side of the property. This would allow for a modern single-family home and attached garage to be built on the property.

Lastly, the petitioner expanded the front and rear yard setback to the requested relief. In this example, both house floor plans as well as an attached garage can be built within the requested setbacks. Staff took this exhibit and imposed it on an aerial photograph of the

immediate neighborhood (attached). The proposed house would be consistent with the neighborhood.

As exhibited, the lot depth is causing a hardship for the petitioners to build a single-family home on the lot. The requested front and rear yard setback variances allow for a single-family home to be built consistent with the neighborhood, Comprehensive Plan, and Zoning Ordinance.

Requested yard setback relief sought by the petitioner



MEETING FORMAT

The format of the Zoning Board of Appeals meeting will be as follows:

1. Staff Presentation – staff will outline the reason for the Special Meeting and will note the actions to be considered as part of the meeting. Staff will provide a very brief history of the petition and will summarize the zoning actions and development regulations associated with the petition. Staff will also review the items that the Village Board requested the ZBA to consider or reconsider as part of their review.

2. Upon completion of staff presentation, the petitioner will be offered the opportunity to present his presentation specially addressing the questions associated with the remand only. Once completed, an opportunity for the public to provide testimony will be provided. The testimony should be limited to the items as set forth by the Village Board and shall relate specifically to his presentation. The petitioner has the opportunity to respond to any testimony.
3. Upon completion of the petitioner's presentation, the public participation period will be closed. The ZBA shall then be given an opportunity to discuss the petition. Questions may be asked to staff and any supporters or objectors or the petitioner.
4. The ZBA shall then vote to deny, approve, or approve the petition subject to conditions. The ZBA does have the ability to add any conditions they deem appropriate (regardless of whether they relate to bulk issues) should they recommend approval. The Village Board requested that each item of relief be voted on separately.
5. The recommendation will be forwarded to the Village Board for consideration at their November 19, 2015 meeting.

REFERENCE MATERIALS

For the ZBA's reference, staff is providing a copy of the following information:

1. IDRC staff report as previously presented;
2. Minutes of the September 23, 2015 ZBA meeting; and
3. Any supplemental information provided by the petitioner and staff relative to the remand.

ACTION TO BE TAKEN

At such time that the ZBA is ready to make a motion, the ZBA has the following options:

1. If the motion is to approve the petition, the language included within the September 23, 2015 IDRC staff report can be used. The ZBA does have the ability to add or strike any conditions as they deem appropriate.
2. If the motion is for denial for either variance requests, the ZBA could reiterate this motion or amend it as they deem appropriate, provided that the reasons for denial are tied to the standards for variations and the materials and testimony presented through the public hearing process.

Petitioner's Exhibits Relative to the Setback Relief Request

ES RESUBDIVISION

VENUE

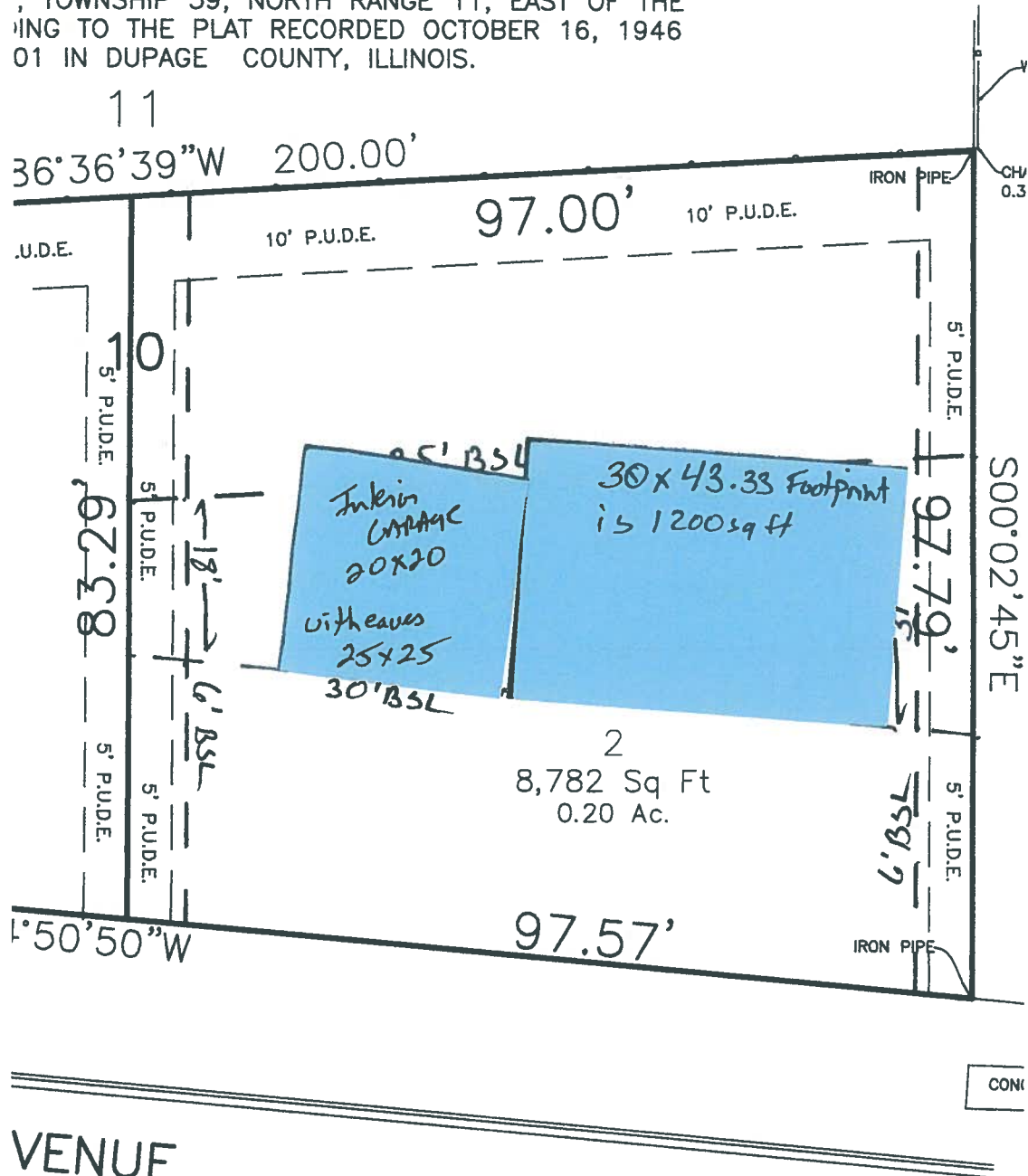
SURVEYORS NOTE:
THE PROPERTY AS DESCRIBED ABOVE IS WITHIN THE CORPORATE BOUNDARI
VILLAGE OF LOMBARD.

THE PROPERTY IS NOT RELATIVE TO A SPECIAL FLOOD HAZARD AREA AS D
FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), FLOOD INSURANCE RAT
MAP NUMBER:17043C0601H, EFFECTIVE DATE: 12-16-2004

STATE OF ILLINOIS) DIRECTOR OF COMMUNITY DEVELOPMENT CERTIFICAT

ES RESUBDIVISION

11



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ES RESUBDIVISION

Hand-drawn site plan of a property. The plan shows a rectangular lot with dimensions 36°36'39"W 200.00' on the top boundary and 97.00' on the right boundary. The bottom boundary is 97.57' and the left boundary is 83.29'. The lot is divided into two main sections by a 30' BSL (Back Set Line). The left section contains a structure labeled 'Inkin Garage 20x20' with a note 'with eaves 25x25'. The right section contains a structure labeled '30x43.33 Footprint is 1200sq ft'. The total area is 8,782 Sq Ft (0.20 Ac.). The plan also shows various setbacks: 10' P.U.D.E. (Public Use Development Easement) on the top and right boundaries, 5' P.U.D.E. on the left and bottom boundaries, and 30' BSL on the left and right boundaries. A 6' BSL is also indicated on the left boundary. The plan includes a north arrow pointing towards the top right. The bottom boundary is labeled 'IRON PIPE' and the right boundary is labeled 'IRON PIPE'.

VENUE

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BEING A RE-SUBDIVISION OF LOT 10 IN BLOCK 1
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ING TO THE PLAT RECORDED OCTOBER 16, 1946
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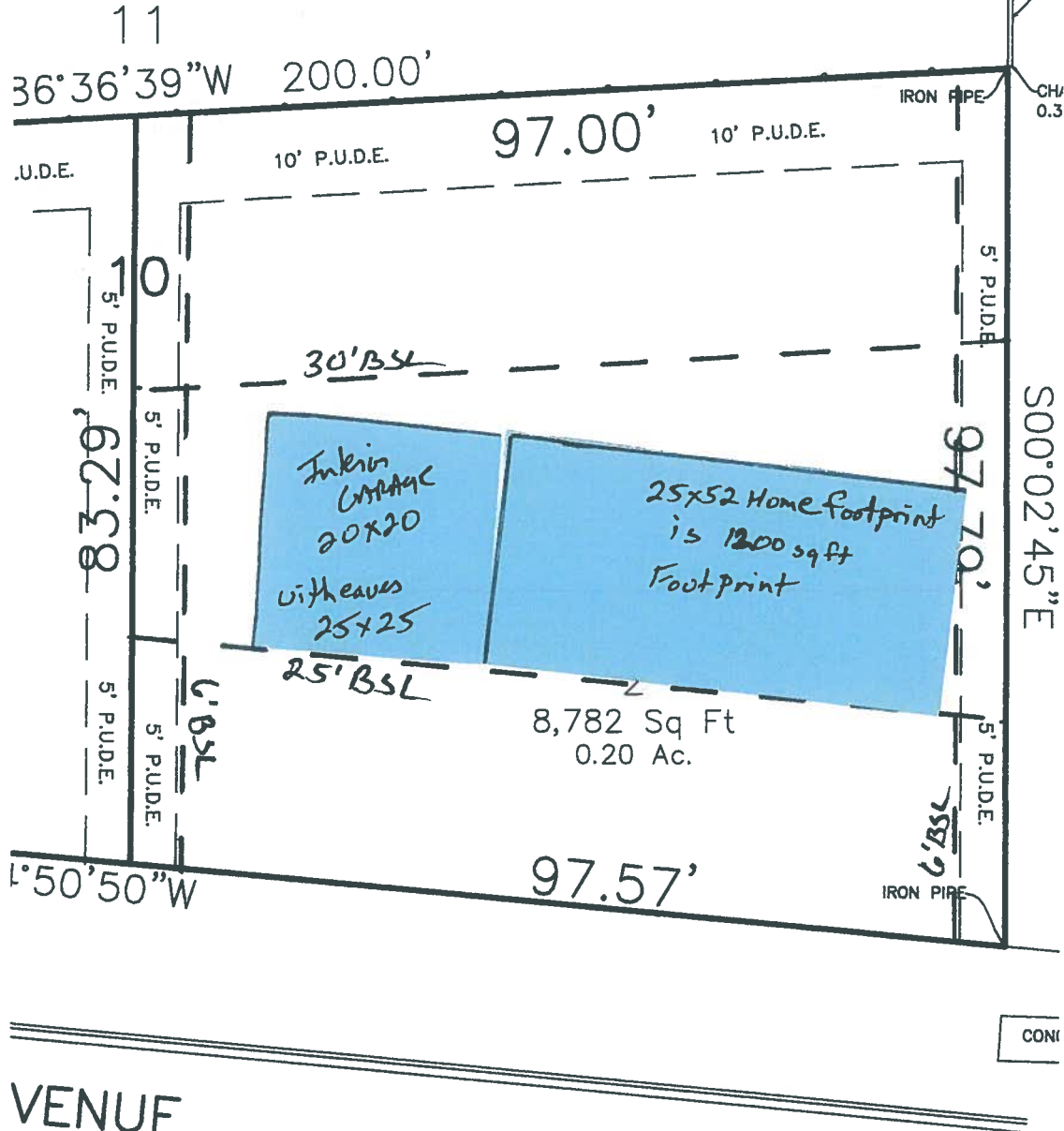


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1. PLANNING P.L.D.

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ZBA 15-12; 251 N. Grace Street

October 28, 2015

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Petitioner's Response to Standards, Updated

Standards for Variations Responses

- 1) We are seeking a variation for front yard setback to 25', and we are seeking a variation for Rear yard setback to 30'. These requests are being made to accommodate attached garage which is a typical feature in the Village of Lombard.
- 2) This is a unique property as the dimensions of the lot starting with the front (clockwise) are 97.57', 83.29', 97.00', and 97.79' which would leave a buildable footprint of 85' Wide by only 18.29' deep (On the West side) and 32.79' deep (On the East side). If the variance is granted the buildable area will be 88' Wide by 28.29' deep (On the West side) and 42.79' deep (On the East side). The difficulty in this lot is in the typical home footprint and the typical garage footprint. Typical home footprints including eave overhangs are (25 x 52) or (30 x 43) neither of which fit under the current setback requirements. When you attach a garage (Typically 25 x 25) to the home you overhang the setback even farther. If we reduce the rear setback to 30' from 35' the narrow footprint home (25x52) will fit, however an attached garage does not meet the setback requirements. If we reduce both front and rear setback lines by 5' each both (typical) home footprints will fit but now a typical attached garage fits as well.
- 3) The variation is being requested because; while the lot meets all village bulk requirements it has a depth of 83' on the west side of the lot and 98' on the east side of the lot. The primary reason for this request is to have a lot that will accommodate a modest home with an attached garage (A typical Lombard home).
- 4) The difficulty is being caused by the depth of the lot and the setbacks required. The difficulty is not caused by anyone currently involved with this property. The difficulty is being caused due to the shape of the lot.
- 5) The granting of the variation will not negatively impact the public welfare, other properties, in fact conversely it will improve the aesthetics of the neighborhood and its surroundings.
- 6) The variation request (Front yard setback reduction from 30' to 25', and rear yard setback from 35' to 30') will not alter the character of the neighborhood, and by granting the variance, a typical Lombard Home (2400 sq. ft. with an attached Garage) can be constructed. Having a home on the legal lot will enhance the existing character of the neighborhood, by not having a vacant lot.
- 7) There will be no negative impact on any adjacent property, as this is a single family home, which will not obstruct the wind, drainage, or sun in any way that a home of any footprint wouldn't. The homes have a southerly facing direction, and the home will not obstruct the sun in any way. The home will not increase the danger of fire, endanger public safety. Finally it does not diminish or impair property values in the neighborhood in a negative way, but rather by increasing the value of the neighborhood as a whole.

Staff Exhibit



1"=50'

208

204

PRAIRIE AVE

GRACE ST

GRACE ST

PRAIRIE AVE

341

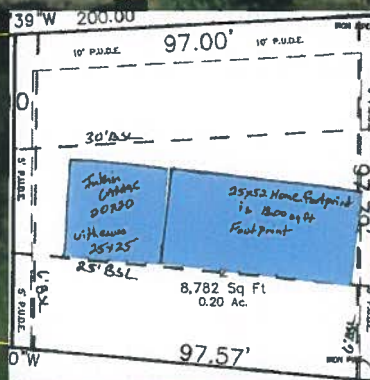
199

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405

409

413



ZONING BOARD OF APPEALS

INTER-DEPARTMENTAL REVIEW COMMITTEE REPORT

251 N. Grace Street

September 23, 2015

Title

ZBA 15-12

Petitioner

LaGambina Homes Inc.

251 N. Fairfield

Lombard IL 60148

Property Owner

Luxica LLC

(same address as petitioner)

Property Location

251 N. Grace Street, (06-05-414-009) , Trustee District #4

Zoning

R2 Single Family Residence

Existing Land Use

Single Family Home

Comprehensive Plan

Low Density Residential

Approval Sought

A variation from Section 155.407(F)(1)(a) of the Lombard Zoning Ordinance to reduce the required front yard setback from thirty feet (30') to twenty-five feet (25') and a variation from Section 155.407(F)(4) of the Lombard Zoning Ordinance to reduce the required rear yard setback from thirty-five feet (35') to thirty feet (30') for proposed Lot 2 located at 251 N. Grace Street and within the R2 Single-Family Residence Zoning District

Prepared By

Jennifer Ganser, Assistant
Director



LOCATION MAP

PROJECT DESCRIPTION

The petitioner is proposing an administrative plat of subdivision at 251 N. Grace. The proposed lot 2 (to the east) would include an existing driveway and garage. The petitioner proposes to demolish the garage and build a new single family home with a new garage in the future. A front and rear yard setback variance is being requested for Lot 2. Both lots meet the bulk requirements.

APPROVALS REQUIRED

The petitioner requests a variation from Section 155.407(F)(1)(a) of the Lombard Zoning Ordinance to reduce the required front yard setback from thirty feet (30') to twenty-five feet (25') and a variation from Section 155.407(F)(4) of the Lombard Zoning Ordinance to reduce the required rear yard setback from thirty-five feet (35') to thirty feet (30') for proposed Lot 2 located at 251 N. Grace Street and within the R2 Single-Family Residence Zoning District.

EXISTING CONDITIONS

The property contains a single family home with detached garage. The property will be subdivided via an administrative plat into two (2) lots. Lot 2 will contain the existing lot and driveway. As the garage does not meet the setbacks of the R2 zoning district it shall be demolished within one year of the recording of the plat. The petitioner will give the Village a \$2,000.00 bond. Should the garage be removed the Village will refund the bond. Should the zoning relief requested be granted by the Lombard Board of Trustees, and a permit issued for a new single family residence on the proposed lot 2, the Village would also refund the bond.

PROJECT STATS

Lot & Bulk (for Lot 2)

Parcel Size: 8,782 sq. ft.

Reqd. Setbacks & Proposed Dimensions (in parens.)

Front (south) 30' (25')

Side (east) 6' (6')

Side (west) 6' (6')

Rear (north) 35' (30')

Submittals

1. Petition for Public Hearing;
2. Response to Standards for Variation; and
3. Plat of Survey, prepared by Tom Atkins, P.L.S., dated August 28, 2015.

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 front and rear yard setback variations.

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

1. There is precedence for variations to front and rear yard setbacks on similar lots that lack lot depth for single family homes. With the subtraction of both the required front and rear yard setbacks from the depth of the lot, the result is a thirty-two foot (32') buildable depth for a house on the east side and eighteen feet (18') on the west side.
2. The proposed improvements will not adversely affect this or other properties in the neighborhood and will be consistent with the surrounding neighborhood.

Surrounding Zoning & Land Use Compatibility

	Zoning District	Land Use
North	R2	Single Family Residential
South	R2	Single Family Residential
East	R2	Single Family Residential
West	R2	Single Family Residential

The existing neighbors are single family homes, which is the type of building the petitioner proposes to build. Neighboring homes have front yard setbacks of between 25-30 feet. The property to the east has rear yard setback of approximately 30 feet, with a deck encroaching into the rear yard. Staff researched the front yard setbacks in the surrounding area and found numerous properties. The attached map shows properties in red that are interior lots with a front yard setback estimated at less than thirty (30) feet. Lot 2 of 251 N. Grace Street will also be an interior lot. Staff feels a front yard setback will not be out character with the neighborhood since many homes also do not meet this Code.

In consideration of precedent, staff has identified similar rear yard setback cases that appeared before the Zoning Board of Appeals within the past five (5) years:

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

**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.*

3. The subject property is uniquely shaped creating a hardship to properly position a principal structure of reasonable size. Since lot 1 and lot 2 meet the bulk requirements of the Zoning Ordinance, the plat of subdivision can be approved administratively. The lot division creates a hardship for lot 2 in that the lot is not even. The depth of the lot also creates a hardship in that the buildable depth for a single family home would be reduced greatly.

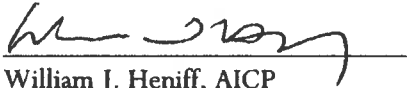
FINDINGS & RECOMMENDATIONS

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

Based on the submitted petition and the testimony presented, the requested variations to reduce the front and 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 15-12, subject to the following conditions:

1. The petitioner shall apply for and receive a building permit for the proposed plans.
2. 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.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

c. Petitioner

Standards for Variations Responses

- 1) Since the structure (Garage) is existing and is currently only 27' from the south property line at the SW corner and 29' from the south property line on the SE corner, we are seeking a variation for front yard setback to 25'. The NE corner of the Garage is 32.82' off the north property line and the NW corner of the Garage is 30.84' off the north property line, we are seeking a variation for Rear yard setback to 30'.
- 2) This is a unique property as the dimensions of the lot starting with the front (clockwise) are 100.58', 82.84', 100.00', and 97.79' which would leave a buildable footprint of 88' Wide by only 17.84' deep (On the West side) and 32.79' deep (On the East side). If the variance is granted the buildable area will be 88' Wide by 27.84' deep (On the West side) and 42.79' deep (On the East side).
- 3) This variation request is not based primarily upon a desire to increase financial gain. The primary reason is to maintain the aesthetics of the block. The variation request is to make the buildable area suitable to building a home consistent with those on the block.
- 4) The difficulty is being caused not by this ordinance, nor anyone currently involved with this property. The difficulty is being caused due to the shape of the lot.
- 5) The granting of the variation will not negatively impact the public welfare, other properties, in fact conversely it will improve the aesthetics of the neighborhood and its surroundings.
- 6) The variation request (Front yard setback reduction from 30' to 25', and rear yard setback from 35' to 30') will not alter the character of the neighborhood, and by granting the variation, we will be able to build a home which will allow the property to further enhance the existing character of the neighborhood, by having a home on each lot.
- 7) There will be no negative impact on any adjacent property, as this is a single family home, which will not obstruct the wind, drainage, or sun in any way that a home of any footprint wouldn't. The homes have a southerly facing direction, and the home will not obstruct the sun in any way. The home will not increase the danger of fire, endanger public safety. Finally it does not diminish or impair property values in the neighborhood in a negative way, but rather by increasing the value of the neighborhood as a whole.

ZBA 15-12

 Properties Estimated with
< 30' Front Yard Setback

 Study Area

SEPTEMBER
2015

