# ZONING BOARD OF APPEALS

## INTER-DEPARTMENTAL REVIEW COMMITTEE REPORT

## 117 W. WINDSOR AVENUE

**May 27, 2020**

**Title**
ZBA 20-01

**Petitioner**
Bonnie Pattison
117 W. Windsor Avenue
Lombard, IL 60148

**Property Owner**
Stewart and Bonnie Pattison
117 W. Windsor Avenue
Lombard, IL 60148

**Property Location**
117 W. Windsor Avenue

**Zoning**
R2 Residential Single Family

**Existing Land Use**
Residential Single Family

**Comprehensive Plan**
Low Density Residential

**Approval Sought**
A variation to allow for 49 percent of the lot area to be preserved in open space, where a minimum of 50% lot area preserved in open space is required.

**Prepared By**
Anna Papke, AICP
Senior Planner

**LOCATION MAP**

## PROJECT DESCRIPTION

The subject property is a located in the R2 Residential Single Family District. The subject property is developed with a single-family home and a detached garage. The property owner proposes to extend an existing deck and install a ramp on the rear of the house in order to address an accessibility concern for one of the residents at the house. The proposed deck and ramp will leave the subject property with 49% open space. The Village Code requires a minimum of 50% open space.

## APPROVAL(S) REQUIRED

The petitioner requests that the Village grant a variation from Section 155.407(H) of the Lombard Code of Ordinances to allow for 49 percent of the lot area to be preserved in open space, where a minimum of 50% lot area preserved in open space is required in the R2 Single-Family Residence District.

## EXISTING CONDITIONS

The property contains a two-story frame single family residence. The property also has a detached garage and associated driveway.

**PROJECT STATS**

**Lot & Bulk**

| | |
|---|---|
| Parcel size: | 6,250 sq. ft. |
| Existing lot coverage: | 2,939 sq. ft. (47%) |
| Proposed lot coverage: | 3,176 sq. ft. (51%) |

**Surrounding Zoning & Land Use Compatibility**

North, east, south and west:

R-2, Single Family Residential

**Submittals**

1. Petition for public hearing;
2. Response to standards for variation;
3. Petitioner's narrative;
4. Plat of survey/site plan;
5. Deck and ramp plans, prepared by petitioner;
6. Neighborhood lot layout provided by petitioner.

## INTER-DEPARTMENTAL REVIEW

**Building Division:**
The proposed slope of the ramp is allowed in the International Residential Code so long as the front door remains the main egress door. The Building Division has no additional comments on the subject petition. Additional comments may be forthcoming during permit review.

**Fire Department:**
The Fire Department has no comments on the subject petition. Additional comments may be forthcoming during permit review.

**Public Works/Private Engineering Services:**
The Department of Public Works has no objection to the petition. The Department notes that the deck and ramp will still let water through. Therefore, the overall lot permeability will still remain over 50%, which is a standard that acts to protect neighbors from undue rainfall runoff. Additional comments may be forthcoming during permit review.

**Planning Services Division:**
The subject property is located in the R2 Residential Single-Family District. The subject property is developed with a two-story wood frame house and a detached garage at the rear of the property. Additional improvements on the site include a driveway, rear deck and walkway.

The Lombard Code of Ordinances requires properties in the R2 District to preserve a minimum of 50% of the lot area in open space. Section 155.802 of the Code defines open space as follows:

> *Open space is that portion of a lot or property maintained as lawn, garden, field, woods, wetland, or other natural landscape area and is free of buildings, structures and impervious surfaces.*

The petitioner proposes to expand the rear deck and add a ramp in order to facilitate access to the house for one of the residents. The open space calculation on the property under existing and proposed conditions follows.

| | | |
|---|---|---|
| Lot area of subject property: | 6,250 SF | |
| Improvement | Square Footage | Lot Coverage/Open Space % |
| House w/porch | 1,127 SF | |
| Driveway | 1,193 SF | |
| Garage | 366.7 SF | |
| Garage stoop | 8 SF | |
| Front walk | 94 SF | |
| Existing deck | 150 SF | |
| *Total existing coverage* | *2,938.7 SF* | *47% / 53%* |
| Proposed deck expansion and ramp | 237 SF | |
| *Total proposed coverage* | *3,175.7 SF* | *51% / 49%* |

In review of the petition, staff notes that the area of the subject property is relatively small. It is 6,250 square feet, where the Village Code requires a minimum lot area of 7,500 square feet in the R2 District. The subject property is noticeably smaller than most properties within the immediate neighborhood, as shown in Figure 1.

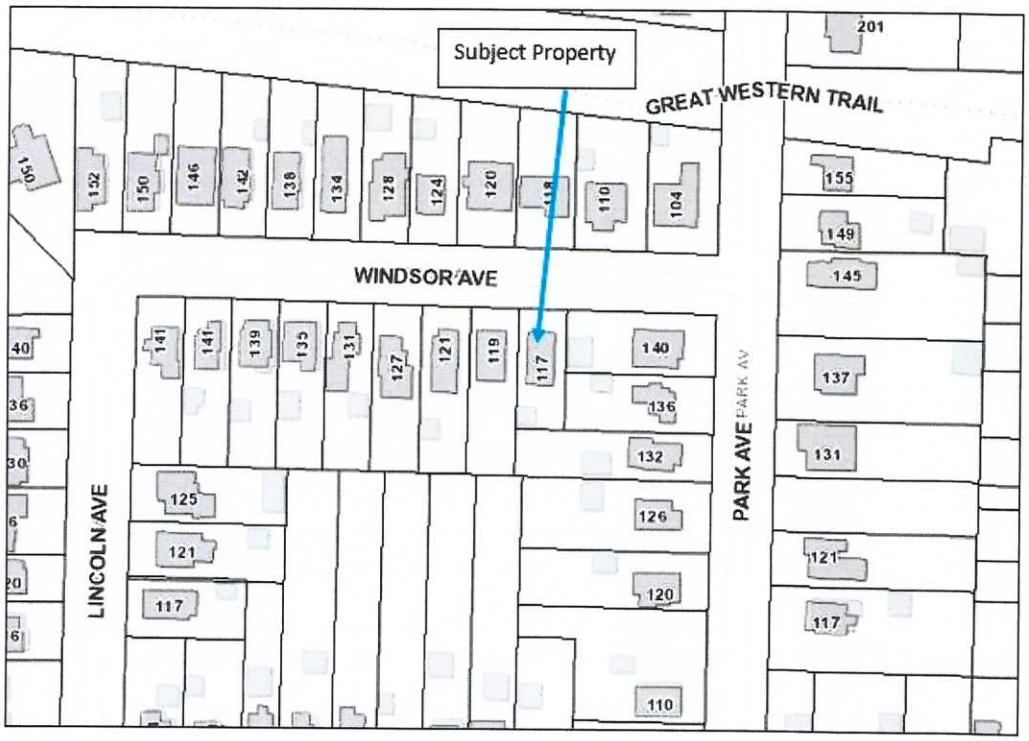


*Figure 1. Subject property and surrounding neighborhood*

The legal description of the property indicates it is a portion of Lot 13 in Stock's Subdivision, which was platted in 1909. After platting, Lot 13 was subsequently divided and developed with four houses. The York Township Assessor's Office records indicate all four houses were built in the 1920s, leading staff to believe that the subject property has existed in its current dimensions for more than 90 years. See Figure 2 below.

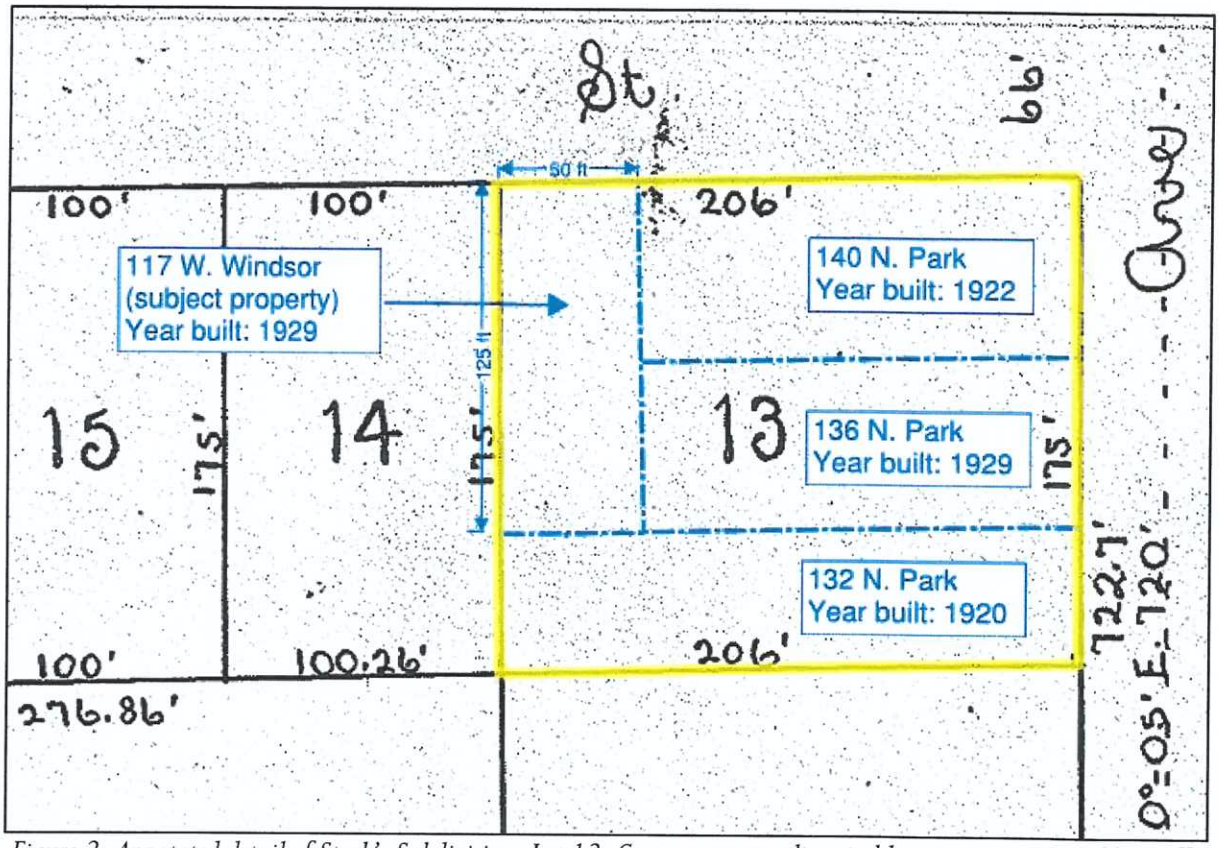


*Figure 2. Annotated detail of Stock's Subdivision, Lot 13. Current property lines in blue are approximated by staff.*

Staff considers the small lot area to be sufficient hardship to justify the requested variance. Due to the small size of the property, the petitioner is limited in the ability to construct structures or surfaces on the subject property in a way that owners of other properties in the neighborhood or R2 District are not. Further, the petitioner is working within the parameters of the existing development on the property. Staff considers the amount of surface coverage on the subject property to be reasonable for a small lot with an older home and detached garage in the rear yard. The petitioner has worked closely with staff to develop a plan that minimizes additional lot coverage while meeting the needs of residents on the property.

To be granted a variation, petitioners must show that they have affirmed each of the standards for variations outlined in Section 155.103(C)(7). Staff offers the following commentary on these standards with respect to this petition:

a. *That because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner has been shown, as distinguished from a mere inconvenience if the strict letter of the regulations were to be applied.*

This standard is affirmed. As noted previously, the subject property is an unusually small lot as compared to other properties in the immediate neighborhood and the R2 District generally. The subject property has an area of 6,250 square feet, where the R2 District requires a minimum lot area of 7,500 square feet.

b. *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.*

This standard is affirmed. The subject property is noticeably smaller than the other properties in the immediate neighborhood and R2 District generally.

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

This standard is affirmed.

d. *The alleged difficulty or hardship is shown to be caused by this ordinance and has not been created by any person presently having an interest in the property.*

This standard is affirmed. The subject property has existed in its current configuration for more than 90 years, and was developed in 1929. The Village Code, adopted after the property was developed, includes an open space requirement that is challenging to meet due to the small lot size. The present property owner is not responsible for the small lot size or the previously existing development on the site.

e. *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.*

This standard is affirmed. Staff finds that granting the request would not be injurious to neighboring properties. Specifically, the deck and ramp will not result in undue rainfall runoff, per comments from Public Works and Private Engineering Services.

f. *The granting of the variation will not alter the essential character of the neighborhood.*

This standard is affirmed. Staff finds the proposed deck addition and ramp will be of minimal visual impact to surrounding properties due to their location at the rear of the house.

g. *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*

This standard is affirmed. Staff again notes that Public Works and Private Engineering Services have determined the proposed development will not impact rainfall runoff in the neighborhood.

*Past Precedent*

In recent years there have been seven other ZBA petitions requesting relief from the 50% open space requirement. The seven variances were ultimately granted.

| ZBA Case | Request | ZBA Recommendation | BOT Action |
|---|---|---|---|
| 511 N. Lombard Ave (ZBA 16-02) | Variation to reduce open space to 48.5%; at preexisting conditions, the property had 46.52% open space; proposed improvements would bring property to 48.5% open space | Approval | Approved |
| 418 W. Wilson (ZBA 09-10) | Variation to reduce open space to 42.55%; petitioner had constructed improvements in excess of what was permitted by Code, and some without a permit | Approval | Approved |
| 125 S. Stewart (ZBA 06-12) | Variation to reduce open space to 45.6%; petitioner wished to construct a three-seasons room addition over a portion of the existing deck | Approval | Approved |
| 345 S. Stewart (ZBA 04-09) | Variation to reduce open space to 47.4%; petitioner wished to construct a new garage | Approval | Approved |
| 342 N. Martha (ZBA 02-27) | Variation to reduce open space to 46%; petitioner wished to construct a new deck addition that increased the non-conformity by 313 square feet | Approval | Approved |
| 112 N. Main (ZBA 02-11) | Variation to reduce open space to 42%; petitioner wished to replace an existing garage. The new structure increased the non-conformity by 42 square feet | Approval | Approved |
| 528 S. Lalonde (ZBA 01-14) | Variation to reduce open space to 43%; petitioner wished to replace pool with same dimensions as previous structure | Approval | Approved |

## FINDINGS & RECOMMENDATIONS

The Department of Community Development has determined that the information presented has affirmed the Standards for Variations for the requested variation. 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 variation for open space to allow construction of a deck addition and ramp:

Based on the submitted petition and the testimony presented, the requested variation **does comply** with the Standards required for a variation by the Lombard Village Code; and, therefore, I move that the Zoning Board of Appeals adopt the findings included as part of the Inter-departmental Review Report as the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **approval** of ZBA 20-01, subject to the following conditions:

1. The deck and ramp shall be developed in accordance with the submitted plans and elevations prepared by the petitioner, and made a part of the petition;

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; and

4. In the event that the building or structure on the subject property is damaged or destroyed, by any means, to the extent of more than 50 percent of the fair market value of such building or structure immediately prior to such damage, such building or structure shall not be restored unless such building or structure shall thereafter conform to all regulations of the zoning district in which such building or structure and use are located.

Inter-Departmental Review Committee Report approved by:

Jennifer Ganser, AICP
Assistant Director of Community Development

c. Petitioner

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Stewart and Bonnie Pattison

117 West Windsor Ave

## Responses to the Standards for Variations

**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.**

-We have a uniquely small lot (-009) by square footage for our whole neighborhood. Our lot is 50 wide x 125 deep equaling 6,250 sq. feet.

-The next smallest lot on our block is # 2-039 which is about 7,740 sq ft. Our neighbor to our west (-008) has 8,750 sq ft. Our neighbors directly east (-024, -025) both have lots that are 9,360 sq. ft, and our neighbor directly behind our lot and to the east (-026) is about 9,785 sq. ft.

**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.**

-See above. Issue is the unique small size of our lot.

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

-To build a handicap ramp and deck access at the back of our house so that my husband with MS can drive his scooter into the house and be able to have a proper egress out of the house in case of an emergency.

**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.**

-The problematic ordinance is the rule that we cannot build on more than 50% of our property. Or we must leave 50% of our property as green space. Our present design goes over the 50% permitted by an 8 x 8.5 sq. ft area or 68 sq, ft or about 1% of our property allowance according to Anna Papke's calculations, the Senior Planner for the Village of Lombard.

**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.**

-Building the planned deck and ramp will not injure the public welfare or be a problem for any other neighbor's property.

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

-Building the planned deck and ramp will not alter the character of the neighborhood. . In fact the design I have proposed minimizes the "handicap ramp look" for the neighborhood while still functioning as a handicap ramp. If we built a ramp down our front stairs, would certainly ruin the look of the neighborhood. Building this in the back of our property keeps the handicapped accessibility to our home more discreet.

**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.**

-No, it is a modest deck area with a curved ramp that wraps around the deck's outside. It will not impair any neighbor's view, or light, air, or natural drainage to any property.

Stewart & Bonnie Pattison

117 West Windsor Ave

Lombard, IL 60148

**Zoning Board of Appeals Submission**

**Why We Need a Variance.**

-We need to rebuild our deck in the back of our house and add a handicapped accessible ramp that functions both as an emergency egress for my husband Stewart and as a regular access for him into our home.

**The Problem**

-To build our ramp and deck with our plan, we will be covering 51% of our existing land along with our existing home, driveway, sidewalk and garage structures.

-We will be going over our 50% allowable land coverage by an 8.25' x 8.25' foot area, or about 68 sq feet.

**What is our hardship? [Answer to question #1 & 2]**

1) **The size of our lot** (-009) is the smallest in the whole neighborhood:

*Our lot is 50 x 125 or 6,250 sq ft. (See attached)

-The next smallest lot on our block is # 2-039 which is about 7,740 sq ft. Our neighbor to our west (-008) has 8,750 sq ft. Our neighbors directly east (-024, -025) both have lots that are 9,360 sq. ft, and our neighbor directly behind our lot and to the east (-026) has 9,785 sq. ft.

-Instead of covering 3,125 sq ft. we would now cover 3,193 sq. ft. according to Anna Papke's calculations, the Senior Planner for the Village of Lombard: Again an 8.25' x 8.25' foot area, or a total of about 68 sq feet more than what is allowed.

*2) **My husband, Stewart has MS damage** to his nervous system on his C-spine and does not have an ability right now to exit the house in an emergency if he is alone.

-Has full normal use of his left arm and hand.

-Has no use of his right arm or hand.

-Has limited use of both legs; is able to stand up but cannot raise his legs at the knees to go up or downstairs.

-He can only go upstairs with someone lifting each foot.

-Can only slide his feet backwards at 6-8 inches at a time while holding onto furniture or a person.

**The Answer**

-Rebuild the deck so that he can open the sliding glass door with his good arm and drive his electric scooter onto the deck and down the ramp to exit the house in an emergency.

-Also important, he could use the ramp as his regular entrance and exit to our home.

**The Reason for the Present Ramp and Deck Design**

*A straight ramp along the present footprint of our deck would either be too steep of an incline because it would be too short in length, or if we made it long enough it would go 4-6 feet onto our driveway we could not pull our cars up to or into our garage.

*A ramp going in our grass along our driveway to the garage does not have enough space, we only have about 22 feet from the deck to the garage and we need 33 feet.

*The curved ramp minimizes the amount of ground space necessary for a 33 foot-long ramp. This design would have a 1 inch rise for every 9 inches of linier distance [1:9] to provide a 3 foot 8 inch rise off the ground to reach the height of our deck and also be within Lombard's requirements. [See #405.2- Slope. Ramps]

*The deck itself would be pulled out in the shape of a half circle to meet the curve of the ramp to both make it look like a cohesive whole and to solve the problem of how to maintain the space in between the old deck foot print and the ramp. In other words, that ½ moon space cannot be mowed and would be very difficult to weed if it is kept as open ground. The fenced railing to code would make getting into the space nearly impossible for ground maintenance.

****Probably one of the most important reasons for the curved design** of the deck is that my husband's scooter would be able to enter and exit the sliding door without driving over the threshold on an angle.

**Reasons:**

1) Stewart does not have strong core muscles due to his MS neural damage. Stewart has to go up or down any incline (like a handicap access slope from a curb to a street/parking lot) in such a way that his scooter does not tip to the side in order for him to keep balanced. (We discovered this the hard way.)

2) This means that the curve design allows for him to come up the ramp and make an easy loop turn so that he can drive over the threshold of the sliding door evenly and therefore not loose his balance with an uneven entry into

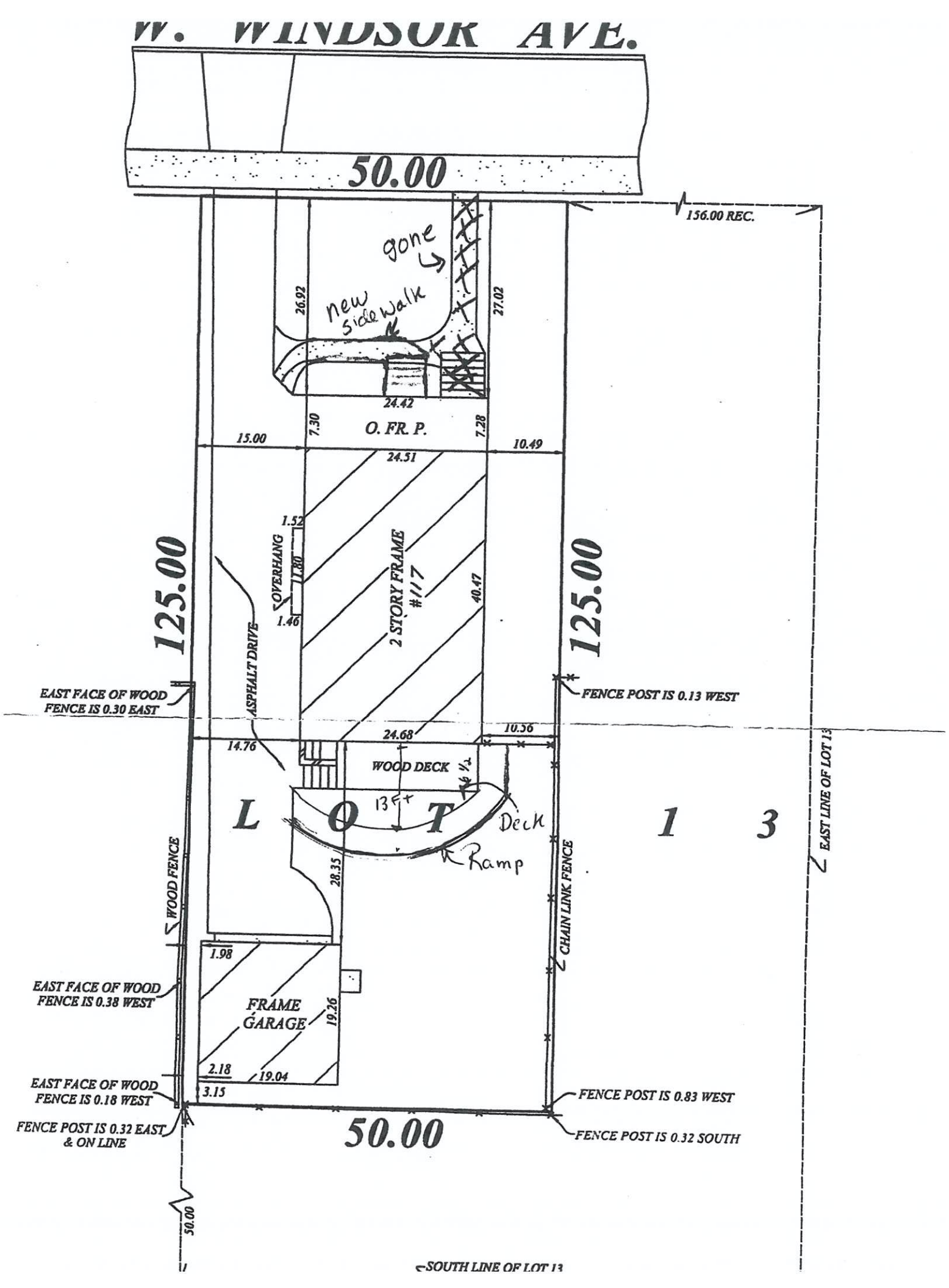
the house. The same would be true for exiting the house. Leaving the house he could drive straight out the sliding glass door with an easy right hand loop turn and to go down the ramp.

3) The present depth of our deck (about 6 ft) would make such a loop turn difficult with scooter because it does not give enough space for a turn that allows the scooter to straighten out before moving through the door opening.

4) The sliding glass door off the back of our house is the ***only*** door in the house Stewart can open by himself. This is why we are not proposing having a ramp off our front porch. He is not able to open the front swing door on his own. He has only one arm that is fully functional (his left.) He is not able to open a swing handle door and operate his scooter at the same time because he must drive up to the door only then to open the door into the scooter. Then when he backs up he can't reach out to grab the door because his core muscles wont balance him well enough. As you can see, this is a very dangerous situation in an emergency and why he needs this egress.

5) Stewart is able to pull himself up from a chair and get into his scooter if it parked next to him because he can pull himself to a standing position, pivot backwards to sit on the scooter. He then lifts his 2 legs with his only strong arm onto the scooter and drives off. The problem comes in opening swing doors and going over thresholds in an uneven manner.

****This is the rationale for the present deck design.


W. WINDSOR AVE.
50.00
156.00 REC.
gone
new sidewalk
26.92
27.02
24.42
7.30
O. FR. P.
7.28
15.00
10.49
24.51
1.52
OVERHANG
11.80
1.46
2 STORY FRAME
#117
40.47
125.00
125.00
ASPHALT DRIVE
EAST FACE OF WOOD FENCE IS 0.30 EAST
FENCE POST IS 0.13 WEST
24.68
10.36
14.76
WOOD DECK
13Ft
L O T
Deck
Ramp
1 3
EAST LINE OF LOT 13
WOOD FENCE
28.35
CHAIN LINK FENCE
1.98
EAST FACE OF WOOD FENCE IS 0.38 WEST
FRAME GARAGE
19.26
2.18
19.04
EAST FACE OF WOOD FENCE IS 0.18 WEST
3.15
FENCE POST IS 0.83 WEST
FENCE POST IS 0.32 EAST & ON LINE
50.00
FENCE POST IS 0.32 SOUTH
50.00
SOUTH LINE OF LOT 13

# Pattison's

New Deck and Ramp 396 sq ft

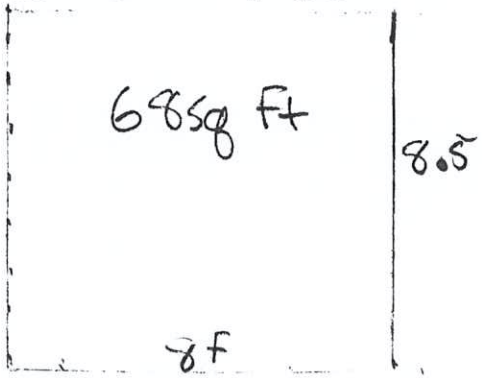
Old Deck 120 sq ft

1 inch rise for every 9 inches

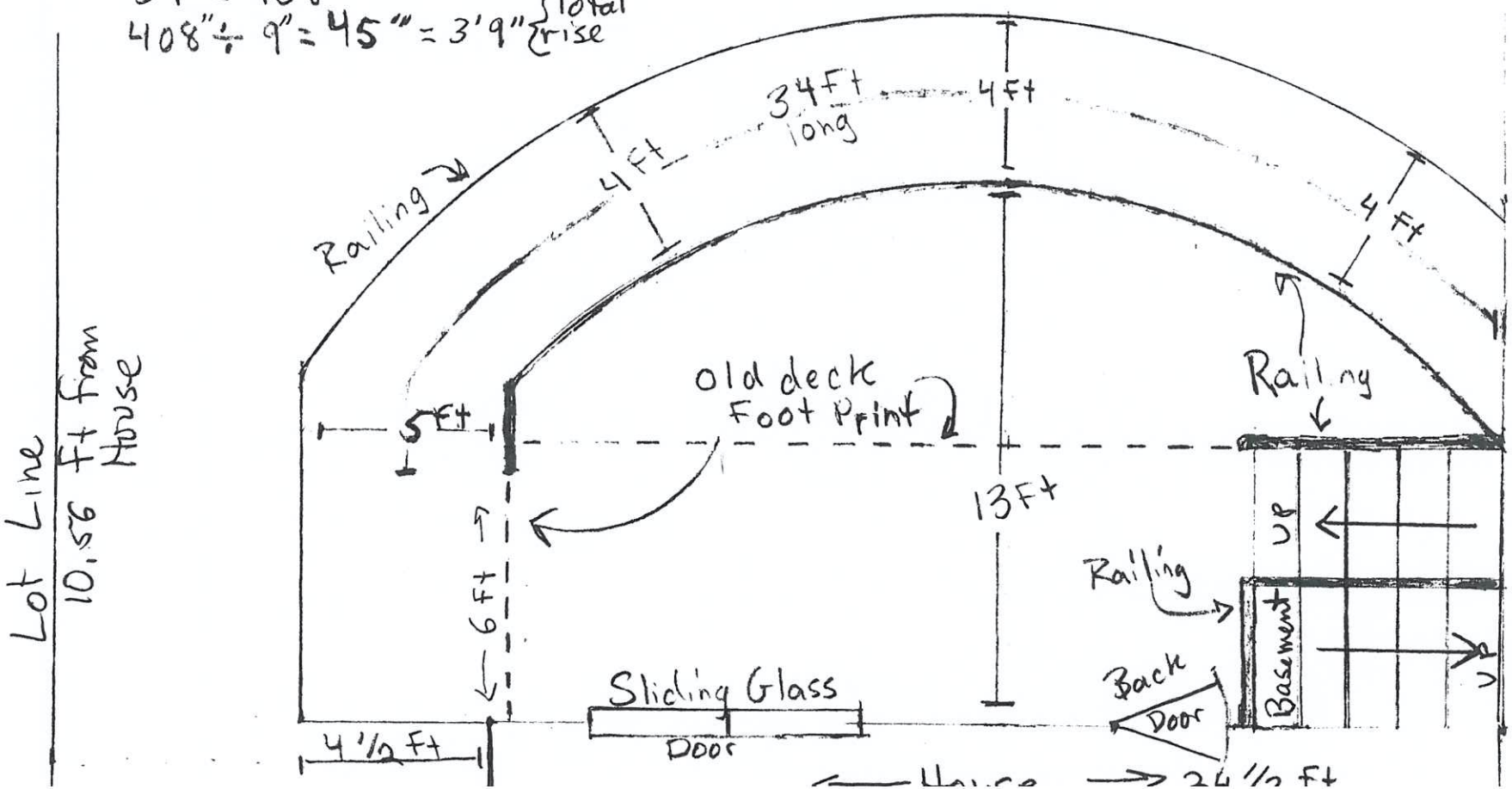
34' = 408"

408" ÷ 9" = 45" = 3'9" ← Total rise

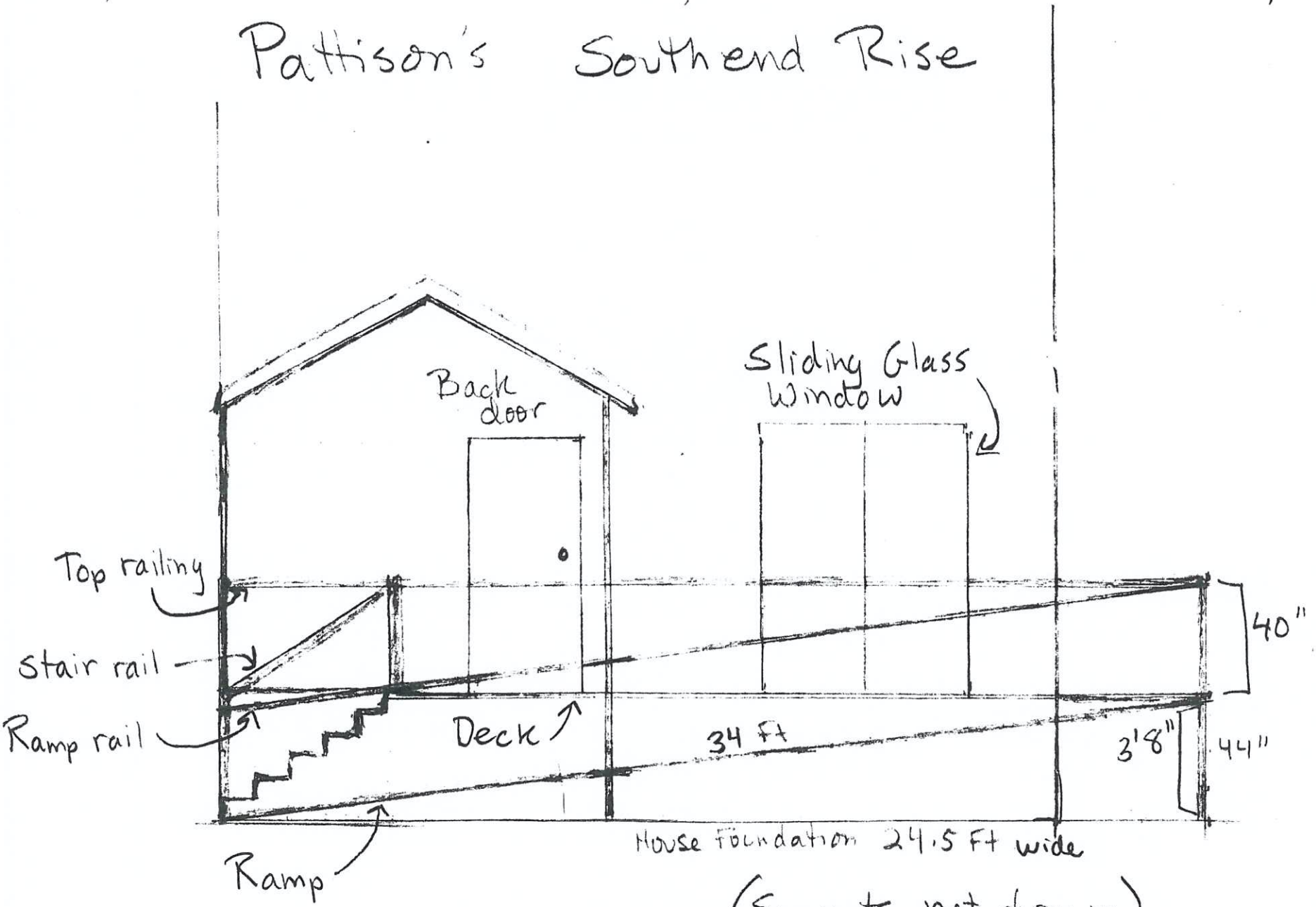
Size of space over




Driveway



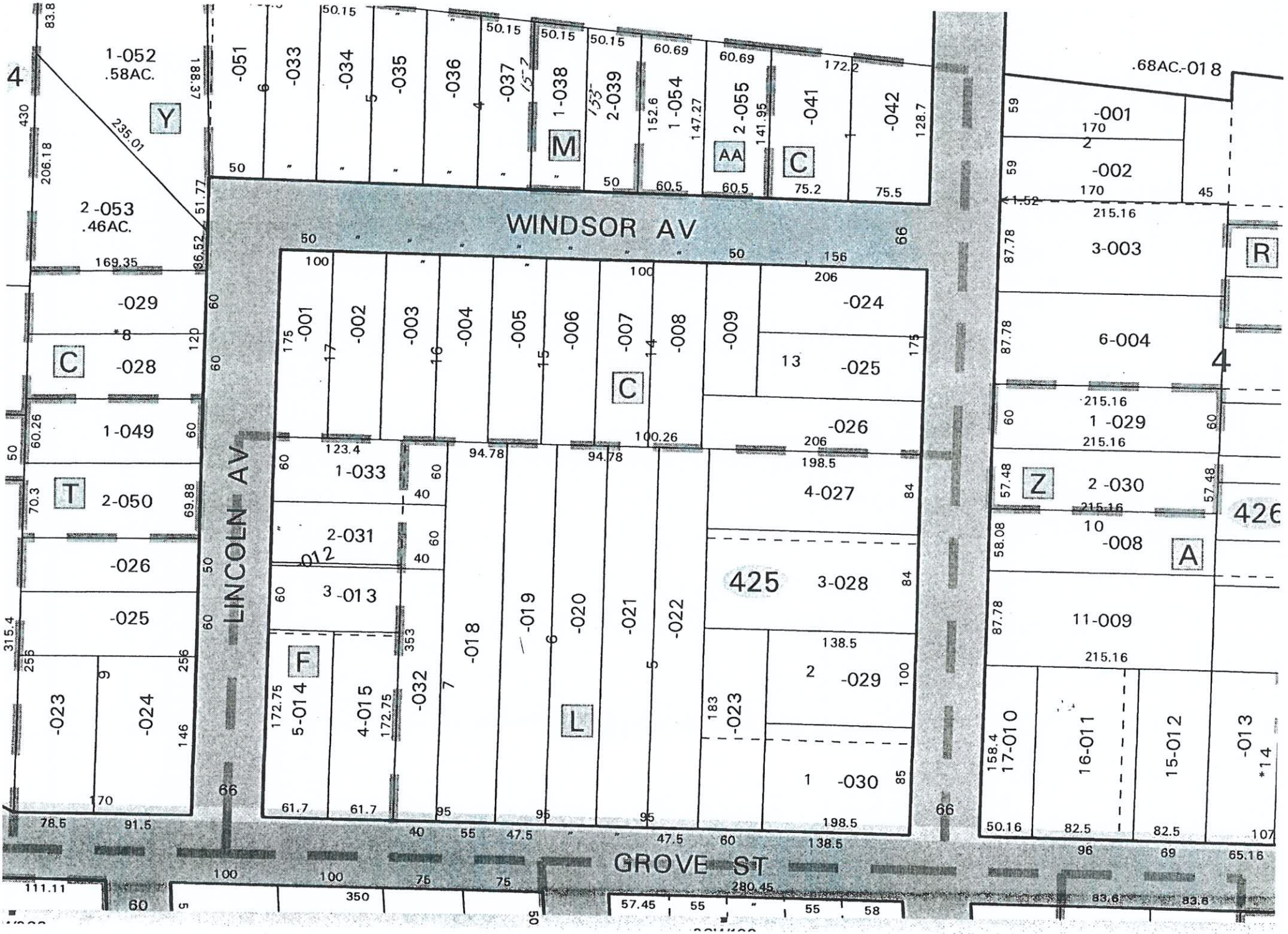
# Pattison's Southend Rise




(Supports not drawn)

*Vertical Railings not drawn

*Because Ramp is curved true rise not visible.


WINDSOR AV
LINCOLN AV
GROVE ST
1-052
.58AC.
2-053
.46AC.
-029
-028
1-049
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-026
-025
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