

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO:	Zoning Board of Appeals	HEARING DATE:	May 27, 2009
FROM:	Department of Community Development	PREPARED BY:	Stuart Moynihan Associate Planner

TITLE

ZBA 09-04; 126 S. Lombard Avenue: The petitioner requests that the Village grant a variation from Section 155.407(F)(3) of the Lombard Zoning Ordinance to reduce the interior side yard setback to four and one-half feet (4.5') where six feet (6') is required within the R2 Single-Family Residence District.

GENERAL INFORMATION

Petitioner/Property Owner: Scott and Rhonda Heabel
126 S. Lombard Avenue
Lombard, IL 60148

PROPERTY INFORMATION

Existing Zoning: R2 Single-Family Residence District
Existing Land Use: Single-Family Residence
Size of Property: Approximately 7,940 square feet

Surrounding Zoning and Land Use:

North:	R2 Single-Family Residence District; developed as Single-Family Residences
South:	R2 Single Family Residence District; developed as Single-Family Residences
East:	R2 Single-Family Residence District; developed as Single-Family Residences
West:	R2 Single-Family Residence District; developed as Single-Family Residences

ANALYSIS

SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development on April 23, 2009.

1. Petition for Public Hearing.
2. Response to Applicable Standards.
3. Plat of Survey, prepared by ARS Surveying Service and dated August 8, 2000, showing the proposed construction.

DESCRIPTION

The property contains a two-story single family residence built approximately four and one-half feet (4.5') from the southern side property line. Currently, a carport and a three-season room are the southernmost parts of the residence. The petitioner plans to demolish these areas of the residence in order to construct an attached garage, kitchen, and dining area. The new construction would maintain the current setback of four and one-half feet (4.5'). Due to the demolition, the Zoning Ordinance would require that the new construction meet an interior side yard setback of six feet (6'). Therefore, a variation is necessary.

INTER-DEPARTMENTAL REVIEW COMMENTS

ENGINEERING

Private Engineering Services

The Private Engineering Services Division has no comments at this time.

Public Works Engineering

The Engineering Division of Public Works has no comments.

FIRE AND BUILDING

The Bureau of Inspectional Services has no comments regarding the request at this time.

PLANNING

The carport and three season room were permitted in 1960 and 1962 respectively and are considered legal non-conforming with regard to the interior side yard setback. These portions of the residence are currently four and one-half feet (4.5') from the side lot line and are one-story in

height. The proposed residential addition would occupy the footprint of the carport and three season room as well as additional areas to the east and west. The addition would also be set back four and one-half feet (4.5') and would be one-story in height. Please see Attachment A for architectural drawing of the proposed first floor and Attachment B for the proposed site plan.

Following the proposed construction, open space on the subject property would be approximately sixty-three percent (63%), exceeding the Village code requirement. Staff notes that the petitioner has expressed concerns that constructing a detached garage and the additional rooms at the rear of the home could result in a significant reduction in existing open space or even a deficiency in the amount of required open space.

Listed below are several ZBA cases in which similar variation requests were made where the addition holds the setback of the existing residence and does not further encroach into the requisite yard. Examples of these variations include:

- 1) The property at 576 Green Valley Drive received approval of a variation to reduce the required interior side yard setback from six feet (6') to two feet (2') for the conversion of a carport into a garage and for a residential addition (ZBA 03-10).
- 2) The property at 828 S. Fairfield received approval of a variation to reduce the required interior side yard setback from six feet (6') to two and one-half feet (2.5') for a residential addition (ZBA 05-14).
- 3) The property at 219 W. Hickory received approval of a variation to reduce the required interior side yard setback from six feet (6') to two and one-half feet (2.5') for an attached garage (ZBA 06-14).
- 4) The property at 259 N. Garfield received approval of a variation to reduce the required interior side yard setback from nine feet (9') to 7.88 feet for a second story addition holding the previously developed exterior wall of the residence (ZBA 07-12).
- 5) The property at 217 N. Craig Place received approval of a variation to reduce the required interior side yard setback from nine feet (9') to 7.9 feet for a sunroom at the rear of the home holding the previously developed exterior wall of the residence (ZBA 08-03).

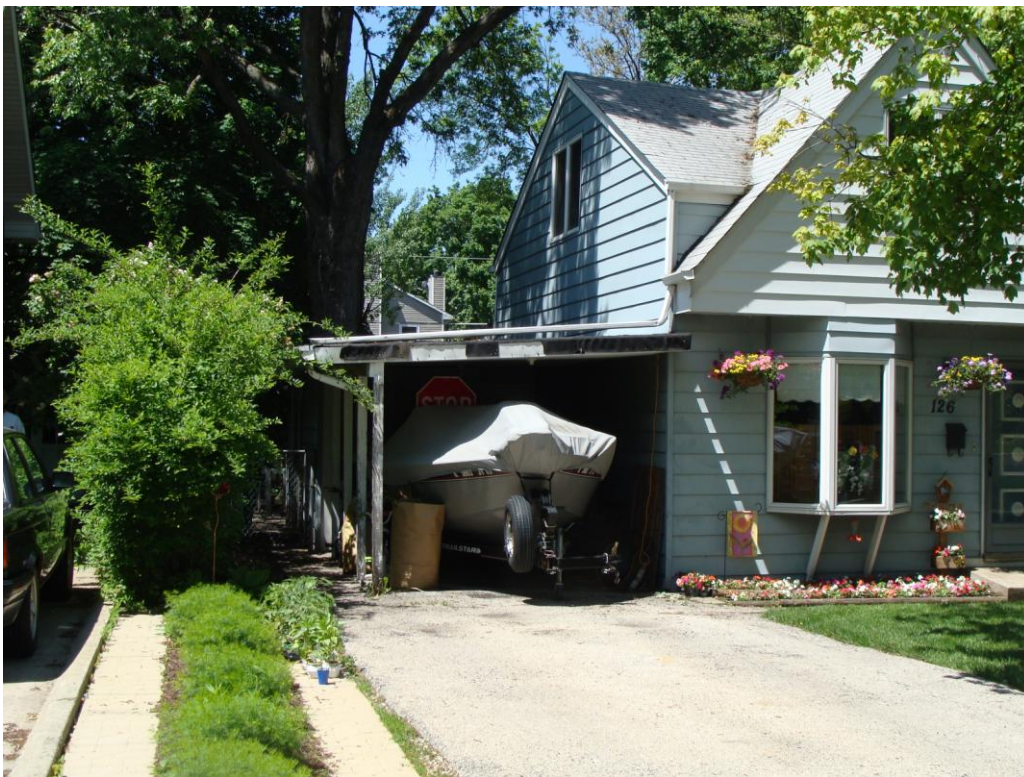
As the proposed addition would maintain the existing building line, it would not increase the degree of encroachment into the existing non-conforming setback. Staff notes that a front-loaded attached garage could not be constructed at the north side of the property as the existing setback is insufficient in this area as well. These setback deficiencies can be attributed, in part, to the width of the lot being fifty feet (50'). This lot width would be considered substandard by current Zoning Ordinance requirements that lots zoned R2 must be sixty feet (60') in width.

The adjacent lot to the south, 128 S. Lombard Avenue, is developed with a single-family residence built approximately 9.8 feet from the property's northern side lot line. The Zoning Ordinance requires that the northern side yard setback for the 128 S. Lombard Avenue property be nine feet (9') as there is no attached garage. If the proposed addition at 126 S. Lombard Avenue is built at a

setback for four and one-half feet (4.5'), the separation between the homes would be approximately 14.3 feet. This distance is greater than the twelve feet (12') that would be established by maintaining the standard code requirement for an interior side yard which is six feet (6') on each property.

In order to avoid the undesired effects of increased physical or perceived bulk to the neighboring properties, staff suggests that a condition be added to any motion for approval that any new construction built within the six foot (6') setback area be limited to one-story in height.

Front of Subject Property with Carport



Staff finds that this petition meets the Standards for Variations. The proposed location for the addition and garage are due to the existing configuration of improvements on the lot and the desire to conserve open space on the property. Much of the proposed addition and garage would be constructed within the footprint of an existing legal non-conforming structure, would maintain the building line, and would therefore not increase the degree of setback non-conformity.

FINDINGS AND 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 side yard setback variation:

Zoning Board of Appeals

Re: ZBA 09-04

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Based on the submitted petition and the testimony presented, the requested variation complies with the Standards required for a variation by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals recommend to the Corporate Authorities **approval** of ZBA 09-04, subject to the following conditions:

1. The addition and garage shall be developed in accordance with the site plan drawn on the August 8, 2000 Plat of Survey submitted April 23, 2009 as part of this petition.
2. The proposed addition and garage along with any future additions to the residence, which are set back less than six feet (6') from the interior side property line, shall not exceed a height of one-story.
3. The variation shall be limited to the existing residence. Should the existing residence be reconstructed due to damage or destruction by any means, any new buildings or structures shall meet the applicable underlying R2 Single Family Residential District setback requirements.

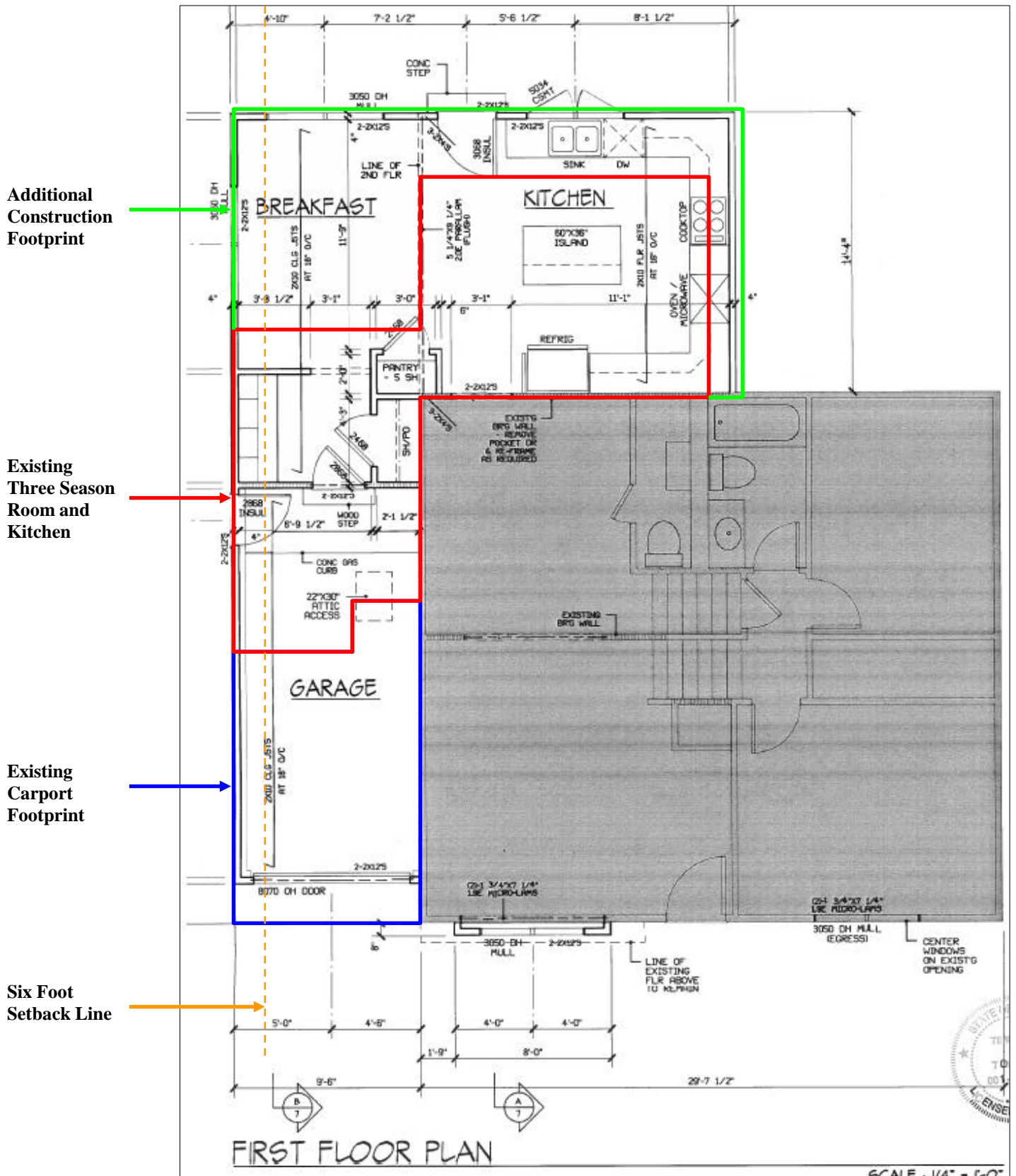
Inter-Departmental Review Group Report Approved By:

William J. Heniff, AICP
Director of Community Development

c: Petitioner

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Attachment A – Proposed House Improvements



Attachment B – Proposed Site Plan

