

**JANUARY 22, 2014**

**Title**

ZBA 14-02

**Petitioner**

Anthony Balinski  
321 E. Madison Street  
Lombard, IL 60148

**Property Owner**

Anthony Balinski  
321 E. Madison Street  
Lombard, IL 60148

**Property Location**

321 E. Madison Street  
(06-17-104-028)

**Zoning**

R2 Residential Single Family

**Existing Land Use**

Residential Single Family

**Comprehensive Plan**

Low Density Residential

**Approval Sought**

A variation to allow a detached garage to be set back thirteen and seven tenths (13.7) feet where twenty (20) feet is required for the corner side yard.

**Prepared By**

Tami Urish  
Planner I



**LOCATION MAP**

**PROJECT DESCRIPTION**

The petitioner is proposing to construct a replacement detached garage. The size of the proposed detached garage is two hundred and eighty-eight (288) square feet; twenty (20) feet by fourteen (14) feet.

**APPROVAL(S) REQUIRED**

Per Section 155.210 (A)(2)(a), Accessory Uses, Activities, Buildings and Structures in Required Yards of the Lombard Zoning Ordinance, “unless otherwise provided for in this ordinance, no accessory building, structure or use shall be located in a required front, corner side or interior side yard.” Therefore, a variation is needed to allow a detached garage to be set back 13.7 feet where twenty (20) feet is required for the corner side yard within the R-2 Residential Single Family Zoning District is required.

**EXISTING CONDITIONS**

The property contains a one-story frame single family residence with an existing two hundred and eighty-eight (288) square foot detached garage and associated driveway. The property is located at the southwest corner of Madison Street and Lombard Avenue. The corner side property line is along Lombard Avenue. Additionally, this property is a reverse corner lot, according to the Zoning Ordinance.

## PROJECT STATS

### Lot & Bulk

Parcel Size:	8,733 sq. ft.
Building Size:	1085 sq. ft.
Tenant Space:	N/A
Lot Coverage:	Approx. 40%

### Setbacks

Front (North)	30 feet
Side Corner (East)	13.7 feet
Side (West)	6 feet
Rear (South)	49 feet

### Parking Spaces

Not applicable

### 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. Proof of Ownership
4. Plat of Survey
5. Existing conditions photo submitted by petitioner on 12/31/13.

## INTER-DEPARTMENTAL REVIEW

### **Building Division:**

A full review will be conducted during the building permit review process.

### **Fire Department:**

The Fire Department has no issues/concerns regarding the project.

### **Private Engineering Services:**

Private Engineering Services 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:**

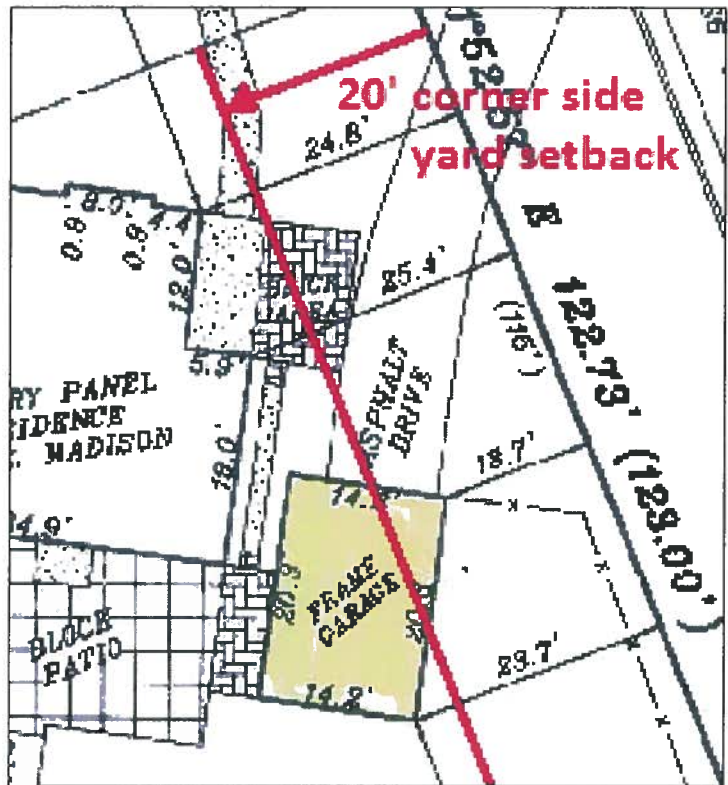
The subject property was developed with the principal structure many years ago; and, according to the petitioner, the detached garage was constructed around the same time period. The existing detached garage is two-hundred and eighty-eight (288) square feet and located 13.7 feet from the eastern property line, within the corner side yard. The petitioner indicated that the garage was in a state of disrepair and proposes to replace the detached garage in the exact footprint as it exists.

### Corner Side Yard Setback

Detached garages are not permitted within corner side yards due to the visual obstruction they create. As such, the petitioner's replacement of the detached garage requires that the new garage meet the twenty (20) foot corner side yard setback or that a variation be granted. A variation may only be granted if there is a demonstrated hardship that distinguishes the subject property from all other properties in the area.

The proposed replacement of the detached garage would be located 13.7 feet at the northwest corner of the structure from the eastern property line. The southwest corner of the structure would be located 23.7 feet from the eastern property line. Detached garages are not permitted within corner side yards not only due to the visual obstruction they create, but also because they must provide adequate space to park vehicles. According to Village Code, parking vehicles over the sidewalk or on the Village parkway is prohibited. In this case, the existing drive in relation to the existing garage location maintains over 30 feet from the public right of way.

The principal structure and detached garage is estimated to be over 50 years old according to the petitioner. The building permit for either the house or garage could not be found on file with the Village. Both structures when built were not placed squarely on the subject property. Instead both structures are shifted approximately 20 degrees to the east in relation to the property lines. In order to comply with the current Zoning Ordinance, the garage would have to be relocated approximately fifteen (15) feet to the south or rotated further away from the principle structure. In addition, relocating the existing garage's location would negatively impact the front yard of the property located adjacent to the subject property's southern property line.



To be granted a variation the petitioners must show that they have affirmed each of the “Standards for Variation” outlined in Section 155.210 (A) (2) (a). Not all of the following standards have been affirmed but consideration of the circumstances for items a., b., d. and e. must be examined in further detail:

- 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.*

Staff finds that the petitioner’s lot does not have unique physical limitations, however the placement of the existing structures on the property does limit the owner from meeting the intent of the ordinance. The principal structure and detached garage were constructed prior to current yard setback provisions.

- 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 properties within the same zoning classification.*

Staff finds that the orientation of the structure on the subject property is unique. The design and layout of the petitioner’s property is not typical of any R2 Single Family Residential lot in the Village and the surrounding neighborhood.

- 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.*

Staff finds that the hardship has not been caused by the ordinance and has instead been created by the petitioner's need to replace a legal nonconforming detached garage. Staff finds that the hardship for this variation is due to the location of the principal structure and detached garage in relation to the corner side yard setback. Although this setback deficiency is minimal, it does reduce the property owner's ability to reconstruct the existing detached garage.

*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.*

Staff finds that granting the request would not be injurious to neighboring properties.

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

This standard is affirmed.

*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.

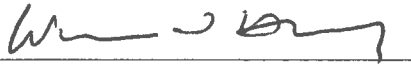
## **FINDINGS & RECOMMENDATIONS**

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 corner side yard setback variation to allow a detached garage:

Based on the submitted petition and the testimony presented, the requested variations **do comply** with the Standards required for a variation by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals adopt that 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 14-02; subject to the following conditions:

1. The plans for the proposed detached garage replacement shall not exceed the dimensions of the existing garage.
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.

Inter-Departmental Review Committee Report approved by:



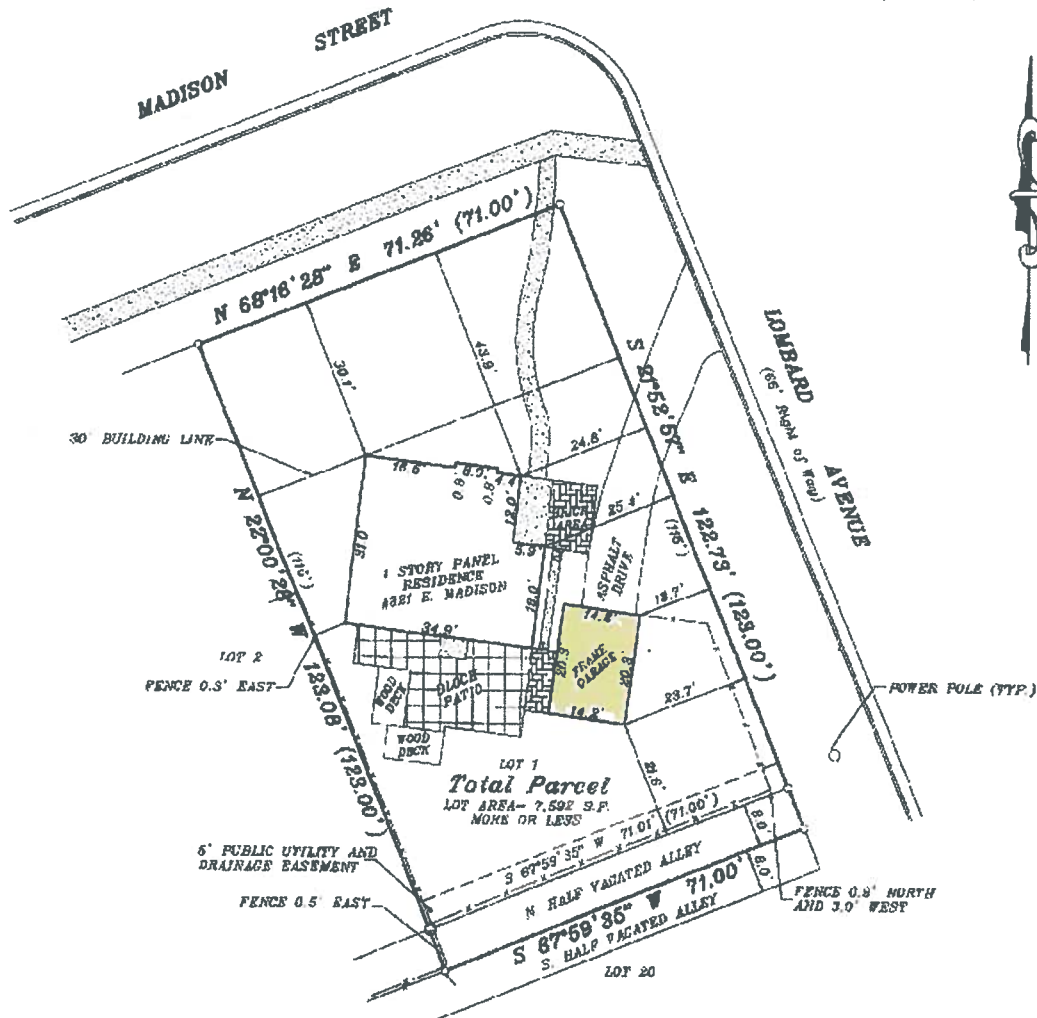
William J. Heniff, AICP  
Director of Community Development

c. Petitioner

EXHIBIT A – PLAT OF SURVEY

# PLAT OF SURVEY

of  
 LOT 1 AND THE NORTH HALF OF THE VACATED ALLEY LYING SOUTH OF AND ADJOINING SAID LOT, VACATED BY DOCUMENT 314999, IN ROATH-WARD SUBDIVISION IN THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 31, 1928 AS DOCUMENT 269858, IN DUPAGE COUNTY, ILLINOIS.



ALL DIMENSIONS AND BEARINGS SHOWN IN ( ) ARE RECORDED, ALL OTHER DIMENSIONS AND BEARINGS ARE MEASURED

BEARINGS ARE ASSUMED THE SOUTH LINE OF MADISON STREET BEARING NORTH 08 DEGREES 16 MINUTES 25 SECONDS EAST.

LEGAL DESCRIPTION, EASEMENTS AND SERVICITUDES SHOWN HEREON ARE BASED UPON A TITLE COMMITMENT ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY IDENTIFIED AS NUMBER 6495889 WITH AN EFFECTIVE DATE OF NOVEMBER 08, 2018.

THIS SURVEY IS NOT VALID WITHOUT THE SURVEYOR'S IMPRESSED SEAL.

COMPARE THE DESCRIPTION ON THIS PLAT WITH YOUR DEED, ABSTRACT, OR CERTIFICATE OF TITLE; ALSO COMPARE ALL POINTS BEFORE BUILDING BY SAME, AND AT ONCE REPORT ANY DIFFERENCE.

BUILDING LINES ARE SHOWN ONLY WHERE THEY ARE SO RECORDED ON THIS MAP; REFER TO YOUR DEED OR ABSTRACT.

STATE OF ILLINOIS  
 COUNTY OF DUPAGE

I, DEAN L. BAUER, AN ILLINOIS PROFESSIONAL LAND SURVEYOR HEREBY CERTIFY THAT THE PLAT HEREON DRAWN OF THE ABOVE DESCRIBED PROPERTY WAS SURVEYED UNDER MY DIRECTION AND THAT THIS PLAT CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

DATED THIS 13RD DAY OF NOVEMBER, A.D., 2018

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 086-003060  
 MY REGISTRATION EXPIRES ON NOVEMBER 30, 2014

**LEGEND**

- = FOUND SURVEY MARKER
- = SET SURVEY MARKERS
- ▨ = CONC. AREA
- \*-x-x- = FENCE LINE

Vacant			11-28-18/DLB
Type of Survey	Date	Bk.-Pg.	Date Dwn. / By
Common Address : 321 EAST MADISON STREET			
Client: HUD			
Job No.: 13-099		Scale: 1" = 20'	
Dean L. Bauer, Land Surveyor			
P.O. Box 292 Winfield, Illinois 60190 (630) 293-3842			
Copyright © 2018 Southland Land Surveyors, Inc. All rights reserved.			

EXHIBIT C –321 E. MADISON STREET, EXISTING CONDITIONS

