

JANUARY 28, 2015

Title

ZBA 15-02

Petitioner

James Castaldo
378 E. 17th Street
Lombard, IL 60148

Property Owner

James Castaldo
378 E. 17th Street
Lombard, IL 60148

Property Location

381 E. 16th Place
(06-20-310-013)
Trustee District #3

Zoning

R2PD Residential Single Family
Planned Development

Existing Land Use

Residential Single Family

Comprehensive Plan

Low Density Residential

Approval Sought

A variation to allow a new single family dwelling to be setback thirty (30) feet in lieu of the formulated front yard setback requirement of forty (40) feet.

Prepared By

Tami Urish
Planner I



LOCATION MAP

PROJECT DESCRIPTION

The petitioner is proposing to construct a new single-family dwelling thirty (30) feet from the front property line on a vacant lot.

APPROVAL(S) REQUIRED

The petitioner requests that the Village grant a variation from the Lombard Zoning Ordinance to provide for a front yard setback of thirty (30) feet in lieu of the formulated front yard setback requirements set forth within Section 155.407 (F)(1) for a principal structure located within in the R2 Single-Family Residence District.

EXISTING CONDITIONS

The property is currently vacant. In 2013, the lot was created from a resubdivision of the east side yard from a lot which contained the principal structure to the west (378 E. 17th Street). The Planned Development conditional use was the result of PC 97-12 requests.

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.

PROJECT STATS

Lot & Bulk

Parcel Size:	10,500 sq. ft.
Building Size:	0 sq. ft.
Lot Cover:	0%

Reqd. Setbacks & Proposed Dimensions (in parens.)

Front (South)	40' (30')
Side (East)	6'
Side (West)	6'
Rear (North)	35'

Surrounding Zoning & Land Use Compatibility

North, East, South and West:

R-2PD; Residential Development	Single Family Planned
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Submittals

1. Petition for Public Hearing
2. Response to Standards.
3. Plat of Survey, Gentile & Associates, Inc., dated 6/18/13; submitted 1/6/14.

Private Engineering Services:

The Private Engineering Services (PES) Division has no comments regarding the project.

Public Works:

The Department of Public Works has no issues or concerns regarding the project.

Planning Services Division:

The subject property is a lot that was recently created from a resubdivision of an existing larger lot located at 378 E. 17th Street. The existing single-family dwelling located at 378 E. 17th Street, directly abutting the western property line of the subject property, is setback one hundred (100) feet from the front property line. According to the Village of Lombard Zoning Ordinance Section 155.407 (F)(1): "(iii) For purpose of determining setback on abutting lots, lots having single family dwellings located more than fifty (50) feet from the front lot line shall be considered to have a default fifty (50) foot setback."

The single family dwelling on the abutting property to the east of the subject property is thirty (30) feet. According to Section 155.407(F)(1): "(i) The front yard applicable to the subject lot shall be determined by taking the mean of the existing front yard setbacks of the single-family dwellings on the abutting lots." Based on this formula, the required front yard setback for 382 E. 17th Street (Lot 3 of attached Plat of Resubdivision) is forty (40) feet.

As part of the Village Board of Trustees' 2007 – 2008 Strategic Plan, the Board directed staff to pursue actions to institute better residential design review for residential development. Under the Board's direction, the residential redevelopment items were first introduced to the Plan Commission during the February 18, 2008 Plan Commission workshop. More specific items were then later brought back to the Plan Commission during the June 16, 2008 Plan Commission workshop.

On July 21, 2008, the Plan Commission voted to recommend approval of the above changes to Section 155.407(F)(1) with the Board of Trustees concurring in August of 2008. At the time, the current Zoning Ordinance utilized absolute setbacks as opposed to relative setbacks whereas certain factors were not taken into consideration, such as the positioning of the neighboring homes or the mean (average) setback for all homes on the block. The text amendment required relative setbacks for all detached single family residences as of September 15, 2011. The intent of the proposed relative setback text is to maintain the character of existing

neighborhoods and to establish status quo for any new developments. The petitioner is requesting a variance to allow the front yard setback to be thirty (30) feet based on the placement of the abutting property's single-family dwelling located at the center of a through lot. In addition, this through lot would have been designed as two lots if not for the pre-existing condition of the single-family dwelling as illustrated by the overall layout of the subdivision in 1997. The Highland Estates\Providence Subdivision consists of over eighty (80) lots. All of the homes are setback thirty (30) feet from the front property line with the exception of two. The character of the existing neighborhood and the established status quo is being maintained.

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 if the strict letter of the regulations were to be applied.*

Staff finds that the petitioner's lot does not have unique physical limitations but the placement of the existing structures on the abutting property does limit the owner from meeting the intent of the ordinance.

- 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.*

The design and layout of the existing structure on the abutting property being setback at more than one hundred (100) feet from the front property line is not typical of 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 desire to maintain the character of the existing neighborhood. Staff finds that the hardship for this variation is due to the unique location of the principal structure on the abutting property in relation to the mean of the front yard setback.

- 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.

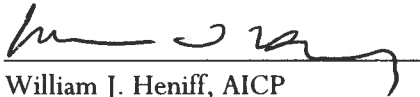
FINDINGS & RECOMMENDATIONS

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 front yard setback variation of a new single-family dwelling:

Based on the submitted petition and the testimony presented, the requested variation **does 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 15-02; 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 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

XI. STANDARDS FOR VARIATIONS


The following is an excerpt from the Lombard Zoning Ordinance. A detailed response to all of these standards should be provided for all variations of the Lombard Zoning Ordinance and Lombard Sign Ordinance.

SECTION 155.103.C.7 OF THE LOMBARD ZONING ORDINANCE:

The regulations of this ordinance shall not be varied unless findings based on the evidence presented are made in each specific case that affirms each of the following standards:

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. *The proposed 10' difference would greatly reduce the yard size for new home owner's.*
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.
THE EXISTING NEIGHBORHOOD HAS 30' SETBACKS
3. The purpose of the variation is not based primarily upon a desire to increase financial gain. *WE WISH TO BLEND WITH THE CURRENT NEIGHBORHOOD AND ADD VALUE TO THE SAME.*
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.
CURRENT ZONING REQUIREMENTS OF 40' SETBACKS HAVE CHANGED FROM THE ORIGINAL 30' IN THE EXISTING AREA
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.
THIS VARIATION WILL ALLOW FOR SYMMETRY & CONSISTENCY WITH THE NEIGHBORHOOD
6. The granting of the variation will not alter the essential character of the neighborhood; and, will add to curb appeal of the current community which remaining similar -
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.
THERE WILL NOT BE ANY ADVERSE EFFECTS OF THE VARIANCE ON ANY NEIGHBORS OR THEIR RIGHT OF WAY, SIGHT OR STRUCTURES.

EXHIBIT A – PLAT OF SURVEY



GRAPHIC SCALE
1" = 100' 0"
1" = 30.48 m

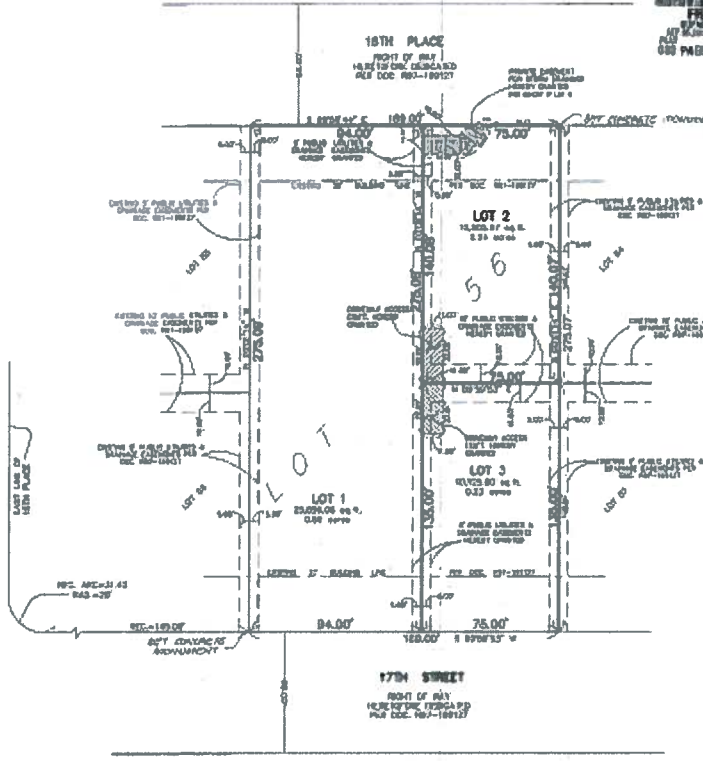
CASTELDO'S RESUBDIVISION

BEING A RESUBDIVISION IN PART OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 20 NORTH, RANGE 1 EAST OF THE 6TH MERIDIAN, IN CLATSOP COUNTY, OREGON

FRED BUCHOLD
PLAT FILED
1968 PAGES 1025 - 1275

Submitted By: Village of Lombard
905 E. Wilson
Lombard IL 60148

PLAT 08-20-250-000



NOTE:
IRON PIPE SET AT ALL CORNERS
SCALE IS PROPRIETARY NOTED.

STATE OF OREGON } S.S.
COUNTY OF CLATSOP }

APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, OREGON

1968 12/13 AD. 20.13

[Signature]
PRESIDENT

[Signature]
CLERK

STATE OF OREGON } S.S.
COUNTY OF CLATSOP }

APPROVED BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT OF THE VILLAGE OF LOMBARD, OREGON

1968 12/13 AD. 20.13

[Signature]
DIRECTOR OF COMMUNITY DEVELOPMENT

STATE OF OREGON } S.S.
COUNTY OF CLATSOP }

1. *[Signature]* COLLECTOR FOR THE VILLAGE OF LOMBARD, OREGON
DO HEREBY CERTIFY THAT THERE IS NO UNPAID CURRENT OR FORFEITED SPECIAL ASSESSMENTS, NOR ANY EXTENDED INSTALLMENTS THEREOF THAT HAVE BEEN APPROVED AGAINST THE TRACT OF LAND INCLUDED IN THIS PLAT.

DATED AT LOMBARD, OREGON THIS 26th DAY OF June AD. 20.13

[Signature]
CLATSOP VILLAGE COLLECTOR

STATE OF OREGON } S.S.
COUNTY OF CLATSOP }

[Signature] COUNTY CLERK OF CLATSOP COUNTY, OREGON, DO HEREBY CERTIFY THAT I HAVE REVIEWED THE PLAT AND FIND NO UNPAID CURRENT TAXES, NO UNPAID FORFEITED TAXES, AND NO UNPAID SPECIAL ASSESSMENTS AGAINST ANY OF THE LANDS INCLUDED IN THE ATTACHED PLAT. I FURTHER CERTIFY THAT I HAVE RECEIVED ALL NECESSARY FEES IN CONNECTION WITH THIS ASSIGNED PLAT.

DIVEN UNDER MY HAND AND SEAL OF THE COUNTY CLERK AT WHEATON, OREGON, THIS 27th DAY OF June AD. 20.13

[Signature]
CLATSOP COUNTY CLERK

STATE OF OREGON } S.S.
COUNTY OF CLATSOP }

1968 INSTRUMENT NUMBER 1968-12750 THIS FILED FOR RECORD IN THE RECORDER'S OFFICE OF CLATSOP COUNTY, OREGON, THIS 26th DAY OF June AD. 20.13

STATE OF OREGON } S.S.
COUNTY OF CLATSOP }

THIS IS TO CERTIFY THAT I, JOSEPH E. CENTRE, ALONG PROFESSIONAL LAND SURVEYOR NO. 2885, HAVE SURVEYED THE FOLLOWING DESCRIBED PROPERTY FOR THE PURPOSE OF RESUBDIVISION:

SCHOOL DISTRICT STATEMENTS

PURSUANT TO SECTION 2605 OF THE PLAT ACT, 1968 (SECTION 2605) SHALL BEING AS THE SCHOOL DISTRICT STATEMENT TO THE BEST OF THE OWNER'S KNOWLEDGE, THE TRACT OF LAND DESCRIBED IN THE ATTACHED PLAT IS IN THE FOLLOWING SCHOOL DISTRICTS:

GRADE SCHOOL DISTRICT 44	ADDRESS: 182 E. WILSON ST., LOMBARD, OREGON
HIGH SCHOOL DISTRICT 67	ADDRESS: 6711 PROSPECT BLVD., GAINESVILLE, FLORIDA
CL. COLLEGE DISTRICT 102	ADDRESS: 421 22ND ST., SUN VALLEY, CALIFORNIA

BY *[Signature]* OWNER

THIS IS TO CERTIFY THAT THE UNDERSIGNED IS/ARE THE OWNER(S) OF THE LAND DESCRIBED IN THE ATTACHED PLAT AND HAS/HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED AS SHOWN BY THE PLAT FOR USES AND PURPOSES AS INDICATED THEREIN, AND DOES HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE PLAT ACT AND THE VOTER'S RECORDING ACT.

DATED AT Lombard, OREGON, THIS 19th DAY OF June AD. 20.13

[Signature] OWNER

STATE OF OREGON } S.S.
COUNTY OF CLATSOP }

[Signature] A NOTARY PUBLIC IN AND FOR SAID COUNTY DO HEREBY CERTIFY THAT I HAVE PERSONALLY KNOWN TO ME, TO MY PERSONAL KNOWLEDGE, THE PERSON(S) WHOSE SIGNATURE(S) APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGE THAT HE/SHE HAS/SHOULD BE THE LEGAL AND SOLE PROPRIETOR(S) OF SAID PROPERTY AND VOLUNTARILY ACT FOR THE USES AND PURPOSES HEREIN SET FORTH.

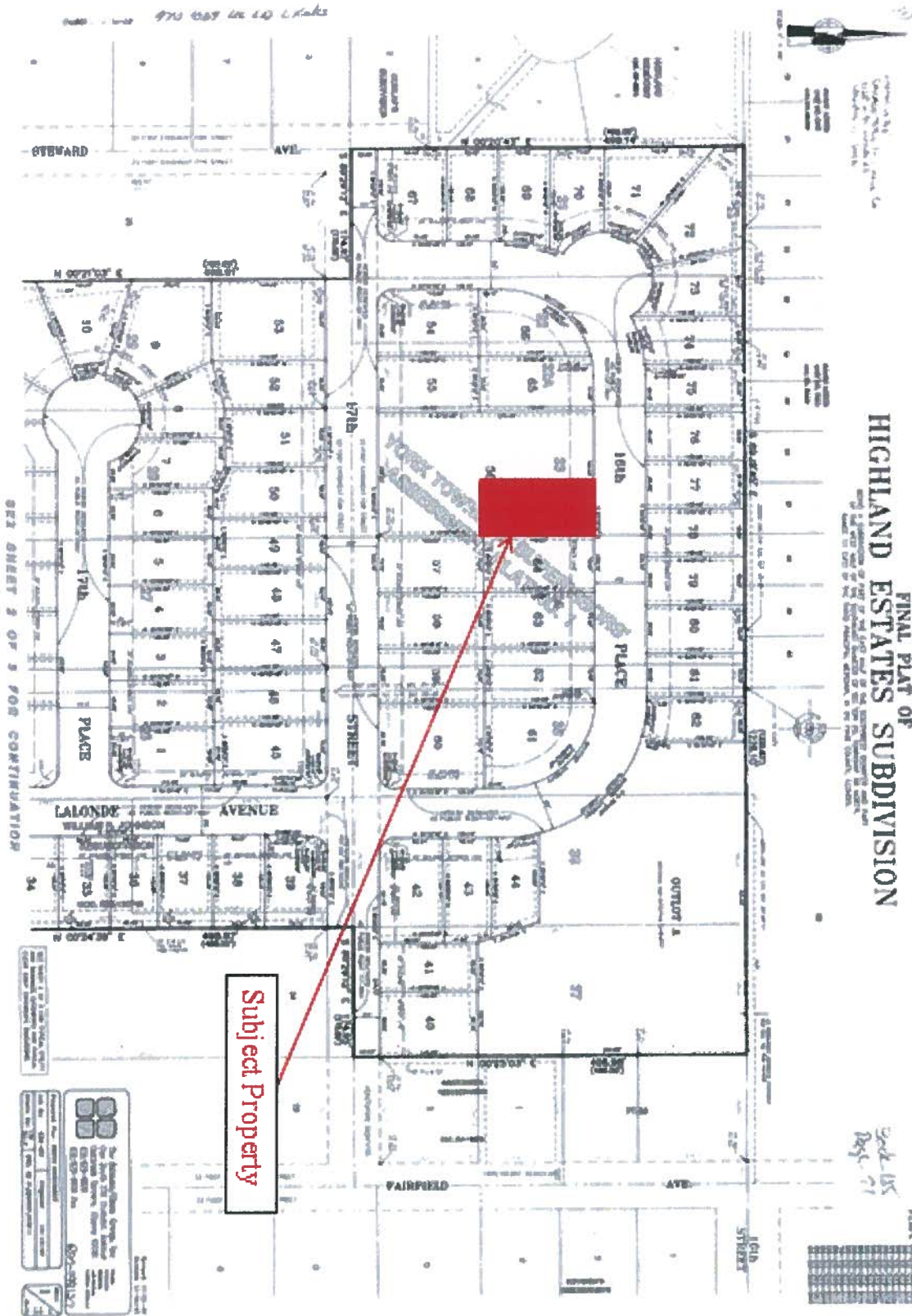
WITNESSED BY MYSELF AND MY NATURAL SEAL THIS 19th DAY OF June AD. 20.13.

[Signature]
NOTARY PUBLIC

STATE OF OREGON } S.S.
COUNTY OF CLATSOP }

THIS IS TO CERTIFY THAT I, JOSEPH E. CENTRE, ALONG PROFESSIONAL LAND SURVEYOR NO. 2885, HAVE SURVEYED THE FOLLOWING DESCRIBED PROPERTY FOR THE PURPOSE OF RESUBDIVISION:

EXHIBIT B – PORTION OF THE HIGHLAND ESTATES/PROVIDENCE SUBDIVISION



Urish, Tami

From: Donna Naughton <dnaughton603@gmail.com>
Sent: Thursday, January 22, 2015 8:39 AM
To: Urish, Tami
Subject: Petition for house set back

Good morning,

We do not mind if the house on 17th street and 17 place is set back 30 feet.

Sincerely

Donna and John Naughton

365 E 17th Street