

February 27, 2019

Title

ZBA 19-01

Petitioner & Property Owner

John & Michelle Krage
740 N. Elizabeth Street
Lombard, IL 60148

Property Location

740 N. Elizabeth
Trustee District #1

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)(3) of the Lombard Zoning Ordinance to reduce the required interior side yard setback from six feet (6') to four and one-half feet (4.5') for the subject property located within the R2 Single-Family Residence Zoning District

Prepared By

Jennifer Ganser, AICP
Assistant Director



LOCATION MAP

PROJECT DESCRIPTION

The petitioners propose a home addition, holding the building line. As a portion of the addition will be less than 6' from the side yard property line, a variance is required. As the addition begins, it will hold the building line which necessitates the variance. The addition will then be brought out to meet the 6' setback. A total of 4.07 square feet is within the side yard setback per the plans. The addition allows for an expanded kitchen and master bedroom.

APPROVALS REQUIRED

The petitioner requests that the Village approve a variation from Section 155.407(F)(3) of the Lombard Zoning Ordinance to reduce the required interior side yard setback from six feet (6') to four and one-half feet (4.5') for the subject property located within the R2 Single-Family Residence Zoning District.

The requested relief is for an addition to an existing single family residence located on the subject property.

EXISTING CONDITIONS

The property contains an approximately 953 square foot one-story single-family residence with a detached garage, driveway, shed, and patio. The existing house was built in 1950, per the York Township Assessor.

PROJECT STATS

Lot Size

Parcel Area: 9,003 SF

Parcel Width: 60 feet

Required and (Existing/Proposed)

Setbacks

Front (east) 30' (29.22')

Side (north) 9' (~23')

Side (south) 6' (4.5')

Rear (west) 25' (~85')

Submittals

1. Petition for Public Hearing;
2. Response to Standards for Variation;
3. Plat of survey prepared by ARS Surveying Service LLC, dated January 15, 2019;
4. Proposed site plan and elevations prepared by Flint Architects, dated January 7, 2019; and
5. Two pictures of home.

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division noted that the International Residential Code requires a minimum 5' separation distance from the house to the property line. Houses are required to be 5' from the property line unless they meet table (R 302.1(1) Exterior Walls) in the 2012 International Residential Code, or install sprinklers in the house. Additional comments may be forthcoming during permit review.

The project architect noted they can meet these comments.

Fire Department:

The Fire Department has no comments regarding the petition. Additional comments may be forthcoming during permit review.

Private Engineering Services:

Private Engineering Services (PES) had comments on the window well location after reviewing a 2-foot contour map. Additional comments may be forthcoming during permit review.

The project architect noted they can meet these comments.

Public Works:

The Department of Public Works has no comments regarding the petition. Additional comments may be forthcoming during permit review.

Planning Services Division
Surrounding Zoning & Land Use Compatibility

	Zoning Districts	Land Use
North	R2	Single-Family Home
South	R2	Single-Family Home
East	R2	Single-Family Home
West	R2	Single-Family Home

To be granted a variation, petitioners must show that they have affirmed each of the standards for variations outlined in Section 155.407(F)(3). 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.*

The existing home was constructed prior to current yard setback provisions. The placement of the existing home on the property, limits the petitioner's ability to meet the intent of the ordinance. The home does not meet the 6' setback at the south property line.

- 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.*

The new addition will hold the building line, for a portion of the addition and then meet the 6' setback. The variance is for a portion of the addition.

- 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 for this variation is due to the location and area of the existing principal structure in relation to the current interior side yard setback requirement. The existing house was built in 1950, before the Village had adopted a Zoning Ordinance with setback and lot width requirements (1960). Presumably, the house met applicable standards at the time of construction. Current setback requirements do not reflect the conditions under which the existing house was built.

- 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. As mentioned earlier, the existing house was built in 1950. The proposed addition will hold the setback of the existing house, for a portion of the addition.

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

Staff finds that this standard is affirmed. The proposed improvement will maintain the existing building line for a portion of the addition and will not be visible from the street.

d. *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*

The petitioner proposes to build the addition on the west side of the existing house. The new construction would be limited to one story in height, and will not impair an adequate supply of light and air to adjacent property. The addition will be partially built over what is now an existing patio.

In consideration of precedent, staff has identified similar cases that appeared before the Zoning Board of Appeals within the last ten (10) years. All of the cases listed below were requests to reduce an interior side yard setback for an addition that held the setback of the existing residence.

CASE NO.	DATE	ADDRESS	SUMMARY	ZBA	BoT
ZBA 09-04	6/18/2009	126 S. Lombard Ave.	4.5' Side Yard (6' Req'd.)	Approved, 6-0	Approved, 6-0
ZBA 10-11	10/7/2010	148 W. Park Dr.	3' Side Yard (6' Req'd.)	No Recommendation	Approved, 6-0
ZBA 11-01	4/21/2011	533 N. Columbine Ave.	4.5' Side Yard (6' Req'd.)	Approved, 5-0	Approved, 4-0
ZBA 12-01	4/12/2012	91 S. Chase Ave.	4.5' Side Yard (6' Req'd.)	Approved, 6-0	Approved, 6-0
ZBA 14-09	7/24/2014	317 N. Main St.	3' Side Yard (6' Req'd.)	Approved, 5-0	Approved, 5-0
ZBA 18-04	8/22/2018	49 N. Garfield St.	3.5' Side Yard (6' Req'd.)	Approved, 6-0	Approved, 6-0

Staff finds that the variation request meets the standards for variation.

FINDINGS & RECOMMENDATIONS

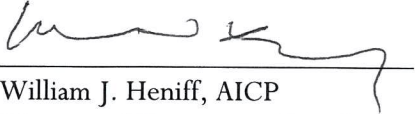
The Department of Community Development has determined that the information presented **has affirmed** the Standards for Variations for the requested variation. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make the following motion recommending **approval** of the aforementioned variation:

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 find that the findings as discussed at the public hearing, and those 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 19-01 subject to the following conditions:

1. The addition shall be constructed in substantial conformance to the plans submitted by the petitioners as noted in this IDRC report;
2. The petitioner shall apply for and receive a building permit for the proposed addition;
3. The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report; and

4. 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

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January 7, 2019

Ms. Anna Papke, AICP
Senior Planner
Village of Lombard
255 E Wilson Ave.
Lombard, IL 60148

**RE: Home Addition & Renovation
Mr. & Mrs. John Krage
740 N. Elizabeth
Lombard, IL 60148
Project No. 18051**

Dear Ms. Papke:

The Standards for Variation for the above noted project are as follows:

1. Because of the 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 applied.

The owner wants to build an addition to the back of the house. Currently, the entire existing home is encroaching in the south side yard setback. The existing 10-foot back room will be demolished. The new addition will meet the setback requirements except for 4 feet where the new kitchen will be relocated. Therefore, this will improve the condition in the side yard setback.

2. The conditions upon which an application for 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 home currently is encroaching in the required side yard setback. This is an older neighborhood and the existing homes were built into the side yard setbacks.

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

The owner is to expand his home to meet his current family needs. No financial gain is intended for this variation.



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.

There is no 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 owner wants to continue living in the community.

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.

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.

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

The granting of the variation will not alter the essential character of the neighborhood. Actually, it will improve the character with moving the addition to meet the setback requirements.

7. The proposed variation will not impair an adequate supply of light and air to adjacent properties, substantially increase the congestion in the public streets, or increase danger of fire, or impair natural drainage or create drainage problems on adjacent properties or endanger public safety or substantially diminish or impair property values within the adjacent neighborhood.

The proposed variation will not impair an adequate supply of light and air to adjacent properties, substantially increase the congestion in the public streets, or increase danger of fire, or impair natural drainage or create drainage problems on adjacent properties or endanger public safety or substantially diminish or impair property values within the adjacent neighborhood.

If you have any questions, please do not hesitate to call.

Sincerely,

Stephen E. Flint

Stephen E. Flint, AIA
Principal