

April 25, 2018

Title

ZBA 18-03

Property Owner

Rosann Murtaugh
239 W. Crystal
Lombard, IL 60148

Petitioner

George Madaras
11160 Southwest Hwy
Palos Hills, IL 60465

Property Location

239 W. Crystal Avenue

Zoning

R2 Single Family Residence

Existing Land Use

Single Family Home

Comprehensive Plan

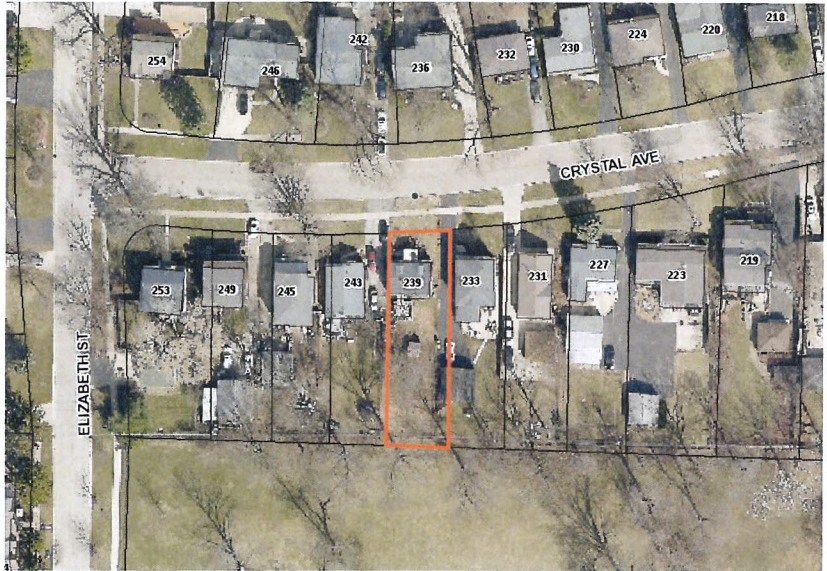
Low Density Residential

Approval Sought

A variation from 155.407(E) to allow a lot width of 45 feet for an existing lot of record where a minimum of 60 feet is required.

Prepared By

Anna Papke, AICP
Senior Planner



LOCATION MAP

PROJECT DESCRIPTION

The subject property is a lot of record in a previously platted subdivision. There was a single-family home on the property that was destroyed in a fire. The property owners intend to rebuild the single-family home.

The lot is 45 feet wide, which does not meet the minimum lot width requirement in the R2 District (60 feet). Section 155.306 of the Zoning Ordinance, Lot sizes – Reconstruction, provides that an existing lot that does not meet minimum lot width or area requirements, but that has been developed with a single-family home that has been demolished with a permit or destroyed to the extent of more than 50 percent of fair market value of the dwelling, may be redeveloped with a single-family dwelling provided the lot meets the following criteria: (a) is a lot of record; and (b) has a lot size and lot width that equals at least 80% of that required by the Zoning Ordinance.

At 45 feet wide, the subject property does not meet the threshold for reconstruction. A variance for lot width is required in order for the property owners to rebuild a single-family home.

PROJECT STATS

Lot Size

Parcel Area: 7,414 SF

Parcel Width: 45 feet

Required and (Proposed) Setbacks

Front (north) 30' (31.5')

Side (west) 9' (9.0')

Side (east) 6' (6.3')

Rear (south) 25' (50.0'+)

Submittals

1. Petition for Public Hearing;
2. Response to Standards for Variation;
3. Plat of survey prepared by Steven R. Granath, dated February 8, 2018; and
4. Proposed site plan prepared by George M. Madaras, Architect, dated April 4, 2018.

APPROVALS REQUIRED

The petitioner requests that the Village take the following actions for the subject property located within the R2 Single-Family Residence District:

1. Grant approval of a variation from Section 155.407(E) of the Zoning Ordinance to allow a lot width of 45 feet for an existing lot of record, where a minimum lot width of 60 feet is required. The relief is requested in order to allow for the reconstruction of a single-family home on the property.

EXISTING CONDITIONS

The property was previously improved with a single-family residence which was destroyed in a fire.

Surrounding Zoning & Land Use Compatibility

	Zoning Districts	Land Use
North	R2	Single Family Home
South	CR	Terrace View Park
East	R2	Single Family Home
West	R2	Single Family Home

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no comments regarding the petition. Additional comments may be forthcoming during permit review.

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) has no comments regarding the petition. The property owner will be required to comply with all stormwater and civil engineering requirements for a teardown during permit review. Additional comments may be forthcoming during permit review.

Public Works:

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

Planning Services Division:

The subject property is a lot of record in Elmore’s North View Subdivision, platted and recorded with DuPage County in 1927 (see Exhibit A). The property was previously developed with a single-family home built in 1949. In November 2017, a fire damaged the property to the extent that more than 50% of the fair market value of the building was lost. The property does not meet the criteria in Section 155.306 of the Zoning Ordinance to allow reconstruction on a lot not meeting minimum lot size requirements. Therefore, the petitioner seeks a variance for lot width in order to rebuild a single-family home.

The petitioner has provided a proposed site plan for the property. The reconstructed home will meet setback and open space requirements for the R2 District. The Zoning Ordinance requires homes without attached garages to be set back a minimum of six feet from one side property line and nine feet from the other side property line in order to accommodate a driveway. The previous home was set back six feet from both side property lines and did not have an attached garage. The rebuilt home will meet the side setback requirement for houses without attached garages with a nine-foot setback on the west side of the home.

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.*

The subject property is a lot of record in a legally established subdivision. The property is one of several on the 200 block of West Crystal Avenue that are less than 60 feet wide, all of which are developed with single-family homes. There is no opportunity for the property owner to widen the lot to meet the 60-foot lot-width requirement. Requiring the petitioner to do so would constitute a hardship.

- 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 petitioner is requesting a variation for lot width for a lot of record that was legally established in 1927. These circumstances apply to a limited number of properties in the Village.

- 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.

- 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.

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

This standard is affirmed. The subject property has existed as a 45-foot wide lot since 1927, and is one of several 45-foot wide lots in the immediate neighborhood. Conditions in the neighborhood will not change as a result of the requested variation.

- 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.

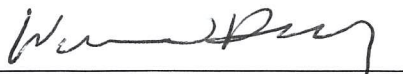
Staff finds that the variation request meets the standards for variation and is supportive of the variation.

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 18-03.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

c. Petitioner

EXHIBIT A – Detail of Elmore's North View Subdivision

