

**VILLAGE OF LOMBARD**  
**INTER-DEPARTMENTAL REVIEW GROUP REPORT**

|       |                                     |               |  |
|-------|-------------------------------------|---------------|--|
| TO:   | Zoning Board of Appeals             | HEARING DATE: | January 24, 2006                       |
| FROM: | Department of Community Development | PREPARED BY:  | Michelle Kulikowski, AICP<br>Planner I |

**TITLE**

**ZBA 07-02; 206 E. Hickory Street:** The petitioner requests a variation to Section 155.415(F)(2) to reduce the corner side yard setback from twenty feet (20') to fifteen feet (15') to allow for the construction of a single family residence in the R2 Single Family Residential District.

**GENERAL INFORMATION**

|                   |   |
|-------------------|---|
| Petitioner/Owner: | Thomas and Julianne Schager<br>206 E. Hickory Road<br>Lombard, IL 60148 |
|-------------------|---|

**PROPERTY INFORMATION**

|                    |                                       |
|--------------------|---------------------------------------|
| Existing Zoning:   | R2 Single Family Residential District |
| Existing Land Use: | Single Family Residence               |
| Size of Property:  | 10,050 square feet                    |

**Surrounding Zoning and Land Use:**

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

## **ANALYSIS**

### **SUBMITTALS**

This report is based on the following documents, which were filed with the Department of Community Development on December 18, 2006.

1. Petition for Public Hearing.
2. Response to the Standards for Variation.
3. Plat of Survey prepared by Professionals Associated Surveying Inc. and dated April 1, 1998.
4. Plat of Subdivision for Hickory Road Homesites recorded June 10, 1924.
5. Plat of Resubdivision for Bretsnyder's Resubdivision recorded July 14, 1971.
6. Report of Soils Investigation prepared by Illinois Drilling and Testing Co. and dated March 17, 2005.
7. Proposed building plans.

### **DESCRIPTION**

The subject property is located at the northeast corner of Martha Street and Hickory Street and is approximately fifty-five feet (55') and one hundred eighty-three feet (183'). The existing residence is setback approximately eight feet (8') from the corner side property line. The petitioners desire a larger home, and were planning to construct an addition to the rear of the existing residence. However, a soils investigation report concluded that the soils present under the existing residence and the area of the proposed addition are unsuitable. The report recommended demolishing the existing residence and constructing a new residence on a caisson foundation. The petitioners are proposing to construct a new residence with a wrap-around front porch setback that would be setback fifteen feet (15') from the corner side property line. The petitioner is requesting a variation to reduce the corner side yard setback from twenty feet (20') to fifteen feet (15').

### **INTER-DEPARTMENTAL REVIEW COMMENTS**

#### **ENGINEERING**

##### **Private Engineering Services**

The Private Engineering Services Division has no comments on the subject petition.

##### **Public Works Engineering**

Public Works Engineering has no comments regarding this request.

## **FIRE AND BUILDING**

The Fire Department/Bureau of Inspectional Services has no comments on this petition.

## **PLANNING**

Staff notes that the subject property is a substandard lot in that it is only fifty-five feet (55') wide where the minimum required lot width in the R2 Single Family Residence district is sixty feet (60'). The subject property was originally platted as an interior lot known as Lot 3 of Hickory Road Homesites. However, Bretsnyders Resubdivision, recorded in 1971, dedicated the rear portion of Lot 3 and a majority of Lot 4 as public right-of-way, and subsequently, Lot 3 became a corner lot.

The existing residence is considered legal non-conforming relative to the corner side yard setback. Staff has generally been supportive of corner side yard variances to construct additions maintaining the existing non-conforming building line. However, the poor soil conditions make it difficult to construct an addition to the existing residence. As such, the petitioners are proposing to construct a new residence on a caisson foundation system.

Staff has previously supported corner side yard variations for new construction (ZBA 05-03 and ZBA 06-06), but in those cases, the lots were fifty feet (50') wide with lot areas of 7,800 square feet and 7,500 square feet. The petitioner's property is 182' deep and 10,000 square feet in area. The property can accommodate a larger house in terms of floor area because the length of the house can accommodate for the narrow width. The hardship in this circumstance is a personal preference for the proposed design.

Furthermore, to be granted a variation the petitioners must show that they have affirmed each of the "Standards for Variation". The following standards have not been affirmed:

1. *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 property does not have any unique physical limitations that limit the owner from meeting the intent of the ordinance. While the poor soil conditions can be considered a hardship, they do not necessarily dictate the placement of the proposed residence. A caisson foundation system would be use regardless of where the house is located on the lot.

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.*

Staff finds that the conditions are not unique to the subject property. Staff notes that there are many corner lots in Lombard that are less than fifty-five feet (55') in width. Furthermore, the

subject property is over 10,000 square feet which exceeds the 7,500 square foot minimum lot size requirement for the R2 District.

3. *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 preference for the proposed design.

4. *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 believes that the granting of the requested relief will set an undesirable precedent.

## FINDINGS AND RECOMMENDATIONS

The Department of Community Development has determined that the information presented **has not affirmed** the Standards for Variations for the requested variation to reduce the corner side yard setback. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make the following motion recommending **denial** of the aforementioned variation:

Based on the submitted petition and the testimony presented, the requested variation to reduce the corner side yard setback **does not 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 included as part of the Inter-departmental Review Report be the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **denial** of ZBA 07-02.

Inter-Departmental Review Group Report Approved By:

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David A. Hulseberg, AICP  
Assistant Village Manager/Director of Community Development

att-  
c:     Petitioner