

SEPTEMBER 28, 2016

Title

ZBA 16-04

Petitioner & Property Owner

Thomas and Kathryn Koleski
211 W. Grove Street
Lombard, IL 60148

Property Location

211 W. Grove Street
(06-07-203-058)

Trustee District: #1

Zoning

R2 Single-Family Residence

Existing Land Use

Single Family Home

Comprehensive Plan

Low Density Residential

Approval Sought

A variation to reduce the required thirty five foot (35') rear yard setback to twenty-one feet (21') for an addition to an existing single family residence.

Prepared By

Tami Urish
Planner I



PROJECT DESCRIPTION

The petitioner is proposing to construct an approximately 336 square foot addition to the existing structure. The addition measures approximately sixteen feet (16') by twenty-one feet (21'). The majority of the proposed project (305 square feet, 91%) encroaches into the rear yard setback.

APPROVALS REQUIRED

Section 155.407 (F)(4) requires a minimum thirty five foot (35') rear yard setback. As such, the existing home is setback approximately 37 feet from the rear property line. The house is not set perfectly square within the property. The proposed addition to the principal structure encroaches into the required setback by fourteen feet (14') reducing the rear yard setback to twenty-one feet (21'). Therefore, a variation is required.

EXISTING CONDITIONS

The property contains an approximately 1,700 square foot two-story frame single family dwelling with an attached garage and associated driveway. The rear yard is directly adjacent to 74 N. Lincoln Avenue, the side yard of a single family home. The neighborhood was created between 1895 and 1927. The subject dwelling was built in 1993 on property that was resubdivided in 1991 from the lot to the east (205 W. Grove Street).

PROJECT STATS

Lot & Bulk (Proposed)

Parcel Size: 10,425 sq. ft.
Building 1,704 sq. ft.
Footprint: (2,040 sq. ft.)
Lot Coverage: 74% (71%)

Reqd. Setbacks & Proposed Dimensions (in parens.)

Front (Grove) 30' (30')
Side (east) 6' (6')
Side (west) 6' (6')
Rear (south) 35' (21')

Submittals

1. Petition for Public Hearing
2. Response to Standards for Variation
3. Plat of Survey, prepared by Gentile and Associated, Inc., dated April 22, 1992.
4. Site Plan, prepared by homeowner on the above plat of survey.
5. A copy of parcel view of the surrounding area.
6. Photographs of the subject property's rear yard.
7. Petition signed by surrounding residents submitted by the petitioner on 9/19/2016.
8. Letter to the ZBA by the petitioner submitted on 9/19/2016.

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

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no comments in relation to ZBA 16-04, 211 W. Grove Street.

Fire Department:

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

Private Engineering Services:

Private Engineering Services (PES) has no issues or concerns regarding the project.

Public Works:

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

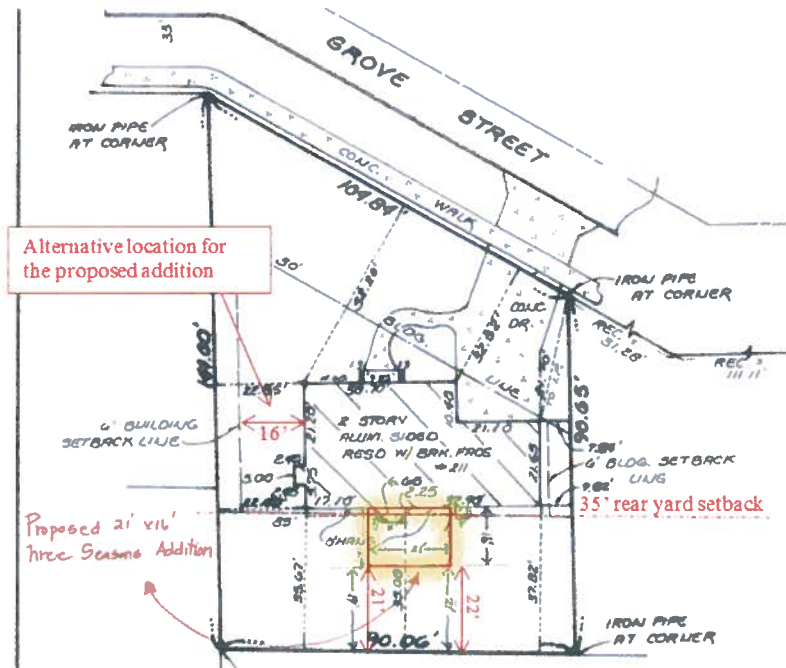
Planning Services Division:

A variation may only be granted if there is a demonstrated hardship that distinguishes the subject property from other properties in the area. To be granted a variation the petitioner must show that they have affirmed each of the "Standards for Variation." The standards have not been affirmed for the rear yard setback variation as follows:

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 unique physical limitations that limit the owner from meeting the intent of the ordinance. The front yard of the subject property can be considered notable in that it follows the angle of Grove Street however this condition was created by the resubdivision of the lot for the construction of the house and has no bearing on the orientation of the rear yard.

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. The total lot size is 10,425 square feet with approximately 3,448 square feet of buildable area. There is adequate space to the west of the existing structure for the proposed addition without encroaching into any required setbacks.



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.*

The 35-foot rear yard setback for R2 properties has been consistently applied throughout the Village. Staff finds that the hardship has not been created by the ordinance. The requested relief is needed due to a personal preference.

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 finds that the granting of the requested relief will set an undesirable precedent.

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

Staff finds that the requested relief would change the visual and aesthetic character of the neighborhood by constructing an addition within the rear yard setback.

6. *The proposed variation will not impair an adequate supply of light and air to adjacent property and substantially 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.*

Staff finds that the requested relief would negatively impact the items noted above.

Staff has identified rear yard setback cases that appeared before the Zoning Board of Appeals based on proximity to the subject property as well as Village-wide cases that have appeared before the ZBA within the past five (5) years. As noted in the below table, rear setback requests have not exceeded more than ten feet (10') of an encroachment with generally a small portion of a total project as opposed to the majority of a proposed project.

CASE NO.	DATE	ADDRESS	SUMMARY	ZBA	BoT
Surrounding Neighborhood History					
ZBA 02-08	5/10/2002	79 N. Lincoln Avenue	30' Rear Yard (new house) [14' Corner Yard denied by BoT]	Approved, 5-0	Partial Approval 6-0 - denied corner side yard
Cases Village-wide 2010 – 2016*					
ZBA 10-13	12/15/2010	320 S. Martha Court	23' Rear Yard	Approved, 5-0	Approved, 6-0
ZBA 13-01	2/7/2013	236 E. Morningside Ave.	15.7' Corner Side Yard & 29.5' Rear Yard	Approved, 4-0	Approved, 6-0
ZBA 14-03	4/23/2014	304 N. Park Avenue	11.9' Corner Side Yard & 25' Rear Yard	Partial approval (not on rear portion)	Approved, 6-0
ZBA 14-06	6/19/2014	505 E. Sunset Ave.	30' Rear Yard	Approved, 6-0	Approved, 6-0
ZBA 15-08	7/17/2015	1057 Daniel Court	25' Rear Yard	Approved, 6-0	Approved, 5-0
ZBA 16-03	7/21/2016	113 Regency Drive	25' Rear yard	Approved, 5-0	Approved, 4-0

*There were thirteen (13) approved rear yard variances from 2005 through 2010. Since 1998, there have been forty-three (43) requests brought before the ZBA for a rear yard variance.


Past precedent as shown above indicates that approval is based on a demonstrated hardship and minimal encroachment within the 35-foot rear yard setback for R2 properties. The purpose of setbacks is to control bulk on property, and provide adequate space for health and safety. Setbacks also preserve the suburban character of the area, help prevent over intensified use and help ensure that lots do not have the appearance of being overbuilt. For these reasons, staff usually does not support setback variations unless a hardship can be shown that pertains to the physical attributes of the property. Without these conditions, a precedent would be set that setbacks are negotiable. Overall, staff finds that the variation for a rear yard setback would have a negative impact on the neighborhood and the Standards for a Variation have not been affirmed. Therefore, staff recommends denial of the petition.

FINDINGS & RECOMMENDATIONS

The Department of Community Development has determined that the information presented **has not affirmed** the Standards for Variations for the requested rear 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 rear yard setback variation:

Based on the submitted petition and the testimony presented, the requested variation to reduce the rear yard setback **does not comply** with the Standards for Variations in 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 Committee Report be the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **denial** of ZBA 16-04.

Inter-Departmental Review Committee Report approved by:


William J. Heniff, AICP
Director of Community Development

c. Petitioner

EXHIBIT A: RESPONSE TO STANDARDS

RESPONSES TO THE STANDARDS OF VARIATIONS OF THE LOMBARD ZONING ORDINANCE

PROPERTY AT 211 W GROVE STREET, LOMBARD, IL

OWNERS – THOMAS AND KATHRYN KOLESKI

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.

We wish to add a three seasons room to our existing home that was built 24 years ago. We believe there is a hardship as there is no other practical location on our property as the front of our home is particularly deep. Compliance with the 35-foot setback qualifies as a hardship as we would not be able to take advantage of the extensive open space the location of our property provides.

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.

We are very fortunate that the southern exposure of our home is such that the backyards of all the properties on the parallel streets (Lincoln and Elizabeth) are homes with lots that are approximately 220 deep. The space is completely open from our location on Grove Street south to St. Charles Road.

3. THE PURPOSE OF THE VARIATION IS NOT BASED PRIMARILY UPON A DESIRE TO INCREASE FINANCIAL GAIN.

The purpose of this request is not to realize a financial gain. Our home was built 24 years ago and we are the original owners. We have a strong desire to improve our property and have saved and planned for this addition. We intend to stay in this home for many years to come.

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.

As previously stated, we intend to stay in our home for many more years. Our dream was always to add a three seasons room to our home. Because our home is set back so far from the street with a smaller backyard our options for this addition are limited.

5. THE GRANTING OF THIS 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.

Granting this variation will allow us to improve our property and add to the value of the neighborhood. Our situation is unique in that our surrounding neighbors will in no way have an obstruction or an impact in regard to space or view of their backyards.

6. THE GRANTING OF THE VARIATION WILL NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD; AND,

We live in an established of single-family homes. The granting of this variation will not in any way alter the essential character of the neighborhood as the essential structure and use (single-family) of the home is not changing.

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.

The variation we are requesting will not cause any impairment of any type to adjacent homes or to any other homes in the neighborhood. This addition/improvement will, if anything, add value to the adjacent homes and to the neighborhood.

EXHIBIT B: PLAT OF SURVEY AND SITE PLAN

Plat of Survey

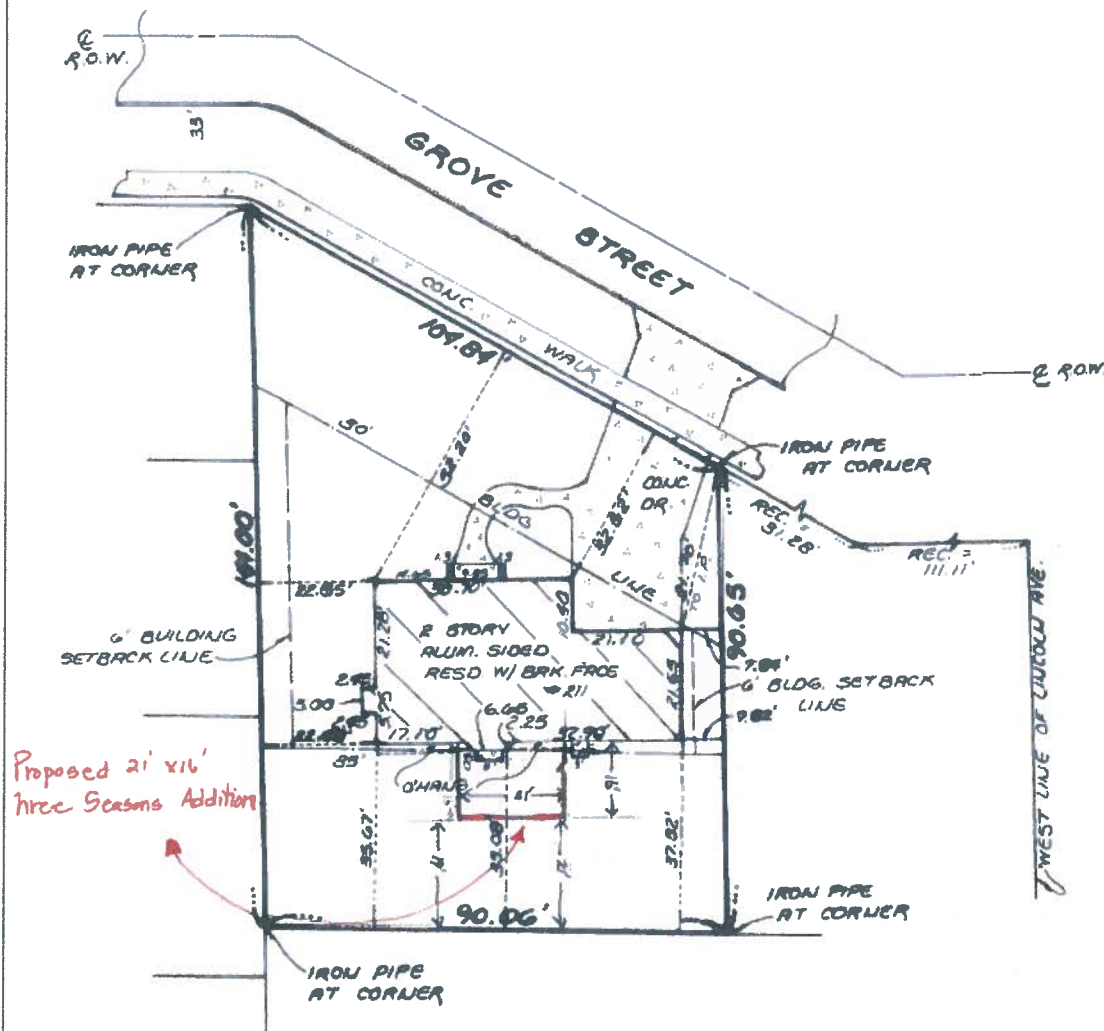
GENTILE and ASSOCIATES, INC.

registered land surveyors

550 E. ST. CHARLES PLACE
LOMBARD, ILLINOIS 60148
PHONE: (708) 916-4262
FAX: (708) 916-4264

LOT 1 IN LAND CONCEPTS RESUBDIVISION OF THE NORTH HALF OF LOT 26,
ALL OF LOT 27 AND LOT 28 (EXCEPT THE STREET), ALL IN WILLIAM H. MAPLE'S
SUBDIVISION OF LOT 1 IN BLOCK 10 OF THE TOWN OF LOMBARD, IN THE NORTHEAST
QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD
PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

PROPERTY COMMONLY KNOWN AS: 211 GROVE ST., LOMBARD, ILLINOIS



Base Scale: 1 inch = 20 feet
Distances are marked in feet and DECIMAL PARTS THEREOF
Ordered by: SUNRISE HOMES INC.
Checked by: VRF
Surveyed by: FM-MB

COMPARE ALL POINTS BEFORE BUILDING BY SAME AND AT
ONCE REPORT ANY DIFFERENCE FOR BUILDING LINES AND
OTHER RESTRICTIONS NOT SHOWN HEREON REFER TO
YOUR ABSTRACT DEED, CONTRACT AND TOWNING ORDINANCE.

SURVEY UPDATED 7-21-92

BY: Frank J. Gentile
I.L.S. NO. 2248

STATE OF ILLINOIS
COUNTY OF DUPAGE S.S.

WE, GENTILE AND ASSOCIATES, INC. HEREBY CERTIFY THAT A SURVEY HAS
BEEN MADE, AT AND UNDER MY DIRECTION, OF THE PROPERTY DESCRIBED
ABOVE, AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION
OF SAID SURVEY.

APRIL 22, 1992

Frank J. Gentile

Request for Zoning Variation for the property at 211 W. Grove Street, Lombard, IL,
owners Thomas and Kathryn Koleski (section 155.407(F)(4))

I/we the undersigned have had an opportunity to see the plans for a proposed addition and improvement to the above property. We understand that since the existing home was constructed over 24 years ago, that the owners need a zoning variation in order to go forward with their plans.

The petitioner requests that the Village approve a variation from Section 155.407(F)(4) of the Lombard Zoning Ordinance to reduce the required rear yard setback from thirty five feet (35') to twenty one feet (21') for the subject property located within the R2 Single-Family Residence Zoning District.

My/our signature below indicates that I/we support the current owner's request for a zoning variation and we encourage the Village of Lombard to grant this variation.

Name	Address	Phone	Lot #
BRIAN REINHEIMER	74 N. LINCOLN AVE	630.361.3347	
Dulce & Jorge Martinez	205 W. GROVE	630-915-4602	
Anna Wilke	93 N. Elizabeth St	847-668-5281	
Lisa Cisneros	89 N ELIZABETH	630-519-3254	
Harry Ojancian	216 W. GROVE ST.	630-137-8932	
Ken M. Hiechi	95 N. Elizabeth St.	630-627-4336	
Joe Boudreau	222 W GROVE	630-424-0655	
Camille Boudreau	222 W. GROVE	630-424-0655	

TO: Zoning Board of Appeals, Village of Lombard

FROM: Thomas and Kathryn Koleski, 211 W Grove St, Lombard

RE: Petition for Variation

Thank you for giving us the opportunity to discuss our request for zoning variation and our plans for a three seasons porch addition to our home on Grove Street.

We believe we have addressed all the appropriate questions as provided to us by the village, and we believe that we have provided ample additional information (see attachments) to support our request. In addition, we have given our closest neighbors an opportunity to see the plans for the proposed addition and improvement to our property, and have gathered their signatures in support of this project.

Our home was built 24 years ago and with our growing family we find we are in need of more living space. We love our home and neighborhood and have every intention of staying here for many years to come.

We believe that our situation is unique in the fact that this addition will in no way "change the visual and aesthetic character of the neighborhood by drastically reducing the amount of open space between structures," and that there would be no impairment of adjacent properties and no negative impact of any kind. We believe that the variation has created hardship, and that granting the variation will enhance the value of neighboring properties and further contribute to the suburban character of the neighborhood.

Thank you for your time.