

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Lombard Plan Commission HEARING DATE: February 15, 2010
FROM: Department of PREPARED BY: Jennifer Henaghan, AICP
 Community Development Senior Planner

TITLE

PC 10-02; 1010 E. North Broadway: The petitioner requests the following actions on the property located within the R2 Single-Family Residence District:

1. Approval of a Comprehensive Plan amendment from Low-Density Residential to Medium-Density Residential;
2. Approval of a map amendment (rezoning) from the R2 Single Family Residence District to the R4 Limited General Residence District;
3. A variation from Section 155.409(F)(4)(c) to reduce the required minimum interior side yard from 15 feet to 9 feet;
4. A variation from Section 155.409(I) to reduce the required minimum transitional building setback from 50 feet to 9 feet; and
5. Variations from Section 155.409(J) and Section 155.707 to eliminate the required 30-foot transitional landscape yard and associated landscaping.

GENERAL INFORMATION

Petitioner/Property Owner: Peter & Gina Rukower
4501 Black Partridge Lane
Lisle, IL 60532

PROPERTY INFORMATION

Existing Zoning: R2 Single-Family Residence District
Existing Land Use: Nonconforming three-flat dwelling
Size of Property: Approximately 8,925 Square Feet
Comprehensive Plan: Recommends Low-Density Residential

Surrounding Zoning and Land Use:

North: R4 Limited General Residence District; developed as two apartment buildings

South: R2 Single-Family Residence District; developed as the Illinois Prairie Path

East: R2 Single-Family Residence District; developed as single-family residences

West: B2 General Neighborhood Shopping District; developed as Westmore Liquors and a single-family residence

ANALYSIS

SUBMITTALS

This report is based on the following documents:

1. Petition for Public Hearing.
2. Plat of Survey, prepared by Professional Land Surveying, dated January 3, 2010.
3. Response to Standards for Map Amendments and Variations.

DESCRIPTION

The subject property is a nonconforming residential three-flat that was built in 1972-1973. At that time, the property was zoned R2 Single Family. However, building permit records indicate that a court order was issued to permit the construction of a two-family residence. At some point following construction, likely during the 1980s, the basement of the building was built-out into a third dwelling unit. No building permit applications were ever submitted in conjunction with this work. The third dwelling unit was discovered by the Village in January 2010 when the current owners applied for an electrical permit.

The third unit is not permitted by the underlying zoning (which permits detached single-family residences only) or the court order (which permits a two-flat). Therefore, in order to achieve compliance with Village Code, the third unit would need to be removed or zoning relief would need to be granted to address the nonconforming use and bulk nonconformities.

INTER-DEPARTMENTAL REVIEW COMMENTS

PRIVATE ENGINEERING SERVICES DIVISION

The change in zoning will trigger the need for stormwater detention for any future site improvements.

BUILDING DIVISION

There is one set of requirements if the rezoning is approved and two options if the rezoning is not approved. Both of these scenarios have been reviewed with the petitioner.

If the rezoning is approved, the building owner will need to:

1. Apply for a permit for the basement apartment that was built without benefit of a permit. This will require three sets of plans by a licensed architect. The plans will need to include details of all of the work performed such as plumbing, electric, HVAC, and framing.
2. Some areas of drywall will need to be opened up for inspection of the electric, plumbing, HVAC, and framing.
3. Following approval of all plans and inspections, a certificate of occupancy will need to be applied for and all fees paid for to obtain the certificate of occupancy.

If the rezoning is not approved the building owner will have two options:

1. Remove all construction related to the basement apartment that was built without benefit of a permit, or
2. Submit plans and a permit application to connect the basement apartment and the first floor apartment. This would involve installing an additional interior set of stairs to connect the two apartments without any locks between the two floors. This would be similar to a house with two floors. All of the same requirements would apply such as hiring an architect to draw plans, opening up drywall for inspection, and passing all inspections.

PUBLIC WORKS

The Engineering Division and Utilities Division of the Public Works Department have no comments at this time.

FIRE

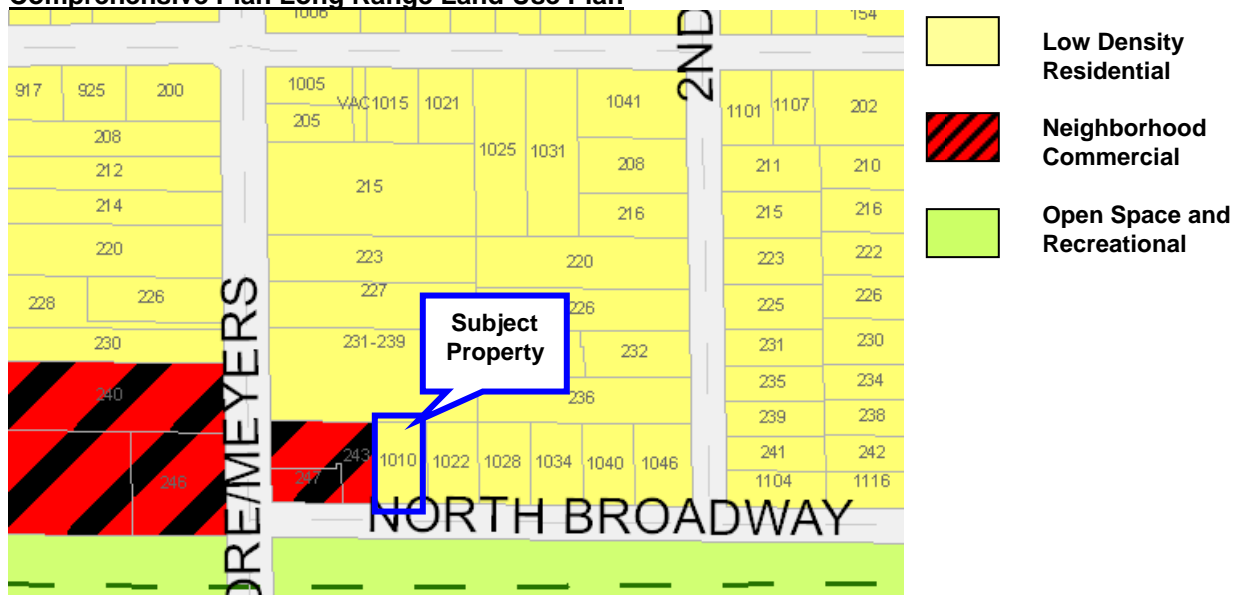
The Fire Department has no comments.

PLANNING

Compliance with the Comprehensive Plan

The Comprehensive Plan recommends Low-Density Residential uses at this location. Low density is defined within the Comprehensive Plan as a net density of six or fewer dwelling units per acre. The proposed three-flat use would have a net density of 14.6 units per acre, placing it into the Medium-Density Residential category. (The court-ordered two-family use has a net density of 9.8 units per acre, placing it in the Low-Medium Density category.)

Comprehensive Plan Long Range Land Use Plan



The plan states that “medium-density residential environments are appropriate within or near high activity centers including commercial and business areas.” With the exception of the two Neighborhood Commercial properties at the corner of Westmore/Meyers Road and North Broadway, the entirety of the block on which the subject property is located is recommended for Low-Density Residential uses. The proposed use and proposed relief are therefore inconsistent with the recommendations of the Comprehensive Plan.

In addition, the Comprehensive Plan states that because the Land-Use Plan Map culminates many policies, recommendations and programs of the Village, any amendment shall be based upon findings that each of the following criteria are met.

1. *The proposed change is consistent with the Goals, Objectives and Policies and the overall Comprehensive Plan.*

The proposed change is clearly at odds with the Comprehensive Plan recommendation for the neighborhood of Low-Density Residential uses as it would result in a single property being recommended for Medium-Density Residential uses. Furthermore, the proposed plan does not

meet the objectives outlined in Part II, Section C, *Housing and Residential Land Use*, outlined in the Comprehensive Plan. Specifically staff finds that it does not meet the following objectives:

1. Protect residential areas from encroachment by land uses which are incompatible or which may create adverse impacts.
 2. Continue to emphasize the low-density character of Lombard.
 3. Encourage new development and infill development which is complementary with the scale and character of surrounding residential uses.
2. *The proposed amendment does not affect the adequacy of existing or planned facilities and services of the Village or planning area generally.*

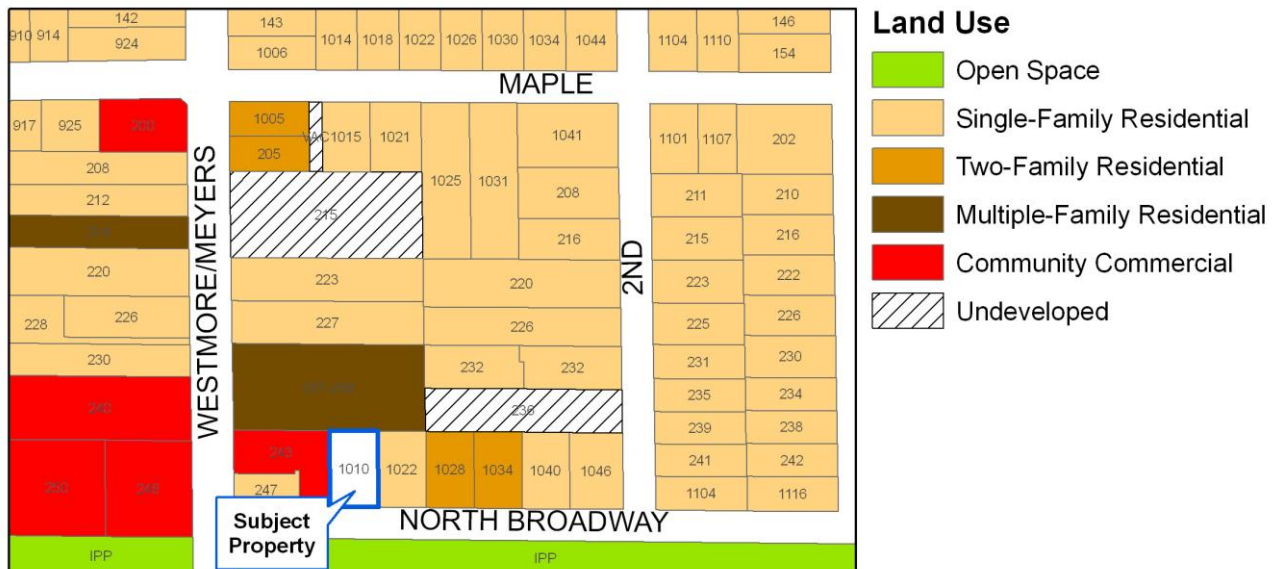
The proposed change does not significantly impact the above.

3. *The proposed change results in reasonably compatible land-use relationships.*

The proposed Medium-Density Residential area would not be near a high activity center (as called for in the Comprehensive Plan) and would instead be located upon a local street with single-family and two-family land uses.

Compatibility with Surrounding Land Uses

Of the 27 properties on this block, only one property (fronting on Westmore/Meyers Road immediately north of the subject property) appears to be used legally for multiple-family residences. There is one commercial use (Westmore Liquors) and the remaining 25 properties appear to be either single-family residences, two-family residences, or undeveloped. Along North Broadway there are zero properties zoned for multiple-family uses. The proposed use is therefore incompatible with the surrounding land uses.



Compliance with the Zoning Ordinance

Although the conversion of the subject property into a multiple-family dwelling was not done by the petitioners, the consideration of this petition must be based upon the standards set forth within the Zoning Ordinance. The proposed Comprehensive Plan amendment, map amendment, and associated variations are inconsistent with previous Village actions. They would also set a precedent for allowing additional single-family properties in the neighborhood to be converted to multiple-family uses, thereby altering the essential character of the neighborhood.

The R4 District is significantly different from the R2 District in that it has specific setback regulations for each permitted land use. While the subject building was built under the more permissive R2 regulations, the change of zoning and change of use to the R4 District kick in the need for greater side yard setbacks, additional transitional building setbacks, and transitional landscape yards (see table below, with nonconformities highlighted). These provisions are in place to ensure that there is adequate separation between single-family and denser, multiple-family uses. Allowing a high-density use to be located in such close proximity to single-family would be a significant departure from the desired separation of uses that is set forth within the Zoning Ordinance.

	Existing Conditions	R2 Regulations	R4 Regulations
Maximum number of dwelling units (8,925 sq. ft. lot)	3	1	3
Minimum Front Yard Setback	30 feet	30 feet	30 feet
Minimum Interior Side Yard Setback	38 feet (west) 9 feet (east)	9 feet (west) 6 feet (east)	15 feet (west) 15 feet (east)
Minimum Rear Yard Setback	35 feet	35 feet	30 feet
Maximum Building Height	2 stories	2 stories or 30 feet	3 stories or 36 feet
Minimum Open Space	46%	50%	40% (for multiple-family dwellings)
Transitional Building Setback	9 feet	n/a	50 feet
Transitional Landscape Yard	9 feet	n/a	30 feet

Standards for Map Amendments

The regulations of the Zoning Ordinance shall not be amended unless findings based on the evidence presented are made in each specific case that affirm each of the following standards. Where a map amendment is proposed, the Plan Commission shall make findings based upon the evidence presented to it in each specific case with respect to, but not limited to, the following matters:

- 1) *Compatibility with existing uses of property within the general area of the property in question.*

Staff finds that although there is an abutting property with multiple-family uses, the predominant land use on the block is single-family with some two-family. The proposed multiple-family use is incompatible with the general area.

2) *Compatibility with the zoning classification of property within the general area of the property in question.*

Staff finds that the subject property abuts a property to the north that is zoned R4 and fronts directly on Westmore-Meyers Road. There is a clear demarcation between the multiple-family zoned area on Westmore-Meyers Road and the single-family neighborhood along North Broadway.

3) *The suitability of the property in question to the uses permitted under the existing zoning classification.*

Staff finds that, as currently zoned (R2 Single Family), the property meets all setback requirements for a single-family residence. It has approximately 46 percent open space, which is slightly below the minimum required 50 percent.

5) *The compatibility of the surrounding property with the permitted uses listed in the proposed zoning classification.*

Staff finds that the remaining properties along North Broadway are of the same size of the subject property. They are suitable for single-family uses, but none are large enough to accommodate the transitional yards and setback requirements for multiple-family uses.

6) *The objectives of the current Comprehensive Plan for the Village of Lombard and the impact of the proposed amendment on the said objectives.*

Staff finds that, as detailed previously, the proposed rezoning is inconsistent with the recommendations of the Comprehensive Plan.

7) *The suitability of the property in question for permitted uses listed in the proposed zoning classification.*

Staff finds that the property is not sufficiently large to accommodate the required 50-foot transitional building setbacks and 30-foot transitional landscape yard. These provisions are in place to ensure that there is adequate separation between single-family and multiple-family uses. Waiving or reducing these requirements places an undue burden upon the neighboring single-family property.

Standards for Variations

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

(a) 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.

Staff finds that the subject property is not physically unique or substantially different from its neighboring properties. The stated hardship is of a financial nature.

(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.

Staff finds that the subject property is not physically unique or substantially different from the neighboring properties. The petitioner has created the need for the variation for their own financial gain.

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

Staff finds that the relief necessary to accommodate a third rental unit is primarily related to financial gain.

(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 the reduction of required setbacks and landscaping improvements would set a precedent to allow further zoning relief on neighboring properties, creating a denser environment than that allowed by the underlying zoning or recommended by the Comprehensive Plan.

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

Staff finds that the reduction of required setbacks and landscaping improvements would set a precedent to allow further zoning relief on neighboring properties, creating a denser environment than that allowed by the underlying zoning or recommended by the Comprehensive Plan.

FINDINGS AND RECOMMENDATIONS

The Department of Community Development finds that the information presented **does not** meet the Standards for Map Amendment and Standards for Variations as set forth in the Zoning Ordinance. In addition, staff finds that the petition does not meet the criteria for a Comprehensive Plan Amendment as set forth in the Comprehensive Plan. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending **denial** of this petition:

Plan Commission
Re: PC 10-02
Page 9

Based on the submitted petition and the testimony presented, the proposal **does not comply** with the standards required by the Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission find that the findings included as part of the Inter-departmental Review Report be the findings of the Plan Commission and therefore, I recommend to the Corporate Authorities **denial** of PC 10-02.

Report Approved By:

William J. Heniff, AICP
Director of Community Development

JBH:
att-

c. Petitioner

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