

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

Resolution or Ordinance (Blue) X *Waiver of First Requested*
 X Recommendations of Boards, Commissions & Committees (Green)
Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES
FROM: William T. Lichter, Village Manager
DATE: April 24, 2007 (BOT) Date: May 3, 2007
TITLE: PC 07-14: 422 E. Washington Blvd.
SUBMITTED BY: Department of Community Development *Walt*

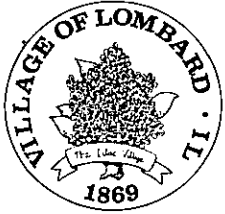
BACKGROUND/POLICY IMPLICATIONS:
Your Plan Commission transmits for your consideration its recommendation relative to the above-mentioned petition. This petition requests a Minor Plat of Resubdivision to include a variation from the Zoning Ordinance to reduce the minimum lot width in an R2 Single-Family Residence District from sixty feet (60') to forty four feet (44'). (DISTRICT #5)
The Plan Commission recommended approval of this petition with one condition.
The petitioner is requesting a waiver of first reading.

Fiscal Impact/Funding Source:

Review (as necessary):


Village Attorney X Date _____
Finance Director X Date _____
Village Manager X *David S. Affolter* Date 4/25/07

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



MEMORANDUM

TO: William T. Lichter, Village Manager

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

DATE: May 3, 2007

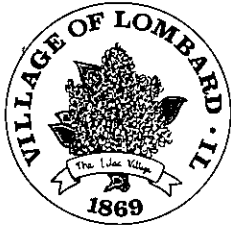
SUBJECT: PC 07-14 422 E. Washington Ave.

Attached please find the following items for Village Board consideration as part of the May 3, 2007 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 07-14;
3. An Ordinance granting approval of a variation from the lot width requirements of the R2 Zoning District for an existing lot;
4. Plans associated with the petitioner's request.

The petitioner is requesting a waiver of first reading.

Please contact me if you have any questions regarding the aforementioned materials.



VILLAGE OF LOMBARD

255 E. Wilson Avenue
Lombard, IL 60148-3926
(630) 620-5700 FAX: (630) 620-8222
TDD: (630) 620-5812
www.villageoflombard.org

Village President
William J. Mueller

Village Clerk
Brigitte O'Brien

Trustees
Greg Alan Gron, Dist. 1
Richard J. Tross, Dist. 2
John "Jack" T. O'Brien, Dist. 3
Steven D. Sebby, Dist. 4
Kenneth M. Florey, Dist. 5
Rick Soderstrom, Dist. 6

Village Manager
William T. Lichter

May 3, 2007

Mr. William J. Mueller,
Village President, and
Board of Trustees
Village of Lombard

Subject: PC 07-14 422 E. Washington Blvd.

Dear President and Trustees:

Your Plan Commission submits for your consideration its recommendation on the above referenced petition. The petitioner requests a Minor Plat of Resubdivision to include a variation from the Zoning Ordinance to reduce the minimum lot width in an R2 Single-Family Residence District from sixty feet (60') to forty four feet (44').

The Plan Commission conducted a public hearing on April 16, 2007. The petitioner, Thomas Breen, 619 S. Addison Rd., Addison, IL, attorney for the prospective property owner, stated the request. Mr. Breen stated that the variation only pertains to lot width. He noted that the only change that would occur is that the owner would have the legal right to rebuild a new residence on the property if the existing residence was damaged or destroyed. The existing residence was constructed in the 1920s on the lot. He stated that as of right now, there is no intent to redevelop the property. His client only seeks approval of the relief so that he can purchase the property and be a resident of the Village. Mr. Breen then reviewed and concurred with staff's findings and noted how the petitioner meets the standards for variations as noted in the staff report. He stated that additional land abutting the lot cannot be acquired by the petitioner as it would create the need for zoning relief on the adjacent lots. Based on these facts, he requested the Plan Commission's favorable recommendation to the Board of Trustees.

Chairperson Ryan asked if there was anyone who wished to speak either for or against the petition.

Paul Wisner, 445 E. Washington, asked if the house and property are going to be kept as is. Mr. Breen stated that the property owner has no intent to redevelop the property but without the variation he would not have the legal right to rebuild. He also noted that the property owner is not developer, just a homeowner.

"Our shared *Vision* for Lombard is a community of excellence exemplified by its government working together with residents and business to create a distinctive sense of spirit and an outstanding quality of life."

"The *Mission* of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."

Chairperson Ryan then requested the staff report. Mr. Heniff then presented the staff report which was submitted to the public record in its entirety. He stated that the main reason for the variation is to provide relief if in the event of a catastrophe whereas the property were to be destroyed more than 50 percent, they could legally rebuild. Staff recommends approval subject to the one condition.

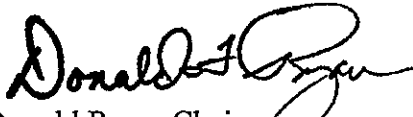
Chairperson Ryan then opened the meeting for discussion among the Plan Commission members. Commissioner Burke stated that while it is the petitioner's intent to have this variance approved so he can rebuild, we are enabling the petitioner to redevelop the property. Mr. Heniff stated that if approved, they can demolish their house and build a new one if they so desired. The zoning relief would grant the petitioner the same property rights provided to most other residential property owners. He noted that a new structure would still have to meet the setback requirements, even with the reduced lot width. Commissioner Burke stated that he is concerned about it being redeveloped because those structures on a 44 foot wide lot does not fit within the neighborhood. Mr. Heniff mentioned that without the relief, if the property were to be damaged or destroyed, it would have to be left as a vacant lot. Mr. Breen mentioned that there are other lots in the area that are substandard.

After due consideration of the petition and the testimony presented, the Plan Commission found that the requested relief does comply with the standards of the Lombard Zoning Ordinance. Therefore, the Plan Commission, by a roll call vote of 5 to 0, recommended to the Corporate Authorities, approval of PC 07-14, subject to the following condition:

1. The variation to the minimum lot width requirements is granted based upon the submitted plat of resubdivision of the subject property, prepared by Gentile & Associates, dated March 9, 2007 and submitted as part of this request.

Respectfully,

VILLAGE OF LOMBARD



Donald Ryan, Chairperson
Lombard Plan Commission

att-

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Lombard Plan Commission HEARING DATE: April 16, 2007

FROM: Department of PREPARED BY: Michael S. Toth
Community Development Associate Planner

TITLE

PC 07-14; 422 E. Washington Blvd.: The petitioner requests a Minor Plat of Resubdivision to include a variation from the Zoning Ordinance to reduce the minimum lot width in an R2 Single-Family Residence District from sixty feet (60') to forty four feet (44').

GENERAL INFORMATION

Petitioner/Owner: David Dombrowski
220 Birch Court
Wheaton, IL 60187

PROPERTY INFORMATION

Existing Zoning: R2 Single Family Residence District

Existing Land Use: Single Family Residence

Size of Property: Approximately 11,391 square feet

Comprehensive Plan: Low Density Residential

Surrounding Zoning and Land Use:

North: R2 Single-Family Residence District, developed as a Single Family Residence

South: R2 Single Family Residence District, developed as a Single Family Residence

East: R2 Single Family Residence District, developed as a Single Family Residence

West: R2 Single Family Residence District, developed as a Single Family Residence

ANALYSIS

SUBMITTALS

This report is based on the following documentation:

1. Petition for Public Hearing.
2. Application for Minor Plat of Consolidation.
3. Minor Plat of Consolidation, prepared by Gentile & Associates, dated March 9, 2007.
4. Plat of Survey, prepared by Gentile & Associates, dated March 9, 2007.
5. Response to the Standards for Variations.

DESCRIPTION

The current property is currently improved with a single family residence. However, the subject property is legally nonconforming with respect to lot width. The petitioner is requesting a variation from the Zoning Ordinance to reduce the minimum lot width from 60 feet to forty four feet (44'). This relief would allow the property owner to rebuild the existing home in the event of a catastrophe. At this point in time, the petitioner does not propose to construct any additional improvements on the property.

INTER-DEPARTMENTAL REVIEW COMMENTS

PRIVATE ENGINEERING SERVICES

As this is an existing condition, the PES Division has no comments on the petition.

PUBLIC WORKS

The Public Works Department has reviewed the lot width variation request and does not have any comments on the petition.

FIRE AND BUILDING

The required six foot side yard setbacks needs to be maintained in order to allow for any emergency equipment/personnel to have access to the rear of the property.

PLANNING

Compliance with the Zoning Ordinance

Section 155.406(E) of the Zoning Ordinance requires a minimum lot width of sixty feet (60') in the R2 Single-Family Residence District. The subject property has a lot width of forty four feet (44'), which is 73% of the required lot width. The Zoning Ordinance permits development or reconstruction on lots in the R2 District that meet 80% of the required lot width, or a minimum of 48 feet. The intent of this rule is to provide a higher level of review for nonconforming lots that existed before the 60-foot minimum lot width requirement. Without the requested relief, the property owner would not be able to rebuild the current home in the event it were destroyed or damaged more than 50% of its value.

While the subject lot does not meet the minimum lot width requirement, it exceeds the amount of lot area required by Code. Lots in the R2 zoning district are required 7,500 square feet in area. The subject property is 11,391 square feet, which exceeds the required minimum lot area by 3,891 square feet. As the lot is currently situated, there are no other conformity issues pertaining to the Zoning Ordinance.

Staff finds that the variation request to reduce the minimum lot width to forty four feet (44') meets the Standards for Variations. As the petitioner's residence was constructed on this lot in 1924, granting the variation would not further increase the degree of nonconformity. There are unique physical limitations on the property in that, due to the width of the subject property and surrounding lots, there is no practical way for the petitioner to meet the requirements of the Zoning Ordinance. The lot immediately west of the petitioner's property is sixty feet (60') wide, so there would be no way for the lot to be brought into conformance by purchasing land from the west because that would only create another variation. The property to the east is eighty eight feet (88') in width. However the property has already been developed on the western portion, so there would be an inadequate amount of land to sell to the petitioner to increase the width of the subject property.

The requested relief is not needed due to the actions of anyone presently having an interest in the property. Granting the request would neither be injurious to neighboring properties, nor would it change the visual and aesthetic character of the neighborhood. Staff also notes that there are several lots in the area that are less than 60 feet in width and less than 7,500 square feet in area. As such, staff is therefore supportive of the lot width variation request.

Staff also notes that the relief only pertains to the lot width of the property itself. Any future development would be required to meet all of the underlying R2 regulations, including side yard setbacks and lot area coverage.

Compatibility with the Comprehensive Plan

The Comprehensive Plan recommends Low Density Residential, a residential area with a net density of six or fewer dwelling units per acre and consisting primarily of single family detached dwellings. As the site is already improved with a single family residence, the development is compatible with the Comprehensive Plan.

Compatibility with Surrounding Land Uses

The proposed use is compatible with the surrounding land uses. Properties to the north, east, south, and west are zoned R2 Single Family Residential. The property is bordered on all sides by single family residential homes.

Compliance with the Subdivision and Development Ordinance

The petitioner has submitted a minor plat of resubdivision for the subject property that would make the property a single lot of record. If the lot width relief is granted, the request would meet the requirements of the Subdivision and Development Ordinance.

FINDINGS AND RECOMMENDATIONS

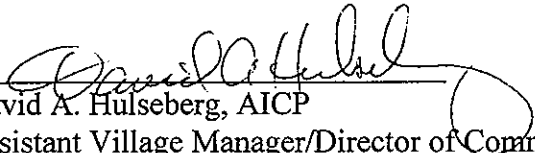
Staff believes that justification has been given for granting of the variation from the Zoning Ordinance to reduce the minimum lot width in an R2 Single-Family Residence District from sixty feet (60') to forty four feet (44') and that the petition meets the standards for variations. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending approval of this petition:

Based on the submitted petition and the testimony presented, the proposal does comply with the standards required by the Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission accept the findings of the Inter-departmental Review Report as the findings of the Plan Commission, and recommend to the Corporate Authorities **approval** of the PC 07-14, subject to the following condition:

1. The variation to the minimum lot width requirements is granted based upon the submitted plat of resubdivision of the subject property, prepared by Gentile & Associates, dated March 9, 2007 and submitted as part of this request.

Plan Commission
Re: PC 07-14
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Inter-Departmental Review Group Report Approved By:



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

DAH:MT
att
c. Petitioner

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EDGEWOOD AV

FAIRFIELD AV

GRACE ST

LOMBARD AV

WASHINGTON BLVD

WASHINGTON BLVD

WASHINGTON BLVD

WASHINGTON BLVD

WASHINGTON BLVD

GRACE ST

LOMBARD AV



1 in. = 200.0 feet

422 E WASHINGTON BLVD

STANDARDS FOR VARIATION

1. Because of the particular physical surrounding, 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.

ANSWER: The existing house was constructed on or about 1924 on a parcel of property with a width of 44 feet or was divided subsequent thereto by prior owners. This was prior to the enactment of the Village of Lombard's current zoning codes. In the event the variation is not granted the residence in the event of a loss of 50% or more could not be rebuilt without a variation being granted.

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.

ANSWER: The current structure has existed since about 1924.

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

ANSWER: The purpose of Petitioners request is to allow the lot to be a legal lot of record.

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.

ANSWER: The hardship was created when the residence was constructed in 1924 on a 44 ft. wide parcel.

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.

ANSWER: The existing structure has existed since 1924 and therefore the granting of this variation will have no effect upon the surrounding properties.

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

ANSWER: As the existing structure has existed since on or about 1924 the granting of the variation will not alter the character of the neighborhood.

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.

ANSWER: The proposed variation will allow the existing structure to remain and be rebuilt in the event of a 50% or greater loss and therefore it 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.

THOMAS M. BREEN

Attorney at Law

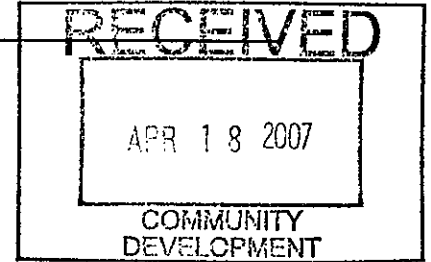
619 South Addison Road
Addison, Illinois 60101

Phone Number (630)834-4890

Fax Number (630)834-4966

Thomasmbreen@sbcglobal.net

April 17, 2007



Village of Lombard
Attention: William Heniff
255 E. Wilson Avenue
Lombard, IL 60148

RE: PC 07-14

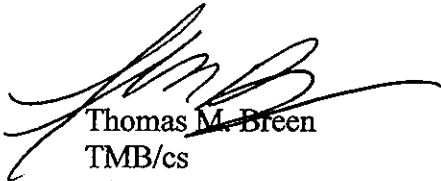
Dear Mr. Heniff:

As you are aware I represent David Dombrowski, the Petitioner and Contract Purchaser of the property commonly known as 422 E. Washington Blvd., Lombard, Illinois. Pursuant thereto, and on behalf of my client, David Dombrowski, (Purchaser) I am requesting to have First and Final Reading on May 3, 2007.

As I explained to you, the original contract provided for a March 9, 2007 closing when the Legal Non-Conforming Use problem was discovered. As a result both the Seller and Purchaser are incurring substantial costs and expenses and therefore both would appreciate the assistance of the Board of Trustees in approving this matter and hearing First and Final Reading on May 3, 2007.

I again on behalf of my client thank you and the Village of Lombard for your assistance in this matter.

Sincerely,



Thomas M. Breen
TMB/cs
Via: Fax & Regular Mail

ORDINANCE NO. _____

**AN ORDINANCE APPROVING A VARIATION
OF THE LOMBARD ZONING ORDINANCE
TITLE 15, CHAPTER 155 OF THE CODE OF LOMBARD, ILLINOIS**

(PC 07-14: 422 E. Washington)

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois; and,

WHEREAS, the subject property is zoned R2 Single-Family Residence District; and,

WHEREAS, an application has been filed with the Village of Lombard requesting a variation from Title 15, Chapter 155, Section 155.406.E of said Zoning Ordinance, to reduce the minimum lot width in an R2 Single-Family Residence District from sixty feet (60') to forty four feet (44').

WHEREAS, a public hearing has been conducted by the Plan Commission on April 16, 2007 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has forwarded its findings and recommendations to the Board of Trustees with a recommendation of approval of the requested variation; and,

WHEREAS, the President and Board of Trustees does concur with the findings of the Plan Commission; and

WHEREAS, the President and Board of Trustees have determined that it is in the best interest of the Village of Lombard to approve the requested variation subject to conditions.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That a variation is hereby granted from the provisions of Title 15, Chapter 155, Section 155.406.E of the Lombard Zoning Ordinance for the property described in Section 2 below, so as reduce the minimum lot width in an R2 Single-Family Residence District from sixty feet (60') to forty four feet (44').

SECTION 2: This ordinance is limited and restricted to the property generally located at 422 E. Washington, Lombard, Illinois, and legally described as follows:

THE WEST 44 FEET OF LOT 13 IN BLOCK 18 IN RESUBDIVISION OF PART OF LOMBARD HIGHLANDS, BEING A SUBDIVISION IN THE EAST ½ OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID RESUBDIVISION RECORDED FEBRUARY 15, 1921 AS DOCUMENT 146503, IN DUPAGE COUNTY, ILLINOIS. CONTAINING 11,392.82 SQ. FT. (0.26 ACRES)

Parcel Number: 06-08-401-044

SECTION 3: This ordinance shall be granted subject to compliance with the following condition:

1. The variation to the minimum lot width requirements is granted based upon the submitted plat of resubdivision of the subject property, prepared by Gentile & Associates, dated March 9, 2007 and submitted as part of this request.

SECTION 4: This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this _____ day of _____, 2007.

First reading waived by action of the Board of Trustees this ____ day of _____, 2007.

Passed on second reading this _____ day of _____, 2007.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2007.

William J. Mueller, Village President

Ordinance No. _____
Re: PC 07-14
Page 3

ATTEST:

Brigitte O'Brien, Village Clerk

Published by me this _____ day of _____, 2007

Brigitte O'Brien, Village Clerk