

APRIL 23, 2014

Title

ZBA 14-03

Petitioner & Property Owner

James Devries
304 N. Park Avenue
Lombard, IL 60148

Property Location

304 N. Park Avenue
(06-06-416-029)

Zoning

R2 Single Family Residence
(E.W. Zander's Broadview
Addition Subdivision)

Existing Land Use

Single Family Home

Comprehensive Plan

Low Density Residential

Approval Sought

A variation to reduce the required twenty foot (20') corner side yard setback to eleven and nine-tenths feet (11.9') and a variation to reduce the required thirty-five foot (35') rear yard setback to twenty-five feet (25').

Prepared By

Matt Panfil, AICP
Senior Planner



LOCATION MAP

PROJECT DESCRIPTION

The petitioner is proposing to construct an approximately 1,200 square foot one and one-half (1½) story addition to the existing structure. The addition will provide a new master bedroom, attic storage, and a three (3) car attached garage. A new screened porch area will also be added to the front of the house.

APPROVALS REQUIRED

Section 155.407 (F)(2) requires a minimum twenty-foot (20') corner side yard setback. As such, the existing home is a non-conforming structure due to its eleven and nine-tenths foot (11.9') corner side yard setback. Even though the proposed addition will not increase said corner side yard encroached, a variation is required.

A second variation is required because Section 155.407 (F)(4) requires a minimum thirty-five foot (35') rear yard setback, but only a twenty-five foot (25') rear yard setback is proposed.

EXISTING CONDITIONS

The property contains an approximately 1,238 square foot one-story frame single family residence with an approximately 280 square foot detached garage and associated driveway. The home was constructed with only an eleven and nine-tenth foot (11.9') corner side yard setback and is therefore a legal non-

PROJECT STATS

Lot & Bulk (Proposed)

Parcel Size: 7,500 sq. ft.
Building Size: 2,438 sq. ft.
Lot Coverage: 43%

Setbacks

Front (east) 44.95'
Side (north) 7.10'
Corner Side (south) 11.90'
Rear (east) 25.00'

Submittals

1. Petition for Public Hearing
2. Response to Standards for Variation
3. Site Plan, prepared by T.R. Knapp Architects, dated March 18, 2014 and submitted March 19, 2014.
4. Existing Elevation Photos, prepared by T.R. Knapp Architects, dated March 18, 2014 and submitted March 19, 2014
5. Floor Plans, prepared by T.R. Knapp Architects, dated March 18, 2014 and submitted March 19, 2014.
6. Proposed Elevations, prepared by T.R. Knapp Architects, dated March 18, 2014 and submitted March 19, 2014.
7. Plat of Survey, prepared by ARS Surveying Services, LLC, dated September 28, 2006.

conforming structure. Similarly, the existing garage is a non-conforming structure because it is located within the corner side yard setback, clear line of sight area, and is also not compliant with the Zoning Ordinance restrictions pertaining to accessory structures on reversed corner lots (i.e. the detached garage should be setback from the rear property line the same distance as the front yard setback of the house to the north).

The property is located at the northwest corner of Park Avenue and Greenfield Avenue. The front property line is along Greenfield Avenue and the corner side yard is along Park Avenue. Also, this property is a reverse corner lot. As seen below, the surrounding neighborhood is single family homes.

Surrounding Zoning & Land Use Compatibility

	Zoning Districts	Land Use
North	R2	Single Family Home
South	R2 / Greenfield Ave.	Single Family Home
East	R2 / Park Ave.	Single Family Home
West	R2	Single Family Home

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has the following comments regarding the project:

1. The Site Plan has an error which denotes the dimension of thirty-five feet (35') from the proposed garage to the property line at the rear of the garage. Instead, the dimension should be marked as twenty-five feet (25');
2. The correct applicable codes should be shown on the plan (2012 IRC should be 2009 IRC, 2014 IECC should be 2012 IECC, etc.); and
3. The approximately fifteen foot (15') dimension between the public sidewalk and the garage may prevent many cars from parking in the driveway without protruding into the public sidewalk.

Fire Department:

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

Private Engineering Services:

Private Engineering Services (PES) notes the following:

1. The proposed driveway exceeds the Village's standard of a twenty foot (20') maximum width at the property line;
2. The existing curb cut and apron would need to be removed and replaced and the right-of-way restored;
3. PES shares the concern that if vehicles park in the driveway they will protrude into the public sidewalk.

Public Works:

Public Works notes the following:

1. Public Works concurs with the Building Division and PES comments regarding the driveway and reiterates that the driveway is not to be wider than twenty feet (20') at the property line and no wider than twenty-four feet (24') at the curb. Public Works **would not** support a request for a variance to increase these widths. However, the driveway may be widened on private property;
2. The existing curb cut shall be removed and replaced with six inch (6") curb and gutter; and
3. The existing driveway shall be removed and replaced with top soil and sod.

Planning Services Division:

Rear Yard Setback

A variation may only be granted if there is a demonstrated hardship that distinguishes the subject property from other properties in the area. Within their response to the Standards for a Variation, the petitioner cites health purposes as the reason to build an addition on the ground floor level, thus necessitating the variation request. While staff recognizes that a ranch style home can be more accommodating to retirees, staff does not support the rear yard setback variation for the following reasons:

1. The lot meets the minimum 7,500 square foot lot area requirement and staff finds that one-hundred and fifty feet (150') is a sufficient lot depth to construct single family home, even in consideration of the narrow lot width. Staff does not find any unique geographic characteristics of the site that would prevent the expansion from maintaining a thirty-five foot (35') setback; and
2. The portion of the addition encroaching into the rear yard setback is garage space. As even the petitioner states in their response, the three (3) car garage is a preference. The inability to construct said feature is not a true hardship.

Corner Side Yard Setback

The existing home was built in 1949 with the existing eleven and nine-tenths foot (11.9') corner side yard setback. Staff can support the variation from the corner side yard setback for the following reasons:

1. The subject property is fifty feet (50') in width. Taking into consideration the required interior side yard and corner side yard setbacks, only a twenty-four foot (24') wide house could be constructed. Many of the houses currently existing on fifty foot (50') wide corner lots are considered legal non-conforming as they were constructed shortly after World War II when the Zoning Ordinance required a different corner side yard setback, usually ten feet (10'); and
2. There is precedence for variation to corner side yard setbacks on similar lots to allow for the construction of a single family home.

In order to be granted a variation the petitioner must show that they have affirmed each of the Standards for a Variation. Staff finds that the standards have been affirmed for the corner side yard setback variation, but not for the rear yard setback variation. In regards to the rear yard setback staff finds that standards three, five, six, and seven have been affirmed; however the following standards have not been affirmed:

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.*

Staff finds that there are no unique physical surroundings, shape, or topographical conditions specific to the subject property that result in a hardship to the owner. The petitioner has the ability to expand the existing structure; they are just limited to a certain amount of ground floor area in 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.*

There are several corner lots within the Village's R2 Single Family Residence Zoning District that are legal non-conforming in regards to lot width and the corner side yard setback. However, the request for a rear yard setback is not related to these issues, but rather the preference for a larger ground floor addition.

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.*

Staff finds that the alleged difficulty or hardship is not the result of the Zoning Ordinance as it allows for significant space for an addition to the existing structure, but rather the alleged difficulty or hardship is the result of a petitioner's preference for a specific size, features, and design.

In consideration of precedent, staff has identified the most similar cases that appeared before the Zoning Board of Appeals within the last ten (10) years. The most similar previous case that involved both rear and corner side yard setbacks on a reverse corner lot is highlighted in bold.

CASE NO.	DATE	ADDRESS	SUMMARY	ZBA	BoT
ZBA 04-03	5/6/2004	310 W. Morris Ave.	16' Corner Side Yard	Approved, 5-0	Approved, 5-0
ZBA 05-03	4/7/2005	1051 S. Stewart Ave.	17.5' Corner Side Yard (Reverse Corner Lot)	Approved, 5-0	Approved, 6-0
ZBA 05-07	6/2/2005	403 S. Edson St.	12.36' Corner Side Yard (Reverse Corner Lot)	Approved, 6-0	Approved, 6-0
ZBA 05-09	7/21/2005	444 E. Taylor Rd.	22' Rear Yard (Corner Lot)	Approved, 5-0	Approved, 6-0
ZBA 06-01	2/6/2006	151 E. Berkshire Ave.	6' Corner Side Yard	Approved, 4-0	Approved, 6-0
ZBA 06-06	5/4/2006	302 W. Loy St.	10.5' Corner Side Yard & 31' Rear Yard (Reverse Corner Lot)	No Recommend ation	Partial App., 6-0*
ZBA 06-17	8/23/2006	197 S. Craig Pl.	9' Corner Side Yard	Approved, 6-0	Approved, 6-0
ZBA 06-22	9/27/2006	601 E. Sunset Ave.	10' Corner Side Yard	Approved, 6-0	Approved, 6-0
ZBA 06-24	12/7/2006	303 W. Harding Rd.	10' Corner Side Yard	Denial, 5-1	App., 6-0**
ZBA 06-26	1/4/2007	117 S. Stewart Ave.	14.67' Corner Side Yard	Approved, 5-0	Approved, 6-0
ZBA 07-02	2/15/2007	206 E. Hickory St.	15' Corner Side Yard	Approved, 4-1	Approved, 6-0
ZBA 08-01	3/6/2007	322 E. Elm St.	17.68' Corner Side Yard	Approved, 5-0	Approved, 6-0

CASE NO.	DATE	ADDRESS	SUMMARY	ZBA	BoT
ZBA 10-01	2/18/2010	41 S. 2 nd Ave.	16.8' Corner Side Yard & 6' Rear Yard	No Recommendation	App., 6-0
ZBA 10-07	9/16/2010	103 W. Collen Dr.	14.5' Corner Side Yard (Reverse Corner Lot)	Approved, 6-0	Approved, 6-0
ZBA 10-08	9/16/2010	322 E. Elm St.	17.68' Corner Side Yard	Approved, 6-0	Approved, 6-0
ZBA 10-14	1/6/2011	1029 E. Woodrow Ave.	11.5' Corner Side Yard (Reverse Corner Lot)	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 06-06 received approval for the corner side yard variation, but not the rear yard variation.

** ZBA 06-24 received BoT approval when the variation request was reduced to two feet (2').

Please note that the most similar cases (ZBA 06-06, 302 W. Loy St.) did not receive a recommendation from the ZBA. Also, while the most recent listed case (ZBA 13-01, 236 E. Morningside Ave.) was very similar to ZBA 14-03, the lot at 236 E. Morningside Avenue was not a reverse corner lot, as is the case with the subject proposal.

As in ZBA 06-06, staff recommends approval of the corner side yard variation, but not the rear yard setback variation. **However, if the Zoning Board of Appeals finds that it would be appropriate to grant both requested variations, staff recommends that the motion below be amended to read, "has affirmed" for both variations.**


If only the corner side yard relief is supported, the ZBA should condition its approval based upon submittal of a revised site plan depicting compliance with the rear yard setback requirements.

FINDINGS & RECOMMENDATIONS

The Department of Community Development has determined that the information presented **has affirmed** the Standards for Variations, in their entirety, for the requested corner side yard setback, but **has not affirmed** the Standards for Variations, in their entirety, for the requested rear yard 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 corner side yard setback variation:

Based on the submitted petition and the testimony presented, the requested variation to reduce the corner side yard setback **does comply** with the Standards for Variations in the Lombard Zoning Ordinance, but does not comply with the Standards for Variations for the rear yard setback; 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 **partial approval** of ZBA 14-03.

Inter-Departmental Review Committee Report approved by:

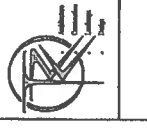

 William J. Heniff, AICP
 Director of Community Development

c. Petitioner

DEVRIES RESIDENCE

ONE STORY GARAGE ADDITION

JAMES DEVRIES
304 NORTH PARK AVENUE
LOMBARD, ILLINOIS 60148



DATE	DESCRIPTION
12-14	ISSUED FOR ZONING VARIANCE
1-14	PHASE 1 PERMIT DESIGN
2-14	PHASE 2 PERMIT DESIGN
3-14	ISSUED FOR PERMIT
4-14	PHASE 1 PERMIT DESIGN
5-14	PHASE 2 PERMIT DESIGN
6-14	ISSUED FOR ZONING VARIANCE

DEVRIES RESIDENCE
ADDITION AND REMODELING
JAMES DEVRIES
304 NORTH PARK AVENUE
LOMBARD, ILLINOIS

T1.0 TITLE PAGE / SITE PLAN / NOTES

DRAWING INDEX

T1.0 TITLE PAGE / SITE PLAN / NOTES

A1.1 FOUNDATION, FIRST FLOOR DEMO PLAN / SCHEDULES

A2.1 PROPOSED & DEMO EXTERIOR ELEVATIONS

A3.1 BUILDING SECTION & PORTICO SECTIONS

ME.1: MECHANICAL, ELECTRICAL & PLUMBING PLANS

GENERAL CONSTRUCTION NOTES

- ALL WORK SHALL CONFORM TO AND BE REFERRED TO ACCORDANCE WITH ALL APPLICABLE CODES AND ORDINANCES.
- ALL WORK SHALL BE COMPLETED IN ACCORDANCE WITH THE CONTRACT DOCUMENTS WHICH INCLUDES AN ADDENDUM NO. 01, GENERAL CONDITIONS FOR CONSTRUCTION, SUPPLEMENTAL CONDITIONS AND ALL TRADE SPECIFICATIONS.
- THE CONTRACTOR SHALL VISIT THE SITE AND INSPECT THE PROJECT AND THE EXISTING CONDITIONS PRIOR TO THE START OF WORK. THE CONTRACTOR SHALL MAKE DETAILED EXAMINATION AT ALL LOCATIONS WHERE WORK IS TO BE INSTALLED AND EXISTING CONSTRUCTION IS TO BE REMOVED AND ACQUIRED.

INSURANCE REQUIREMENTS

- THE CONTRACTOR SHALL PROVIDE TO THE COMMENCEMENT OF WORK, CERTIFICATE OF WORK, CERTIFICATE OF INSURANCE NAMING THE OWNER, THE ARCHITECT AND THE DESIGNER AS ADDITIONAL INSURED, FOR THE FOLLOWING COVERAGE:
 - PUBLIC LIABILITY OF NOT LESS THAN \$1,000,000 (INCLUDING CONTRACTORS' PROTECTIVE LIABILITY, COVERING EXPLOSION AND COLLAPSE, AND COVERING DAMAGE TO ADJACENT PROPERTY) AND \$1,000,000 FOR DAMAGE TO PROPERTY OF OTHERS AND ARISING FROM THE OPERATIONS UNDER THE CONTRACT WHETHER SUCH OPERATIONS ARE PERFORMED BY SUCH CONTRACTORS, OR BY ANYONE DIRECTLY OR INDIRECTLY EMPLOYED BY ANY OF THEM.
 - WORKMAN'S COMPENSATION AND EMPLOYERS' LIABILITY INSURANCE AS REQUIRED BY ANY EMPLOYEE BENEFIT ACTS OR OTHER STATUTES APPLICABLE WHERE THE WORK IS TO BE PERFORMED AS WELL AS PROTECT OWNERS CONTRACTORS FROM LIABILITY UNDER WORKER COMPENSATION ACTS.
 - COMPREHENSIVE AUTOMOBILE LIABILITY INSURANCE, INCLUDING THE OWNERSHIP, MAINTENANCE AND OPERATION OF ANY AUTOMOTIVE EQUIPMENT OWNED, HIRED AND NON-OWNED INCLUDING FLUORIDE LIMITS.

DEMOLITION NOTES -

- THE CONTRACTOR SHALL COORDINATE DEMOLITION AND NEW CONSTRUCTION WORK SHOWN ON THE DRAWINGS FOR ALL TRADES.
- CONTRACTOR SHALL DEMOLISH AND REMOVE ALL EXISTING WORKING DRAWINGS AND SCHEDULES REQUIRED FOR BOTH DEMOLITION AND NEW CONSTRUCTION.
- CONTRACTOR SHALL PROVIDE ALL DIRT REMOVAL AND SCREENING AS REQUIRED BY THE CITY OF LOMBARD AND DEMO RESULTING FROM DEMOLITION.
- THE ARCHITECT IS NOT RESPONSIBLE FOR PRESERVING IDENTIFIABLE MATERIALS OR REMOVAL OF MATERIALS ON OTHER TRADES MATERIALS THAT ARE TO BE REMOVED IN THE EXISTING STRUCTURE. IF PRESERVATION OF MATERIALS IS REQUIRED, THE CONTRACTOR SHALL CONSULT WITH THE ARCHITECT AND THE BUILDING DEPARTMENT OF ANY AND ALL ACTIONS TAKEN.

GENERAL NOTES / SCOPE OF WORK:

- THE GENERAL CONTRACTOR IS RESPONSIBLE FOR MEETING ALL CODE REQUIREMENTS DURING CONSTRUCTION, INCLUDING ALL APPLICABLE SAFETY REGULATIONS AND REQUIRED INSPECTIONS.
- THE GENERAL CONTRACTOR IS RESPONSIBLE FOR COORDINATING THE WORK OF ALL SUB-CONTRACTORS AND THE CONTRACTOR SHALL VERIFY ALL WORK IS COMPLETED IN FIELD AND REPORT ANY PROBLEMS OR DISCREPANCIES TO THE OWNER PRIOR TO CONTINUING WITH WORK.
- ALL ELECTRICAL AND PLUMBING CONTRACTS WILL BE DESIGNATED BY THE ARCHITECT AND SHALL PROVIDE ALL NECESSARY MATERIALS, LABOR AND EQUIPMENT FOR A COMPLETE AND PROFESSIONAL INSTALLATION.
- ALL GUTTERS AND DOWNSPOUTS SHALL UNOBSOLETE AND BE RELOCATED AND AWAY FROM AN ADJACENT PROPERTY-ADJACENT TO THE EXISTING LOT LINE.
- START TIMES SHALL BE A MINIMUM OF 7:30 AM.
- GRABBLE STAIR RAILS SHALL BE LOCATED 7'-10" MIN. ABOVE WORKING SURFACE.

ZONING INFORMATION

EXISTING LOT IS ZONED R-2
REQUIRED FRONT YARD SETBACK = 30'-0"
MIN. REQUIRED SIDE YARD SETBACK = 6'-0" & 8'-0"
REQUIRED REAR YARD SETBACK = 35'-0"
MAXIMUM BUILDING HEIGHT = 30'-0" OR 2-1/2 STORIES
LOT AREA = 50,000' x 150,000' = 7,500 S.F.
MINIMUM OPEN SPACE = 50% = 3,750 S.F.

APPLICABLE BUILDING CODES

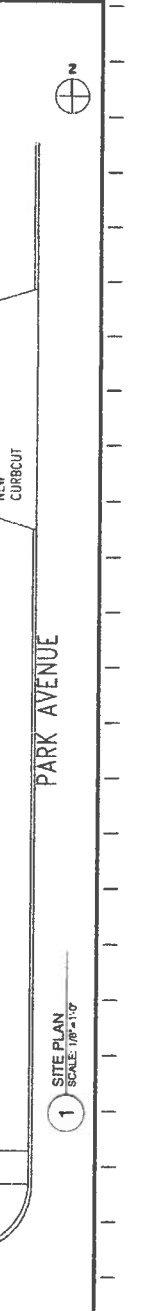
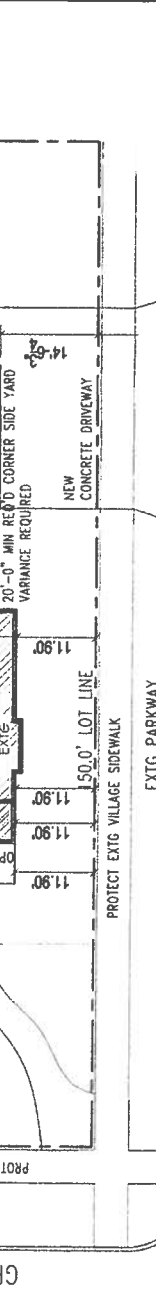
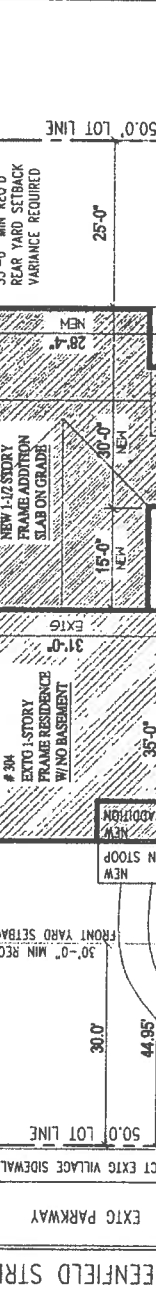
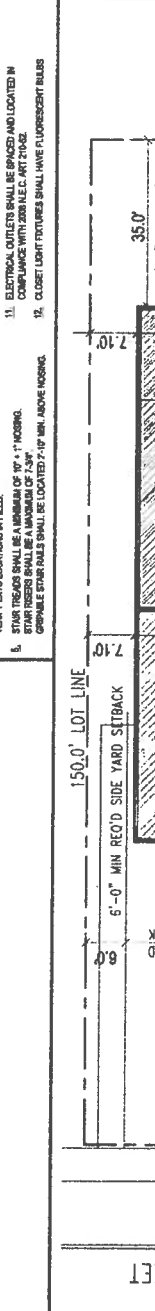
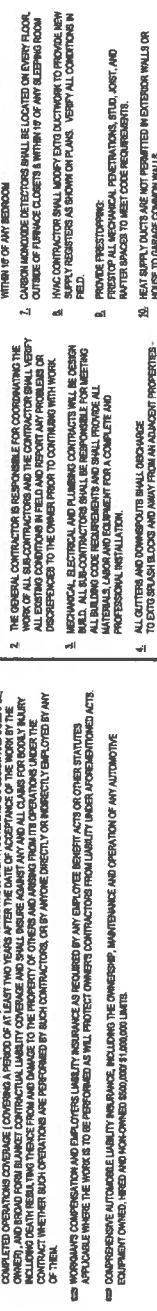
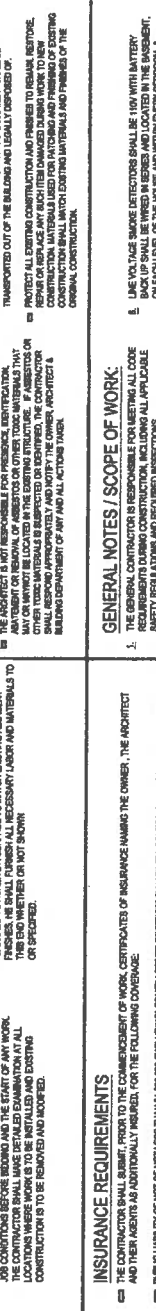
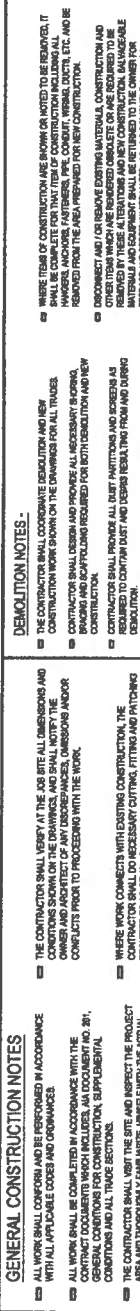
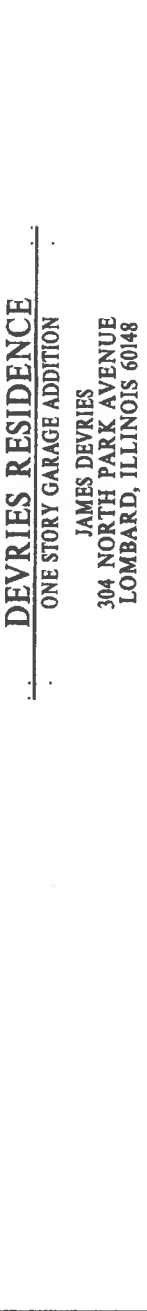
- 2012 INTERNATIONAL RESIDENTIAL CODE
- 2008 NATIONAL ELECTRIC CODE
- 2004 STATE PLUMBING CODE
- 2009 INTERNATIONAL MECHANICAL CODE
- 2014 INTL. ENERGY CONSERVATION CODE
- TITLE 15 MUNICIPAL ORDINANCES

CERTIFICATION

I DO HEREBY CERTIFY THAT THESE DRAWINGS HAVE BEEN PREPARED UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF CONFORM TO ALL APPLICABLE CODES AND ORDINANCES WITHIN THE CITY OF LOMBARD, IL.

THOMAS R. KNAPP, ARCHITECT ILL. 01-15068 EXPIRES 1/30/14
© 2014 T.R. KNAPP ARCHITECTS

1 SITE PLAN
SCALE: 1/8" = 1'-0"



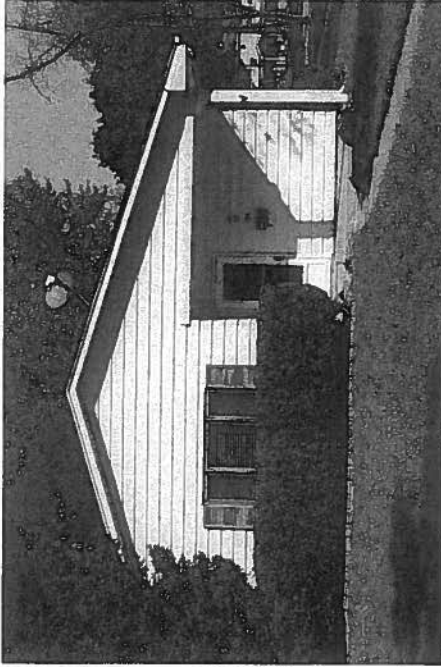
DATE	DESCRIPTION
3-18-14	DESIGNED FOR CONCRETE FOUNDATION
3-19-14	PROFESSIONAL DESIGN
3-22-14	MODIFIED PROFESSIONAL DESIGN
3-25-14	DESIGNED FOR PERMIT
3-27-14	PROFESSIONAL DESIGN
4-01-14	PROFESSIONAL DESIGN
4-03-14	PROFESSIONAL DESIGN
4-07-14	PROFESSIONAL DESIGN

EXISTING PHOTOS
 SHEET NO
T1.1a

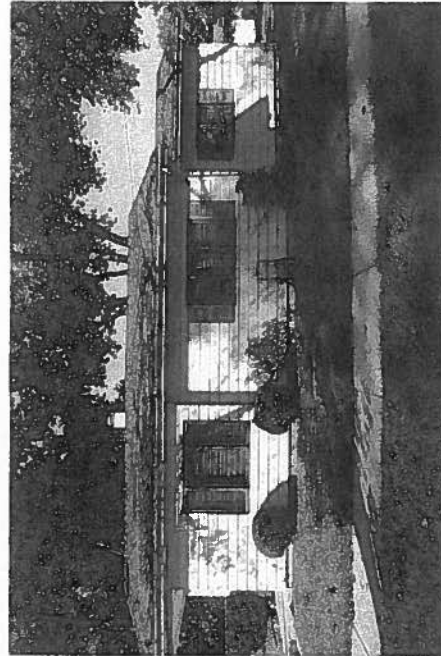
NOTE: ALL DIMENSIONS ARE APPROXIMATE AND SHOULD BE VERIFIED IN FIELD.

DEVIRIS RESIDENCE
 ADDITION AND REMODELING
 JAMES DEVIRIS
 304 NORTH PARK AVENUE
 LOMBARD, ILLINOIS

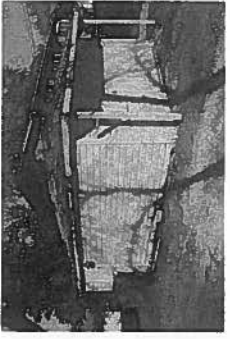
T.R. Knapp
 ARCHITECTS
 320 North Main Street
 Lombard, Illinois 60148
 630.620.5312



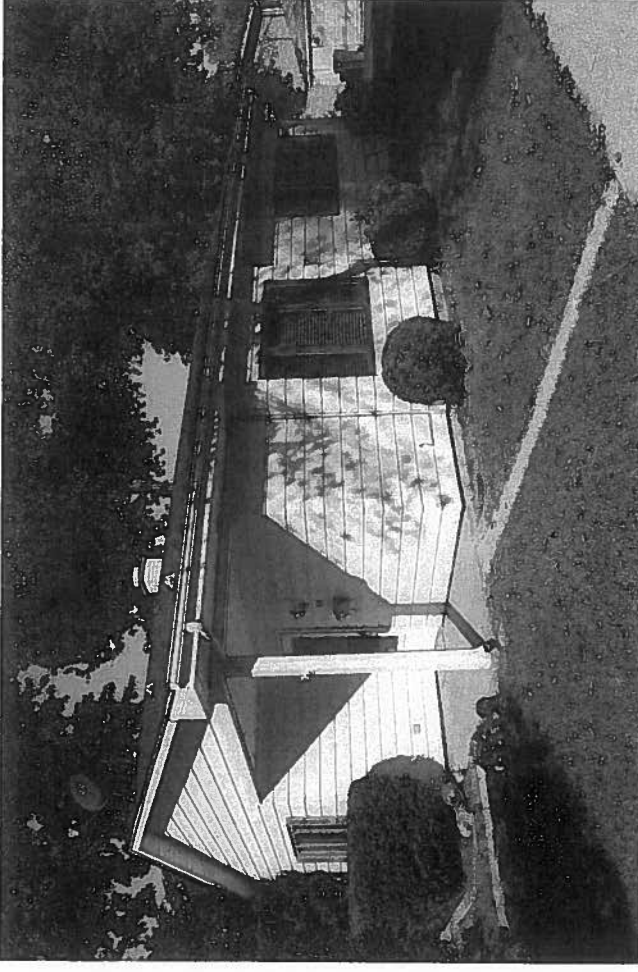
1 EXISTING PHOTO - SOUTH ELEVATION
 NOT TO SCALE



2 EXISTING PHOTO - EAST ELEVATION
 NOT TO SCALE



3 EXISTING PHOTO - FRAME GARAGE
 NOT TO SCALE



4 EXISTING PHOTO - CORNER OF PARK & GREENFIELD
 NOT TO SCALE

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T.R. Knapp
ARCHITECTS
320 North Main Street
Lombard, Illinois 60148
630.206.512

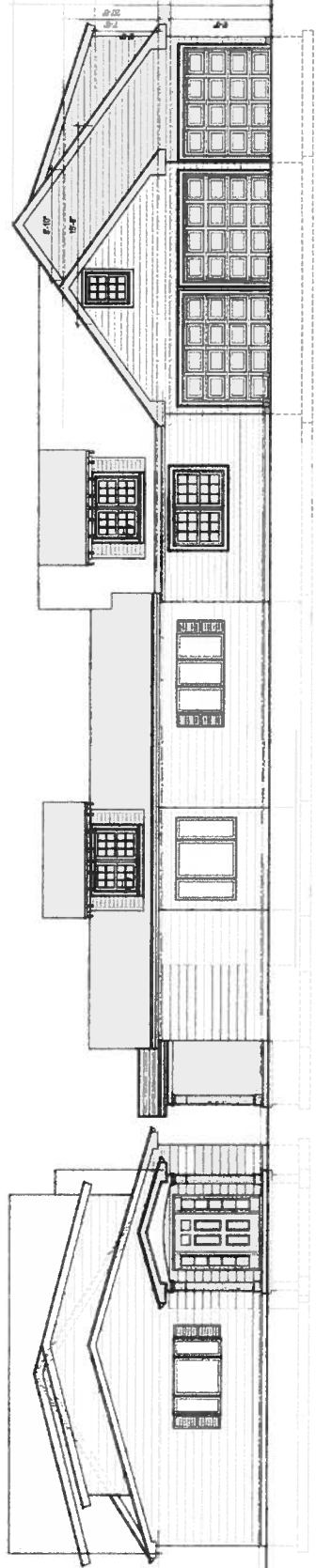
DEVRIES RESIDENCE
ADDITION AND REMODELING
JAMES DEVRIES
304 NORTH PARK AVENUE
LOMBARD, ILLINOIS

DATE	DESCRIPTION
3-18-14	ISSUED FOR ZONING VARIANCE
3-11-14	PRELIMINARY DESIGN
2-27-14	PRELIMINARY DESIGN
2-21-14	PRELIMINARY DESIGN
1-24-14	PRELIMINARY DESIGN
10-24-13	ISSUED FOR ZONING VARIANCE - MARCH 18, 2014

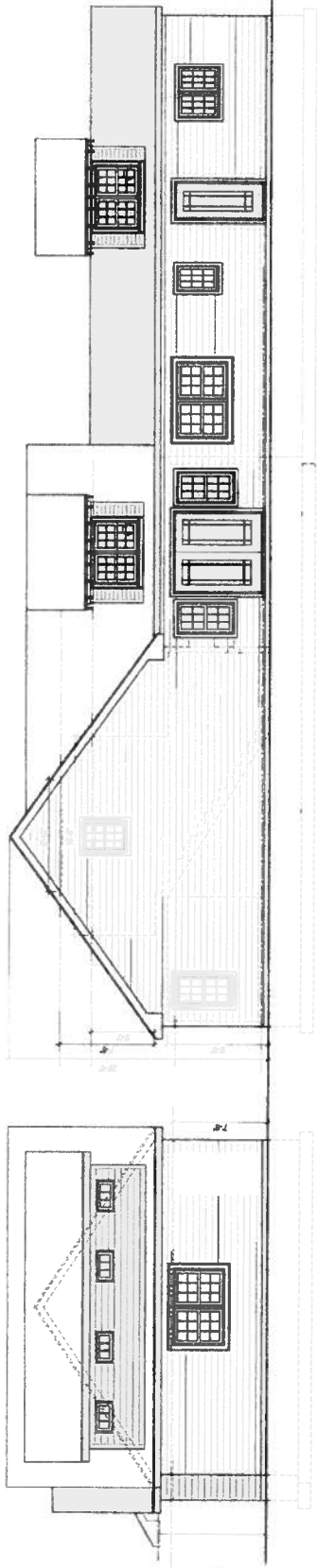
PROJECT NAME: DEVRIES
SHEET NUMBER: 21219
PROPOSED ELEVATIONS

A2.1a

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2 PROPOSED SOUTH ELEVATION
SCALE 1/8"=1'-0"



4 PROPOSED NORTH ELEVATION
SCALE 1/8"=1'-0"

1 PROPOSED EAST ELEVATION
SCALE 1/8"=1'-0"

3 PROPOSED WEST ELEVATION
SCALE 1/8"=1'-0"