

MAY 28, 2014

Title

ZBA 14-05

Petitioner & Property Owner

Kenneth Gallt
113 S. Westmore-Meyers
Road Lombard, IL 60148

Property Location

113 S. Westmore-Meyers
Road (06-09-109-005)
Trustee District: #5

Zoning

R2 Single Family Residence
(Home Acres Subdivision)

Existing Land Use

Single Family Home

Comprehensive Plan

Low Density Residential

Approval Sought

A variation to reduce the minimum interior side setback, when the entire accessory structure is located within the rear twenty-five percent (25%) of the lot, from three feet (3') to two feet (2') and for the same accessory structure reduce the minimum interior side setback, when the accessory structure is located within the front seventy-five percent (75%) of the lot, from six feet (6') to two feet (2').

Prepared By

Tami Urish
Planner I



LOCATION MAP

PROJECT DESCRIPTION

The petitioner's existing pool and deck which was constructed without a permit, is two feet (2') from the interior side yard property line located in both the rear twenty-five percent (25%) of the lot where three feet (3') from the property line is required and in the front seventy-five percent (75%) of the lot where six feet (6') from the property line is required. In order for the permit to be approved a variance is required.

APPROVALS REQUIRED

Section §155.210 (A)(2)(a.) requires a minimum interior side setback of three feet (3') when the entire structure is located within the rear twenty-five percent (25%) of the lot and a minimum interior side setback, when the structure is located within the front seventy-five percent (75%) of the lot, of six feet (6').

EXISTING CONDITIONS

The property contains an approximately 1,151 square foot two-story frame single family residence with an approximately 538 square foot detached garage and associated driveway. In addition, the petitioner also owns the property directly to the south adjacent to the pool and deck.

PROJECT STATS

Lot & Bulk (Proposed)

Parcel Size: 22,425 sq. ft.
Building Footprint: 1,151 sq. ft.
Lot Coverage: 19%

Reqd. Setbacks & Actual Dimensions (in parens.)

Front (west) 30' (45')
Side (north) 6' (16')
Side (south) 6' (30.7')
Rear (east) 35' (210')

Submittals

- 1. Petition for Public Hearing
- 2. Response to Standards for Variation
- 3. Site Plan, prepared and submitted by homeowner, dated February 13, 2014.
- 4. Plat of Survey, prepared by Marchese Surveying, Inc., dated June 5, 2005.

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	CR	Westmore Woods Park

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no comments regarding the project.

Fire Department:

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

Private Engineering Services:

PES has no comment on this petition.

Public Works:

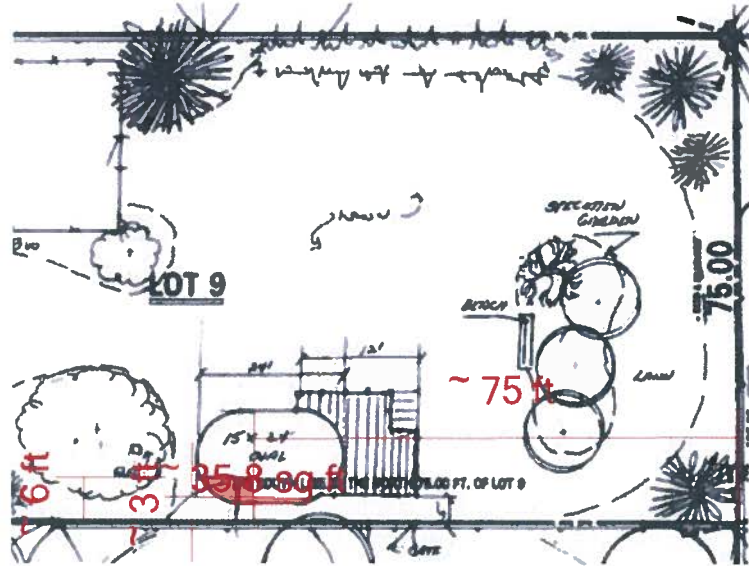
The Department of Public Works has no comment on the subject petition. However, the plat of survey should be checked to see if there may be a utility and drainage easement that the structures encroach into. If so, there may be private underground utilities that may be affected.

Staff reviewed the plat of survey and it does not show any utility easement.

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. Within their response to the Standards for a Variation, the petitioner cites design and aesthetic views in addition to ownership of the property directly to the south adjacent to the location of the pool and deck as the reason the existing site was chosen to build pool and deck, thus necessitating the variation request. While staff recognizes that the chosen location is unfortunate, staff does support the side yard setback variation for the following reasons:

1. The lot meets the minimum 7,500 square foot lot area requirement and staff finds that three-hundred foot (300') lot depth is sufficient to construct a single family home and associated accessory structures. Staff does not find any unique geographic characteristics of the site that would prevent the location of an accessory structure three feet (3') or six feet (6') from the interior side yard property line. However, the pool and deck exists at the current location and accordingly, the petitioner is not willing to incur the expense and inconvenience of moving the structures; and



2. The portion of the pool encroaching into the interior side yard setback is minimal. As the exhibit illustrates, less than half of the pool is located in the front 75% of the property necessitating the six foot (6') side yard setback. Also, the portion of the pool located in the rear 25% of the property encroaches by approximately one foot (1'). In total, 36 square feet encroaches into the required side yard setback or 14% of the total pool area of approximately 265 square feet. The entire deck structure, while connected to the pool, does not encroach within the required side yard setback.

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 majority of the standards have been affirmed for the interior side yard setback variation. 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 results in a hardship to the owner. The petitioner had the ability to locate the pool and deck within over 10,700 square feet of open space in the rear yard. There was substantial space to avoid the interior side yard setback.

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.*

With approximately 80% of open space and the majority of this open space being the rear half, the property does not have unique characteristics limiting the location of an accessory structure. The request for an interior side yard setback is not related to these issues, but rather the preference for a pool and deck to be located in the interior side yard setback area.

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 accessory structures, but rather the alleged difficulty or hardship is the result of a petitioner's preference for a specific size, features, and design.

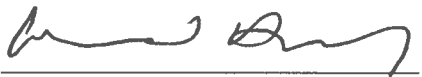
FINDINGS & RECOMMENDATIONS

The Department of Community Development has determined that the information presented **has affirmed** the majority of the Standards for Variations for the interior 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 **approval** of the aforementioned interior side yard setback variation:

Based on the submitted petition and the testimony presented, the requested variation to reduce the interior side yard setback **does comply** with the Standards for Variations in the Lombard Zoning Ordinance, 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 **approval** of ZBA 14-05, subject to the following conditions:

1. That the requested relief is limited to the existing deck and pool currently located on the subject property. In the event that the pool and/or deck are damaged or destroyed by fifty-percent (50%) or more, the new structures shall meet the underlying setback requirements.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

c. Petitioner

EXHIBIT A: PLAT OF SURVEY

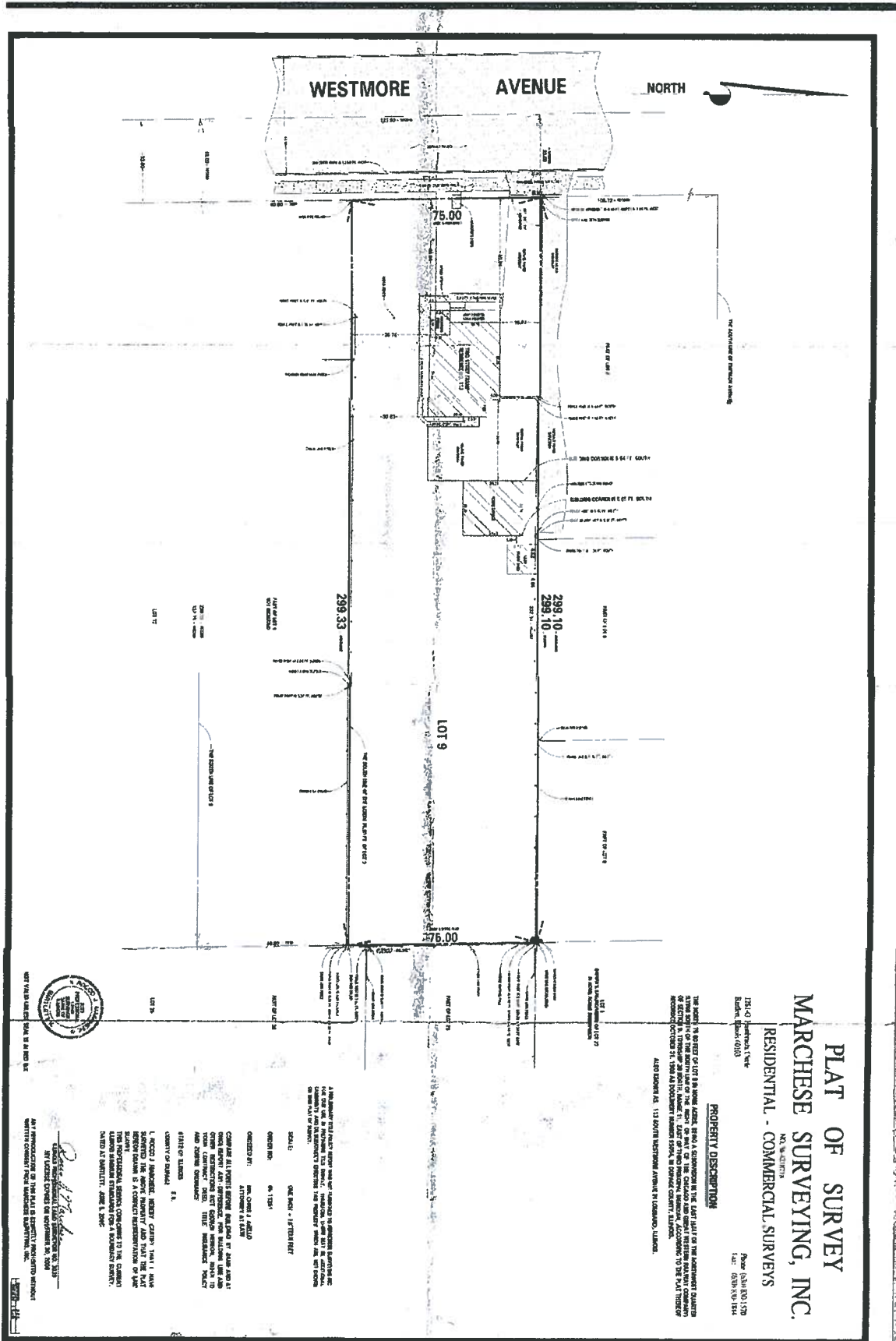


EXHIBIT B: SITE PLAN

