

MAY 27, 2015

Title

ZBA 15-06

Petitioner & Property Owner

Ali Siddiqui
341 W. Avenue
Lombard, IL 60148

Property Location

341 W. Morris Avenue
(06-18-415-032)
Trustee District #2

Zoning

R2 Single Family Residence
(Roosevelt Crest Subdivision)

Existing Land Use

Single Family Home

Comprehensive Plan

Low Density Residential

Approval Sought

A variation to reduce the required nine foot (9') interior side yard setback to seven feet (7').

Prepared By

Tami Urish
Planner I



LOCATION MAP

PROJECT DESCRIPTION

The petitioner is proposing to construct an approximately 550 square foot second story addition to the existing structure. Additional renovations are proposed for the existing first and second floors.

APPROVALS REQUIRED

The petitioner requests that the Village grant a variation from Section 155.407(F)(3) of the Lombard Zoning Ordinance to reduce the required interior side yard setback from nine feet (9') where no attached garage is constructed to seven feet (7').

EXISTING CONDITIONS

The property contains a frame and brick single-family residence with detached garage and associated driveway and patio. The existing residence is a multi-level structure with a second story portion of approximately 788 square feet and an approximately 300 square foot first floor portion attached on the east side of the house.

The existing house was built prior to 1967. The lot was created in 1930. The subject property is surrounded by single-family homes.

PROJECT STATS

Lot & Bulk (Proposed)

Parcel Size:	7,650 sq. ft.
Building Size:	1,330 sq. ft.
	4,283 sq. ft.
Lot Coverage:	(56%) -458 sq. ft.

Reqd. Setbacks & Proposed Dimensions (in parens.)

Front (north)	30' (40')
Side (east)	9' (7')
Side (west)	6' (1')
Rear (east)	35' (74')

Submittals

1. Petition for public hearing;
2. Response to Standards for Variations;
3. Plat of Survey, prepared by Associated Surveying Group, P.C., dated July 13, 2005 (found in Village files);
4. Site Plan and Proposed Elevations, prepared by HK Architects, Inc., dated March 20, 2015 and submitted April 29, 2015;

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division requests the second story addition overhanging the driveway to maintain a twelve foot (12') clearance vertically as shown on the plans. This minimum clearance is required to allow cars and smaller trucks to gain access to the detached garage via the existing driveway. A full review will be conducted during the building permit review process.

Fire Department:

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

Private Engineering Services (PES):

Private Engineering Services 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:

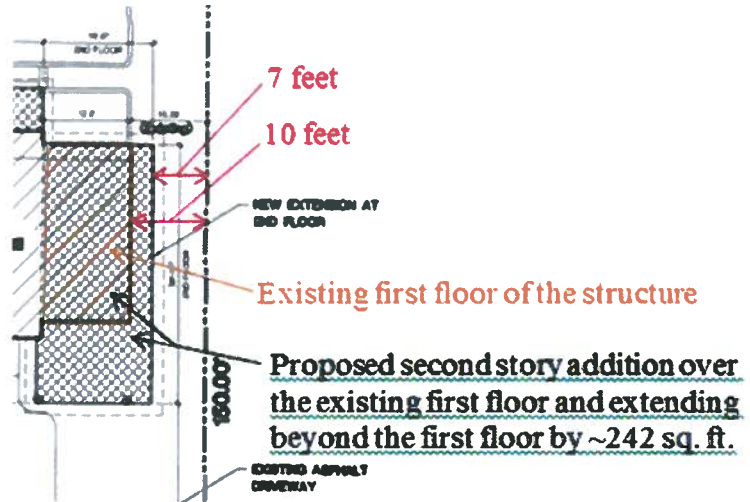
Side Yard Setbacks

The Zoning Ordinance requires a minimum building setback for the interior side yard of six feet (6'), except where no attached garage is constructed, one side yard must be nine feet (9') in width. According to the definition of a yard (155.802), it is an open area on the same zoning lot with a building or structure, **unoccupied and unobstructed from its lowest level to the sky**. A yard extends along a lot line, and to a depth of width specified in the yard requirements for the zoning district in which such zoning lot is located. As the proposed addition extends two feet (2') into the required interior side yard setback of nine feet (9') accommodating an existing detached garage, a variation is required.

The existing home with an attached garage was built with a ten foot (10') side yard setback to the east where a six foot side yard setback is required. Prior to 2005, the residence had an attached garage on the west side of the house as the principal structure had once occupied two lots. A detached garage was constructed on the subject property in 2005. The presence of the detached garage therefore dictates the required side yard setback to be revised for the altered conditions to nine feet (9'). The property owner proposes to construct a second story addition seven feet from the property line over an existing one story portion of the house that is ten feet from the property line.

If not for the necessary accommodation of the detached garage, this addition would be permitted with the required interior side yard setback of six feet (6'). The encroachment beginning twelve feet above grade would not obstruct vehicles from accessing the garage.

Staff can support the requested variance for the side yard setback requirements for the following reasons:



1. There is precedence for a variation to interior side yard setbacks for detached garages on similar lots to allow for the construction of an addition in limited cases; and

2. The proposed improvements will not adversely affect this or other properties in the neighborhood and will be consistent with the existing structure and surrounding neighborhood.

In consideration of precedent, staff has identified similar cases that appeared before the Zoning Board of Appeals within the last ten (10) years. All of the cases listed below were approved encroachments at the ground level unlike the subject property which requests the encroachment twelve feet above grade level. The residence to the east of the subject property that would be directly impacted by the additional encroachment has a driveway directly adjacent to the property with approximately twenty-one feet (21') of existing separation from the principal structures.

VARIATIONS GRANTED WHEN A NINE FOOT INTERIOR SIDE YARD SETBACK IS REQUIRED FOR A DETACHED GARAGE OR ABSENCE OF AN ATTACHED GARAGE

CASE NO.	DATE	ADDRESS	SUMMARY	ZBA	BoT
ZBA 05-08	6/2/2005	714 S. Lodge	7.9' Interior Side Yard	Approved, 6-0	Approved, 6-0
ZBA 06-05	4/6/2006	262 N. Garfield	7.88' Interior Side Yard	Approved, 5-0	Approved, 5-0
ZBA 07-12	8/9/2007	259 N. Garfield	8.33' Interior Side Yard	Approved, 5-0	Approved, 5-0
ZBA 08-03	3/20/2008	217 N. Craig	8.5' Interior Side Yard	Approved, 6-0	Approved, 6-0

A variation may only be granted if there is a demonstrated hardship that distinguishes the subject property from other properties in the area. Staff finds that the hardship for the requested variation is due to the floor plan of the existing single family home and the standards have been affirmed.

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 if the strict letter of the regulations were to be applied.*

Staff finds that the petitioner's lot does not have unique physical limitations, rather the physical limitations are the result of a combination of the floor plans and previous placement of the existing home across two lots.

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 properties within the same zoning classification.*

The design and layout of the existing structure pre-dates the zoning ordinance.

3. *The purpose of the variation is not based primarily upon a desire to increase financial gain.*
This standard is affirmed.
4. *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.*
Staff finds that the hardship has not been caused by the ordinance and has instead been created by the petitioner's desire to increase the square footage of the existing structure in a logical arrangement of room placement (bedrooms upstairs as opposed to added to the rear adjacent to the kitchen).
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.*
Staff finds that granting the request would not be injurious to neighboring properties. The intent of the ordinance is to maintain an adequate width for vehicles to gain access to detached garages. The minimum setback for a principal structure without a garage is six feet therefore a setback of seven feet is maintaining the intent of adequate separation of side yards.
6. *The granting of the variation will not alter the essential character of the neighborhood.*
This standard is affirmed.
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*
This standard is affirmed.

HISTORY

The Roosevelt Crest Blocks 5 – 16 Subdivision was recorded with DuPage County in 1930.

According to Building Division records, a water and sewer connection permit was filed in 1967. There is no permit on file for the construction of a single family home. Prior to 2005 as illustrated on archived aerial photography and plat of survey, the existing house was established on both lots 10 and 11 with the majority of the house on Lot 10 and an attached garage portion occupying Lot 11.

Permit 2005-0325

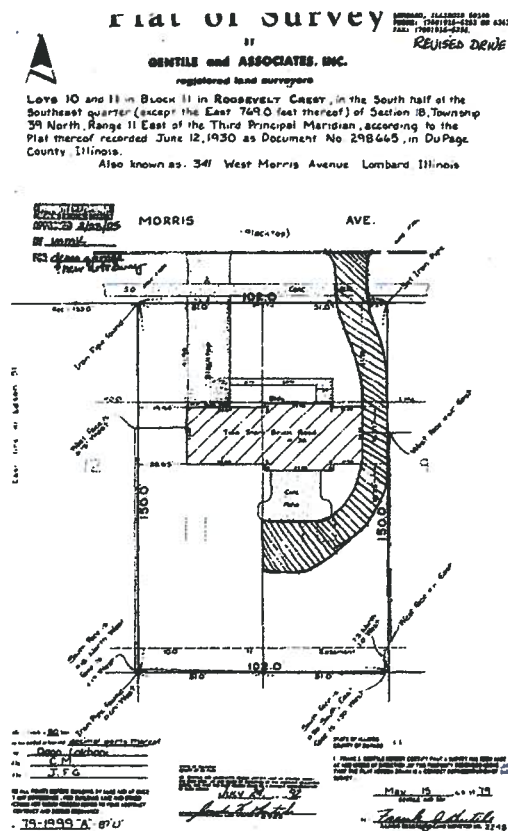
The attached garage and associated driveway on lot 11 was removed and a new driveway was added to lot 10.

Permit 2005-2249

A new detached garage was built on Lot 10 as illustrated on a new plat of survey dated July 13, 2005 that no longer includes Lot 11 to be part of the subject property of 341 W. Morris.

Permit 2006-1217

Lot 11 of 341 W. Morris became 343 W. Morris and a permit for a new residence was issued.



FINDINGS & RECOMMENDATIONS

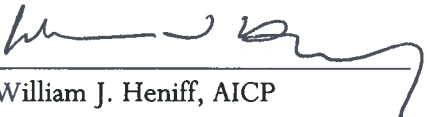
The Department of Community Development has determined that the information presented **has affirmed** the Standards for Variations for the requested side yard setback variation. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make the following motion recommending **approval** of the aforementioned corner side yard setback variation:

Based on the submitted petition and the testimony presented, the requested variations **do 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 **approval** of ZBA 15-06; subject to the following conditions:

1. The project shall be developed in accordance with the submitted plans prepared by HK Architects, Inc. dated March 20, 2015 and made a part of the petition;
2. The petitioner shall apply for and receive a building permit for the proposed plans;
3. The petitioner shall remove 458 square feet of impervious surface area in order to meet the minimum required open space of 50% per Section 155.407 (H).
4. Such approval shall become null and void unless work thereon is substantially under way within twelve (12) months of the date of issuance, unless extended by the Board of Trustees prior to the expiration of the ordinance granting the variations; and
5. In the event that the principal structure on the subject property is damaged or destroyed to fifty-percent (50%) of its value, the new structure shall meet the required side yard setbacks.

Inter-Departmental Review Committee Report approved by:


William J. Heniff, AICP
Director of Community Development

c. Petitioner

XI. RESPONSE TO STANDARDS FOR VARIATIONS

April 29, 2015

**To the Village of Lombard
Whom It May Concern,**

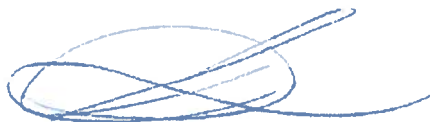
My name is Ali Siddiqui, owner of the property at 341 W. Morris Avenue in Lombard, IL. I am hereby seeking the permission of the board to build an addition to the second floor of our property.

As shown in the drawings that have been submitted with this request, the setback from the east side neighbor is clearly 10.35 ft. On the second floor, the room is cantilevered 3 feet into the setback area, which is above the ground at approximately 11 feet high. Please note that the existing driveway of 10.3 feet on the east side will remain undisturbed.

If the room is not extended 3 feet towards the east on the second floor, then the room's width will be 10.6 feet, which is quite small. This extension will cause minimal impact to the neighborhood and we are in great need of this extension in order to accommodate our family needs.

Hence, I have requested the Zoning Board Authority and the Lombard Board of Trustees to grant me the permission for this variance.

Regards,



Ali Siddiqui

EXHIBIT A – PLAT OF SURVEY/SITE PLAN

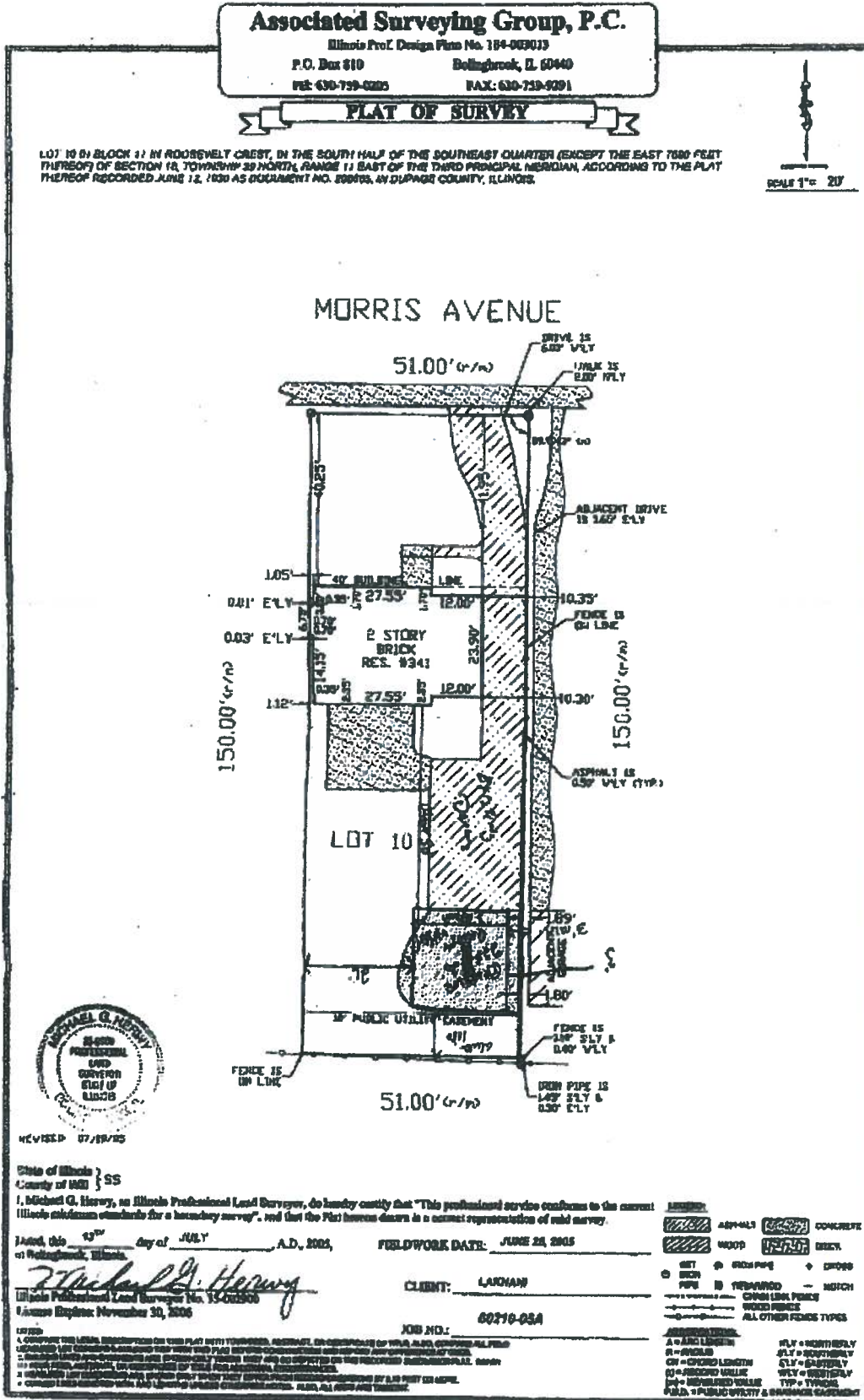


EXHIBIT B – SITE PLAN

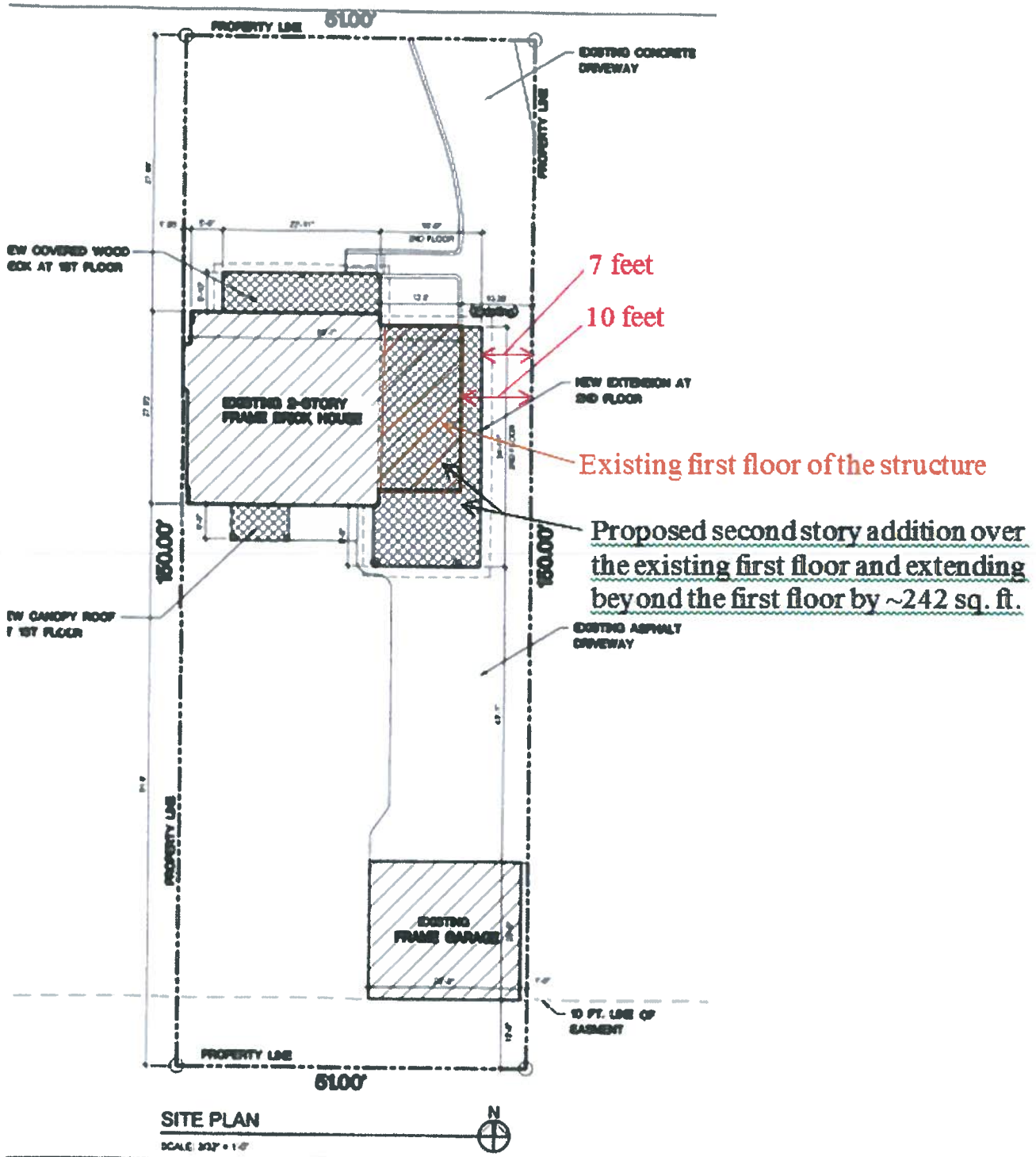
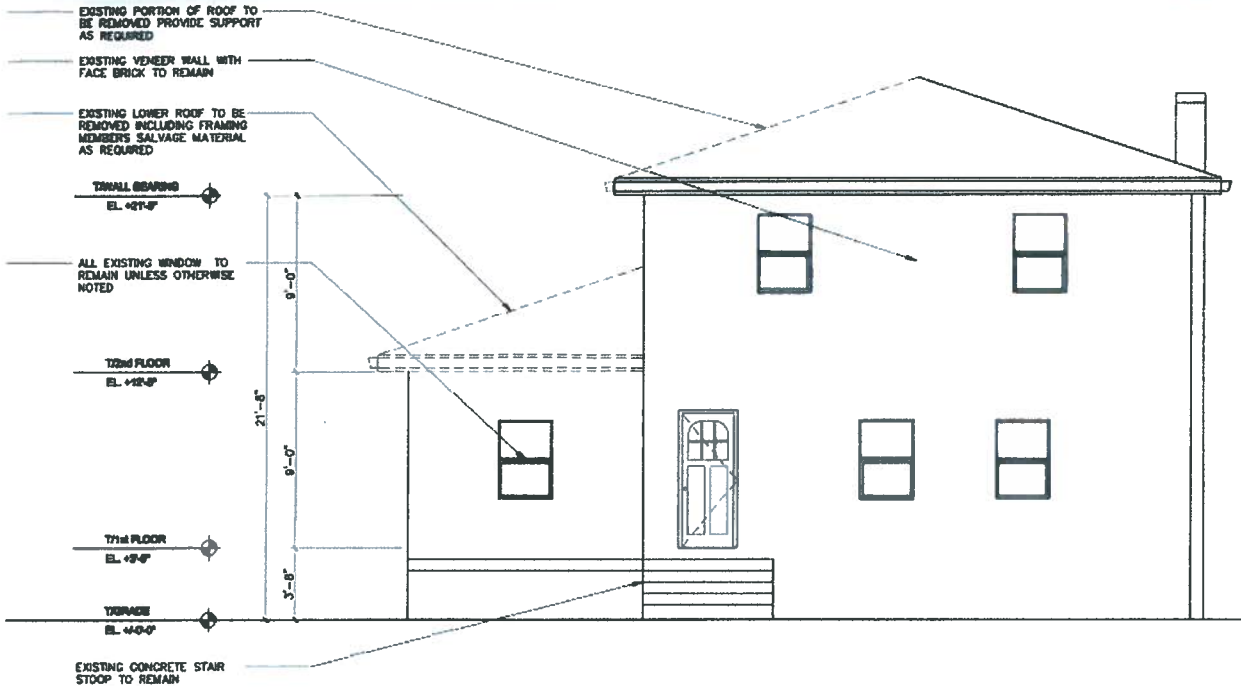


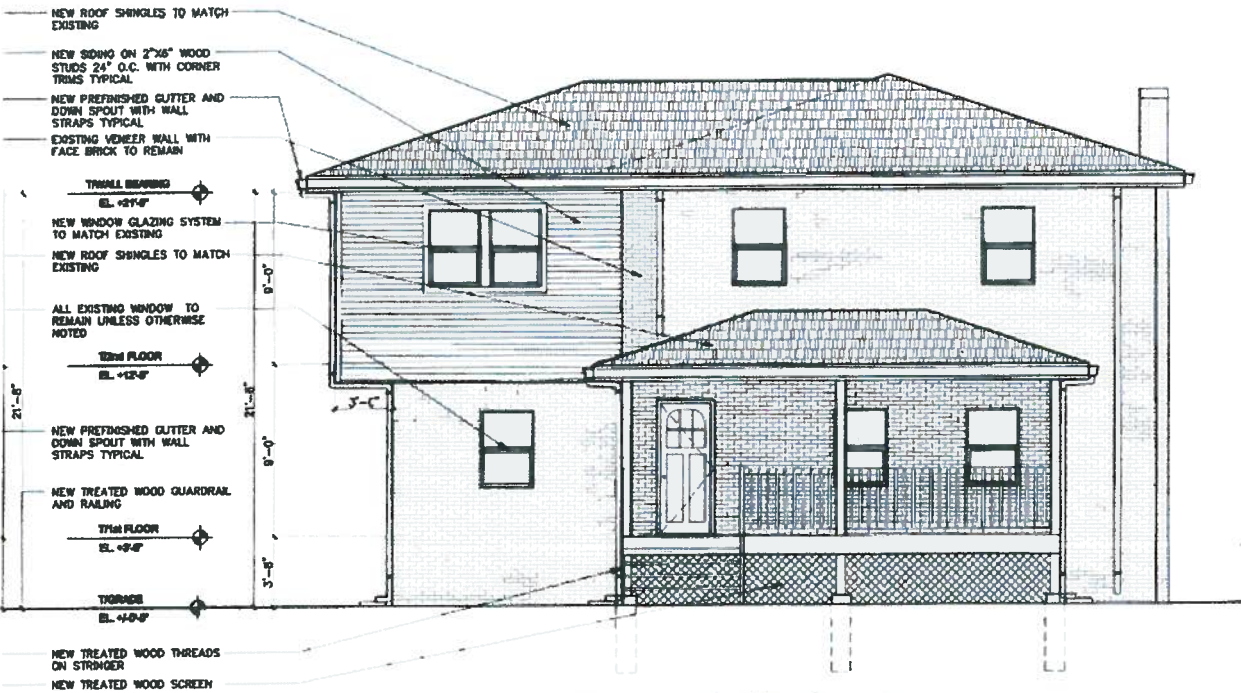
EXHIBIT C – AERIAL PHOTO



EXHIBIT D – BUILDING ELEVATIONS

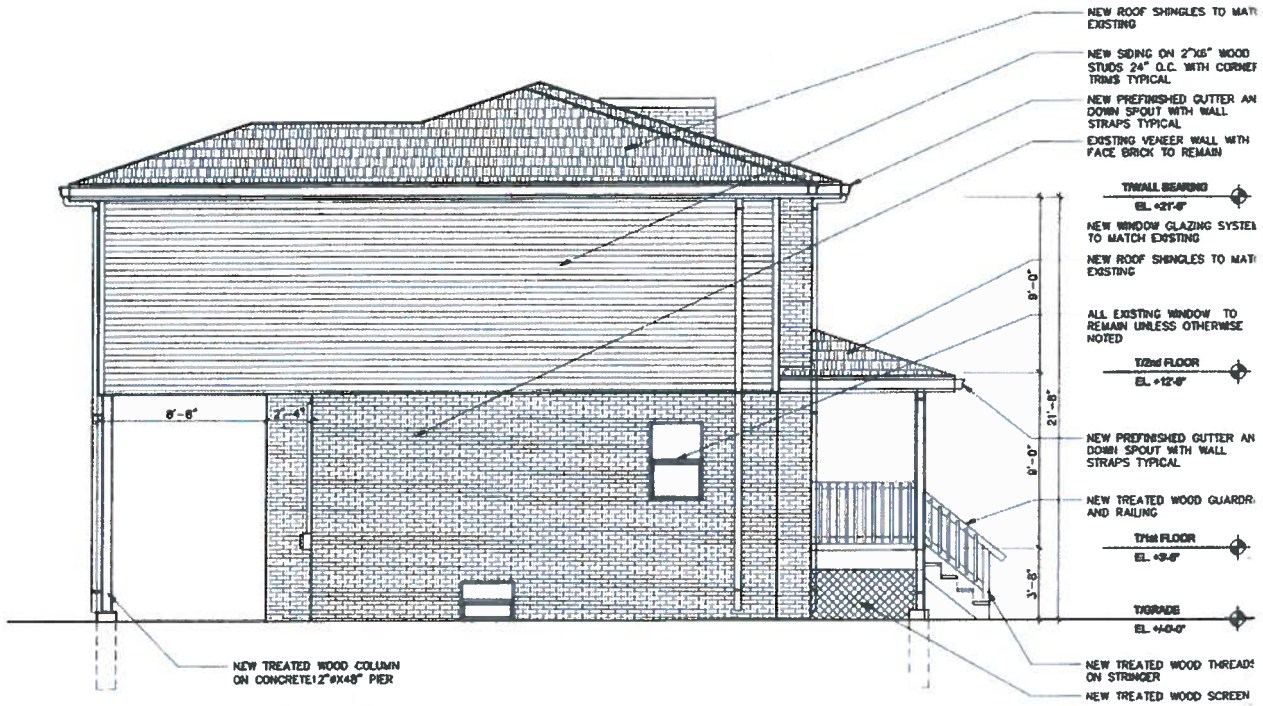


EXISTING NORTH ELEVATION SHOWING DEMO WORK
SCALE 3/4" = 1'-0"

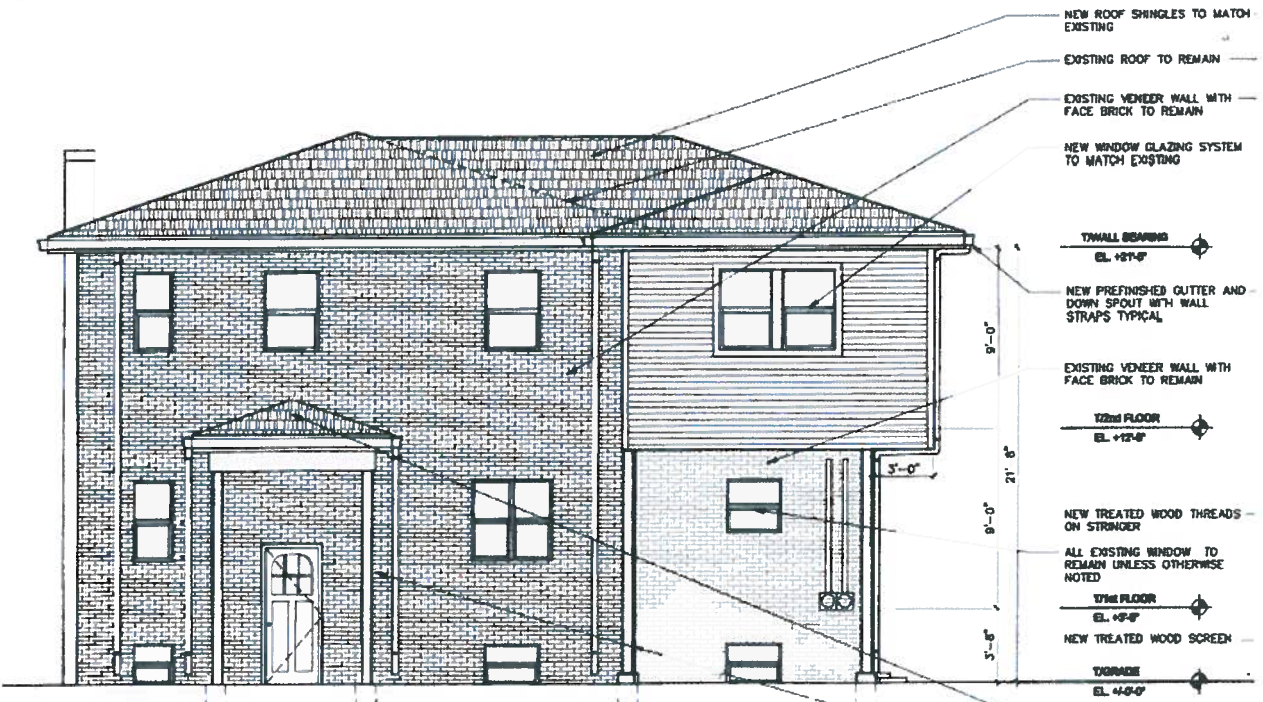


EXISTING NORTH ELEVATION SHOWING NEW WORK

EXHIBIT D – BUILDING ELEVATIONS CONTINUED



EXISTING EAST ELEVATION SHOWING NEW WORK



EXISTING SOUTH ELEVATION SHOWING NEW WORK

SCALE: 1/4" = 1'-0"

EXHIBIT D – BUILDING ELEVATIONS CONTINUED

